

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3718

By: Kannady of the House

and

Sykes of the Senate

AS INTRODUCED

An Act relating to multiple versions of statutes; amending, merging, consolidating and repealing multiple versions of statutes; amending 3 O.S. 2011, Section 85, as amended by Section 1, Chapter 103, O.S.L. 2017 (3 O.S. Supp. 2017, Section 85); repealing 3 O.S. 2011, Section 85, as amended by Section 1, Chapter 138, O.S.L. 2017 (3 O.S. Supp. 2017, Section 85); repealing 10 O.S. 2011, Section 404.1, as last amended by Section 1, Chapter 253, O.S.L. 2017 (10 O.S. Supp. 2017, Section 404.1); amending Section 26, Chapter 150, O.S.L. 2012, as last amended by Section 8, Chapter 10, O.S.L. 2017 (15 O.S. Supp. 2017, Section 141.26); repealing Section 26, Chapter 150, O.S.L. 2012, as amended by Section 2, Chapter 72, O.S.L. 2016 (15 O.S. Supp. 2017, Section 141.26); amending 20 O.S. 2011, Section 1313.2, as last amended by Section 1, Chapter 343, O.S.L. 2017 (20 O.S. Supp. 2017, Section 1313.2), repealing 20 O.S. 2011, Section 1313.2, as amended by Section 1, Chapter 194 O.S.L. 2017 (20 O.S. Supp. 2017, Section 1313.2); amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277); repealing 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 135, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277); amending 22 O.S. 2011, Section 991a, as last amended by Section 1, Chapter 313, O.S.L. 2017 (22 O.S. Supp. 2017, Section 991a); repealing 22 O.S. 2011, Section 991a, as last amended by Section 2, Chapter 194, O.S.L. 2017 (22 O.S. Supp. 2017, Section 991a); repealing 29 O.S. 2011, Section 4-112, as last amended by Section 1, Chapter 300, O.S.L. 2017 (29 O.S. Supp. 2017, Section 4-112);

1 amending Section 3, Chapter 366, O.S.L. 2016, as
2 amended by Section 5, Chapter 381, O.S.L. 2017 (37A
3 O.S. Supp. 2017, Section 1-103); repealing Section 3,
4 Chapter 366, O.S.L. 2016, as amended by Section 8,
5 Chapter 364, O.S.L. 2017 (37A O.S. Supp. 2017,
6 Section 1-103); amending 47 O.S. 2011, Section
7 1135.5, as last amended by Section 3, Chapter 331,
8 O.S.L. 2017 (47 O.S. Supp. 2017, Section 1135.5);
9 repealing 47 O.S. 2011, Section 1135.5, as last
10 amended by Section 1, Chapter 339, O.S.L. 2017 (47
11 O.S. Supp. 2017, Section 1135.5); amending 51 O.S.
12 2011, Section 6, as last amended by Section 1,
13 Chapter 75, O.S.L. 2017 (51 O.S. Supp. 2017, Section
14 6); repealing 51 O.S. 2011, Section 6, as last
15 amended by Section 1, Chapter 114, O.S.L. 2017 (51
16 O.S. Supp. 2017, Section 6); amending 70 O.S. 2011,
17 Section 17-105, as last amended by Section 1, Chapter
18 270, O.S.L. 2017 (70 O.S. Supp. 2017, Section 17-
19 105); repealing 70 O.S. 2011, Section 17-105, as last
20 amended by Section 2, Chapter 48, O.S.L. 2017 (70
21 O.S. Supp. 2017, Section 17-105); repealing 70 O.S.
22 2011, Section 1210.508C, as last amended by Section
23 1, Chapter 210, O.S.L. 2017 (70 O.S. Supp. 2017,
24 Section 1210.508C); amending 74 O.S. 2011, Section
166.7, as last amended by Section 1, Chapter 126,
O.S.L. 2017 (74 O.S. Supp. 2017, Section 166.7);
repealing 74 O.S. 2011, Section 166.7, as last
amended by Section 1, Chapter 321, O.S.L. 2017 (74
O.S. Supp. 2017, Section 166.7); providing an
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 3 O.S. 2011, Section 85, as
amended by Section 1, Chapter 103, O.S.L. 2017 (3 O.S. Supp. 2017,
Section 85), is amended to read as follows:

Section 85. A. The Oklahoma Aeronautics Commission and its
Director acting under its authority is empowered and directed to
encourage, foster, and assist in the development of aeronautics in

1 this state and to encourage the establishment of airports and air
2 navigation facilities. It shall cooperate with and assist the
3 federal government, the municipalities of this state, and other
4 persons in the development of aeronautics, and shall seek to
5 coordinate the aeronautical activities of these bodies and persons.
6 Municipalities are authorized to cooperate with the Commission in
7 the development of aeronautics and aeronautical facilities in this
8 state.

9 B. The Commission may organize and administer a voluntary
10 program of air-age education in cooperation with the schools,
11 colleges, and for the general public, and may prepare and conduct
12 voluntary flight clinics for airmen and issue such bulletins and
13 publications as may be required.

14 C. The Commission shall assist in all aeronautical matters
15 related to emergency management actions in conformance with federal
16 directions and with the Emergency Operations Plan of the state.

17 D. The Commission may establish air markers throughout the
18 state.

19 E. The Commission may purchase and install roadside signs
20 directing highway traffic to airports, subject to approval of the
21 State Transportation Commission.

22 F. The Commission shall:

23 1. Draft and recommend necessary legislation to advance the
24 interests of the state in aeronautics;

1 2. Represent the state in aeronautical matters before federal
2 agencies and other state agencies; and

3 3. Participate as party plaintiff or defendant or as intervener
4 on behalf of the state or any municipality or citizen thereof in any
5 proceeding which involves the interest of the state in aeronautics.

6 G. 1. The Commission may, insofar as is reasonably possible,
7 make available its engineering and other technical services to any
8 municipality or person desiring them in connection with the
9 planning, acquisition, construction, improvement, maintenance, or
10 operation of airports or navigation facilities.

11 2. The Commission may render financial assistance by grant or
12 loan or both to any municipality or municipalities acting jointly in
13 the planning, acquisition, construction, improvement, maintenance,
14 or operation of an airport owned or controlled, or to be owned or
15 controlled, by such municipality or municipalities, out of
16 appropriations or other monies made available by the Legislature for
17 such purposes. Such financial assistance may be furnished in
18 connection with federal or other financial aid for the same
19 purposes.

20 3. The Commission shall be designated as the agent of this
21 state or political subdivision of this state for the purpose of
22 applying for, receiving, administering and disbursing federal funds
23 and other public monies for the benefit of general aviation
24 airports, except reliever airports, as may be available under

1 applicable federal law or other laws. If requested by a political
2 subdivision, the Commission may act as its or their agent in
3 contracting for and supervising such planning, acquisition,
4 construction, improvement, maintenance, or operation; and all
5 political subdivisions are authorized to designate the Commission as
6 their agent for the foregoing purposes. The Commission, as
7 principal on behalf of the state, may enter into any contracts with
8 the United States or with any person, which may be required in
9 connection with a grant or loan of federal monies for municipal
10 airport or air navigation facility purposes. All federal monies
11 accepted under this section shall be accepted and transferred or
12 expended by the Commission upon such terms and conditions as are
13 prescribed by the United States. All monies received by the
14 Commission pursuant to this section shall be deposited in the
15 Oklahoma Aeronautics Commission Fund in the State Treasury and shall
16 be paid out by the Commission in accordance with the terms and
17 conditions of any agreement entered into under the provisions of
18 this section.

19 H. 1. The Commission is authorized on behalf of and in the
20 name of the state, out of appropriations and other monies made
21 available for such purposes, to plan, zone, establish, construct,
22 enlarge, improve, maintain, equip, operate, regulate, protect, and
23 police airports and air navigation facilities, either within or
24 without the state, including the construction, installation,

1 equipping, maintenance, and operation at such airports of buildings
2 and other facilities for the servicing of aircraft or for the
3 comfort and accommodation of air travelers. However, the regulatory
4 authority shall not extend to any airman employed by, nor to any
5 aeronautics facility or aircraft under the exclusive possession,
6 operation, or control of, a person holding a certificate of public
7 convenience and necessity issued by any agency of the United States
8 to operate as a common carrier by air of persons and/or property in
9 interstate commerce. For such purposes the Commission may, by
10 purchase, gift, devise, or lease, acquire property, real or
11 personal, or any interest therein including easements in
12 aeronautical hazards or land outside the boundaries of an airport or
13 airport site, as are necessary to permit safe and efficient
14 operation of the state airports or to permit the removal,
15 elimination, obstruction-marking or obstruction-lighting of airport
16 hazards, or to prevent the establishment of airport hazards. In
17 like manner the Commission may acquire existing airports and air
18 navigation facilities. However, the Commission shall not acquire or
19 take over any airport or air navigation facility owned or controlled
20 by a municipality of this or any other state without the consent of
21 such municipality. The Commission may, by sale, lease, or
22 otherwise, dispose of any such property, airport, air navigation
23 facility, or portion thereof or interest therein. The disposal, by
24 sale, lease, or otherwise, shall be in accordance with the laws of

1 this state governing the disposition of other property of the state,
2 except that, in the case of disposals to any municipality or state
3 government or the United States for aeronautical purposes incident
4 thereto, the sale, lease, or other disposal may be effected in such
5 manner and upon such terms as the Commission may deem in the best
6 interest of the state.

7 2. All airports owned by the state shall be within the primary
8 jurisdiction of the Oklahoma Aeronautics Commission for purposes of
9 design, development, and operation; provided, that airports owned
10 and operated by the Oklahoma Space Industry Development Authority
11 shall be exempt from such provisions, and during the time of a
12 national emergency, the Air National Guard shall be exempt from such
13 provisions, and provided further, that any airport owned by the
14 state may be leased by the Commission to a public or private agency,
15 as it may deem fit.

16 3. Nothing contained in the Oklahoma Aeronautics Commission Act
17 shall be construed to limit any right, power, or authority of the
18 state or a municipality to regulate airport hazards by zoning.

19 4. The Commission may exercise any powers granted by this
20 section jointly with any municipalities or with the United States.

21 5. a. In operating an airport or air navigation facility
22 owned or controlled by the state, the Commission may
23 enter into contracts, leases, and other arrangements
24 for a term not exceeding twenty-five (25) years with

1 any persons granting the privilege of using or
2 improving such airport or air navigation facility or
3 any portion or facility thereof or space therein for
4 commercial purposes; conferring the privilege of
5 supplying goods, commodities, things, services, or
6 facilities at such airport or air navigation facility;
7 or making available services to be furnished by the
8 Commission or its agents at such airport or air
9 navigation facility.

10 In each such case the Commission may establish the
11 terms and conditions and fix the charges, rentals, or
12 fees for the privileges or services, which shall be
13 reasonable and uniform for the same class of
14 privileges or services and shall be established with
15 due regard to the property and improvements used and
16 the expenses of operation to the state; provided, that
17 in no case shall the public be deprived of its
18 rightful, equal, and uniform use of the airport, air
19 navigation facility or portion or facility thereof.

- 20 b. The Commission may by contract, lease, or other
21 arrangement, upon a consideration fixed by it, grant
22 to any qualified person for a term not to exceed
23 twenty-five (25) years the privilege of operating, as
24 agent of the state or otherwise, any airport owned or

1 controlled by the state; provided, that no such person
2 shall be granted any authority to operate the airport
3 other than as a public airport or to enter into any
4 contracts, leases, or other arrangements in connection
5 with the operation of the airport which the Commission
6 might not have undertaken under subparagraph a of this
7 paragraph.

8 c. To enforce the payment of any charges for repairs to,
9 or improvements, storage, or care of, any personal
10 property made or furnished by the Commission or its
11 agents in connection with the operation of an airport
12 or air navigation facility owned or operated by the
13 state, the state shall have liens on such property,
14 which shall be enforceable by the Commission as
15 provided by law.

16 6. In accepting federal monies under this section, the
17 Commission shall have the same authority to enter into contracts on
18 behalf of the state as is granted to the Commission under paragraph
19 3 of subsection G of this section with respect to federal monies
20 accepted on behalf of municipalities. All monies received by the
21 Commission pursuant to this section shall be deposited in the
22 Oklahoma Aeronautics Commission Fund in the State Treasury and shall
23 be paid out of the Commission Fund in accordance with the terms and
24

1 conditions of any agreement entered into under the provisions of
2 this section.

3 7. The Commission shall grant no exclusive right for the use of
4 any airport or air navigation facility under its jurisdiction. This
5 shall not be construed to prevent the making of contracts, leases,
6 and other arrangements pursuant to paragraph 5 of this subsection.

7 I. The Commission may enter into any contracts necessary to the
8 execution of the powers granted it by the Oklahoma Aeronautics
9 Commission Act. All contracts made by the Commission, either as the
10 agent of the state or as the agent of any municipality, shall be
11 made pursuant to the laws of the state governing the making of like
12 contracts. When the planning, acquisition, construction,
13 improvement, maintenance, or operation of any airport or air
14 navigation facility is financed wholly or partially with federal
15 monies, the Commission as agent of the state or of any municipality
16 may let contracts in the manner prescribed by the federal
17 authorities acting under the laws of the United States and any rules
18 or regulations made thereunder.

19 J. 1. The Commission, the Director, or any officer or employee
20 of the Commission designated by it shall have the power to hold
21 investigations, inquiries, and hearings concerning matters covered
22 by the provisions of the Oklahoma Aeronautics Commission Act and the
23 rules, regulations, and orders of the Commission. Hearings shall be
24 open to the public and shall be held upon such call or notice as the

1 Commission shall deem advisable. Each member of the Commission, the
2 Director, and every officer or employee of the Commission designated
3 by it to hold any inquiry, investigation, or hearing shall have the
4 power to administer oaths and affirmations, certify to all official
5 acts, issue subpoenas, and order the attendance and testimony of
6 witnesses and the production of papers, books, and documents. In
7 case of the failure of any person to comply with any subpoena or
8 order issued under the authority of this subsection, or on the
9 refusal of any witness to testify to any matters regarding which he
10 may be lawfully interrogated, it shall be the duty of the district
11 court of any county or of the judge thereof, on application of the
12 Commission or its authorized representative, to compel obedience by
13 proceedings for contempt, as in the case of disobedience of the
14 requirements of a subpoena issued from such court or a refusal to
15 testify therein.

16 2. In order to facilitate the making of investigations by the
17 Commission in the interest of public safety and promotion of
18 aeronautics the public interest requires, and it is therefore
19 provided, that the reports of investigations or hearings, or any
20 part thereof, shall not be admitted in evidence or used for any
21 purpose in any suit, action, or proceeding growing out of any matter
22 referred to in the investigation, hearing, or report thereof, except
23 in case of any suit, action, or proceeding, civil or criminal,
24 instituted by or in behalf of the Commission or in the name of the

1 state under the provisions of the Oklahoma Aeronautics Commission
2 Act or other laws of the state relating to aeronautics; nor shall
3 any member of the Commission, or the Director, or any officer or
4 employee of the Commission be required to testify to any facts
5 ascertained in, or information gained by reason of, such person's
6 official capacity, or be required to testify as an expert witness in
7 any suit, action, or proceeding involving any aircraft. Subject to
8 the foregoing provisions, the Commission may in its discretion make
9 available to appropriate federal, state and municipal agencies
10 information and material developed in the course of its
11 investigations and hearings.

12 K. 1. The Commission is authorized to confer with or to hold
13 joint hearings with any agency of the United States in connection
14 with any matter arising under the Oklahoma Aeronautics Commission
15 Act or relating to the sound development of aeronautics.

16 2. The Commission is authorized to avail itself of the
17 cooperation, services, records, and facilities of the agencies of
18 the United States as fully as may be practicable in the
19 administration and enforcement of the Oklahoma Aeronautics
20 Commission Act. The Commission shall furnish to the agencies of the
21 United States its cooperation, services, records, and facilities,
22 insofar as may be practicable.

23 3. The Commission shall report to the appropriate agency of the
24 United States all accidents in aeronautics in this state of which it

1 is informed and shall, insofar as is practicable, preserve, protect,
2 and prevent the removal of the component parts of any aircraft
3 involved in an accident being investigated by it until the federal
4 agency institutes an investigation.

5 L. The Commission may organize and administer an aerospace
6 education program in cooperation with universities, colleges and
7 schools for the general public. The Commission may also plan and
8 act jointly in a cooperative aviation research or high technology
9 program. As part of these programs, the Commission may issue
10 aviation communication films and publications.

11 M. The Commission shall administer an airport inspection
12 program for all public-use airports within the State of Oklahoma.
13 The inspection program shall occur on a three-year cycle and shall
14 be administered by the Oklahoma Aeronautics Commission. Airport
15 owners, including individuals and municipalities, shall provide
16 access to airport facilities for conducting the inspections. The
17 Commission shall provide a written report to each public-use airport
18 detailing the findings of such inspections.

19 SECTION 2. REPEALER 3 O.S. 2011, Section 85, as amended
20 by Section 1, Chapter 138, O.S.L. 2017 (3 O.S. Supp. 2017, Section
21 85), is hereby repealed.

22 SECTION 3. REPEALER 10 O.S. 2011, Section 404.1, as last
23 amended by Section 1, Chapter 253, O.S.L. 2017 (10 O.S. Supp. 2017,
24 Section 404.1), is hereby repealed.

SECTION 4. AMENDATORY Section 26, Chapter 150, O.S.L. 2012, as last amended by Section 8, Chapter 10, O.S.L. 2017 (15 O.S. Supp. 2017, Section 141.26), is amended to read as follows:

Section 141.26 For purposes of the Service Warranty Act, the following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

1. MISREPRESENTATION AND FALSE ADVERTISING OF SERVICE WARRANTIES - Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

- a. misrepresents the benefits, advantages, conditions, or terms of any service warranty contract,
- b. is misleading or is a misrepresentation as to the financial condition of any person,
- c. uses any name or title of any contract misrepresenting the true nature thereof,
- d. is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any service warranty contract, or
- e. is false, deceptive or misleading with respect to:
 - (1) the service warranty association's affiliation with a motor vehicle manufacturer,

- 1 (2) the service warranty association's possession of
2 information regarding a motor vehicle owner's
3 current motor vehicle manufacturer's original
4 equipment warranty,
5 (3) the expiration of a motor vehicle owner's current
6 motor vehicle manufacturer's original equipment
7 warranty, or
8 (4) a requirement that a motor vehicle owner register
9 for a new service warranty with such provider in
10 order to maintain coverage under the motor
11 vehicle owner's current service warranty or
12 manufacturer's original equipment warranty;

13 2. FALSE INFORMATION AND ADVERTISING GENERALLY - Knowingly
14 making, publishing, disseminating, circulating, or placing before
15 the public, or causing, directly or indirectly, to be made,
16 published, disseminated, circulated, or placed before the public:

- 17 a. in a newspaper, magazine, or other publication,
18 b. in the form of a notice, circular, pamphlet, letter,
19 or poster,
20 c. over any radio or television station, or
21 d. in any other way,

22 an advertisement, announcement, or statement containing any
23 assertion, representation, or statement with respect to the business
24

1 of service warranty, which assertion, representation, or statement
2 is untrue, deceptive, or misleading;

3 3. DEFAMATION - Knowingly making, publishing, disseminating, or
4 circulating, directly or indirectly, or aiding, abetting, or
5 encouraging the making, publishing, disseminating, or circulating
6 of, any oral or written statement, or any pamphlet, circular,
7 article, or literature, which is false or maliciously critical of,
8 or derogatory to, any person and which is calculated to injure such
9 person;

10 4. FALSE STATEMENTS AND ENTRIES - Knowingly:

- 11 a. filing with any supervisory or other public official,
- 12 b. making, publishing, disseminating, or circulating,
- 13 c. delivering to any person,
- 14 d. placing before the public, or
- 15 e. causing, directly or indirectly, to be made,
- 16 published, disseminated, circulated, delivered to any
- 17 person, or placed before the public, any false
- 18 statement, or
- 19 ~~f.~~ making any false entry of a material fact in any book,
- 20 report, or statement of any person;

21 5. UNFAIR CLAIM SETTLEMENT PRACTICES -

- 22 a. attempting to settle claims on the basis of an
- 23 application or any other material document which was

1 altered without notice to, or knowledge or consent of,
2 the warranty holder,

3 b. making a material misrepresentation to the warranty
4 holder for the purpose and with the intent of
5 effecting settlement of such claims, loss, or damage
6 under such contract on less favorable terms than those
7 provided in, and contemplated by, such contract, or

8 c. committing or performing with such frequency as to
9 indicate a general business practice any of the
10 following practices:

11 (1) failure properly to investigate claims,

12 (2) misrepresentation of pertinent facts or contract
13 provisions relating to coverages at issue,

14 (3) failure to acknowledge and act promptly upon
15 communications with respect to claims,

16 (4) denial of claims without conducting reasonable
17 investigations based upon available information,

18 (5) failure to affirm or deny coverage of claims upon
19 written request of the warranty holder within a
20 reasonable time after proof-of-loss statements
21 have been completed, or

22 (6) failure to promptly provide a reasonable
23 explanation to the warranty holder of the basis
24 in the contract in relation to the facts or

1 applicable law for denial of a claim or for the
2 offer of a compromise settlement;

3 6. FAILURE TO MAINTAIN PROCEDURES FOR HANDLING COMPLAINTS -

4 Failing to maintain a record of each complaint received for a three-
5 year period after the date of the receipt of the written complaint;

6 7. DISCRIMINATORY REFUSAL TO ISSUE A CONTRACT - Refusing to

7 issue a contract solely because of an individual's race, color,
8 creed, marital status, sex, or national origin; and

9 8. FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE -

10 Failing to provide a consumer with a complete sample copy of the
11 terms and conditions of the service warranty prior to ~~before~~ the
12 time of sale upon a request for the same by the consumer. A service
13 warranty association may comply with the provisions of this
14 paragraph by providing the consumer with a sample copy of the terms
15 and conditions of the warranty contract or by directing the consumer
16 to a website that displays a complete sample of the terms and
17 conditions of the contract.

18 SECTION 5. REPEALER Section 26, Chapter 150, O.S.L.

19 2012, as amended by Section 2, Chapter 72, O.S.L. 2016 (15 O.S.
20 Supp. 2017, Section 141.26), is hereby repealed.

21 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, as

22 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
23 2017, Section 1277), is amended to read as follows:

24 Section 1277.

1 UNLAWFUL CARRY IN CERTAIN PLACES

2 A. It shall be unlawful for any person in possession of a valid
3 handgun license issued pursuant to the provisions of the Oklahoma
4 Self-Defense Act to carry any concealed or unconcealed handgun into
5 any of the following places:

6 1. Any structure, building, or office space which is owned or
7 leased by a city, town, county, state or federal governmental
8 authority for the purpose of conducting business with the public;

9 2. Any courthouse, courtroom, prison, jail, detention facility
10 or any facility used to process, hold or house arrested persons,
11 prisoners or persons alleged delinquent or adjudicated delinquent,
12 except as provided in Section 21 of Title 57 of the Oklahoma
13 Statutes;

14 3. Any public or private elementary or public or private
15 secondary school, except as provided in subsections C and D of this
16 section;

17 4. Any publicly owned or operated sports arena or venue during
18 a professional sporting event, unless allowed by the event holder;

19 5. Any place where gambling is authorized by law, unless
20 allowed by the property owner; and

21 6. Any other place specifically prohibited by law.

22 B. For purposes of subsection A of this section, the prohibited
23 place does not include and specifically excludes the following
24 property:

1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, by a city, town, county,
3 state or federal governmental authority;

4 2. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, which is open to the
6 public, or by any entity engaged in gambling authorized by law;

7 3. Any property adjacent to a structure, building or office
8 space in which concealed or unconcealed weapons are prohibited by
9 the provisions of this section;

10 4. Any property designated by a city, town, county or state
11 governmental authority as a park, recreational area, or fairgrounds;
12 provided, nothing in this paragraph shall be construed to authorize
13 any entry by a person in possession of a concealed or unconcealed
14 handgun into any structure, building or office space which is
15 specifically prohibited by the provisions of subsection A of this
16 section; and

17 5. Any property set aside by a public or private elementary or
18 secondary school for the use or parking of any vehicle, whether
19 attended or unattended; provided, however, said handgun shall be
20 stored and hidden from view in a locked motor vehicle when the motor
21 vehicle is left unattended on school property.

22 Nothing contained in any provision of this subsection or
23 subsection C of this section shall be construed to authorize or
24 allow any person in control of any place described in subsection A

1 of this section to establish any policy or rule that has the effect
2 of prohibiting any person in lawful possession of a handgun license
3 from possession of a handgun allowable under such license in places
4 described in this subsection.

5 C. A concealed or unconcealed weapon may be carried onto
6 private school property or in any school bus or vehicle used by any
7 private school for transportation of students or teachers by a
8 person who is licensed pursuant to the Oklahoma Self-Defense Act,
9 provided a policy has been adopted by the governing entity of the
10 private school that authorizes the carrying and possession of a
11 weapon on private school property or in any school bus or vehicle
12 used by a private school. Except for acts of gross negligence or
13 willful or wanton misconduct, a governing entity of a private school
14 that adopts a policy which authorizes the possession of a weapon on
15 private school property, a school bus or vehicle used by the private
16 school shall be immune from liability for any injuries arising from
17 the adoption of the policy. The provisions of this subsection shall
18 not apply to claims pursuant to the Administrative Workers'
19 Compensation Act.

20 D. Notwithstanding paragraph 3 of subsection A of this section,
21 a board of education of a school district may adopt a policy
22 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
23 authorize the carrying of a handgun onto school property by school
24

1 personnel specifically designated by the board of education,
2 provided such personnel either:

3 1. Possess a valid armed security guard license as provided for
4 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

5 2. Hold a valid reserve peace officer certification as provided
6 for in Section 3311 of Title 70 of the Oklahoma Statutes.

7 Nothing in this subsection shall be construed to restrict authority
8 granted elsewhere in law to carry firearms.

9 E. Any person violating the provisions of paragraph 2 or 3 of
10 subsection A of this section shall, upon conviction, be guilty of a
11 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
12 Dollars (\$250.00). A person violating any other provision of
13 subsection A of this section may be denied entrance onto the
14 property or removed from the property. If the person refuses to
15 leave the property and a peace officer is summoned, the person may
16 be issued a citation for an amount not to exceed Two Hundred Fifty
17 Dollars (\$250.00).

18 F. No person in possession of a valid handgun license issued
19 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
20 authorized to carry the handgun into or upon any college, university
21 or technology center school property, except as provided in this
22 subsection. For purposes of this subsection, the following property
23 shall not be construed as prohibited for persons having a valid
24 handgun license:

1 1. Any property set aside for the use or parking of any motor
2 vehicle, whether attended or unattended, provided the handgun is
3 carried or stored as required by law and the handgun is not removed
4 from the motor vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university or technology center
7 school property;

8 2. Any property authorized for possession or use of handguns by
9 college, university or technology center school policy; and

10 3. Any property authorized by the written consent of the
11 college or university president or technology center school
12 administrator, provided the written consent is carried with the
13 handgun and the valid handgun license while on college, university
14 or technology center school property.

15 The college, university or technology center school may notify
16 the Oklahoma State Bureau of Investigation within ten (10) days of a
17 violation of any provision of this subsection by a licensee. Upon
18 receipt of a written notification of violation, the Bureau shall
19 give a reasonable notice to the licensee and hold a hearing. At the
20 hearing, upon a determination that the licensee has violated any
21 provision of this subsection, the licensee may be subject to an
22 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
23 have the handgun license suspended for three (3) months.

1 Nothing contained in any provision of this subsection shall be
2 construed to authorize or allow any college, university or
3 technology center school to establish any policy or rule that has
4 the effect of prohibiting any person in lawful possession of a
5 handgun license from possession of a handgun allowable under such
6 license in places described in paragraphs 1, 2 and 3 of this
7 subsection. Nothing contained in any provision of this subsection
8 shall be construed to limit the authority of any college, university
9 or technology center school in this state from taking administrative
10 action against any student for any violation of any provision of
11 this subsection.

12 G. The provisions of this section shall not apply to the
13 following:

14 1. Any peace officer or any person authorized by law to carry a
15 pistol in the course of employment;

16 2. District judges, associate district judges and special
17 district judges, who are in possession of a valid handgun license
18 issued pursuant to the provisions of the Oklahoma Self-Defense Act
19 and whose names appear on a list maintained by the Administrative
20 Director of the Courts, when acting in the course and scope of
21 employment within the courthouses of this state;

22 3. Private investigators with a firearms authorization when
23 acting in the course and scope of employment; and
24

1 4. Elected officials of a county, who are in possession of a
2 valid handgun license issued pursuant to the provisions of the
3 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
4 in the performance of their duties within the courthouses of the
5 county in which he or she was elected. The provisions of this
6 paragraph shall not allow the elected county official to carry the
7 handgun into a courtroom.

8 H. For the purposes of this section, "motor vehicle" means any
9 automobile, truck, minivan ~~or~~, sports utility vehicle or motorcycle
10 as such term is defined in Section 1-135 of Title 47 of the Oklahoma
11 Statutes, equipped with a locked accessory container within or
12 affixed to the motorcycle.

13 SECTION 7. REPEALER 21 O.S. 2011, Section 1277, as last
14 amended by Section 1, Chapter 135, O.S.L. 2017 (21 O.S. Supp. 2017,
15 Section 1277), is hereby repealed.

16 SECTION 8. AMENDATORY 20 O.S. 2011, Section 1313.2, as
17 amended by Section 1, Chapter 343, O.S.L. 2017 (20 O.S. Supp. 2017,
18 Section 1313.2), is amended to read as follows:

19 Section 1313.2 A. As used in this section:

20 1. "Arrested" means taking custody of another for the purpose
21 of holding or detaining him or her to answer a criminal charge;

22 2. "Convicted" means any final adjudication of guilt, whether
23 pursuant to a plea of guilty or nolo contendere or otherwise, and
24 any deferred or suspended sentence or judgment;

1 3. "Court" means any state or municipal court having
2 jurisdiction to impose a criminal fine or penalty; and

3 4. "DNA" means Deoxyribonucleic acid.

4 B. Any person convicted of an offense, including traffic
5 offenses but excluding parking and standing violations, punishable
6 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
7 person forfeiting bond when charged with such an offense, shall be
8 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,
9 which fee shall be in addition to and not in substitution for any
10 and all fines and penalties otherwise provided for by law for such
11 offense.

12 C. 1. Any person convicted of any misdemeanor or felony
13 offense shall pay a Laboratory Analysis Fee in the amount of One
14 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
15 or laboratory services are rendered or administered by the Oklahoma
16 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
17 of the Office of the Chief Medical Examiner or by any municipality
18 or county in connection with the case. This fee shall be in
19 addition to and not a substitution for any and all fines and
20 penalties otherwise provided for by law for this offense.

21 2. The court clerk shall cause to be deposited the amount of
22 One Hundred Fifty Dollars (\$150.00) as collected, for every
23 conviction as described in this subsection. The court clerk shall
24 remit the monies in the fund on a monthly basis directly either to:

1 a. the OSBI who shall deposit the monies into the OSBI
2 Revolving Fund provided for in Section 150.19a of
3 Title 74 of the Oklahoma Statutes for services
4 rendered or administered by the OSBI,

5 b. the Office of the Chief Medical Examiner who shall
6 deposit the monies into the Chief Medical Examiner
7 Revolving Fund provided for in Section ~~954~~ 948 of
8 Title 63 of the Oklahoma Statutes for services
9 rendered or administered by the Office of the Chief
10 Medical Examiner, or

11 c. the appropriate municipality or county for services
12 rendered or administered by a municipality or county.

13 3. The monies from the Laboratory Analysis Fee Fund deposited
14 into the OSBI Revolving Fund shall be used for the following:

15 a. providing criminalistic laboratory services,

16 b. the purchase and maintenance of equipment for use by
17 the laboratory in performing analysis,

18 c. education, training, and scientific development of
19 OSBI personnel, and

20 d. the destruction of seized property and chemicals as
21 prescribed in Sections 2-505 and 2-508 of Title 63 of
22 the Oklahoma Statutes.

23 D. Upon conviction or bond forfeiture, the court shall collect
24 the fee provided for in subsection B of this section and deposit it

1 in an account created for that purpose. Except as otherwise
2 provided in subsection E of this section, monies shall be forwarded
3 monthly by the court clerk to the Council on Law Enforcement
4 Education and Training (CLEET). Beginning July 1, 2003, deposits
5 shall be due on the fifteenth day of each month for the preceding
6 calendar month. There shall be a late fee imposed for failure to
7 make timely deposits; provided, CLEET, in its discretion, may waive
8 all or part of the late fee. Such late fee shall be one percent
9 (1%) of the principal amount due per day beginning from the tenth
10 day after payment is due and accumulating until the late fee reaches
11 one hundred percent (100%) of the principal amount due. Beginning
12 on July 1, 1987, ninety percent (90%) of the monies received by
13 CLEET from the court clerks pursuant to this section shall be
14 deposited in the CLEET Fund, and ten percent (10%) shall be
15 deposited in the General Revenue Fund. Beginning January 1, 2001,
16 sixty and fifty-three one-hundredths percent (60.53%) of the monies
17 received by CLEET from the court clerks pursuant to this section
18 shall be deposited in the CLEET Fund created pursuant to subsection
19 G of this section, five and eighty-three one-hundredths percent
20 (5.83%) shall be deposited in the General Revenue Fund and thirty-
21 three and sixty-four one-hundredths percent (33.64%) shall be
22 deposited in the CLEET Training Center Revolving Fund created
23 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
24 Along with the deposits required by this subsection, each court

1 shall also submit a report stating the total amount of funds
2 collected and the total number of fees imposed during the preceding
3 quarter. The report may be made on computerized or manual
4 disposition reports.

5 E. Any municipality or county having a basic law enforcement
6 academy approved by CLEET pursuant to the criteria developed by
7 CLEET for training law enforcement officers shall retain from monies
8 collected pursuant to subsections A through D of this section, Two
9 Dollars (\$2.00) from each fee. These monies shall be deposited into
10 an account for the sole use of the municipality or county in
11 implementing its law enforcement training functions. Not more than
12 seven percent (7%) of the monies shall be used for court and
13 prosecution training. The court clerk of any such municipality or
14 county shall furnish to CLEET the report required by subsection D of
15 this section.

16 F. 1. Any person entering a plea of guilty or nolo contendere
17 or is found guilty of the crime of misdemeanor possession of
18 marijuana or drug paraphernalia shall be ordered by the court to pay
19 a five-dollar fee, which shall be in addition to and not in
20 substitution for any and all fines and penalties otherwise provided
21 for by law for such offense.

22 2. The court clerk shall cause to be deposited the amount of
23 Five Dollars (\$5.00) as collected, for every adjudicated or
24 otherwise convicted person as described in this subsection. The

1 court clerk shall remit the monies in the fund on a monthly basis
2 directly to the Bureau of Narcotics Drug Education Revolving Fund.

3 G. There is hereby created in the State Treasury a fund for the
4 Council on Law Enforcement Education and Training to be designated
5 the "CLEET Fund". The fund shall be subject to legislative
6 appropriation and shall consist of any monies received from fees and
7 receipts collected pursuant to the Oklahoma Open Records Act,
8 reimbursements for parts used in the repair of weapons of law
9 enforcement officers attending the basic academies, gifts, bequests,
10 contributions, tuition, fees, devises, and the assessments levied
11 pursuant to the fund pursuant to law.

12 H. 1. Any person arrested or convicted of a felony offense or
13 convicted of a misdemeanor offense of assault and battery, domestic
14 abuse, stalking, possession of a controlled substance prohibited
15 under Schedule IV of the Uniform Controlled Dangerous Substances
16 Act, outraging public decency, resisting arrest, escaping or
17 attempting to escape, eluding a police officer, Peeping Tom,
18 pointing a firearm, threatening an act of violence, breaking and
19 entering a dwelling place, destruction of property, negligent
20 homicide or causing a personal injury accident while driving under
21 the influence of any intoxicating substance shall pay a DNA fee of
22 One Hundred Fifty Dollars (\$150.00). This fee shall not be
23 collected if the person has a valid DNA sample in the OSBI DNA
24 Offender Database at the time of sentencing.

1 2. The court clerk shall cause to be deposited the amount of
2 One Hundred Fifty Dollars (\$150.00) as collected for every felony
3 arrest, felony conviction or every conviction for a misdemeanor
4 offense of assault and battery, domestic abuse, stalking, possession
5 of a controlled substance prohibited under Schedule IV of the
6 Uniform Controlled Dangerous Substances Act, outraging public
7 decency, resisting arrest, escaping or attempting to escape, eluding
8 a police officer, Peeping Tom, pointing a firearm, threatening an
9 act of violence, breaking and entering a dwelling place, destruction
10 of property, negligent homicide or causing a personal injury
11 accident while driving under the influence of any intoxicating
12 substance as described in this subsection. The court clerk shall
13 remit the monies in said fund on a monthly basis directly to the
14 OSBI who shall deposit the monies into the OSBI Revolving Fund
15 provided for in Section 150.19a of Title 74 of the Oklahoma Statutes
16 for services rendered or administered by the OSBI.

17 3. The monies from the DNA sample fee deposited into the OSBI
18 Revolving Fund shall be used for creating, staffing, and maintaining
19 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
20 Database.

21 I. It shall be the responsibility of the court clerk to account
22 for and ensure the correctness and accuracy of payments made to the
23 state agencies identified in Sections 1313.2 through 1313.4 of this
24 title. Payments made directly to an agency by the court clerk as a

1 result of different types of assessments and fees pursuant to
2 Sections 1313.2 through 1313.4 of this title shall be made monthly
3 to each state agency.

4 SECTION 9. REPEALER 20 O.S. 2011, Section 1313.2, as
5 amended by Section 1, Chapter 194, O.S.L. 2017 (20 O.S. Supp. 2017,
6 Section 1313.2), is hereby repealed.

7 SECTION 10. AMENDATORY 22 O.S. 2011, Section 991a, as
8 last amended by Section 1, Chapter 313, O.S.L. 2017 (22 O.S. Supp.
9 2017, Section 991a), is amended to read as follows:

10 Section 991a. A. Except as otherwise provided in the Elderly
11 and Incapacitated Victim's Protection Program, when a defendant is
12 convicted of a crime and no death sentence is imposed, the court
13 shall either:

14 1. Suspend the execution of sentence in whole or in part, with
15 or without probation. The court, in addition, may order the
16 convicted defendant at the time of sentencing or at any time during
17 the suspended sentence to do one or more of the following:

18 a. to provide restitution to the victim as provided by
19 Section 991f et seq. of this title or according to a
20 schedule of payments established by the sentencing
21 court, together with interest upon any pecuniary sum
22 at the rate of twelve percent (12%) per annum, if the
23 defendant agrees to pay such restitution or, in the
24 opinion of the court, if the defendant is able to pay

1 such restitution without imposing manifest hardship on
2 the defendant or the immediate family and if the
3 extent of the damage to the victim is determinable
4 with reasonable certainty,

5 b. to reimburse any state agency for amounts paid by the
6 state agency for hospital and medical expenses
7 incurred by the victim or victims, as a result of the
8 criminal act for which such person was convicted,
9 which reimbursement shall be made directly to the
10 state agency, with interest accruing thereon at the
11 rate of twelve percent (12%) per annum,

12 c. to engage in a term of community service without
13 compensation, according to a schedule consistent with
14 the employment and family responsibilities of the
15 person convicted,

16 d. to pay a reasonable sum into any trust fund,
17 established pursuant to the provisions of Sections 176
18 through 180.4 of Title 60 of the Oklahoma Statutes,
19 and which provides restitution payments by convicted
20 defendants to victims of crimes committed within this
21 state wherein such victim has incurred a financial
22 loss,

23 e. to confinement in the county jail for a period not to
24 exceed six (6) months,

- 1 f. to confinement as provided by law together with a term
2 of post-imprisonment community supervision for not
3 less than three (3) years of the total term allowed by
4 law for imprisonment, with or without restitution;
5 provided, however, the authority of this provision is
6 limited to Section 843.5 of Title 21 of the Oklahoma
7 Statutes when the offense involved sexual abuse or
8 sexual exploitation; Sections 681, 741 and 843.1 of
9 Title 21 of the Oklahoma Statutes when the offense
10 involved sexual abuse or sexual exploitation; and
11 Sections 865 et seq., 885, 886, 888, 891, 1021,
12 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
13 1123 of Title 21 of the Oklahoma Statutes,
- 14 g. to repay the reward or part of the reward paid by a
15 local certified crime stoppers program and the
16 Oklahoma Reward System. In determining whether the
17 defendant shall repay the reward or part of the
18 reward, the court shall consider the ability of the
19 defendant to make the payment, the financial hardship
20 on the defendant to make the required payment, and the
21 importance of the information to the prosecution of
22 the defendant as provided by the arresting officer or
23 the district attorney with due regard for the
24 confidentiality of the records of the local certified

1 crime stoppers program and the Oklahoma Reward System.
2 The court shall assess this repayment against the
3 defendant as a cost of prosecution. The term
4 "certified" means crime stoppers organizations that
5 annually meet the certification standards for crime
6 stoppers programs established by the Oklahoma Crime
7 Stoppers Association to the extent those standards do
8 not conflict with state statutes. The term "court"
9 refers to all municipal and district courts within
10 this state. The "Oklahoma Reward System" means the
11 reward program established by Section 150.18 of Title
12 74 of the Oklahoma Statutes,

13 h. to reimburse the Oklahoma State Bureau of
14 Investigation for costs incurred by that agency during
15 its investigation of the crime for which the defendant
16 pleaded guilty, nolo contendere or was convicted,
17 including compensation for laboratory, technical, or
18 investigation services performed by the Bureau if, in
19 the opinion of the court, the defendant is able to pay
20 without imposing manifest hardship on the defendant,
21 and if the costs incurred by the Bureau during the
22 investigation of the defendant's case may be
23 determined with reasonable certainty,
24

- 1 i. to reimburse the Oklahoma State Bureau of
2 Investigation and any authorized law enforcement
3 agency for all costs incurred by that agency for
4 cleaning up an illegal drug laboratory site for which
5 the defendant pleaded guilty, nolo contendere or was
6 convicted. The court clerk shall collect the amount
7 and may retain five percent (5%) of such monies to be
8 deposited in the Court Clerk Revolving Fund to cover
9 administrative costs and shall remit the remainder to
10 the Oklahoma State Bureau of Investigation to be
11 deposited in the OSBI Revolving Fund established by
12 Section 150.19a of Title 74 of the Oklahoma Statutes
13 or to the general fund wherein the other law
14 enforcement agency is located,
- 15 j. to pay a reasonable sum to the Crime Victims
16 Compensation Board, created by Section 142.2 et seq.
17 of Title 21 of the Oklahoma Statutes, for the benefit
18 of crime victims,
- 19 k. to reimburse the court fund for amounts paid to court-
20 appointed attorneys for representing the defendant in
21 the case in which the person is being sentenced,
- 22 l. to participate in an assessment and evaluation by an
23 assessment agency or assessment personnel certified by
24 the Department of Mental Health and Substance Abuse

Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes, or as ordered by the court,

m. to be placed in a victims impact panel program, as defined in subsection H of this section, or victim/offender reconciliation program and payment of a fee to the program of not less than Fifteen Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) as set by the governing authority of the program to offset the cost of participation by the defendant. Provided, each victim/offender reconciliation program shall be required to obtain a written consent form voluntarily signed by the victim and defendant that specifies the methods to be used to resolve the issues, the obligations and rights of each person, and the confidentiality of the proceedings. Volunteer mediators and employees of a victim/offender reconciliation program shall be immune from liability and have rights of confidentiality as provided in Section 1805 of Title 12 of the Oklahoma Statutes,

1 n. to install, at the expense of the defendant, an
2 ignition interlock device approved by the Board of
3 Tests for Alcohol and Drug Influence. The device
4 shall be installed upon every motor vehicle operated
5 by the defendant, and the court shall require that a
6 notation of this restriction be affixed to the
7 defendant's driver license. The restriction shall
8 remain on the driver license not exceeding two (2)
9 years to be determined by the court. The restriction
10 may be modified or removed only by order of the court
11 and notice of any modification order shall be given to
12 the Department of Public Safety. Upon the expiration
13 of the period for the restriction, the Department of
14 Public Safety shall remove the restriction without
15 further court order. Failure to comply with the order
16 to install an ignition interlock device or operating
17 any vehicle without a device during the period of
18 restriction shall be a violation of the sentence and
19 may be punished as deemed proper by the sentencing
20 court. As used in this paragraph, "ignition interlock
21 device" means a device that, without tampering or
22 intervention by another person, would prevent the
23 defendant from operating a motor vehicle if the
24

- 1 defendant has a blood or breath alcohol concentration
2 of two-hundredths (0.02) or greater,
- 3 o. to be confined by electronic monitoring administered
4 and supervised by the Department of Corrections or a
5 community sentence provider, and payment of a
6 monitoring fee to the supervising authority, not to
7 exceed Three Hundred Dollars (\$300.00) per month. Any
8 fees collected pursuant to this paragraph shall be
9 deposited with the appropriate supervising authority.
10 Any willful violation of an order of the court for the
11 payment of the monitoring fee shall be a violation of
12 the sentence and may be punished as deemed proper by
13 the sentencing court. As used in this paragraph,
14 "electronic monitoring" means confinement of the
15 defendant within a specified location or locations
16 with supervision by means of an electronic device
17 approved by the Department of Corrections which is
18 designed to detect if the defendant is in the court-
19 ordered location at the required times and which
20 records violations for investigation by a qualified
21 supervisory agency or person,
- 22 p. to perform one or more courses of treatment, education
23 or rehabilitation for any conditions, behaviors,
24 deficiencies or disorders which may contribute to

criminal conduct, including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education, or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization,

q. to submit to periodic testing for alcohol, intoxicating substance, or controlled dangerous substances by a qualified laboratory,

r. to pay a fee, costs for treatment, education, supervision, participation in a program, or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs,

- s. to be supervised by a Department of Corrections employee, a private supervision provider, or other person designated by the court,
- t. to obtain positive behavior modeling by a trained mentor,
- u. to serve a term of confinement in a restrictive housing facility available in the community,
- v. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
- w. to obtain employment or participate in employment-related activities,
- x. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
- y. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,

- 1 z. to submit to blood or saliva testing as required by
2 subsection I of this section,
- 3 aa. to repair or restore property damaged by the
4 defendant's conduct, if the court determines the
5 defendant possesses sufficient skill to repair or
6 restore the property and the victim consents to the
7 repairing or restoring of the property,
- 8 bb. to restore damaged property in kind or payment of out-
9 of-pocket expenses to the victim, if the court is able
10 to determine the actual out-of-pocket expenses
11 suffered by the victim,
- 12 cc. to attend a victim-offender reconciliation program if
13 the victim agrees to participate and the offender is
14 deemed appropriate for participation,
- 15 dd. in the case of a person convicted of prostitution
16 pursuant to Section 1029 of Title 21 of the Oklahoma
17 Statutes, require such person to receive counseling
18 for the behavior which may have caused such person to
19 engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but
21 not limited to alcohol and substance abuse, sexual
22 behavior problems, or domestic abuse or child abuse
23 problems,
- 24

1 ee. in the case of a sex offender sentenced after November
2 1, 1989, and required by law to register pursuant to
3 the Sex Offender Registration Act, the court shall
4 require the person to comply with sex offender
5 specific rules and conditions of supervision
6 established by the Department of Corrections and
7 require the person to participate in a treatment
8 program designed for the treatment of sex offenders
9 during the period of time while the offender is
10 subject to supervision by the Department of
11 Corrections. The treatment program shall include
12 polygraph examinations specifically designed for use
13 with sex offenders for purposes of supervision and
14 treatment compliance, and shall be administered not
15 less than each six (6) months during the period of
16 supervision. The examination shall be administered by
17 a certified licensed polygraph examiner. The
18 treatment program must be approved by the Department
19 of Corrections or the Department of Mental Health and
20 Substance Abuse Services. Such treatment shall be at
21 the expense of the defendant based on the defendant's
22 ability to pay,

23 ff. in addition to other sentencing powers of the court,
24 the court in the case of a defendant being sentenced

1 for a felony conviction for a violation of Section 2-
2 402 of Title 63 of the Oklahoma Statutes which
3 involves marijuana may require the person to
4 participate in a drug court program, if available. If
5 a drug court program is not available, the defendant
6 may be required to participate in a community
7 sanctions program, if available,

8 gg. in the case of a person convicted of any false or
9 bogus check violation, as defined in Section 1541.4 of
10 Title 21 of the Oklahoma Statutes, impose a fee of
11 Twenty-five Dollars (\$25.00) to the victim for each
12 check, and impose a bogus check fee to be paid to the
13 district attorney. The bogus check fee paid to the
14 district attorney shall be equal to the amount
15 assessed as court costs plus Twenty-five Dollars
16 (\$25.00) for each check upon filing of the case in
17 district court. This money shall be deposited in the
18 Bogus Check Restitution Program Fund as established in
19 subsection B of Section 114 of this title.

20 Additionally, the court may require the offender to
21 pay restitution and bogus check fees on any other
22 bogus check or checks that have been submitted to the
23 District Attorney Bogus Check Restitution Program, and

24 hh. any other provision specifically ordered by the court.

1 However, any such order for restitution, community service,
2 payment to a local certified crime stoppers program, payment to the
3 Oklahoma Reward System, or confinement in the county jail, or a
4 combination thereof, shall be made in conjunction with probation and
5 shall be made a condition of the suspended sentence.

6 However, unless under the supervision of the district attorney,
7 the offender shall be required to pay Forty Dollars (\$40.00) per
8 month to the district attorney during the first two (2) years of
9 probation to compensate the district attorney for the costs incurred
10 during the prosecution of the offender and for the additional work
11 of verifying the compliance of the offender with the rules and
12 conditions of his or her probation. The district attorney may waive
13 any part of this requirement in the best interests of justice. The
14 court shall not waive, suspend, defer or dismiss the costs of
15 prosecution in its entirety. However, if the court determines that
16 a reduction in the fine, costs and costs of prosecution is
17 warranted, the court shall equally apply the same percentage
18 reduction to the fine, costs and costs of prosecution owed by the
19 offender;

20 2. Impose a fine prescribed by law for the offense, with or
21 without probation or commitment and with or without restitution or
22 service as provided for in this section, Section 991a-4.1 of this
23 title or Section 227 of Title 57 of the Oklahoma Statutes;

1 3. Commit such person for confinement provided for by law with
2 or without restitution as provided for in this section;

3 4. Order the defendant to reimburse the Oklahoma State Bureau
4 of Investigation for costs incurred by that agency during its
5 investigation of the crime for which the defendant pleaded guilty,
6 nolo contendere or was convicted, including compensation for
7 laboratory, technical, or investigation services performed by the
8 Bureau if, in the opinion of the court, the defendant is able to pay
9 without imposing manifest hardship on the defendant, and if the
10 costs incurred by the Bureau during the investigation of the
11 defendant's case may be determined with reasonable certainty;

12 5. Order the defendant to reimburse the Oklahoma State Bureau
13 of Investigation for all costs incurred by that agency for cleaning
14 up an illegal drug laboratory site for which the defendant pleaded
15 guilty, nolo contendere or was convicted. The court clerk shall
16 collect the amount and may retain five percent (5%) of such monies
17 to be deposited in the Court Clerk Revolving Fund to cover
18 administrative costs and shall remit the remainder to the Oklahoma
19 State Bureau of Investigation to be deposited in the OSBI Revolving
20 Fund established by Section 150.19a of Title 74 of the Oklahoma
21 Statutes;

22 6. In the case of nonviolent felony offenses, sentence such
23 person to the Community Service Sentencing Program;

1 7. In addition to the other sentencing powers of the court, in
2 the case of a person convicted of operating or being in control of a
3 motor vehicle while the person was under the influence of alcohol,
4 other intoxicating substance, or a combination of alcohol or another
5 intoxicating substance, or convicted of operating a motor vehicle
6 while the ability of the person to operate such vehicle was impaired
7 due to the consumption of alcohol, require such person:

- 8 a. to participate in an alcohol and drug assessment and
9 evaluation by an assessment agency or assessment
10 personnel certified by the Department of Mental Health
11 and Substance Abuse Services pursuant to Section 3-460
12 of Title 43A of the Oklahoma Statutes and, as
13 determined by the assessment, participate in an
14 alcohol and drug substance abuse course or treatment
15 program or both, pursuant to Sections 3-452 and 3-453
16 of Title 43A of the Oklahoma Statutes,
- 17 b. to attend a victims impact panel program, as defined
18 in subsection H of this section, and to pay a fee of
19 not more than Sixty Dollars (\$60.00) as set by the
20 governing authority of the program and approved by the
21 court, to the program to offset the cost of
22 participation by the defendant, if in the opinion of
23 the court the defendant has the ability to pay such
24 fee,

- 1 c. to both participate in the alcohol and drug substance
2 abuse course or treatment program, pursuant to
3 subparagraph a of this paragraph and attend a victims
4 impact panel program, pursuant to subparagraph b of
5 this paragraph,
- 6 d. to install, at the expense of the person, an ignition
7 interlock device approved by the Board of Tests for
8 Alcohol and Drug Influence, upon every motor vehicle
9 operated by such person and to require that a notation
10 of this restriction be affixed to the person's driver
11 license at the time of reinstatement of the license.
12 The restriction shall remain on the driver license for
13 such period as the court shall determine. The
14 restriction may be modified or removed by order of the
15 court and notice of the order shall be given to the
16 Department of Public Safety. Upon the expiration of
17 the period for the restriction, the Department of
18 Public Safety shall remove the restriction without
19 further court order. Failure to comply with the order
20 to install an ignition interlock device or operating
21 any vehicle without such device during the period of
22 restriction shall be a violation of the sentence and
23 may be punished as deemed proper by the sentencing
24 court, or

1 e. beginning January 1, 1993, to submit to electronically
2 monitored home detention administered and supervised
3 by the Department of Corrections, and to pay to the
4 Department a monitoring fee, not to exceed Seventy-
5 five Dollars (\$75.00) a month, to the Department of
6 Corrections, if in the opinion of the court the
7 defendant has the ability to pay such fee. Any fees
8 collected pursuant to this subparagraph shall be
9 deposited in the Department of Corrections Revolving
10 Fund. Any order by the court for the payment of the
11 monitoring fee, if willfully disobeyed, may be
12 enforced as an indirect contempt of court;

13 8. In addition to the other sentencing powers of the court, in
14 the case of a person convicted of prostitution pursuant to Section
15 1029 of Title 21 of the Oklahoma Statutes, require such person to
16 receive counseling for the behavior which may have caused such
17 person to engage in prostitution activities. Such person may be
18 required to receive counseling in areas including but not limited to
19 alcohol and substance abuse, sexual behavior problems, or domestic
20 abuse or child abuse problems;

21 9. In addition to the other sentencing powers of the court, in
22 the case of a person convicted of any crime related to domestic
23 abuse, as defined in Section 60.1 of this title, the court may
24 require the defendant to undergo the treatment or participate in the

1 counseling services necessary to bring about the cessation of
2 domestic abuse against the victim. The defendant may be required to
3 pay all or part of the cost of the treatment or counseling services;

4 10. In addition to the other sentencing powers of the court,
5 the court, in the case of a sex offender sentenced after November 1,
6 1989, and required by law to register pursuant to the Sex Offenders
7 Registration Act, shall require the person to participate in a
8 treatment program designed specifically for the treatment of sex
9 offenders, if available. The treatment program will include
10 polygraph examinations specifically designed for use with sex
11 offenders for the purpose of supervision and treatment compliance,
12 provided the examination is administered by a certified licensed
13 polygraph examiner. The treatment program must be approved by the
14 Department of Corrections or the Department of Mental Health and
15 Substance Abuse Services. Such treatment shall be at the expense of
16 the defendant based on the defendant's ability to pay;

17 11. In addition to the other sentencing powers of the court,
18 the court, in the case of a person convicted of child abuse or
19 neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma
20 Statutes, may require the person to undergo treatment or to
21 participate in counseling services. The defendant may be required
22 to pay all or part of the cost of the treatment or counseling
23 services;

1 12. In addition to the other sentencing powers of the court,
2 the court, in the case of a person convicted of cruelty to animals
3 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may
4 require the person to pay restitution to animal facilities for
5 medical care and any boarding costs of victimized animals;

6 13. In addition to the other sentencing powers of the court, a
7 sex offender who is habitual or aggravated as defined by Section 584
8 of Title 57 of the Oklahoma Statutes and who is required to register
9 as a sex offender pursuant to the Oklahoma Sex Offenders
10 Registration Act shall be supervised by the Department of
11 Corrections for the duration of the registration period and shall be
12 assigned to a global position monitoring device by the Department of
13 Corrections for the duration of the registration period. The cost
14 of such monitoring device shall be reimbursed by the offender;

15 14. In addition to the other sentencing powers of the court, in
16 the case of a sex offender who is required by law to register
17 pursuant to the Sex Offenders Registration Act, the court may
18 prohibit the person from accessing or using any Internet social
19 networking web site that has the potential or likelihood of allowing
20 the sex offender to have contact with any child who is under the age
21 of eighteen (18) years; or

22 15. In addition to the other sentencing powers of the court, in
23 the case of a sex offender who is required by law to register
24 pursuant to the Sex Offenders Registration Act, the court shall

1 require the person to register any electronic mail address
2 information, instant message, chat or other Internet communication
3 name or identity information that the person uses or intends to use
4 while accessing the Internet or used for other purposes of social
5 networking or other similar Internet communication.

6 B. Notwithstanding any other provision of law, any person who
7 is found guilty of a violation of any provision of Section 761 or
8 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
9 guilty or nolo contendere for a violation of any provision of such
10 sections shall be ordered to participate in, prior to sentencing, an
11 alcohol and drug assessment and evaluation by an assessment agency
12 or assessment personnel certified by the Department of Mental Health
13 and Substance Abuse Services for the purpose of evaluating the
14 receptivity to treatment and prognosis of the person. The court
15 shall order the person to reimburse the agency or assessor for the
16 evaluation. The fee shall be the amount provided in subsection C of
17 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
18 shall be conducted at a certified assessment agency, the office of a
19 certified assessor or at another location as ordered by the court.
20 The agency or assessor shall, within seventy-two (72) hours from the
21 time the person is assessed, submit a written report to the court
22 for the purpose of assisting the court in its final sentencing
23 determination. No person, agency or facility operating an alcohol
24 and drug substance abuse evaluation program certified by the

1 Department of Mental Health and Substance Abuse Services shall
2 solicit or refer any person evaluated pursuant to this subsection
3 for any treatment program or alcohol and drug substance abuse
4 service in which such person, agency or facility has a vested
5 interest; however, this provision shall not be construed to prohibit
6 the court from ordering participation in or any person from
7 voluntarily utilizing a treatment program or alcohol and drug
8 substance abuse service offered by such person, agency or facility.
9 If a person is sentenced to the custody of the Department of
10 Corrections and the court has received a written evaluation report
11 pursuant to this subsection, the report shall be furnished to the
12 Department of Corrections with the judgment and sentence. Any
13 evaluation report submitted to the court pursuant to this subsection
14 shall be handled in a manner which will keep such report
15 confidential from the general public's review. Nothing contained in
16 this subsection shall be construed to prohibit the court from
17 ordering judgment and sentence in the event the defendant fails or
18 refuses to comply with an order of the court to obtain the
19 evaluation required by this subsection.

20 C. When sentencing a person convicted of a crime, the court
21 shall first consider a program of restitution for the victim, as
22 well as imposition of a fine or incarceration of the offender. The
23 provisions of paragraph 1 of subsection A of this section shall not
24 apply to defendants being sentenced upon their third or subsequent

1 to their third conviction of a felony or, beginning January 1, 1993,
2 to defendants being sentenced for their second or subsequent felony
3 conviction for violation of Section 11-902 of Title 47 of the
4 Oklahoma Statutes, except as otherwise provided in this subsection.
5 In the case of a person being sentenced for their second or
6 subsequent felony conviction for violation of Section 11-902 of
7 Title 47 of the Oklahoma Statutes, the court may sentence the person
8 pursuant to the provisions of paragraph 1 of subsection A of this
9 section if the court orders the person to submit to electronically
10 monitored home detention administered and supervised by the
11 Department of Corrections pursuant to subparagraph e of paragraph 7
12 of subsection A of this section. Provided, the court may waive
13 these prohibitions upon written application of the district
14 attorney. Both the application and the waiver shall be made part of
15 the record of the case.

16 D. When sentencing a person convicted of a crime, the judge
17 shall consider any victims impact statements if submitted to the
18 jury, or the judge in the event a jury is waived.

19 E. Probation, for purposes of subsection A of this section, is
20 a procedure by which a defendant found guilty of a crime, whether
21 upon a verdict or plea of guilty or upon a plea of nolo contendere,
22 is released by the court subject to conditions imposed by the court
23 and subject to supervision by the Department of Corrections, a
24 private supervision provider or other person designated by the

1 court. Such supervision shall be initiated upon an order of
2 probation from the court, and shall not exceed two (2) years, unless
3 a petition alleging a violation of any condition of deferred
4 judgment or seeking revocation of the suspended sentence is filed
5 during the supervision, or as otherwise provided by law. In the
6 case of a person convicted of a sex offense, supervision shall begin
7 immediately upon release from incarceration or if parole is granted
8 and shall not be limited to two (2) years. Provided further, any
9 supervision provided for in this section may be extended for a
10 period not to exceed the expiration of the maximum term or terms of
11 the sentence upon a determination by the court or the Division of
12 Probation and Parole of the Department of Corrections that the best
13 interests of the public and the release will be served by an
14 extended period of supervision.

15 F. The Department of Corrections, or such other agency as the
16 court may designate, shall be responsible for the monitoring and
17 administration of the restitution and service programs provided for
18 by subparagraphs a, c, and d of paragraph 1 of subsection A of this
19 section, and shall ensure that restitution payments are forwarded to
20 the victim and that service assignments are properly performed.

21 G. 1. The Department of Corrections is hereby authorized,
22 subject to funds available through appropriation by the Legislature,
23 to contract with counties for the administration of county Community
24 Service Sentencing Programs.

1 2. Any offender eligible to participate in the Program pursuant
2 to this section shall be eligible to participate in a county
3 Program; provided, participation in county-funded Programs shall not
4 be limited to offenders who would otherwise be sentenced to
5 confinement with the Department of Corrections.

6 3. The Department shall establish criteria and specifications
7 for contracts with counties for such Programs. A county may apply
8 to the Department for a contract for a county-funded Program for a
9 specific period of time. The Department shall be responsible for
10 ensuring that any contracting county complies in full with
11 specifications and requirements of the contract. The contract shall
12 set appropriate compensation to the county for services to the
13 Department.

14 4. The Department is hereby authorized to provide technical
15 assistance to any county in establishing a Program, regardless of
16 whether the county enters into a contract pursuant to this
17 subsection. Technical assistance shall include appropriate
18 staffing, development of community resources, sponsorship,
19 supervision and any other requirements.

20 5. The Department shall annually make a report to the Governor,
21 the President Pro Tempore of the Senate and the Speaker of the House
22 on the number of such Programs, the number of participating
23 offenders, the success rates of each Program according to criteria
24 established by the Department and the costs of each Program.

1 H. As used in this section:

2 1. "Ignition interlock device" means a device that, without
3 tampering or intervention by another person, would prevent the
4 defendant from operating a motor vehicle if the defendant has a
5 blood or breath alcohol concentration of two-hundredths (0.02) or
6 greater;

7 2. "Electronically monitored home detention" means
8 incarceration of the defendant within a specified location or
9 locations with monitoring by means of a device approved by the
10 Department of Corrections that detects if the person leaves the
11 confines of any specified location; and

12 3. "Victims impact panel program" means a program conducted by
13 a corporation registered with the Secretary of State in Oklahoma for
14 the purpose of operating a victims impact panel program. The
15 program shall include live presentations from presenters who will
16 share personal stories with participants about how alcohol, drug
17 abuse, the operation of a motor vehicle while using an electronic
18 communication device or the illegal conduct of others has personally
19 impacted the lives of the presenters. A victims impact panel
20 program shall be attended by persons who have committed the offense
21 of driving, operating or being in actual physical control of a motor
22 vehicle while under the influence of alcohol or other intoxicating
23 substance, operating a motor vehicle while the ability of the person
24 to operate such vehicle was impaired due to the consumption of

1 alcohol or any other substance or operating a motor vehicle while
2 using an electronic device. Persons attending a victims impact
3 panel program shall be required to pay a fee of not more than Sixty
4 Dollars (\$60.00) to the provider of the program. A certificate of
5 completion shall be issued to the person upon satisfying the
6 attendance and fee requirements of the victims impact panel program.
7 The certificate of completion shall contain the business
8 identification number of the program provider. A victims impact
9 panel program shall not be provided by any certified assessment
10 agency or certified assessor unless the assessment agency or
11 certified assessor has been granted an exemption by the Commissioner
12 of the Department of Mental Health and Substance Abuse Services.
13 The provider of the victims impact panel program shall carry general
14 liability insurance and maintain an accurate accounting of all
15 business transactions and funds received in relation to the victims
16 impact panel program. The provider of the victims impact panel
17 program shall annually provide to the Administrative Office of the
18 Courts the following:

- 19 a. proof of registration with the Oklahoma Secretary of
20 State,
- 21 b. proof of general liability insurance,
- 22 c. end-of-year financial statements prepared by a
23 certified public accountant, and
24

1 d. a copy of federal income tax returns filed with the
2 Internal Revenue Service.

3 I. A person convicted of a felony offense or receiving any form
4 of probation for an offense in which registration is required
5 pursuant to the Sex Offenders Registration Act, shall submit to
6 deoxyribonucleic acid DNA testing for law enforcement identification
7 purposes in accordance with Section 150.27 of Title 74 of the
8 Oklahoma Statutes and the rules promulgated by the Oklahoma State
9 Bureau of Investigation for the OSBI Combined DNA Index System
10 (CODIS) Database. Subject to the availability of funds, any person
11 convicted of a misdemeanor offense of assault and battery, domestic
12 abuse, stalking, possession of a controlled substance prohibited
13 under Schedule IV of the Uniform Controlled Dangerous Substances
14 Act, outraging public decency, resisting arrest, escape or
15 attempting to escape, eluding a police officer, ~~peeping tom~~ Peeping
16 Tom, pointing a firearm, ~~unlawful carry of a firearm, illegal~~
17 ~~transport of a firearm, discharging of a firearm,~~ threatening an act
18 of violence, breaking and entering a dwelling place, destruction of
19 property, negligent homicide, or causing a personal injury accident
20 while driving under the influence of any intoxicating substance, or
21 any alien unlawfully present under federal immigration law, upon
22 arrest, shall submit to deoxyribonucleic acid DNA testing for law
23 enforcement identification purposes in accordance with Section
24 150.27 of Title 74 of the Oklahoma Statutes and the rules

1 promulgated by the Oklahoma State Bureau of Investigation for the
2 OSBI Combined DNA Index System (CODIS) Database. Any defendant
3 sentenced to probation shall be required to submit to testing within
4 thirty (30) days of sentencing either to the Department of
5 Corrections or to the county sheriff or other peace officer as
6 directed by the court. Defendants who are sentenced to a term of
7 incarceration shall submit to testing in accordance with Section
8 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who
9 enter the custody of the Department of Corrections or to the county
10 sheriff, for those defendants sentenced to incarceration in a county
11 jail. Convicted individuals who have previously submitted to DNA
12 testing under this section and for whom a valid sample is on file in
13 the OSBI Combined DNA Index System (CODIS) Database at the time of
14 sentencing shall not be required to submit to additional testing.
15 Except as required by the Sex Offenders Registration Act, a deferred
16 judgment does not require submission to deoxyribonucleic acid
17 testing.

18 Any person who is incarcerated in the custody of the Department
19 of Corrections after July 1, 1996, and who has not been released
20 before January 1, 2006, shall provide a blood or saliva sample prior
21 to release. Every person subject to DNA testing after January 1,
22 2006, whose sentence does not include a term of confinement with the
23 Department of Corrections shall submit a blood or saliva sample.
24 Every person subject to DNA testing who is sentenced to unsupervised

1 probation or otherwise not supervised by the Department of
2 Corrections shall submit for blood or saliva testing to the sheriff
3 of the sentencing county.

4 J. Samples of blood or saliva for DNA testing required by
5 subsection I of this section shall be taken by employees or
6 contractors of the Department of Corrections, peace officers, or the
7 county sheriff or employees or contractors of the sheriff's office.
8 The individuals shall be properly trained to collect blood or saliva
9 samples. Persons collecting blood or saliva for DNA testing
10 pursuant to this section shall be immune from civil liabilities
11 arising from this activity. All collectors of DNA samples shall
12 ensure the collection of samples are mailed to the Oklahoma State
13 Bureau of Investigation within ten (10) days of the time the subject
14 appears for testing or within ten (10) days of the date the subject
15 comes into physical custody to serve a term of incarceration. All
16 collectors of DNA samples shall use sample kits provided by the OSBI
17 and procedures promulgated by the OSBI. Persons subject to DNA
18 testing who are not received at the Lexington Assessment and
19 Reception Center shall be required to pay a fee of Fifteen Dollars
20 (\$15.00) to the agency collecting the sample for submission to the
21 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
22 pursuant to this subsection shall be deposited in the revolving
23 account or the service fee account of the collection agency or
24 department.

1 K. When sentencing a person who has been convicted of a crime
2 that would subject that person to the provisions of the Sex
3 Offenders Registration Act, neither the court nor the district
4 attorney shall be allowed to waive or exempt such person from the
5 registration requirements of the Sex Offenders Registration Act.

6 SECTION 11. REPEALER 22 O.S. 2011, Section 991a, as last
7 amended by Section 2, Chapter 194, O.S.L. 2017 (22 O.S. Supp. 2017,
8 Section 991a), is hereby repealed.

9 SECTION 12. REPEALER 29 O.S. 2011, Section 4-112, as
10 last amended by Section 1, Chapter 300, O.S.L. 2017 (29 O.S. Supp.
11 2017, Section 4-112), is hereby repealed.

12 SECTION 13. AMENDATORY Section 3, Chapter 366, O.S.L.
13 2016, as amended by Section 5, Chapter 381, O.S.L. 2017 (37A O.S.
14 Supp. 2017, Section 1-103), is amended to read as follows:

15 Section 1-103. As used in the Oklahoma Alcoholic Beverage
16 Control Act:

17 1. "ABLE Commission" or "Commission" means the Alcoholic
18 Beverage Laws Enforcement Commission;

19 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
20 alcohol, ethanol or spirits of wine, from whatever source or by
21 whatever process produced. It does not include wood alcohol or
22 alcohol which has been denatured or produced as denatured in
23 accordance with Acts of Congress and regulations promulgated
24 thereunder;

1 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
2 as those terms are defined herein and also includes every liquid or
3 solid, patented or not, containing alcohol, spirits, wine or beer
4 and capable of being consumed as a beverage by human beings;

5 4. "Applicant" means any individual, legal or commercial
6 business entity, or any individual involved in any legal or
7 commercial business entity allowed to hold any license issued in
8 accordance with the Oklahoma Alcoholic Beverage Control Act;

9 5. "Beer" means any beverage of alcohol by volume and obtained
10 by the alcoholic fermentation of an infusion or decoction of barley,
11 or other grain, malt or similar products. "Beer" may or may not
12 contain hops or other vegetable products. "Beer" includes, among
13 other things, beer, ale, stout, lager beer, porter and other malt or
14 brewed liquors, but does not include sake, known as Japanese rice
15 wine;

16 6. "Beer keg" means any manufacturer-sealed, single container
17 that contains not less than four (4) gallons of beer;

18 7. "Beer distributor" means and includes any person licensed to
19 distribute beer for retail sale in the state, but does not include a
20 holder of a small brewer self-distribution license or brewpub self-
21 distribution license. The term "distributor", as used in this act,
22 shall be construed to refer to a beer distributor;

23 8. "Bottle club" means any establishment in a county which has
24 not authorized the retail sale of alcoholic beverages by the

1 individual drink, which is required to be licensed to keep, mix and
2 serve alcoholic beverages belonging to club members on club
3 premises;

4 9. "Brand" means any word, name, group of letters, symbol or
5 combination thereof, that is adopted and used by a licensed
6 manufacturer to identify a specific beer and to distinguish that
7 product from another beer;

8 10. "Brand extension" means:

9 a. after the effective date of this act, any brand of
10 beer or cider introduced by a manufacturer in this
11 state which either:

12 (1) incorporates all or a substantial part of the
13 unique features of a preexisting brand of the
14 same licensed manufacturer, or

15 (2) relies to a significant extent on the goodwill
16 associated with the preexisting brand, or

17 b. any brand of beer that a manufacturer, the majority of
18 whose total volume of all brands of beer distributed
19 in this state by such manufacturer on January 1, 2016,
20 was distributed as low-point beer, desires to sell,
21 introduces, begins selling or theretofore has sold and
22 desires to continue selling a strong beer in this
23 state which either:

- 1 (1) incorporates or incorporated all or a substantial
2 part of the unique features of a preexisting low-
3 point beer brand of the same licensed
4 manufacturer, or
5 (2) relies or relied to a significant extent on the
6 goodwill associated with a preexisting low-point
7 beer brand;

8 11. "Brewer" means and includes any person who manufactures for
9 human consumption by the use of raw materials or other ingredients
10 any beer upon which a license fee and a tax are imposed by any law
11 of this state;

12 12. "Brewpub" means a licensed establishment operated on the
13 premises of, or on premises located contiguous to, a small brewer,
14 that prepares and serves food and beverages, including alcoholic
15 beverages, for on-premises consumption;

16 13. "Cider" means any alcoholic beverage obtained by the
17 alcoholic fermentation of fruit juice, including but not limited to
18 flavored, sparkling or carbonated cider. For the purposes of the
19 distribution of this product, cider may be distributed by either
20 wine and spirits wholesalers or beer distributors;

21 14. "Convenience store" means any person primarily engaged in
22 retailing a limited range of general household items and groceries,
23 with extended hours of operation, whether or not engaged in retail
24 sales of automotive fuels in combination with such sales;

1 15. "Convicted" and "conviction" mean and include a finding of
2 guilt resulting from a plea of guilty or nolo contendere, the
3 decision of a court or magistrate or the verdict of a jury,
4 irrespective of the pronouncement of judgment or the suspension
5 thereof;

6 16. "Director" means the Director of the ABLE Commission;

7 17. "Distiller" means any person who produces spirits from any
8 source or substance, or any person who brews or makes mash, wort or
9 wash, fit for distillation or for the production of spirits (except
10 a person making or using such material in the authorized production
11 of wine or beer, or the production of vinegar by fermentation), or
12 any person who by any process separates alcoholic spirits from any
13 fermented substance, or any person who, making or keeping mash, wort
14 or wash, has also in his or her possession or use a still;

15 18. "Distributor agreement" means the written agreement between
16 the distributor and manufacturer as set forth in Section 3-108 of
17 this title;

18 19. "Drug store" means a person primarily engaged in retailing
19 prescription and nonprescription drugs and medicines;

20 20. "Dual-strength beer" means a brand of beer that,
21 immediately prior to ~~the effective date of this act~~ April 15, 2017,
22 was being sold and distributed in this state:
23
24

1 a. as a low-point beer pursuant to the Low-Point Beer
2 Distribution Act in effect immediately prior to the
3 effective date of this act, and

4 b. as strong beer pursuant to the Alcoholic Beverage
5 Control Act in effect immediately prior to the
6 effective date of this act,

7 and continues to be sold and distributed as such on October 1 2018.

8 Dual-strength beer does not include a brand of beer that arose as a
9 result of a brand extension as defined in this section;

10 21. "Fair market value" means the value in the subject
11 territory covered by the written agreement with the distributor or
12 wholesaler that would be determined in an arm's length transaction
13 entered into without duress or threat of termination of the
14 distributor's or wholesaler's rights and shall include all elements
15 of value, including goodwill and going-concern value;

16 22. "Good cause" means:

17 a. failure by the distributor to comply with the material
18 and reasonable provisions of a written agreement or
19 understanding with the manufacturer, or

20 b. failure by the distributor to comply with the duty of
21 good faith;

22 23. "Good faith" means the duty of each party to any
23 distributor agreement and all officers, employees or agents thereof
24

1 to act with honesty in fact and within reasonable standards of fair
2 dealing in the trade;

3 24. "Grocery store" means a person primarily engaged in
4 retailing a general line of food, such as canned or frozen foods,
5 fresh fruits and vegetables, and fresh and prepared meats, fish and
6 poultry;

7 25. "Hotel" or "motel" means an establishment which is licensed
8 to sell alcoholic beverages by the individual drink and which
9 contains guestroom accommodations with respect to which the
10 predominant relationship existing between the occupants thereof and
11 the owner or operator of the establishment is that of innkeeper and
12 guest. For purposes of this section, the existence of other legal
13 relationships as between some occupants and the owner or operator
14 thereof shall be immaterial;

15 26. "Legal newspaper" means a newspaper meeting the requisites
16 of a newspaper for publication of legal notices as prescribed in
17 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

18 27. "Licensee" means any person holding a license under the
19 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
20 employee of such licensee while in the performance of any act or
21 duty in connection with the licensed business or on the licensed
22 premises;

23 28. "Low-point beer" shall mean any beverages containing more
24 than one-half of one percent (1/2 of 1%) alcohol by volume, and not

1 more than three and two-tenths percent (3.2%) alcohol by weight,
2 including but not limited to, beer or cereal malt beverages obtained
3 by the alcoholic fermentation of an infusion by barley or other
4 grain, malt or similar products;

5 29. "Manufacturer" means a brewer, distiller, winemaker,
6 rectifier or bottler of any alcoholic beverage and its subsidiaries,
7 affiliates and parent companies;

8 30. "Manufacturer's agent" means a salaried or commissioned
9 salesperson who is the agent authorized to act on behalf of the
10 manufacturer or nonresident seller in the state;

11 31. "Meals" means foods commonly ordered at lunch or dinner and
12 at least part of which is cooked on the licensed premises and
13 requires the use of dining implements for consumption. Provided,
14 that the service of only food such as appetizers, sandwiches, salads
15 or desserts shall not be considered "meals";

16 32. "Mini-bar" means a closed container, either refrigerated in
17 whole or in part, or nonrefrigerated, and access to the interior of
18 which is:

- 19 a. restricted by means of a locking device which requires
20 the use of a key, magnetic card or similar device, or
- 21 b. controlled at all times by the licensee;

22 33. "Mixed beverage cooler" means any beverage, by whatever
23 name designated, consisting of an alcoholic beverage and fruit or
24 vegetable juice, fruit or vegetable flavorings, dairy products or

1 carbonated water containing more than one-half of one percent (1/2
2 of 1%) of alcohol measured by volume but not more than seven percent
3 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
4 packaged in a container not larger than three hundred seventy-five
5 (375) milliliters. Such term shall include but not be limited to
6 the beverage popularly known as a "wine cooler";

7 34. "Mixed beverages" means one or more servings of a beverage
8 composed in whole or part of an alcoholic beverage in a sealed or
9 unsealed container of any legal size for consumption on the premises
10 where served or sold by the holder of a mixed beverage, beer and
11 wine, caterer, public event, charitable event or special event
12 license;

13 35. "Motion picture theater" means an establishment which is
14 licensed by Section 2-110 of this title to sell alcoholic beverages
15 by the individual drink and where motion pictures are exhibited, and
16 to which the general public is admitted;

17 36. "Nonresident seller" means any person licensed pursuant to
18 Section 2-135 of this title;

19 37. "Retail salesperson" means a salesperson soliciting orders
20 from and calling upon retail alcoholic beverage stores with regard
21 to his or her product;

22 38. "Occupation" as used in connection with "occupation tax"
23 means the sites occupied as the places of business of the
24 manufacturers, wholesalers, beer distributors, retailers, mixed

1 beverage licensees, on-premises beer and wine licensees, bottle
2 clubs, caterers, public event and special event licensees;

3 39. "Original package" means any container of alcoholic
4 beverage filled and stamped or sealed by the manufacturer;

5 40. "Package store" means any sole proprietor or partnership
6 that qualifies to sell wine, beer and/or spirits for off-premise
7 consumption and that is not a grocery store, convenience store or
8 drug store, or other retail outlet that is not permitted to sell
9 wine or beer for off-premise consumption;

10 41. "Patron" means any person, customer or visitor who is not
11 employed by a licensee or who is not a licensee;

12 42. "Person" means an individual, any type of partnership,
13 corporation, association, limited liability company or any
14 individual involved in the legal structure of any such business
15 entity;

16 43. "Premises" means the grounds and all buildings and
17 appurtenances pertaining to the grounds including any adjacent
18 premises if under the direct or indirect control of the licensee and
19 the rooms and equipment under the control of the licensee and used
20 in connection with or in furtherance of the business covered by a
21 license. Provided that the ABLE Commission shall have the authority
22 to designate areas to be excluded from the licensed premises solely
23 for the purpose of:
24

- a. allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public, or
- b. allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises;

44. "Private event" means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event;

45. "Public event" means any event that can be attended by the general public;

46. "Rectifier" means any person who rectifies, purifies or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine or other liquor with any material,

1 manufactures any spurious, imitation or compound liquors for sale,
2 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
3 or any other name;

4 47. "Regulation" or "rule" means a formal rule of general
5 application promulgated by the ABLE Commission as herein required;

6 48. "Restaurant" means an establishment that is licensed to
7 sell alcoholic beverages by the individual drink for on-premises
8 consumption and where food is prepared and sold for immediate
9 consumption on the premises;

10 49. "Retail container for spirits and wines" means an original
11 package of any capacity approved by the United States Bureau of
12 Alcohol, Tobacco and Firearms;

13 50. "Retailer" means a package store, grocery store,
14 convenience store or drug store licensed to sell alcoholic beverages
15 for off-premise consumption pursuant to a Retail Spirits License,
16 Retail Wine License or Retail Beer License;

17 51. "Sale" means any transfer, exchange or barter in any manner
18 or by any means whatsoever, and includes and means all sales made by
19 any person, whether as principal, proprietor or as an agent, servant
20 or employee. The term "sale" is also declared to be and include the
21 use or consumption in this state of any alcoholic beverage obtained
22 within or imported from without this state, upon which the excise
23 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
24 been paid or exempted;

1 52. "Short-order food" means food other than full meals
2 including but not limited to sandwiches, soups and salads. Provided
3 that popcorn, chips and other similar snack food shall not be
4 considered "short-order food";

5 53. "Small brewer" means a brewer who manufactures less than
6 twenty-five thousand (25,000) barrels of beer annually pursuant to a
7 validly issued Small Brewer License hereunder;

8 54. "Small farm wine" means a wine that is produced by a small
9 farm winery with seventy-five percent (75%) or more Oklahoma-grown
10 grapes, berries, other fruits, honey or vegetables;

11 55. "Small farm winery" means a wine-making establishment that
12 does not annually produce for sale more than fifteen thousand
13 (15,000) gallons of wine as reported on the United States Department
14 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
15 Wine Premises Operations (TTB Form 5120.17);

16 56. "Sparkling wine" means champagne or any artificially
17 carbonated wine;

18 57. "Special event" means an entertainment, recreation or
19 marketing event that occurs at a single location on an irregular
20 basis and at which alcoholic beverages are sold;

21 58. "Spirits" means any beverage other than wine or beer, which
22 contains more than one-half of one percent (1/2 of 1%) alcohol
23 measured by volume, and obtained by distillation, whether or not
24 mixed with other substances in solution and includes those products

1 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
2 fortified wines and similar compounds, but shall not include any
3 alcohol liquid completely denatured in accordance with the Acts of
4 Congress and regulations pursuant thereto;

5 59. "Strong beer" means beer which, prior to the effective date
6 of this act, was distributed pursuant to the Oklahoma Alcoholic
7 Beverage Control Act, Section 501 et seq. of Title 37 of the
8 Oklahoma Statutes;

9 60. "Successor manufacturer" means a primary source of supply,
10 a brewer, a cider manufacturer or an importer that acquires rights
11 to a beer or cider brand from a predecessor manufacturer;

12 61. "Tax Commission" means the Oklahoma Tax Commission;

13 62. "Territory" means a geographic region with a specified
14 boundary;

15 63. "Wine and spirits wholesaler" or "wine and spirits
16 distributor" means and includes any sole proprietorship or
17 partnership licensed to distribute wine and spirits in the state.
18 The term "wholesaler", as used in this act, shall be construed to
19 refer to a wine and spirits wholesaler; and

20 64. "Wine" means and includes any beverage containing more than
21 one-half of one percent (1/2 of 1%) alcohol by volume and not more
22 than twenty-four percent (24%) alcohol by volume at sixty (60)
23 degrees Fahrenheit obtained by the fermentation of the natural
24 contents of fruits, vegetables, honey, milk or other products

1 containing sugar, whether or not other ingredients are added, and
2 includes vermouth and sake, known as Japanese rice wine.

3 Words in the plural include the singular, and vice versa, and
4 words imparting the masculine gender include the feminine, as well
5 as persons and licensees as defined in this section.

6 SECTION 14. REPEALER Section 3, Chapter 366, O.S.L.
7 2016, as amended by Section 8, Chapter 364, O.S.L. 2017 (37A O.S.
8 Supp. 2017, Section 1-103), is hereby repealed.

9 SECTION 15. AMENDATORY 47 O.S. 2011, Section 1135.5, as
10 last amended by Section 3, Chapter 331, O.S.L. 2017 (47 O.S. Supp.
11 2017, Section 1135.5), is amended to read as follows:

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

16 Special license plates shall not be transferred to any other
17 person but shall be removed from the vehicle upon transfer of
18 ownership and retained. The special license plate may then be used
19 on another vehicle but only after such other vehicle has been
20 registered for the current year with a motor license agent.

21 Special license plates shall be renewed each year by the Tax
22 Commission or a motor license agent. The Tax Commission shall
23 annually notify by mail all persons issued special license plates.
24 The notice shall contain all necessary information and shall contain

1 instructions for the renewal procedure upon presentation to a motor
2 license agent or the Tax Commission. The license plates shall be
3 issued on a staggered system.

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

16 If fewer than one hundred of any type of special license plates
17 authorized prior to January 1, 2004, are issued prior to January 1,
18 2006, the Tax Commission shall discontinue issuance and renewal of
19 that type of special license plate. Any such authorized special
20 license plate registrant shall be allowed to display the license
21 plate upon the designated vehicle until the registration expiration
22 date. After such time the expired special license plate shall be
23 removed from the vehicle.

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

10 B. The special license plates provided by this section are as
11 follows:

12 1. University or College Supporter License Plate - such plates
13 shall be designed and issued to any person wishing to demonstrate
14 support to any state-supported or private university or college. As
15 provided in this section, an amount of the fee collected shall be
16 apportioned as provided in Section 1104.1 of this title;

17 2. Environmental Awareness License Plate - such plates shall be
18 designed, subject to the criteria to be presented to the Tax
19 Commission by the Department of Environmental Quality in
20 consultation with the Oklahoma Arts Council, and issued to any
21 person wishing to demonstrate support to implement the statewide
22 general public environmental education program created pursuant to
23 the provisions of the Oklahoma Environmental Quality Code. Such
24 plates shall be designed and issued to any person in any combination

1 of numbers and letters from one to a maximum of seven, as for
2 personalized license plates. A dealer's license plate issued
3 pursuant to Section 1116.1 or 1128 of this title may be designated
4 an Environmental Awareness License Plate upon payment of the fee
5 imposed by this section and any other registration fees required by
6 the Oklahoma Vehicle License and Registration Act. As provided in
7 this section, an amount of the fee collected shall be apportioned
8 pursuant to Section 1104.2 of this title;

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

1 As provided in this section, an amount of the fee collected
2 shall be deposited to the Oklahoma State Firemen's Museum Building &
3 Memorial Fund for support of the Oklahoma Firefighters Museum and
4 the Oklahoma Fallen and Living Firefighters Memorial;

5 4. Wildlife Conservation License Plate - such plates shall be
6 designed, subject to the criteria to be presented to the Tax
7 Commission by the Oklahoma Department of Wildlife Conservation in
8 consultation with the Oklahoma Arts Council, and issued to any
9 person wishing to demonstrate support for wildlife conservation in
10 this state through the Wildlife Diversity Fund, provided for in
11 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
12 be designed and issued to any person as for personalized license
13 plates.

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

17 5. Child Abuse Prevention License Plate - such plates shall be
18 designed, subject to the criteria to be presented to the Tax
19 Commission by the Office of Child Abuse Prevention in the State
20 Department of Health and the Oklahoma Committee to Prevent Child
21 Abuse, and issued to any person wishing to demonstrate support for
22 the prevention of child abuse.

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

1 6. United States Olympic Committee Supporter License Plate -
2 such plates shall be designed and issued to any person wishing to
3 demonstrate support for the United States Olympic Committee. The
4 plates shall be issued to any person in any combination of numbers
5 and letters from one to a maximum of seven, as for personalized
6 license plates. The plate shall contain the official United States
7 Olympic Committee logo. The Tax Commission shall be authorized, if
8 necessary, to enter into a licensing agreement with the United
9 States Olympic Committee for any licensing fees which may be
10 required in order to use the United States Olympic Committee logo or
11 design. The licensing agreement shall provide for a payment of not
12 more than Twenty-five Dollars (\$25.00) for each license plate
13 issued;

14 7. Oklahoma History License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate interest in
16 Oklahoma history. As provided in this section, an amount of the fee
17 collected shall be deposited to the Oklahoma Historical Society
18 Revolving Fund to be used for educational purposes;

19 8. Historic Route 66 License Plate - such:

- 20 a. vehicle plates shall be designed to honor historic
21 Route 66, also known as the "Mother Road". As
22 provided in this section, an amount of the fee
23 collected for each vehicle license plate shall be
24 apportioned to the Oklahoma Historical Society

1 Revolving Fund to be distributed to the Route 66
2 Museum located in Clinton, Oklahoma, and

3 b. motorcycle plates shall be designed in consultation
4 with the Oklahoma Route 66 Association, Inc. The
5 Oklahoma Tax Commission shall be authorized to enter
6 into a licensing agreement with the Oklahoma Route 66
7 Association, Inc., for any licensing fees which may be
8 required in order to use the Oklahoma Route 66
9 Association, Inc., logo or design. The licensing
10 agreement shall provide for a payment to the Oklahoma
11 Route 66 Association, Inc., of not more than Twenty
12 Dollars (\$20.00) for each motorcycle license plate
13 issued;

14 9. Heart of the Heartland License Plate - such plates shall be
15 designed and issued to any person wishing to honor the victims of
16 the terrorist bombing attack on the Alfred P. Murrah Federal
17 Building in downtown Oklahoma City on April 19, 1995. As provided
18 in this section, an amount of the fee collected shall be deposited
19 in the Heart of the Heartland Scholarship Fund, as established in
20 Section 2282 of Title 70 of the Oklahoma Statutes;

21 10. Emergency Medical Technician License Plate - such plates
22 shall be designed and issued to any person who is an emergency
23 medical technician. Such persons may apply for an emergency medical
24 technician license plate for each vehicle with a rated carrying

1 capacity of one (1) ton or less upon proof of an emergency medical
2 technician's license. The license plate shall be designed in
3 consultation with the state association of emergency medical
4 technicians. As provided in this section, an amount of the fee
5 collected shall be apportioned to the Emergency Medical Personnel
6 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
7 of the Oklahoma Statutes;

8 11. Fight Breast Cancer License Plate - such plates shall be
9 designed to demonstrate support for the prevention and treatment of
10 breast cancer in this state. As provided in this section, an amount
11 of the fee collected shall be apportioned to the Breast Cancer Act
12 Revolving Fund;

13 12. Crime Victims Awareness License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate
15 awareness of and support for victims of crimes. The license plates
16 shall be designed in consultation with the Oklahoma Crime Victims
17 Centre. As provided in this section, an amount of the fee collected
18 shall be apportioned to the Attorney General's Revolving Fund for
19 the Office of the Attorney General, which is hereby directed to use
20 such funds to contract with a statewide nonprofit organization to
21 provide services to crime victims;

22 13. Oklahoma Safe Kids Association License Plate - such plates
23 shall be designed and issued to any person wishing to demonstrate
24 support and awareness of the Oklahoma Safe Kids Association. The

1 license plate shall be designed in consultation with the Oklahoma
2 Safe Kids Association. As provided in this section, an amount of
3 the fee collected shall be deposited in the Children's Hospital -
4 Oklahoma Safe Kids Association Revolving Fund to be distributed to
5 the Oklahoma Safe Kids Association program;

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

14 15. Agricultural Awareness License Plate - such plates shall be
15 designed, subject to criteria to be presented to the Tax Commission,
16 by the Oklahoma Department of Agriculture, Food, and Forestry in
17 consultation with the Oklahoma Arts Council, and issued to any
18 person wishing to demonstrate support of the Department's Ag in the
19 Classroom Education Program. As provided in this section, an amount
20 of the fee collected shall be apportioned as provided in Section
21 1104.3 of this title;

22 16. Oklahoma Statehood Centennial License Plate - such plates
23 shall be designed and issued to any person wishing to commemorate
24 the centennial of Oklahoma's admission to statehood in 1907. The

1 license plates shall be designed in consultation with the Oklahoma
2 Capitol Complex and Centennial Commemoration Commission. As
3 provided in this section, an amount of the fee collected shall be
4 deposited in the Oklahoma Capitol Complex and Centennial
5 Commemoration Commission Revolving Fund created in Section 98.5 of
6 Title 73 of the Oklahoma Statutes;

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

- 16 a. five percent (5%) shall be deposited to the Education
17 Reform Revolving Fund,
- 18 b. five percent (5%) shall be deposited to the Higher
19 Education Revolving Fund,
- 20 c. five percent (5%) shall be deposited to the State
21 Career Technology Fund, and
- 22 d. eighty-five percent (85%) of the fee shall be
23 deposited to the Teachers' Retirement Benefit Fund as
24

1 set forth in Section 17-108 of Title 70 of the
2 Oklahoma Statutes.

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

8 18. Retired Oklahoma Highway Patrol Officers License Plate -
9 such plates shall be designed and issued to any retired officer of
10 the Oklahoma Highway Patrol. The license plate shall have the
11 legend "Oklahoma" and shall contain, in the center of the plate, the
12 Highway Patrol Officers patch using the same colors and pattern as
13 used in the patch. Centered on the bottom of the license plate
14 shall be the word "Retired". The letters "TRP" shall be used in
15 combination with three numbers on either side of the insignia or
16 emblem. The color of the letters and numbers shall be brown.
17 Retirees who are eligible for such plates shall provide proof of
18 eligibility upon initial application, but shall not be required to
19 provide proof of eligibility annually. The surviving spouse of any
20 deceased retired officer of the Oklahoma Highway Patrol, if the
21 spouse has not since remarried, or if remarried, the remarriage is
22 terminated by death, divorce, or annulment, may apply for a Retired
23 Oklahoma Highway Patrol Officers license plate. As provided in this
24

1 section, an amount of the fee collected shall be deposited into the
2 Law Enforcement Retirement Fund;

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

15 20. Urban Forestry and Beautification License Plate - such
16 plates shall be designed, subject to criteria to be presented to the
17 Tax Commission, by the Oklahoma Department of Agriculture, Food, and
18 Forestry in consultation with nonprofit organizations in this state
19 that develop and operate programs to encourage urban forestry and
20 beautification, and issued to any person wishing to demonstrate
21 support of such programs. As provided in this section, an amount of
22 the fee collected shall be apportioned as provided in Section 1104.5
23 of this title;

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

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

22 23. Choose Life License Plate - such plates shall be designed,
23 subject to criteria presented to the Tax Commission, by Choose Life,
24 Inc., and issued to any person who wishes to demonstrate support of

1 organizations that encourage adoption as a positive choice for women
2 with unplanned pregnancies. As provided in this section, an amount
3 of the fee collected shall be deposited in the Choose Life
4 Assistance Program Revolving Fund established in Section 1104.6 of
5 this title;

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

13 25. Lions Club License Plate - such plates shall be designed
14 and issued to persons wishing to demonstrate support for the Lions
15 Club of Oklahoma. The plates shall be issued to any person in any
16 combination of numbers and letters from one to a maximum of seven,
17 as for personalized license plates. The license plates shall be
18 designed in consultation with the Oklahoma Lions Service Foundation
19 and shall contain the official logo of the International Association
20 of Lions Clubs. The Tax Commission shall be authorized to enter
21 into a licensing agreement with the Oklahoma Lions Service
22 Foundation. The licensing agreement shall provide for a payment to
23 the Oklahoma Lions Service Foundation of not more than Ten Dollars
24 (\$10.00) for each license plate issued;

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

9 27. Girl Scouts of the United States of America Supporter
10 License Plate - such plates shall be designed and issued to any
11 person wishing to demonstrate support for the Girl Scouts of the
12 United States of America. The plates shall be issued to any person
13 in any combination of numbers and letters from one to a maximum of
14 seven, as for personalized license plates. The plate shall contain
15 the official Girl Scouts of the United States of America logo. The
16 Tax Commission shall be authorized, if necessary, to enter into a
17 licensing agreement with the Girl Scouts of the United States of
18 America for any licensing fees which may be required in order to use
19 the Girl Scouts of the United States of America logo or design. The
20 licensing agreement shall provide for a payment to the Girl Scouts
21 of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout
22 councils, of not more than Twenty Dollars (\$20.00) for each license
23 plate issued;

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

11 29. Oklahoma Scenic Rivers License Plate - such plates shall be
12 designed to demonstrate support for the Oklahoma Scenic Rivers. The
13 plates shall be designed in consultation with the Oklahoma Scenic
14 Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be
15 apportioned to the Oklahoma Scenic Rivers Commission;

16 30. Fight Cancer License Plate - such plates shall be designed
17 to demonstrate support for the Oklahoma Central Cancer Registry.
18 The plate shall contain the American Cancer Society logo. The
19 American Cancer Society logo shall be used in accordance with the
20 American Cancer Society's branding guidelines and shall only be
21 utilized to support the Oklahoma Central Cancer Registry. Twenty
22 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
23 Central Cancer Registry Revolving Fund;

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

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

20 33. Global War on Terrorism License Plate - such plate shall be
21 designed in consultation with the Military Department of Oklahoma
22 and issued to any person wishing to demonstrate support for Oklahoma
23 residents who are members of the Armed Forces of the United States
24 or Oklahoma National Guard that have served in the Global War on

1 Terrorism. The plate shall be issued to any person in any
2 combination of numbers and letters from one to a maximum of six. As
3 provided in this section, a portion of the fee collected shall be
4 deposited in the 45th Infantry Division Museum Fund created in
5 Section 235.1 of Title 44 of the Oklahoma Statutes;

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

19 35. Oklahoma Quarter Horse License Plate - such plates shall be
20 designed and issued to any person wishing to demonstrate support for
21 the American Quarter Horse in Oklahoma. The plate shall be designed
22 in consultation with the Oklahoma Quarter Horse Association. As
23 provided in this section, a portion of the fee collected shall be
24

1 deposited in the Oklahoma Quarter Horse Revolving Fund created in
2 Section 1104.12 of this title;

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

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

19 38. March of Dimes License Plate - such plates shall be issued
20 to persons wishing to demonstrate support for the March of Dimes
21 mission to improve the health of babies by preventing birth defects,
22 premature birth and infant mortality. The license plates shall be
23 designed in consultation with the Oklahoma Chapter March of Dimes.
24 As provided in this section, an amount of the fee collected shall be

1 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
2 Infant Mortality Fund established in Section 1104.14 of this title;

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

16 40. Folds of Honor Supporter License Plate - such plates shall
17 be designed and issued to any person wishing to demonstrate support
18 for Folds of Honor Incorporated, a nonprofit charitable organization
19 exempt from taxation pursuant to the provisions of the Internal
20 Revenue Code, 26 U.S.C., Section 501(c)(3), providing academic and
21 vocational training scholarships to dependents of military
22 servicemen and servicewomen who were either killed or wounded in
23 action due to military service in the war in Iraq or Afghanistan.
24 The plates shall be issued to any person in any combination of

1 numbers and letters from one to a maximum of six. The plate shall
2 be designed in consultation with Folds of Honor Incorporated and
3 shall contain the official Folds of Honor Incorporated logo which
4 includes the mark "Folds of Honor" across the bottom of the plate.
5 The Tax Commission, if necessary, may enter into a licensing
6 agreement with Folds of Honor Incorporated for any licensing fees
7 which may be required in order to use the Folds of Honor
8 Incorporated logo or design. The licensing agreement shall provide
9 for a payment to Folds of Honor Incorporated of Twenty-five Dollars
10 (\$25.00) for each license plate issued;

11 41. Downed Bikers Association License Plate - such plates shall
12 be designed and issued to any person wishing to demonstrate support
13 for the Downed Bikers Association, a nonprofit charitable
14 organization exempt from taxation pursuant to the provisions of the
15 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
16 emotional and financial support for downed bikers. The license
17 plate shall be designed in consultation with the Central Oklahoma
18 Chapter of the Downed Bikers Association and shall contain any
19 official logo or design of the organization. The Tax Commission, if
20 necessary, may enter into a licensing agreement with the Downed
21 Bikers Association for any licensing fees which may be required in
22 order to use the organization's logo or design. The licensing
23 agreement shall provide for a payment to the Downed Bikers
24

1 Association of not more than Twenty Dollars (\$20.00) for each
2 license plate;

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

13 43. Buffalo Soldier License Plate - such plates shall be issued
14 to any person wishing to honor and celebrate the history and
15 contribution of the Buffalo Soldiers. The license plates shall be
16 designed in consultation with the Lawton-Fort Sill Chapter of the
17 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
18 provided in this section, an amount of the fee collected shall be
19 deposited in the Buffalo Soldier License Plate Revolving Fund
20 created in Section 1104.16 of this title;

21 44. Prevent Blindness Oklahoma License Plate - such plates
22 shall be issued to any person wishing to provide financial support
23 for vision screening of school age children in this state. The
24 license plates shall be designed in consultation with Prevent

1 Blindness Oklahoma. As provided in this section, an amount of the
2 fee collected shall be deposited in the Prevent Blindness Oklahoma
3 License Plate Revolving Fund created in Section 1104.17 of this
4 title;

5 45. Oklahoma State Capitol Restoration License Plate - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for restoration of the Oklahoma State Capitol
8 building. The license plates shall be designed in consultation with
9 the Friends of the Capitol corporation, created pursuant to Section
10 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol
11 Preservation Commission created pursuant to Section 4102 of Title 74
12 of the Oklahoma Statutes. As provided in this section, an amount of
13 the fee collected shall be deposited in the Oklahoma Friends of the
14 Capitol License Plate Revolving Fund established in Section 1104.18
15 of this title;

16 46. Eastern Red Cedar Tree License Plate - such plates shall be
17 designed, subject to criteria to be presented to the Tax Commission
18 and issued to any person wishing to demonstrate support for the
19 removal of Eastern Red Cedar trees from lands in the state and to
20 develop marketable uses for the harvested trees. The license plate
21 shall be designed in consultation with the Eastern Red Cedar
22 Registry Board. Twenty-three Dollars (\$23.00) of the fee collected
23 shall be deposited in the Eastern Red Cedar Revolving Fund created
24 in Section 18-407 of Title 2 of the Oklahoma Statutes. The money

1 shall be designated for and may only be expended for the purposes as
2 set forth in the Eastern Red Cedar Registry Board Act;

3 47. Pancreatic Cancer Research License Plate - such plates
4 shall be issued to any person wishing to provide financial support
5 for the University of Oklahoma Foundation, Pancreatic Cancer
6 Research Fund. The plates shall be issued to any person in any
7 combination of numbers and letters from one to a maximum of six.

8 The license plates shall be designed in consultation with the
9 University of Oklahoma Foundation, Pancreatic Cancer Research Fund.

10 As provided in this section, an amount of the fee collected shall be
11 deposited in the Pancreatic Cancer Research License Plate Revolving
12 Fund created in Section 1104.19 of this title;

13 48. Alzheimer's Research License Plate - such plates shall be
14 issued to any person wishing to provide financial support for the
15 Oklahoma Chapter of the Alzheimer's Association. The license plates
16 shall be designed in consultation with the Oklahoma Chapter of the
17 Alzheimer's Association. As provided in this section, an amount of
18 the fee collected shall be deposited in the Alzheimer's Research
19 License Plate Revolving Fund created in Section 1104.20 of this
20 title;

21 49. Hospice and Palliative Care License Plate - such plates
22 shall be issued to any person wishing to provide financial support
23 for the Oklahoma Hospice and Palliative Care Association. The
24 license plates shall be designed in consultation with the Oklahoma

1 Hospice and Palliative Care Association. As provided in this
2 section, an amount of the fee collected shall be deposited in the
3 Hospice and Palliative Care License Plate Revolving Fund created in
4 Section 1104.21 of this title;

5 50. Juvenile Diabetes Research License Plate - such plates
6 shall be issued to any person wishing to provide financial support
7 for the Oklahoma Chapters of the Juvenile Diabetes Research
8 Foundation. The license plates shall be designed in consultation
9 with the Oklahoma Chapters of the Juvenile Diabetes Research
10 Foundation. As provided in this section, an amount of the fee
11 collected shall be deposited in the Juvenile Diabetes Research
12 License Plate Revolving Fund created in Section 1104.22 of this
13 title;

14 51. Deer Creek Schools Foundation License Plate - such plates
15 shall be issued to any person wishing to provide financial support
16 for the Deer Creek Schools Foundation. The license plates shall be
17 designed in consultation with the Deer Creek Schools Foundation.
18 The plates shall be issued to any person in any combination of
19 numbers and letters from one to a maximum of seven, as for
20 personalized license plates. As provided in this section, an amount
21 of the fee collected shall be deposited in the Deer Creek Schools
22 Foundation License Plate Revolving Fund created in Section 1104.23
23 of this title;

1 52. Lupus Awareness and Education License Plate - such plates
2 shall be issued to any person wishing to provide financial support
3 for the Lupus Foundation of Oklahoma. The license plates shall be
4 designed in consultation with the Lupus Foundation of Oklahoma. As
5 provided in this section, an amount of the fee collected shall be
6 deposited in the Oklahoma Lupus License Plate Revolving Fund created
7 in Section 1104.24 of this title. Subject to the provisions of
8 subsection A of this section, the Lupus Awareness and Education
9 License Plate is hereby reauthorized effective November 1, 2015;

10 53. Chiefs of Police License Plate - such plates shall be
11 issued to any person wishing to provide financial support for the
12 Oklahoma Association of Chiefs of Police for a vehicle or motorcycle
13 in any combination of numbers and letters from one to a maximum of
14 seven, as for personalized plates. The license plates shall be
15 designed in consultation with the Oklahoma Association of Chiefs of
16 Police. The license plate for a motorcycle may be of similar design
17 as space permits or a new design in order to meet the space
18 requirements of a motorcycle license plate. The Tax Commission
19 shall be authorized to enter into a licensing agreement with the
20 Oklahoma Association of Chiefs of Police for any licensing fees
21 which may be required in order to use the association's logo or
22 design. The licensing agreement shall provide for a payment to the
23 Oklahoma Association of Chiefs of Police of not more than Twenty
24 Dollars (\$20.00) for each license plate issued. Subject to the

provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

54. Crossings Christian School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. The Tax Commission shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars (\$20.00) for each license plate issued;

55. Hilldale Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hilldale Education Foundation. The license plates shall be designed in consultation with the administration of the Hilldale Education Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Hilldale Education Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Hilldale Education Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

1 56. Oklahoma Nurses License Plate - such plates shall be issued
2 to any person licensed pursuant to the Oklahoma Nursing Practice Act
3 and providing such documentation of current licensure as may be
4 required by the Oklahoma Tax Commission. The license plates shall
5 be designed in consultation with the Oklahoma Nurses Association.
6 As provided in this section, an amount of the fee collected shall be
7 deposited in the Oklahoma Nurses License Plate Revolving Fund
8 created in Section 1104.26 of this title;

9 57. Oklahoma Sports Hall of Fame License Plate - such plates
10 shall be issued to any person wishing to demonstrate support for the
11 Oklahoma Sports Hall of Fame. The license plates shall be designed
12 in consultation with the administration of the Oklahoma Sports Hall
13 of Fame. The Oklahoma Tax Commission shall be authorized to enter
14 into a licensing agreement with the Oklahoma Sports Hall of Fame for
15 any licensing fees which may be required in order to use the Hall of
16 Fame's logo or design. The licensing agreement shall provide for a
17 payment to the Oklahoma Sports Hall of Fame of not more than Twenty
18 Dollars (\$20.00) for each license plate issued;

19 58. Childhood Cancer Awareness License Plate - such plates
20 shall be issued to any person wishing to demonstrate support for the
21 Oklahoma Children's Cancer Association. The license plates shall be
22 designed in consultation with the administration of the Oklahoma
23 Children's Cancer Association. The Oklahoma Tax Commission shall be
24 authorized to enter into a licensing agreement with the Oklahoma

1 Children's Cancer Association for any licensing fees which may be
2 required in order to use the Oklahoma Children's Cancer
3 Association's logo or design. The licensing agreement shall provide
4 for a payment to the Oklahoma Children's Cancer Association of not
5 more than Twenty Dollars (\$20.00) for each license plate issued;

6 59. Oklahoma Educational Television Authority License Plate -
7 such plates shall be designed and issued to any person wishing to
8 demonstrate support for the Oklahoma Educational Television
9 Authority and such plates shall be designed in consultation with the
10 Authority. As provided in this section, an amount of the fee
11 collected shall be deposited in the Educational Television Authority
12 Revolving Fund created in Section 156 of Title 62 of the Oklahoma
13 Statutes;

14 60. Remembering Fallen Heroes License Plate - such plates shall
15 be designed and issued to any person wishing to demonstrate support
16 for Concerns of Police Survivors, Inc. Such plates shall be
17 designed in consultation with the Oklahoma chapter of Concerns of
18 Police Survivors, Inc. As provided in this section, an amount of
19 the fee collected shall be deposited in the Oklahoma Concerns of
20 Police Survivors License Plate Revolving Fund created in Section
21 1104.27 of this title;

22 61. Disabled American Veterans License Plate - such plates
23 shall be designed in consultation with the Disabled American
24 Veterans Department of Oklahoma and issued to any member of the

1 organization wishing to demonstrate support. The Tax Commission
2 shall be authorized to enter into a licensing agreement with the
3 Disabled American Veterans Department of Oklahoma for any licensing
4 fees which may be required in order to use the organization's logo
5 or design. The licensing agreement shall provide for a payment to
6 the Disabled American Veterans Department of Oklahoma of not more
7 than Twenty Dollars (\$20.00) for each license plate issued. The
8 plates shall incorporate a numbering system agreed upon by the
9 Disabled American Veterans Department of Oklahoma and the Tax
10 Commission;

11 62. Owasso Rams Supporter License Plate - such plates shall be
12 designed and issued to any person wishing to demonstrate support for
13 the Owasso Rams, and shall be designed in consultation with
14 representatives of Owasso Schools. The plates shall be issued to
15 any person in any combination of numbers and letters from one to a
16 maximum of seven, as for personalized license plates. As provided
17 in this section, an amount of the fee collected shall be deposited
18 in the Education Reform Revolving Fund created in Section 34.89 of
19 Title 62 of the Oklahoma Statutes;

20 63. Collinsville Cardinals Supporter License Plate - such
21 plates shall be designed and issued to any person wishing to
22 demonstrate support for the Collinsville Cardinals, and shall be
23 designed in consultation with representatives of Collinsville
24 Schools. The plates shall be issued to any person in any

1 combination of numbers and letters from one to a maximum of seven,
2 as for personalized license plates. As provided in this section, an
3 amount of the fee collected shall be deposited in the Education
4 Reform Revolving Fund created in Section 34.89 of Title 62 of the
5 Oklahoma Statutes;

6 64. Sperry Pirates Supporter License Plate - such plates shall
7 be designed and issued to any person wishing to demonstrate support
8 for the Sperry Pirates, and shall be designed in consultation with
9 representatives of Sperry Schools. The plates shall be issued to
10 any person in any combination of numbers and letters from one to a
11 maximum of seven, as for personalized license plates. As provided
12 in this section, an amount of the fee collected shall be deposited
13 in the Education Reform Revolving Fund created in Section 34.89 of
14 Title 62 of the Oklahoma Statutes;

15 65. Skiatook Bulldogs Supporter License Plate - such plates
16 shall be designed and issued to any person wishing to demonstrate
17 support for the Skiatook Bulldogs, and shall be designed in
18 consultation with representatives of Skiatook Schools. The plates
19 shall be issued to any person in any combination of numbers and
20 letters from one to a maximum of seven, as for personalized license
21 plates. As provided in this section, an amount of the fee collected
22 shall be deposited in the Education Reform Revolving Fund created in
23 Section 34.89 of Title 62 of the Oklahoma Statutes;

1 66. Rejoice Christian Eagles Supporter License Plate - such
2 plates shall be designed and issued to any person wishing to
3 demonstrate support for the Rejoice Christian Eagles, and shall be
4 designed in consultation with representatives of Rejoice Christian
5 Schools. The plates shall be issued to any person in any
6 combination of numbers and letters from one to a maximum of seven,
7 as for personalized license plates. As provided in this section, an
8 amount of the fee collected shall be deposited in the Education
9 Reform Revolving Fund created in Section 34.89 of Title 62 of the
10 Oklahoma Statutes;

11 67. East Central Cardinals Supporter License Plate - such
12 plates shall be designed and issued to any person wishing to
13 demonstrate support for the East Central Cardinals, and shall be
14 designed in consultation with representatives of East Central
15 Schools. The plates shall be issued to any person in any
16 combination of numbers and letters from one to a maximum of seven,
17 as for personalized license plates. As provided in this section, an
18 amount of the fee collected shall be deposited in the Education
19 Reform Revolving Fund created in Section 34.89 of Title 62 of the
20 Oklahoma Statutes;

21 68. Southeast Spartans Supporter License Plate - such plates
22 shall be designed and issued to any person wishing to demonstrate
23 support for the Southeast Spartans, and shall be designed in
24 consultation with the Southeast High School Alumni Association. The

1 plates shall be issued to any person in any combination of numbers
2 and letters from one to a maximum of seven, as for personalized
3 license plates. As provided in this section, an amount of the fee
4 collected shall be deposited in the Education Reform Revolving Fund
5 created in Section 34.89 of Title 62 of the Oklahoma Statutes;

6 69. Sooner State ABATE License Plate - such plates shall be
7 issued to any person wishing to provide financial support for Sooner
8 State ABATE. The license plates shall be designed in consultation
9 with Sooner State ABATE. The plates shall be issued to any person
10 in any combination of numbers and letters from one to a maximum of
11 seven, as for personalized plates. The license plate for a
12 motorcycle may be of similar design as space permits or a new design
13 in order to meet the space requirements of a motorcycle license
14 plate. The Tax Commission shall be authorized to enter into a
15 licensing agreement with Sooner State ABATE for any licensing fees,
16 which may be required in order to use the association's logo or
17 design. The licensing agreement shall provide for a payment to
18 Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each
19 license plate issued;

20 70. Oklahoma License to Educate License Plate - subject to the
21 enactment of Senate Bill No. 15 of the 1st Session of the 56th
22 Oklahoma Legislature, such plates shall be designed and issued to
23 any person wishing to demonstrate support for Oklahoma educators.
24 Such plates shall be designed in consultation with the State

1 Department of Education. As provided in this section, an amount of
2 the fee collected shall be deposited in the Oklahoma Teacher
3 Recruitment Revolving Fund created in Section 2 of Senate Bill No.
4 15 of the 1st Session of the 56th Oklahoma Legislature;

5 ~~70.~~ 71. Piedmont Education Foundation License Plate - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the Piedmont Public Schools Education
8 Foundation. Such plates shall be designed in consultation with the
9 Foundation. As provided in this section, an amount of the fee
10 collected shall be deposited in the Piedmont Education Foundation
11 License Plate Revolving Fund created in Section 1104.28 of this
12 title;

13 ~~71.~~ 72. The Pride of Oklahoma License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate support
15 for the University of Oklahoma Marching Band and shall be designed
16 in consultation with the University of Oklahoma Marching Band. The
17 Oklahoma Tax Commission shall be authorized to enter into a
18 licensing agreement with the University of Oklahoma or the
19 University of Oklahoma Marching Band for any licensing fees which
20 may be required in order to use the applicable logo or design. The
21 licensing agreement shall provide for a payment to the Pride of
22 Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not
23 more than Twenty Dollars (\$20.00) for each license plate issued;

1 ~~72.~~ 73. Jenks Trojans License Plate - such plates shall be
2 designed and issued to any person wishing to demonstrate support for
3 the Jenks School District. The license plates shall be designed in
4 consultation with the administration of the Jenks School District.
5 The Tax Commission shall be authorized to enter into a licensing
6 agreement with the Jenks School District for any licensing fees
7 which may be required in order to use the school district's logo or
8 design. The licensing agreement shall provide for a payment to the
9 Jenks School District of not more than Twenty Dollars (\$20.00) for
10 each license plate issued;

11 ~~73.~~ 74. Bixby Spartans License Plate - such plates shall be
12 designed and issued to any person wishing to demonstrate support for
13 the Bixby School District. The license plates shall be designed in
14 consultation with the administration of the Bixby School District.
15 The Tax Commission shall be authorized to enter into a licensing
16 agreement with the Bixby School District for any licensing fees
17 which may be required in order to use the school district's logo or
18 design. The licensing agreement shall provide for a payment to the
19 Bixby School District of not more than Twenty Dollars (\$20.00) for
20 each license plate issued;

21 ~~74.~~ 75. Oklahoma Aeronautics Commission License Plate - such
22 plates shall be designed and issued to any person wishing to
23 demonstrate support for the Oklahoma aviation industry and to
24 promote awareness of aviation and aerospace. Such plates shall be

1 designed in consultation with the Oklahoma Aeronautics Commission
2 and shall be issued to any person in any combination of numbers and
3 letters from one to a maximum of seven, as for personalized plates.
4 Twenty-four Dollars (\$24.00) of the fee collected shall be deposited
5 in the Oklahoma Aeronautics Commission Revolving Fund, for
6 expenditure as provided in Section 91 of Title 3 of the Oklahoma
7 Statutes;

8 ~~75.~~ 76. Ducks Unlimited License Plate - such plates shall be
9 designed and issued to any person wishing to demonstrate support for
10 Ducks Unlimited. Such plates shall be designed in consultation with
11 Ducks Unlimited. The Oklahoma Tax Commission shall be authorized to
12 enter into a licensing agreement with Ducks Unlimited for any
13 licensing fee which may be required in order to use the Ducks
14 Unlimited logo or design. The licensing agreement shall provide for
15 a payment to Ducks Unlimited of not more than Twenty Dollars
16 (\$20.00) for each license plate issued;

17 ~~76.~~ 77. Prisoner of War and Missing in Action License Plate -
18 such plates shall be issued to any person wishing to increase
19 awareness of those who are currently prisoners of war or missing in
20 action and provide financial support for current veterans. The
21 license plates shall be designed in consultation with Rolling
22 Thunder Oklahoma. As provided in this section, an amount of the fee
23 collected shall be deposited in the Prisoner of War and Missing in
24

1 Action License Plate Revolving Fund created in Section 5 of this
2 act;

3 ~~77.~~ 78. Woodward Boomers License Plate - such plates shall be
4 designed and issued to any person wishing to demonstrate support for
5 the Woodward School District. The license plates shall be designed
6 in consultation with the administration of the Woodward School
7 District. The Tax Commission shall be authorized to enter into a
8 licensing agreement with the Woodward School District for any
9 licensing fees which may be required in order to use the school
10 district's logo or design. The licensing agreement shall provide
11 for a payment to the Woodward School District of not more than
12 Twenty Dollars (\$20.00) for each license plate issued; and

13 ~~78.~~ 79. Clinton Public School Foundation License Plate - such
14 plates shall be designed and issued to any person wishing to
15 demonstrate support for the Clinton Public School Foundation. The
16 license plates shall be designed in consultation with the Clinton
17 Public School Foundation. The Tax Commission shall be authorized to
18 enter into a licensing agreement with the Clinton Public School
19 Foundation for any licensing fees which may be required in order to
20 use the school foundation's logo or design. The licensing agreement
21 shall provide for a payment to the Clinton Public School Foundation
22 of not more than Twenty Dollars (\$20.00) for each license plate
23 issued.

1 C. The fee for such plates shall be Thirty-five Dollars
2 (\$35.00) and shall be in addition to all other registration fees
3 provided by the Oklahoma Vehicle License and Registration Act. The
4 fee shall be apportioned as follows:

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

9 2. Eight Dollars (\$8.00) of the fee shall be deposited in the
10 Oklahoma Tax Commission Reimbursement Fund to be used for the
11 administration of the Oklahoma Vehicle License and Registration Act;
12 and

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

15 SECTION 16. REPEALER 47 O.S. 2011, Section 1135.5, as
16 last amended by Section 1, Chapter 339, O.S.L. 2017 (47 O.S. Supp.
17 2017, Section 1135.5), is hereby repealed.

18 SECTION 17. AMENDATORY 51 O.S. 2011, Section 6, as last
19 amended by Section 1, Chapter 75, O.S.L. 2017 (51 O.S. Supp. 2017,
20 Section 6), is amended to read as follows:

21 Section 6. A. Except as may be otherwise provided, no person
22 holding an office under the laws of the state and no deputy of any
23 officer so holding any office shall, during the person's term of
24 office, hold any other office or be the deputy of any officer

1 holding any office, under the laws of the state. The provisions of
2 this section shall not apply to:

3 1. Notaries public;

4 2. Members of the State Textbook Committee;

5 3. County free fair board members;

6 4. Municipal and county law enforcement officers serving in
7 positions as law enforcement officers of both such governmental
8 entities upon such terms and conditions as are mutually approved by
9 resolutions adopted by the board of county commissioners and
10 governing body of the municipality employing such officers;

11 5. Any person holding a county or municipal office or position,
12 or membership on any public trust authority, who is a member of a
13 board or commission that relates to federal, state, county or
14 municipal government and is created by the United States Government,
15 the State of Oklahoma or a political subdivision of the state,
16 except where the duties of the offices or positions conflict;

17 6. Any elected municipal officers and school board members who
18 are appointed to a state board, commission, or similar entity if
19 there is no compensation for such services other than reimbursement
20 for necessary travel expenses pursuant to the provisions of the
21 State Travel Reimbursement Act;

22 7. Any trustee of a public trust, who is appointed as a trustee
23 of a different public trust or any trustee of the Tulsa County
24

1 Public Facilities Authority who may also be employed by the
2 Department of Transportation;

3 8. Law enforcement officers employed by municipal or county law
4 enforcement departments or agencies, other than those law
5 enforcement officers elected or appointed as sheriff, chief of
6 police or some similar position in which they are the head of a
7 county or municipal law enforcement agency, who are elected to local
8 boards of education; provided, the provisions of this paragraph
9 shall not prohibit any law enforcement officer employed by a
10 municipality having a population of ten thousand (10,000) or fewer
11 people from serving as a member of a local board of education;

12 9. Any member of the Oklahoma Highway Patrol Division of the
13 Department of Public Safety who is elected to a local board of
14 education;

15 10. Any employee of the Oklahoma State Bureau of Investigation
16 who is elected to a local board of education;

17 11. Any District Supervisor, Assistant District Supervisor,
18 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
19 Department of Corrections who is elected or appointed to a city
20 council;

21 12. Any trustee or director of a rural electric cooperative, or
22 port authority who is appointed or elected to a state, county or
23 municipal board, commission or similar entity;

- 1 13. County employees who are elected as members of town or city
2 councils;
- 3 14. Municipal, county, state or tribal law enforcement or peace
4 officers operating under cross-deputization agreements with an
5 Indian tribe or branch of the federal government;
- 6 15. Municipal or county law enforcement or peace officers
7 serving in positions as campus police officers or campus public
8 safety officers pursuant to the provisions of the Oklahoma Campus
9 Security Act, upon such terms and conditions as are mutually
10 approved by resolution adopted by the governing body of the
11 municipality or county and the governing board of the institution of
12 higher education;
- 13 16. State law enforcement or peace officers serving in
14 positions as campus police officers or campus public safety officers
15 pursuant to the provisions of the Oklahoma Campus Security Act, upon
16 such terms and conditions as are mutually approved by written
17 agreement between the Commissioner of Public Safety and the
18 governing board of the institution of higher education;
- 19 17. Municipal, county and state law enforcement officers
20 serving in positions as part-time or seasonal rangers or peace
21 officers under the Oklahoma Tourism and Recreation Department or the
22 Grand River Dam Authority;
- 23 18. Members of the University Hospitals Authority;
- 24

1 19. Any person holding a state or county office or position who
2 is a reserve force deputy sheriff, or a reserve special agent with
3 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
4 or a reserve municipal police officer;

5 20. Any person holding a state office or position who serves as
6 a special assistant district attorney without compensation;

7 21. Any elected or appointed member of a local school board who
8 is a member of a municipal planning commission;

9 22. Any elected or appointed member of a local school board who
10 is a member or an officer of a volunteer fire department;

11 23. Directors or officers of a rural water district and chiefs
12 of municipal fire departments or rural fire districts who are
13 appointed or elected to an unsalaried office in a state, county,
14 municipal, school, or technology center school board, commission, or
15 similar entity, except where the duties of the office would create a
16 conflict of interest;

17 24. Any person who is a dispatcher or confinement officer at a
18 municipal or county jail who is a noncompensated reserve municipal
19 police officer or a reserve deputy sheriff;

20 25. Any person who is an assistant district attorney serving as
21 a municipal judge or prosecutor;

22 26. Any park ranger under the Oklahoma Tourism and Recreation
23 Department or any game warden or reserve game warden employed by the
24 Department of Wildlife Conservation who is elected or appointed to a

1 local board of education or to a municipal governing body, board,
2 commission or similar entity;

3 27. Members of the Oklahoma State University Medical Center
4 Authority, the Oklahoma State University Medical Trust or the State
5 Board of Osteopathic Examiners;

6 28. Any member of the state Legislature or any state officer
7 who serves on the board of trustees of the Oklahoma School for the
8 Visual and Performing Arts; and

9 29. Members of the Council on Judicial Complaints.

10 The provisions of this section shall not prohibit any person
11 holding an office under the laws of the state or any deputy of any
12 officer so holding any office from serving upon the board of
13 Oklahoma Futures or upon the board of directors of the Oklahoma
14 Center for the Advancement of Science and Technology. The
15 provisions of this section shall not prohibit a member of the board
16 of directors of the Oklahoma Center for the Advancement of Science
17 and Technology from serving upon the board of Oklahoma Futures.

18 B. Any salaries, emoluments or benefits that would otherwise be
19 paid by the agency or political subdivision to a loaned employee or
20 officer shall instead be paid to the regular employer of such
21 employee. The loaned employee shall in turn be paid regular salary
22 and benefits the same as if continuing regular employment with the
23 permanent employer.

1 SECTION 18. REPEALER 51 O.S. 2011, Section 6, as last
2 amended by Section 1, Chapter 114, O.S.L. 2017 (51 O.S. Supp. 2017,
3 Section 6), is hereby repealed.

4 SECTION 19. AMENDATORY 70 O.S. 2011, Section 17-105, as
5 last amended by Section 1, Chapter 270, O.S.L. 2017 (70 O.S. Supp.
6 2017, Section 17-105), is amended to read as follows:

7 Section 17-105. (1) (a) Any member who has attained age
8 fifty-five (55) or who has completed thirty (30) years of creditable
9 service, as defined in Section 17-101 of this title, or for any
10 person who initially became a member prior to July 1, 1992,
11 regardless of whether there were breaks in service after July 1,
12 1992, whose age and number of years of creditable service total
13 eighty (80) may be retired upon proper application for retirement on
14 forms established by the System and executing a retirement contract.
15 Such a retirement date will also apply to any person who became a
16 member of the sending system as defined in Section 17-101 et seq. of
17 this title, prior to July 1, 1992, regardless of whether there were
18 breaks in service after July 1, 1992. Any person who became a
19 member after June 30, 1992, but prior to November 1, 2011, whose age
20 and number of years of creditable service total ninety (90) may be
21 retired upon proper application for retirement and executing a
22 retirement contract. Any person who becomes a member on or after
23 November 1, 2011, who attains the age of sixty-five (65) years or
24 who reaches a normal retirement date pursuant to subparagraph (d) of

1 paragraph (24) of Section 17-101 of this title having attained a
2 minimum age of sixty (60) years may be retired upon proper
3 application for retirement and executing a retirement contract. The
4 application shall be filed on the form provided by the Board of
5 Trustees for this purpose, not less than sixty (60) days before the
6 date of retirement, provided that the Executive Director may waive
7 the sixty-day deadline for good cause shown as defined by the Board.

8 1. The employer shall provide the System with the
9 following information for a retiring member, no later
10 than the fifteenth day of the month of retirement:
11 last day physically on the job; last day on payroll;
12 any regular compensation not already reported to the
13 System; and final unused sick leave balance.

14 2. Failure to submit this information by the deadline, or
15 errors in submitted information that result in a
16 disqualification of retirement eligibility shall be
17 the responsibility of the employer. In cases where
18 the error results in disqualification of retirement
19 eligibility, it is the employer's responsibility to
20 reemploy the member, or retain the member on the
21 payroll, for the time period required to reach
22 eligibility, not exceeding two (2) months.

23 (b) An individual who becomes a member of the Teachers'
24 Retirement System on or after July 1, 1967 November 1, 2017, shall

1 be employed by the public schools, state colleges or universities of
2 Oklahoma for a minimum of ~~five (5)~~ seven (7) years and be a
3 contributing member of the Teachers' Retirement System of Oklahoma
4 for a minimum of ~~five (5)~~ seven (7) years to qualify for monthly
5 retirement benefits from the Teachers' Retirement System of
6 Oklahoma.

7 (c) Any member with ~~five (5)~~ seven (7) or more years of
8 Oklahoma teaching service and whose accumulated contributions during
9 such period have not been withdrawn shall be given an indefinite
10 extension of membership beginning with the sixth year following his
11 or her last contributing membership and shall become eligible to
12 apply for retirement and be retired upon attaining age fifty-five
13 (55).

14 (2) An unclassified optional member who has retired or who
15 retires at sixty-two (62) years of age or older or whose retirement
16 is because of disability shall have his or her minimum retirement
17 benefits calculated on an average salary of Five Thousand Three
18 Hundred Fifty Dollars (\$5,350.00) or, if a larger monthly allowance
19 would result, an amount arrived at pursuant to application of the
20 formula prescribed herein.

21 (3) No member shall receive a lesser retirement benefit than he
22 or she would have received under the law in effect at the time he or
23 she retired. Any individual under the Teachers' Retirement System,
24 who through error in stating the title of the position which he or

1 she held, may, at the discretion of the Board of Trustees, be
2 changed from the nonclassified optional group to the classified
3 group for the purpose of calculating retirement benefits.

4 Any individual regardless of residence, who has a minimum of ten
5 (10) years of teaching in Oklahoma schools prior to July 1, 1943, or
6 who taught in Oklahoma schools prior to 1934 and thereafter taught a
7 minimum of ten (10) years and who does not qualify under the present
8 retirement System, or who has a minimum of thirty (30) years of
9 teaching in Oklahoma schools and has reached seventy (70) years of
10 age prior to July 1, 1984, and is not otherwise eligible to receive
11 any benefits from the retirement system shall receive a minimum of
12 One Hundred Fifty Dollars (\$150.00) per month in retirement benefits
13 from the Teachers' Retirement System of Oklahoma plus any general
14 increase in benefits for annuitants as may be provided hereafter by
15 the Legislature. Each individual must apply to the Teachers'
16 Retirement System for such benefit and provide evidence to the
17 Teachers' Retirement System that the service was actually rendered.
18 The surviving spouse of any person who made application for the
19 benefit provided for by this paragraph during his or her lifetime
20 but did not receive said benefit may submit an application to the
21 System for payment of said benefit for those months during the
22 lifetime of the deceased person that he or she was eligible for but
23 did not receive the benefit. Upon approval of the application by
24

1 the Board of Trustees, the benefit shall be paid to the surviving
2 spouse in one lump sum.

3 (4) The value of each year of prior service is the total
4 monthly retirement benefit divided by the number of years of
5 creditable service.

6 (5) Upon application of a member who is actively engaged in
7 teaching in Oklahoma or his or her employer, any member who has been
8 a contributing member for ten (10) years may be retired by the Board
9 of Trustees subsequent to the execution and filing thereof, on a
10 disability retirement allowance, provided that it is found by the
11 Board of Trustees after medical examination of such member by a duly
12 qualified physician that such member is mentally or physically
13 incapacitated for further performance of duty, that such incapacity
14 is likely to be permanent, and that such member should be retired.
15 The Board of Trustees shall give due consideration to the
16 conclusions and recommendations in the certified written report of
17 the Medical Board of the Teachers' Retirement System regarding the
18 disability application of such member. If a member is determined to
19 be eligible for disability benefits pursuant to the Social Security
20 System, then such determination shall entitle the member to the
21 authorized disability retirement allowance provided by law. For
22 members who are not eligible for disability benefits pursuant to the
23 Social Security System, the Board of Trustees shall apply the same
24 standard for which provision is made in the first two sentences of

1 this subsection for determining the eligibility of a person for such
2 disability benefits in making a determination of eligibility for
3 disability benefits as authorized by this subsection.

4 (6) (a) A member who at the time of retirement has been found
5 to be permanently physically or mentally incapacitated to perform
6 the necessary duties to continue in his or her current position
7 shall receive a minimum monthly retirement payment for life or until
8 such time as the member may be found to be recovered to the point
9 where he or she may return to teaching. Any member retired before
10 July 1, 1992, shall be eligible to receive the monthly retirement
11 allowance herein provided, but such payment shall not begin until
12 the first payment due him or her after July 1, 1992, and shall not
13 be retroactive. The Board of Trustees is empowered to make such
14 rules and regulations as it considers proper to preserve equity in
15 retirements under this provision, which shall include a provision to
16 protect the rights of the member's spouse.

17 (b) A member who has qualified for retirement benefits under
18 disability retirement shall have the total monthly payment deducted
19 from his or her accumulated contributions plus interest earned and
20 any money remaining in the member's account after the above
21 deductions at the death of the member shall be paid in a lump sum to
22 the beneficiary or to the estate of the member. Provided, if the
23 deceased disabled member had thirty (30) years or more of creditable
24 service and the death occurred after June 30, 1981, and death

1 occurred prior to the disabled member receiving twelve monthly
2 retirement payments, a surviving spouse may elect to receive the
3 retirement benefit to which the deceased member would have been
4 entitled at the time of death under the Option 2 Plan of Retirement
5 provided for in subsection (8) of this section in lieu of the death
6 benefit provided for in this subsection and in subsection (12) of
7 this section.

8 (c) Once each year the Board of Trustees may require any
9 disabled annuitant who has not yet attained the age of sixty (60)
10 years to undergo a medical examination, such examination to be made
11 at the place of residence for the disabled annuitant or other place
12 mutually agreed upon by a physician or physicians designated by the
13 Board of Trustees. Should any disabled annuitant who has not yet
14 attained the age of sixty (60) years refuse to submit to at least
15 one medical examination in any such year by a physician or
16 physicians designated by the Board of Trustees his or her allowance
17 may be discontinued until he or she submits to such examination.

18 (d) Should the Medical Board report and certify to the Board of
19 Trustees that such disabled annuitant is engaged in or is able to
20 engage in a gainful occupation paying more than the difference
21 between his or her retirement allowance and the average final
22 compensation, and should the Board of Trustees concur in such report
23 then the amount of his or her pension shall be reduced to an amount
24 which, together with his or her retirement allowance and that amount

1 | earnable by him or her, shall equal the amount of his or her average
2 | final compensation. Should his or her earning capacity be later
3 | increased, the amount of his or her pension may be further modified,
4 | provided the new pension shall not exceed that amount of the pension
5 | originally granted nor an amount, which when added to the amount
6 | earnable by the member, together with his or her annuity, equals the
7 | amount of his or her average final compensation.

8 | (e) Should a disabled annuitant be restored to active service,
9 | his or her disability retirement allowance shall cease and he or she
10 | shall again become a member of the Teachers' Retirement System and
11 | shall make regular contributions as required under this article.
12 | The unused portion of his or her accumulated contributions shall be
13 | reestablished to his or her credit in the Teachers' Savings Fund.
14 | Any such prior service certificates on the basis of which his or her
15 | service was computed at the time of his or her retirement shall be
16 | restored to full force and effect.

17 | (7) Should a member before retirement under Section 1-101 et
18 | seq. of this title make application for withdrawal duly filed with
19 | the System, not earlier than four (4) months after the date of
20 | termination of such service as a teacher, the contribution standing
21 | to the credit of his or her individual account in the Teachers'
22 | Savings Fund shall be paid to him or her or, in the event of his or
23 | her death before retirement, shall be paid to such person or persons
24 | as he or she shall have nominated by written designation, duly

1 executed and filed with the System; provided, however, if there be
2 no designated beneficiary surviving upon such death, such
3 contributions shall be paid to his or her administrators, executors,
4 or assigns, together with interest as hereinafter provided. In lieu
5 of a lump-sum settlement at the death of the member, the amount of
6 money the member has on deposit in the Teachers' Savings Fund and
7 the money the member has on deposit in the Teachers' Deposit Fund
8 may be paid in monthly payments to a designated beneficiary, who
9 must be the spouse, under the Maximum or Option 1 Plan of Retirement
10 providing the monthly payment shall be not less than Twenty-five
11 Dollars (\$25.00) per month. The monthly payment shall be the
12 actuarial equivalent of the amount becoming due at the member's
13 death based on the sex of the spouse and the age the spouse has
14 attained at the last birthday prior to the member's death. Provided
15 further, if there be no designated beneficiary surviving upon such
16 death, and the contributions standing to the credit of such member
17 do not exceed Two Hundred Dollars (\$200.00), no part of such
18 contributions shall be subject to the payment of any expense of the
19 last illness or funeral of the deceased member or any expense of
20 administration of the estate of such deceased and the System, upon
21 satisfactory proof of the death of such member and of the name or
22 names of the person or persons who would be entitled to receive such
23 contributions under the laws of descent and distribution of the
24 state, may authorize the payment of accumulated contributions to

1 such person or persons. A member terminating his or her membership
2 by withdrawal after June 30, 2003, shall have the interest computed
3 at a rate of interest determined by the System and paid to him or
4 her subject to the following schedule:

5 (a) If termination occurs within sixteen (16) years from the
6 date membership began, fifty percent (50%) of such interest
7 accumulations shall be paid.

8 (b) With at least sixteen (16) but less than twenty-one (21)
9 years of membership, sixty percent (60%) of such interest
10 accumulations shall be paid.

11 (c) With at least twenty-one (21) but less than twenty-six (26)
12 years of membership, seventy-five percent (75%) of such interest
13 accumulations shall be paid.

14 (d) With at least twenty-six (26) years of membership, ninety
15 percent (90%) of such interest accumulations shall be paid.

16 In case of death of an active member, the interest shall be
17 calculated and restored to the member's account and paid to his or
18 her beneficiary.

19 (8) (a) In lieu of his or her retirement allowance payable
20 throughout life for such an amount as determined under this section,
21 the member may select a retirement allowance for a reduced amount
22 payable under any of the following options the present value of
23 which is the actuarial equivalent thereof.

1 (b) A member may select the option under which he or she
2 desires to retire at the end of the school year in which he or she
3 attains age seventy (70) and the option shall be binding and cannot
4 be changed. Provided further that if a member retires before age
5 seventy (70), no election of an option shall be effective in case an
6 annuitant dies before the first payment due under such option has
7 been received.

8 (c) The first payment of any benefit selected shall be made on
9 the first day of the month following approval of the retirement by
10 the System. If the named designated beneficiary under Option 2 or 3
11 dies at any time after the member's retirement date, but before the
12 death of the member, the member shall return to the retirement
13 benefit, including any postretirement benefit increases the member
14 would have received had the member not selected Option 2 or 3 of
15 this subsection. The benefit shall be determined at the date of
16 death of the designated beneficiary or July 1, 1994, whichever is
17 later. This increase shall become effective the first day of the
18 month following the date of death of the designated beneficiary or
19 July 1, 1994, whichever is later, and shall be payable for the
20 member's remaining lifetime. The member shall notify the Teachers'
21 Retirement System of Oklahoma of the death of the designated
22 beneficiary in writing. In the absence of the written notice being
23 filed by the member notifying the Teachers' Retirement System of
24 Oklahoma of the death of the designated beneficiary within six (6)

1 months of the date of death, nothing in this subsection shall
2 require the Teachers' Retirement System of Oklahoma to pay more than
3 six (6) months of retrospective benefits increase.

4 Option 1. If he or she dies before he or she has received in
5 annuity payments the present value of his or her annuity as it was
6 at the time of his or her retirement, the balance shall be paid to
7 his or her legal representatives or to such person as he or she
8 shall nominate by written designation duly acknowledged and filed
9 with the System at the time of his or her retirement; or

10 Option 2. A member takes a reduced retirement allowance for
11 life. Upon the death of the member the payments shall continue to
12 the member's designated beneficiary for the life of the beneficiary.
13 The written designation of the beneficiary must be duly acknowledged
14 and filed with the System at the time of the member's retirement
15 and, except as provided in paragraph (e) of this subsection, cannot
16 be changed after the effective date of the member's retirement; or

17 Option 3. A member receives a reduced retirement allowance for
18 life. Upon the death of the member one-half (1/2) of the retirement
19 allowance paid the member shall be continued throughout the life of
20 the designated beneficiary. A written designation of a beneficiary
21 must be duly acknowledged and filed with the System at the time of
22 the member's retirement and, except as provided in paragraph (e) of
23 this subsection, cannot be changed after the effective date of the
24 member's retirement; or

1 Option 4. Some other benefit or benefits shall be paid either
2 to the member or to such person or persons as he or she shall
3 nominate, provided such other benefit or benefits, together with the
4 reduced retirement allowance, shall be certified by the actuary to
5 be of equivalent actuarial value to his or her retirement allowance
6 and shall be approved by the System.

7 (d) Provided that Option 2 and Option 3 shall not be available
8 if the member's expected benefit is less than fifty percent (50%) of
9 the lump-sum actuarial equivalent and the designated beneficiary is
10 not the spouse of the member.

11 (e) A member who chose the maximum retirement benefit plan at
12 the time of retirement may make a one-time election to choose either
13 Option 2 or 3 and name the member's spouse as designated beneficiary
14 if the member marries after making the initial election. Such an
15 election shall be made by July 1, 2011, or within one (1) year of
16 the date of marriage, whichever is later. The member shall provide
17 proof of a member's good health before the Board of Trustees will
18 permit a change to either Option 2 or 3 and the naming of a
19 designated beneficiary. A medical examination conducted by a
20 licensed physician is required for purposes of determining good
21 health. Such examination must be approved by the Medical Board.
22 The member shall be required to provide proof of age for the new
23 beneficiary. The Board of Trustees shall adjust the monthly benefit
24 to the actuarially equivalent amount based on the new designated

1 beneficiary's age. The Board of Trustees shall promulgate rules to
2 implement the provisions of this subsection.

3 (f) A member who retires after the effective date of this act
4 and has selected a retirement allowance for a reduced amount payable
5 under one of the options provided for in this subsection may make a
6 one-time irrevocable election to select a different option within
7 sixty (60) days of the member's retirement date. The beneficiary
8 designated by the member at the time of retirement shall not be
9 changed if the member makes the election provided for in this
10 paragraph.

11 (g) Any individual who is eligible to be a beneficiary of a
12 member under this subsection, and who is also a beneficiary of a
13 trust created under the Oklahoma Discretionary and Special Needs
14 Trust Act, Section 175.81 et seq. of Title 60 of the Oklahoma
15 Statutes, or a comparable Trust Act created under the laws of
16 another state, hereinafter collectively referred to as "Trust Acts",
17 may be a beneficiary under this subsection by having the trustee of
18 the trust established for the benefit of that individual named as
19 the legal beneficiary under this subsection. The age of that
20 beneficiary shall be used for calculating any benefit payable to the
21 trust under this subsection. The beneficiary of such a trust shall
22 be treated as the beneficiary under this subsection except that
23 payments of any benefits due under this subsection shall be payable
24 to the lawfully appointed trustee of the trust. The obligation of

1 the System to pay the beneficiary under this subsection shall be
2 satisfied by payment to the trustee whom the System, in good faith,
3 believes to be the lawfully appointed trustee. Any conflict between
4 the statutes creating and governing the Teachers' Retirement System
5 in Section 17-101 et seq. of this title and the provisions of any
6 Trust Act referred to above shall be resolved in favor of the
7 statutes governing the System. If an eligible beneficiary is named
8 at the time of retirement, and becomes a beneficiary of a trust
9 under one of the Trust Acts described herein after that time, the
10 System will acknowledge the trust as the beneficiary upon the
11 submission of adequate documentation of the existence of the trust.
12 All other provisions of this subsection shall apply to these
13 subsequently created trusts.

14 (h) The Board of Trustees of the System may recognize other
15 trusts set up for the benefit of individuals otherwise eligible to
16 be named as a beneficiary under this subsection by administrative
17 rule if it can be done without undue additional administrative
18 expense of the System.

19 (9) The governing board of any "public school", as that term is
20 defined in Section 17-101 of this title, is hereby authorized and
21 empowered to pay additional retirement allowances or compensation to
22 any person who was in the employ of such public school for not less
23 than seven (7) school years preceding the date of his or her
24 retirement. Payments so made shall be a proper charge against the

1 current appropriation or appropriations of any such public school
2 for salaries for the fiscal year in which such payments are made.
3 Such payments shall be made in regular monthly installments in such
4 amounts as the governing board of any such public school, in its
5 judgment, shall determine to be reasonable and appropriate in view
6 of the length and type of service rendered by any such person to
7 such public school by which such person was employed at the time of
8 retirement. All such additional payments shall be uniform, based
9 upon the length of service and the type of services performed, to
10 persons formerly employed by such public school who have retired or
11 been retired in accordance with the provisions of Section 17-101 et
12 seq. of this title.

13 The governing board of any such public school may adopt rules
14 and regulations of general application outlining the terms and
15 conditions under which such additional retirement benefits shall be
16 paid, and all decisions of such board shall be final.

17 (10) In addition to the teachers' retirement herein provided,
18 teachers may voluntarily avail themselves of the Federal Social
19 Security Program upon a district basis.

20 (11) Upon the death of an in-service member, the System shall
21 pay to the designated beneficiary of the member or, if there is no
22 designated beneficiary or if the designated beneficiary predeceases
23 the member, to the estate of the member, the sum of Eighteen
24 Thousand Dollars (\$18,000.00) as a death benefit. Provided, if the

1 deceased member had ten (10) years or more of creditable service and
2 the death occurred after February 1, 1985, the member's designated
3 beneficiary may elect to receive the retirement benefit to which the
4 deceased member would have been entitled at the time of death under
5 the Option 2 plan of retirement in lieu of the death benefit
6 provided for in this subsection. Provided further, the option
7 provided in this subsection is only available when the member has
8 designated one individual as the designated beneficiary. The
9 beneficiary or beneficiaries of death benefits in the amount not to
10 exceed Eighteen Thousand Dollars (\$18,000.00), but exclusive of any
11 retirement benefit received by an electing beneficiary based upon
12 creditable service performed by the deceased member, which are
13 provided pursuant to this subsection may elect to disclaim such
14 death benefits in which case such benefits will be transferred to a
15 person licensed as a funeral director or to a lawfully recognized
16 business entity licensed as required by law to provide funeral
17 services for the deceased member. The qualified disclaimer must be
18 in writing and will be an irrevocable and an unqualified refusal to
19 accept all or a portion of the death benefit. It must be received
20 by the transferor no more than nine (9) months after the later of
21 the day the transfer creating the interest in the disclaiming person
22 is made or the day the disclaiming person attains age twenty-one
23 (21). The interest in the death benefits must pass without
24 direction by the disclaiming person to another person.

(12) Upon the death of an annuitant who has contributed to the System, the retirement system shall pay to the designated beneficiary of the annuitant or, if there is no designated beneficiary or if the designated beneficiary predeceases the annuitant, to the estate of the annuitant, the sum of Five Thousand Dollars (\$5,000.00) as a death benefit. The beneficiary or beneficiaries of benefits provided pursuant to this subsection may elect to disclaim such death benefits in which case such benefits will be transferred to a person licensed as a funeral director or to a lawfully recognized business entity licensed as required by law to provide funeral services for the deceased member. The qualified disclaimer must be in writing and will be an irrevocable and an unqualified refusal to accept all or a portion of the death benefit. It must be received by the transferor no more than nine (9) months after the later of the day the transfer creating the interest in the disclaiming person is made or the day the disclaiming person attains age twenty-one (21). The interest in the death benefits must pass without direction by the disclaiming person to another person. The benefit payable pursuant to this subsection shall be deemed, for purposes of federal income taxation, as life insurance proceeds and not as a death benefit if the Internal Revenue Service approves this provision pursuant to a private letter ruling request which shall be submitted by the board of trustees of the System for that purpose.

1 (13) Upon the death of a member who dies leaving no living
2 beneficiary or having designated his or her estate as beneficiary,
3 the System may pay any applicable death benefit, unpaid
4 contributions, or unpaid benefit which may be subject to probate, in
5 an amount of Twenty-five Thousand Dollars (\$25,000.00) or less,
6 without the intervention of the probate court or probate procedure
7 pursuant to Section 1 et seq. of Title 58 of the Oklahoma Statutes.

8 (a) Before any applicable probate procedure may be waived, the
9 System must be in receipt of the member's proof of death and the
10 following documents from those persons claiming to be the legal
11 heirs of the deceased member:

12 1. The member's valid last will and testament, trust
13 documents or affidavit that a will does not exist;

14 2. An affidavit or affidavits of heirship which must
15 state:

16 a. the names and signatures of all claiming heirs to
17 the deceased member's estate including the
18 claiming heirs' names, relationship to the
19 deceased, current addresses, tax I.D. numbers if
20 known and current telephone numbers,

21 b. a statement or statements by the claiming heirs
22 that no application or petition for the
23 appointment of a personal representative is
24 pending or has been granted in any jurisdiction,

1 c. a description of the personal property claimed,
2 (i.e., death benefit or unpaid contributions or
3 both) together with a statement that such
4 personal property is subject to probate,

5 d. a statement by each individual claiming heir
6 identifying the amount of personal property that
7 the heir is claiming from the System, and that
8 the heir has been notified of, is aware of and
9 consents to the identified claims of all the
10 other claiming heirs of the deceased member
11 pending with the System;

12 3. A written agreement or agreements signed by all
13 claiming heirs of the deceased member which provides
14 that the claiming heirs release, discharge and hold
15 harmless the System from any and all liability,
16 obligations and costs which it may incur as a result
17 of making a payment to any of the deceased member's
18 heirs;

19 4. A corroborating affidavit from an individual other
20 than a claiming heir, who was familiar with the
21 affairs of the deceased member;

22 5. Proof that all debts of the deceased member, including
23 payment of last sickness, hospital, medical, death,
24

1 funeral and burial expenses have been paid or provided
2 for.

3 (b) The Executive Director of the System shall retain complete
4 discretion in determining which requests for probate waiver may be
5 granted or denied, for any reason. Should the System have any
6 question as to the validity of any document presented by the
7 claiming heirs, or as to any statement or assertion contained
8 therein, the probate requirement provided for in Section 1 et seq.
9 of Title 58 of the Oklahoma Statutes, shall not be waived.

10 (c) After paying any death benefits or unpaid contributions to
11 any claiming heirs as provided pursuant to this subsection, the
12 System is discharged and released from any and all liability,
13 obligation and costs to the same extent as if the System had dealt
14 with a personal representative of the deceased member. The System
15 is not required to inquire into the truth of any matter specified in
16 this subsection or into the payment of any estate tax liability.

17 (14) Upon the death of a retired member, the benefit payment
18 for the month in which the retired member died, if not previously
19 paid, shall be made to the beneficiary of the member or to the
20 member's estate if there is no beneficiary. Such benefit payment
21 shall be made in an amount equal to a full monthly benefit payment
22 regardless of the day of the month in which the retired member died.

1 SECTION 20. REPEALER 70 O.S. 2011, Section 17-105, as
2 last amended by Section 2, Chapter 48, O.S.L. 2017 (70 O.S. Supp.
3 2017, Section 17-105), is hereby repealed.

4 SECTION 21. REPEALER 70 O.S. 2011, Section 1210.508C, as
5 last amended by Section 1, Chapter 210, O.S.L. 2017 (70 O.S. Supp.
6 2017, Section 1210.508C), is hereby repealed.

7 SECTION 22. AMENDATORY 74 O.S. 2011, Section 166.7, as
8 last amended by Section 1, Chapter 126, O.S.L. 2017 (74 O.S. Supp.
9 2017, Section 166.7), is amended to read as follows:

10 Section 166.7 A. There is hereby created in the State Treasury
11 a revolving fund for the Commission on Rehabilitation Services, to
12 be designated the "Rehabilitation Services Disbursing Fund" provided
13 that the fund may be designated by fiscal year designations as the
14 Commission may determine. The fund shall be a continuing fund, not
15 subject to fiscal year limitations. The fund shall consist of
16 receipts from the federal government, monies appropriated to the
17 State Department of Rehabilitation Services by the State
18 Legislature, and other receipts of the State Department of
19 Rehabilitation Services as shall be directed by the Commission for
20 Rehabilitation Services. All monies accruing to the credit of the
21 fund are hereby appropriated and may be budgeted and expended by the
22 Commission for Rehabilitation Services as may be necessary in order
23 to carry out the duties imposed upon the Commission by law.
24 Expenditures from the Rehabilitation Services Disbursing Fund shall

1 be made upon warrants issued by the State Treasurer against claims
2 filed as prescribed by law with the Director of the Office of
3 Management and Enterprise Services for approval and payment.

4 B. Appropriations, federal monies or any other monies collected
5 by or for the Department and monies from the current and prior
6 fiscal years may be transferred to and between the agency disbursing
7 funds for the current or prior fiscal years, the Medical and
8 Assistance Funds and any other funds authorized for the use by the
9 Department as necessary to carry out the duties of the Commission.
10 All transfer requests shall be in writing to the Office of
11 Management and Enterprise Services. Such monies transferred shall
12 be included in the Department's budget work program. The Department
13 shall maintain records of the transfers.

14 C. Receipt and expenditure of unanticipated federal funds
15 awarded to the Department after the commencement of the fiscal year
16 shall be exempt from expenditure limitations, provided that any such
17 funds are included in the Department's budget work program.

18 D. The Director of the Department may request through the
19 Director of the Office of Management and Enterprise Services the
20 early transfer by the Oklahoma Tax Commission of tax collection to
21 the General Revenue Fund for the purpose of early allocation to the
22 Department's disbursing funds to alleviate cash-flow problems.

23 E. The Department of Rehabilitation Services may direct all or
24 a portion of federal and state funds received and appropriated for

1 services to Older Individuals who are Blind (OIB) to qualified
2 community-based, nonprofit organizations accredited by the National
3 Accreditation Council for Blind and Low Vision Services to
4 administer, pursuant to contract, services for older individuals
5 with vision impairments including, but not limited to, assisting in
6 correcting or modifying visual disabilities including optical vision
7 aids, in-home training, orientation and mobility, Braille
8 instruction, adaptive skills training, information and referral,
9 peer counseling and other appropriate services designed to assist an
10 older individual who is blind with daily living activities.

11 F. Funds received by the Commission for OIB Rehabilitation
12 Services from the federal Rehabilitation Services Administration and
13 state matching funds may, in their entirety, be used to fund the
14 Independent Living Older Blind program as established in The
15 Rehabilitation Act of 1973, as amended.

16 G. Services provided by qualified Older Independent Blind
17 contractors may be dependent upon budget parameters and staffing.

18 SECTION 23. REPEALER 74 O.S. 2011, Section 166.7, as
19 last amended by Section 1, Chapter 321, O.S.L. 2017 (74 O.S. Supp.
20 2017, Section 166.7), is hereby repealed.

21 SECTION 24. Sections 13 and 14 of this act shall become
22 effective October 1, 2018.

23 SECTION 25. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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