

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 338

By: Paxton and Bergstrom of the  
Senate

and

Hill of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 2-105, which relates to Highway Patrol personnel; modifying various requirements for appointment to positions in the Oklahoma Highway Patrol; modifying restrictions for certain employees regarding the holding of public office and participating in campaigns; modifying grounds for removal of commissioned officers; updating statutory language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-105, is amended to read as follows:

Section 2-105. A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, shall appoint:

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol

1 Division with the rank of Lieutenant Colonel, and subordinate  
2 officers and employees of the Oklahoma Highway Patrol Division,  
3 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
4 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
5 Division of the Department of Public Safety; provided, any officer  
6 appointed to a commissioned position prescribed in this paragraph  
7 which is unclassified pursuant to Section 840-5.5 of Title 74 of the  
8 Oklahoma Statutes shall have a right of return to the highest  
9 previously held classified commissioned position within the Oklahoma  
10 Highway Patrol Division of the Department of Public Safety without  
11 any loss of rights, privileges or benefits immediately upon  
12 completion of the duties in the unclassified commissioned position;

13 2. A Captain, Lieutenants, and Patrolmen who shall comprise the  
14 Marine Enforcement Section of the Oklahoma Highway Patrol Division  
15 of the Department of Public Safety;

16 3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
17 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
18 of the Department of Public Safety; and

19 4. Communications Coordinators, Communications Superintendents,  
20 Communications Supervisors, Communications Dispatchers, Radio  
21 Technicians and Tower Maintenance Officers who shall comprise the  
22 Communications Division of the Department of Public Safety.

23 B. ~~1. The Commissioner, when appointing commissioned officers~~  
24 ~~and employees to the positions set out in subsection A of this~~

~~section, shall determine, in consultation with the Director of the Office of Management and Enterprise Services, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner.~~

~~2. No person shall be appointed to any position set out in subsection A of this section unless the person is a citizen of the United States of America, of good moral character, and:~~

~~a. for commissioned officer positions, shall be at least twenty-one (21) years of age but less than forty-six (46) years of age, and shall possess:~~

- ~~(1) an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions, or~~
- ~~(2) shall have successfully completed thirty-two (32) semester hours from an accredited college or~~

~~university as denoted in the Database of  
Accredited Postsecondary Institutions and  
Programs provided by the U.S. Department of  
Education and whose hours are transferable  
between such recognized institutions and have  
three (3) years of honorable active military or  
reserve military service,~~

~~b. applicants with prior military service, shall receive  
up to ten (10) semester hours for each year of  
honorable service in any active military or reserve  
military service up to a maximum of three (3) years or  
thirty (30) semester hours, and~~

~~c. for any such position in the Communications Division,  
a person shall be at least eighteen (18) years of age  
and shall possess a high school diploma or General  
Educational Development equivalency certificate.~~

~~3. No commissioned officer of the Department shall, while in  
such position, be a candidate for any political office or take part  
in or contribute any money or other thing of value, directly or  
indirectly, to any political campaign or to any candidate for public  
office. Anyone convicted of violating the provisions of this  
paragraph shall be guilty of a misdemeanor and shall be punished as  
provided by law.~~

1       ~~4. The Commissioner or any employee of the Department shall not~~  
2 ~~be a candidate for any political office, or in any way be active or~~  
3 ~~participate in any political contest of any Primary, General, or~~  
4 ~~Special Election, except to cast a ballot. No commissioned officer~~  
5 ~~of the Department, while in the performance of the officer's~~  
6 ~~assigned duty of providing security and protection, shall be~~  
7 ~~considered as participating in a political campaign. The provisions~~  
8 ~~of this paragraph shall not be construed to preclude a commissioned~~  
9 ~~officer of the Oklahoma Highway Patrol Division of the Department of~~  
10 ~~Public Safety from being a candidate for a position on a local board~~  
11 ~~of education.~~

12       ~~5. Drunkenness or being under the influence of intoxicating~~  
13 ~~substances shall be sufficient grounds for the removal of any~~  
14 ~~commissioned officer of the Department, in and by the manner~~  
15 ~~provided for in this section.~~

16       No person shall be appointed to any position set out in  
17 subsection A of this section unless the person is a citizen of the  
18 United States and of good moral character. The Commissioner shall  
19 determine minimum qualifications for all positions set out in  
20 subsection A of this section, provided such qualifications shall  
21 include, but are not limited to, the following:

22       1. For commissioned officer positions:

23           a. appointees shall be selected only after examination to  
24           determine physical and mental fitness for such

1           positions. The examination criteria shall be  
2           prescribed by the Commissioner,

3       b. appointees shall be at least twenty-one (21) years of  
4       age but less than forty-six (46) years of age,

5       c. prior to receiving a commission, all such appointees  
6       shall satisfactorily complete a course of training in  
7       operations and procedures as prescribed by the  
8       Commissioner, and

9       d. prior to receiving a commission, all such appointees  
10       shall possess an associate's degree or a minimum of  
11       sixty-two (62) successfully completed semester hours  
12       from an accredited college or university as denoted in  
13       the Database of Accredited Postsecondary Institutions  
14       and Programs provided by the U.S. Department of  
15       Education and whose hours are transferable between  
16       such recognized institutions. Prior years of military  
17       or law enforcement service shall qualify as a  
18       substitute for the educational requirement, up to a  
19       maximum of thirty (30) semester hours, for any  
20       combination of the following:

21       (1) ten (10) semester hours for each year of  
22       honorable service in any active military or  
23       reserve military service,

- 1           (2) ten (10) semester hours for each year the  
2           appointee worked as a paid, full-time, CLEET-  
3           certified law enforcement officer of a law  
4           enforcement agency within the State of Oklahoma,  
5           or  
6           (3) ten (10) semester hours for each year the  
7           appointee worked as a paid, full-time sworn law  
8           enforcement officer certified by a state peace  
9           officer standards and training agency as a peace  
10           officer in another state, or any officer who has  
11           been certified as a federal peace officer by a  
12           CLEET-recognized law enforcement agency; and

13       2. Any person appointed to a position in the Communications  
14       Division shall be at least eighteen (18) years of age and shall  
15       possess a high school diploma or General Educational Development  
16       equivalency certificate.

17       C. 1. Upon initial appointment to the position of Cadet  
18 Highway Patrolman or Probationary Communications Dispatcher, the  
19 appointed employee shall be required to serve an initial  
20 probationary period of twelve (12) months. The Commissioner may  
21 extend the probationary period for up to three (3) additional months  
22 provided that the employee and the Office of Management and  
23 Enterprise Services are notified in writing as to such action and  
24 the reasons thereof. During such probationary period, the employee

1 may be terminated at any time and for any reason at the discretion  
2 of the Commissioner. Retention in the service after expiration of  
3 the initial probationary period shall entitle such employee to be  
4 classified as a permanent employee and the employee shall be so  
5 classified. No permanent employee may be discharged or removed  
6 except as provided for in this section.

7 2. A commissioned officer of the Oklahoma Highway Patrol  
8 Division may be promoted during the initial probationary period if  
9 such officer satisfactorily completes all training requirements  
10 prescribed by the Commissioner.

11 D. 1. No commissioned officer of the Department shall be a  
12 candidate for any political office or take part in or contribute any  
13 money or other thing of value, directly or indirectly, to any  
14 political campaign or to any candidate for public office. Anyone  
15 convicted of violating the provisions of this paragraph shall be  
16 guilty of a misdemeanor and shall be punished as provided by law.

17 2. No commissioned officer of the Department, while in the  
18 performance of the officer's assigned duty of providing security and  
19 protection, shall be considered as participating in a political  
20 campaign. The provisions of this paragraph shall not be construed  
21 to preclude a commissioned officer of the Oklahoma Highway Patrol  
22 Division of the Department of Public Safety from being a candidate  
23 for a position on a local board of education.  
24



1       3. The Commissioner or any employee of the Department shall not  
2 be a candidate for any political office, or in any way be active or  
3 participate in any political contest of any Primary, General, or  
4 Special Election, except to cast a ballot.

5       E. Drunkenness or being under the influence of intoxicating  
6 substances shall be sufficient grounds for the removal of any  
7 commissioned officer of the Department, as provided for in this  
8 section.

9       F. 1. No permanent employee, as provided for in this section,  
10 who is a commissioned officer of the Department, may be suspended  
11 without pay or dismissed unless the employee has been notified in  
12 writing by the Commissioner of such intended action and the reasons  
13 thereof. No such notice shall be given by the Commissioner unless  
14 sworn charges or statements have been obtained to justify the  
15 action.

16       2. Whenever such charges are preferred, the Commissioner may  
17 suspend the accused pending the hearing and final determination of  
18 such charges. If the charges are not sustained in whole or in part,  
19 the accused shall be entitled to pay during the period of such  
20 suspension. If the charges are sustained in whole or in part, the  
21 accused shall not receive any pay for the period of such suspension.

22       3. Commissioned officers of the Department of Public Safety are  
23 not entitled to appeal intra-agency transfer to the Oklahoma Merit  
24 Protection Commission pursuant to the Oklahoma Personnel Act unless

1 the transfer is in violation of Section 840-2.5 or 840-2.9 of Title  
2 74 of the Oklahoma Statutes.

3 4. The Department of Public Safety shall follow the uniform  
4 grievance procedure established and adopted by the Office of  
5 Management and Enterprise Services for permanent classified  
6 employees, except for those employees who are commissioned officers  
7 of the Department. The Department of Public Safety shall establish  
8 and adopt a proprietary grievance procedure for commissioned  
9 officers of the Department which is otherwise in compliance with the  
10 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

11 ~~F.~~ G. 1. The Commissioner is hereby authorized to purchase and  
12 issue uniforms and necessary equipment for all commissioned officers  
13 of the Oklahoma Highway Patrol Division of the Department. All  
14 uniforms and equipment shall be used only in the performance of the  
15 official duties of such officers and shall remain the property of  
16 the Department, except as provided in Section 2-150 of this title.

17 2. Each commissioned officer of the Highway Patrol Division of  
18 the Department of Public Safety shall be entitled to reimbursement  
19 of expenses pursuant to the State Travel Reimbursement Act while  
20 away from the assigned area of the officer as designated by the  
21 Chief of the Oklahoma Highway Patrol Division, when such expense is  
22 incurred in the service of the state.

23 ~~F.~~ H. 1. The positions with the rank of Colonel and Lieutenant  
24 Colonel of the Oklahoma Highway Patrol Division shall be filled from

1 the body of commissioned officers of the Oklahoma Highway Patrol  
2 Division and appointment to said ~~position~~ positions shall be based  
3 on qualifications, previous record as a commissioned officer of the  
4 Oklahoma Highway Patrol Division, length of service, years of  
5 experience within the Oklahoma Highway Patrol Division or other  
6 service as prescribed in this subsection, and efficiency of service  
7 performed.

8 2. In addition to the requirements of paragraph 1 of this  
9 subsection, the position of Chief of the Oklahoma Highway Patrol  
10 Division shall be based on one of the following:

11 a. one (1) year of experience in any combination:

- 12 (1) as Commissioner of Public Safety,
- 13 (2) as Assistant Commissioner of Public Safety, or
- 14 (3) as Assistant Chief,

15 b. two (2) years of experience in any combination:

- 16 (1) as Deputy Chief or higher rank, or
- 17 (2) if the experience was prior to April 21, 2006, as  
18 Major or higher rank,

19 c. four (4) years of experience in any combination:

- 20 (1) as Major or higher rank, or
- 21 (2) if the experience was prior to April 21, 2006, as  
22 Captain or higher rank, or

23 d. six (6) years of experience in any combination:

- 24 (1) as Captain or higher rank, or

1 (2) if the experience was prior to April 21, 2006, as  
2 First Lieutenant or higher rank.

3 3. In addition to the requirements of paragraph 1 of this  
4 subsection, the position of Deputy Chief of the Oklahoma Highway  
5 Patrol Division shall be based on one of the following:

6 a. one (1) year of experience in any combination:

7 (1) as Commissioner of Public Safety,

8 (2) as Assistant Commissioner of Public Safety, or

9 (3) as Colonel,

10 b. two (2) years of experience in any combination:

11 (1) as Major or higher rank, or

12 (2) if the experience was prior to April 21, 2006, as  
13 Captain or higher rank, or

14 c. four (4) years of experience in any combination:

15 (1) as Captain or higher rank, or

16 (2) if the experience was prior to April 21, 2006, as  
17 Highway Patrol First Lieutenant or higher rank.

18 ~~G.~~ I. The Commissioner of Public Safety is hereby authorized to  
19 send employees of the Department of Public Safety to schools such as  
20 Northwestern University Center for Public Safety, Southern Police  
21 Institute, the FBI National Academy, the Institute of Police  
22 Technology and Management, or to any other schools of similar  
23 training which would be conducive to improving the efficiency of the  
24 Oklahoma Highway Patrol Division and the Department of Public

1 Safety. While an employee is attending a school, the Commissioner  
2 is authorized to permit the employee to use a state-owned vehicle  
3 and to use a fuel-purchasing card for any expenses related to the  
4 operation of the vehicle. In addition, while an employee is  
5 attending the FBI National Academy, a one-time expense allowance of  
6 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room  
7 and board, and other related expenses shall be paid to the employee  
8 by the Department; provided, the employee shall not be further  
9 compensated through the State Travel Reimbursement Act, and, if any  
10 other agency reimburses the employee for any expenses, the  
11 reimbursement shall be given to the Department. All purchases made  
12 by the employee with the expense allowance shall be considered  
13 property of the employee.

14 ~~H.~~ J. 1. Any former commissioned officer of the Department  
15 whose separation from the Department was at such officer's own  
16 request and not a result of such officer's own actions contrary to  
17 the policy of the Department or was not as a result of the  
18 retirement of that officer from the Department may make application  
19 for reinstatement as a commissioned officer of the division or  
20 section of the Department in which such officer was previously  
21 employed, provided such reinstated officer will be able to complete  
22 twenty (20) years of credited service by the time the reinstated  
23 officer reaches sixty-two (62) years of age. The Commissioner may  
24 waive the requirements of possessing the number of semester hours or

1 degree as required in subsection B of this section for any former  
2 commissioned officer making application for reinstatement as a  
3 commissioned officer of the Department. The Commissioner may  
4 require the applicant for reinstatement to attend selected courses  
5 of instruction, as prescribed by the Commissioner.

6 2. In the event of future hostilities wherein the Congress of  
7 the United States declares this nation in a state of war with a  
8 foreign nation, including military service brought about by the  
9 Vietnam War, any period of military service served by a commissioned  
10 officer of the Department shall be considered as continued service  
11 with such Department, provided such commissioned officer returns to  
12 duty with the Department within sixty (60) days after release from  
13 military service.

14 SECTION 2. This act shall become effective July 1, 2022.

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

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20 58-2-11340 JBH 04/12/22  
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