1 SENATE FLOOR VERSION April 4, 2023 2 AS AMENDED 3 ENGROSSED HOUSE BILL NO. 1839 By: Kerbs of the House 4 and 5 Hall of the Senate 6 7 [motor vehicles - Service Oklahoma - transfer of 8 property - transfer of personnel - effective date | 9 10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 11 12 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-106, as amended by Section 28, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, 13 Section 2-106), is amended to read as follows: 14 Section 2-106. A. There are hereby established in Service 15 Oklahoma the Driver License Services Division and other such 16 divisions as the Executive Director of Service Oklahoma may direct. 17 There are also hereby established in the Department of Public Safety 18 the Driver Compliance Division and such other divisions as the 19 Commissioner of Public Safety may direct. 20 The Driver License Services Division shall consist of В. 21 noncommissioned classified employees of Service Oklahoma who may 22 administer tests for the purpose of issuing driver licenses pursuant 23 to Section 6-101 et seq. of this title.

1	C. Any employee appointed to the position of Driver License
2	Examiner shall be not less than twenty-one (21) nor more than sixty-
3	five (65) years of age and any person appointed to the position of
4	Senior Driver License Examiner shall have held the position of
5	Driver License Examiner with the Department or Service Oklahoma for
6	not less than three (3) years immediately preceding such
7	appointment.

- D. 1. Any person appointed to any position created pursuant to this section shall:
 - a. be a citizen of the State of Oklahoma,
 - b. be of good moral character,
 - c. possess a high school diploma or General Educational

 Development equivalency certificate, and
 - d. meet physical and mental standards as the Executive
 Director of Service Oklahoma may prescribe. The scope of the physical and mental examinations for persons appointed as a Driver License Examiner or Senior
 Driver License Examiner shall be as prescribed by the Executive Director of Service Oklahoma.
- 2. Any person appointed to the position of Driver License Examiner shall be required to <u>satisfactorily</u> complete <u>satisfactorily</u> a course of training as prescribed by the <u>Executive</u> Director of Service Oklahoma.

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

- F. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.
- SECTION 2. AMENDATORY 47 O.S. 2021, Section 2-108.3, as amended by Section 29, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 2-108.3), is amended to read as follows:
- Section 2-108.3 A. In an effort to improve the public safety of all citizens of this state, a more uniform and expeditious method of obtaining ownership and registration information of all motor vehicles operating on the roads and highways of this state is required. Any method developed shall be conducted in accordance with subsection B of this section.
- B. In addition to the powers and duties prescribed by law, the

 Executive Director of Service Oklahoma shall be authorized to direct

 Service Oklahoma to develop a proposal for an intergovernmental

 cooperative agreement pursuant to paragraph 1 of subsection D of

 Section 1221 of Title 74 of the Oklahoma Statutes between Service

 Oklahoma and all tribal governments that issue tribal license plates

 and maintain ownership and registration information.

1 SECTION 3. AMENDATORY Section 1, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 3-101), is amended to read as 2 follows: 3 Section 3-101. A. Service Oklahoma, a division of the Office 4 5 of Management and Enterprise Services, is hereby created, which shall consist of the Executive Director of Service Oklahoma and such 6 divisions, sections, committees, offices, boards, and positions as 7 may be established by the Executive Director of Service Oklahoma or 9 by law. The applicable powers, duties, and responsibilities exercised by 10 the Driver License Services Division of the Department of Public 11 12 Safety shall be fully transferred to Service Oklahoma on November 1, 2022. All employees of the Department of Public Safety whose duties 13 are transferred under this act shall be transferred to Service 14 Oklahoma. 15 The applicable powers, duties, and responsibilities exercised by 16 the Motor Services Division of the Oklahoma Tax Commission shall be 17 fully transferred to Service Oklahoma on January 1, 2023. All 18 employees of the Oklahoma Tax Commission whose duties are 19 transferred under this act shall be transferred to Service Oklahoma. 20 B. 1. Beginning on the effective date of this act, Service 21 Oklahoma shall cease to be part of or a division of the Office of 22 Management and Enterprise Services and shall be deemed to be a 23

separate and distinct agency, to be known as Service Oklahoma.

- 1 Service Oklahoma and the Executive Director of Service Oklahoma
- 2 | shall continue to exercise their statutory powers, duties, and
- 3 | contractual responsibilities. All records, property, equipment,
- 4 assets, monies, financial interests, liabilities, matters pending,
- 5 and funds of the division shall be transferred to Service Oklahoma.
- 6 2. Service Oklahoma shall succeed to any contractual rights or
- 7 responsibilities incurred by the Office of Management and Enterprise
- 8 Services pertaining to licensed operators.
- 9 3. Rules promulgated by the Office of Management and Enterprise
- 10 | Services pertaining to Service Oklahoma that are in effect on the
- 11 effective date of this act shall be immediately adopted and enforced
- 12 by the Executive Director of Service Oklahoma. The Executive
- 13 Director maintains the authority to further promulgate and enforce
- 14 rules.
- 4. The Office of Management and Enterprise Services and Service
- 16 Oklahoma may enter into an agreement for the transfer of personnel
- 17 | from the Office of Management and Enterprise Services to Service
- 18 | Oklahoma. No employee shall be transferred to Service Oklahoma
- 19 except on the freely given written consent of the employee. All
- 20 employees who are transferred to Service Oklahoma shall not be
- 21 required to accept a lesser grade or salary than presently received.
- 22 All employees shall retain leave, sick, and annual time earned, and
- 23 any retirement and longevity benefits which have accrued during
- 24 | their tenure with the Office of Management and Enterprise Services.

- 1 The transfer of personnel between the state agencies shall be
 2 coordinated with the Office of Management and Enterprise Services.
- 3 5. The expenses incurred by Service Oklahoma as a result of the
- 4 transfer required by this subsection shall be paid by Service
- 5 Oklahoma.
- 6. The division within the Department known as Service Oklahoma
- 7 | shall be abolished by the Office of Management and Enterprise
- 8 | Services after the transfer has been completed.
- 9 7. The Office of Management and Enterprise Services shall
- 10 | coordinate the transfer of records, property, equipment, assets,
- 11 funds, allotments, purchase orders, liabilities, outstanding
- 12 | financial obligations, or encumbrances provided for in this
- 13 | subsection.
- 14 SECTION 4. AMENDATORY Section 2, Chapter 282, O.S.L.
- 15 | 2022 (47 O.S. Supp. 2022, Section 3-102), is amended to read as
- 16 | follows:
- 17 Section 3-102. As used in this act:
- 18 1. "Board" shall mean the Service Oklahoma Operator Board;
- 19 2. "Committee" shall mean the Licensed Operator Advisory
- 20 Committee;
- 3. "Executive Director" shall mean the chief executive officer
- 22 of Service Oklahoma;

- 4. "Good standing" shall mean a licensed operator is current on all required reporting and remittances and whose license is not under review for revocation by the Service Oklahoma Operator Board;
 - 5. "License" shall mean the authority granted by the Service Oklahoma Operator Board to an individual for purposes of operating a Service Oklahoma location;
 - 6. "Licensed operator" shall mean an individual who obtains a license from the Service Oklahoma Operator Board to operate a designated Service Oklahoma location and offers third-party fulfillment of designated services to be rendered by Service Oklahoma, as set forth in Section 1140 et seq. of Title 47 of the Oklahoma Statutes. Any reference to motor license agent in the Oklahoma Statutes shall mean licensed operator; and
 - 7. "Service Oklahoma location" shall mean any location where services offered by Service Oklahoma are provided including locations operated by either Service Oklahoma or pursuant to a license issued by Service Oklahoma.

Section 3, Chapter 282, O.S.L.

19 2022 (47 O.S. Supp. 2022, Section 3-103), is amended to read as 20 follows:

AMENDATORY

Section 3-103. A. The <u>Executive</u> Director of Service Oklahoma shall be appointed by the Governor with the advice and consent of the Senate. The <u>Executive</u> Director shall serve at the pleasure of the Governor and may be removed or replaced without cause.

SECTION 5.

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- 1 | Compensation for the Executive Director shall be determined pursuant
- $2 \mid$ to Section 3601.2 of Title 74 of the Oklahoma Statutes. The
- 3 | Executive Director may be removed from office by a two-thirds (2/3)
- 4 | vote of the members elected to and constituting each chamber of the
- 5 Oklahoma Legislature.
- 6 B. The Executive Director of Service Oklahoma shall be the
- 7 | chief executive officer of Service Oklahoma and shall act for
- 8 | Service Oklahoma in all matters except as may be otherwise provided
- 9 by law. The powers and duties of the Executive Director shall
- 10 | include, but not be limited to:
- 1. Organize Service Oklahoma in a manner to efficiently achieve
- 12 | the objectives of Service Oklahoma;
- 2. Supervise all activities of Service Oklahoma;
- 3. Administer programs and policies of Service Oklahoma;
- 4. Employ, discharge, appoint, contract, and fix duties and
- 16 compensation of employees at the discretion of the Executive
- 17 Director;
- 18 | 5. Appoint assistants, deputies, officers, investigators,
- 19 attorneys, and other employees as may be necessary to carry out
- 20 | functions of Service Oklahoma;
- 21 6. Prescribe rules and regulations for the operation of Service
- 22 Oklahoma;
- 7. Provide input and recommendations to the Service Oklahoma
- 24 Operator Board on all matters including branding and physical

- standardization requirements, customer service metrics, analysis, and improvement processes for licensed operators, and processes for termination of licensed operators for failure to comply with the customer service metrics;
 - 8. Establish internal policies and procedures;

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- 9. Prescribe and provide suitable forms deemed necessary to carry out the functions of Service Oklahoma and any other laws the enforcement and administration of which are vested in Service Oklahoma;
- 10. Establish such divisions, sections, committees, advisory committees, offices, and positions in Service Oklahoma as the Executive Director deems necessary to carry out the functions of Service Oklahoma;
- 11. Accept and disburse grants, allotments, gifts, devises, bequests, funds, appropriations, and other property made or offered to Service Oklahoma; and
- 12. Create the budget for Service Oklahoma to be submitted to the Legislature each year.
- C. The salary and other expenses for the Executive Director
 shall be budgeted as a separate line item through the Office of

 Management and Enterprise Services Service Oklahoma. The operating
 expenses of Service Oklahoma shall be set by the Executive Director
 and shall be budgeted as a separate line item through the Office of

 Management and Enterprise Services Service Oklahoma.

- D. 1. The <u>Executive</u> Director of Service Oklahoma shall direct all purchases, hiring, procurement, and budget for Service Oklahoma of the Office of Management and Enterprise Services and establish, implement, and enforce policies and procedures related thereto, consistent with the Oklahoma Central Purchasing Act. Service Oklahoma and the <u>Executive</u> Director shall be subject to the requirements of the Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act, and the Public Building Construction and Planning Act.
- 2. The Executive Director of Service Oklahoma, or any employee or agent of the Executive Director of Service Oklahoma acting within the scope of delegated authority, shall have the same power and authority related to purchases, hiring, procurement, and budget for Service Oklahoma as outlined in paragraph 1 of this subsection for Service Oklahoma as the State Purchasing Director has for all acquisitions used or consumed by state agencies as established in the Oklahoma Central Purchasing Act. Such authority shall, consistent with the authority granted to the State Purchasing Director pursuant to Section 85.10 of Title 74 of the Oklahoma Statutes, include the power to designate financial or proprietary information submitted by a bidder confidential and reject all requests to disclose the information so designated, if the Executive Director of Service Oklahoma requires the bidder to submit the

- 1 | financial or proprietary information with a bid, proposal, or
- 2 quotation.
- 3 SECTION 6. AMENDATORY Section 4, Chapter 282, O.S.L.
- 4 | 2022 (47 O.S. Supp. 2022, Section 3-104), is amended to read as
- 5 follows:
- 6 Section 3-104. A. There is hereby created the Service Oklahoma
- 7 Operator Board, which shall be an advisory body to the <u>Executive</u>
- 8 Director of Service Oklahoma and shall consist of nine (9) members
- 9 who shall each serve a term of two (2) years.
- B. The membership of the Board shall be comprised as follows:
- 11 1. Two members appointed by the Governor;
- 12 2. Two members appointed by the President Pro Tempore of the
- 13 | Oklahoma State Senate;
- 3. Two members appointed by the Speaker of the Oklahoma House
- 15 | of Representatives;
- 16 4. One member who shall be a licensed operator, currently in
- 17 | good standing with Service Oklahoma, who operates a Service Oklahoma
- 18 location in a county with a population of one hundred thousand
- 19 (100,000) or more, according to the latest Federal Decennial Census
- 20 data, who shall be appointed by the President Pro Tempore of the
- 21 | Senate;
- 22 5. One member who shall be a licensed operator, currently in
- 23 good standing with Service Oklahoma, who operates a Service Oklahoma
- 24 | location in a county with a population of less than one hundred

- 1 | thousand (100,000), according to the latest Federal Decennial Census
- 2 data, who shall be appointed by the Speaker of the House of
- 3 Representatives; and
- 4 6. One member who shall be the <u>Executive</u> Director of Service
- 5 Oklahoma or a person designated by the Executive Director.
- 6 C. 1. Appointments to the initial Service Oklahoma Operator
- 7 | Board shall be made within forty-five (45) days of the effective
- 8 date of this act.
- 9 2. The Executive Director of Service Oklahoma shall make the
- 10 initial appointment to fill the position of chair of the Licensed
- 11 Operator Advisory Committee. This appointee shall only serve until
- 12 | the chair of the Licensed Operator Advisory Committee is determined.
- 3. Each member shall serve at the pleasure of his or her
- 14 appointing authority and may be removed or replaced without cause.
- 4. Any member of the Board shall be prohibited from voting on
- 16 any issue in which the member has a direct financial interest.
- D. The Board shall have the power and duty to:
- 18 1. Approve guidelines, objectives, and performance standards
- 19 | for licensed operators;
- 20 2. Establish branding and physical standardization
- 21 requirements, with the input and recommendation of the Executive
- 22 Director of Service Oklahoma;
- 3. Establish customer service metrics, analysis, and
- 24 improvement processes for licensed operators, and processes for

- termination of licensed operators for failure to comply with the customer service metrics, with the input and recommendation of the Executive Director of Service Oklahoma;
 - 4. Make recommendations to the <u>Executive</u> Director of Service Oklahoma on all matters related to licensed operators;
 - 5. Assist Service Oklahoma in conducting periodic reviews related to the goals, objectives, priorities, and policies related to licensed operators; and
 - 6. Establish rules and qualifications for members of the Licensed Operator Advisory Committee.
 - E. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall elect, at its first meeting, one member to serve as chair and one member to serve as vice-chair. At the first meeting in each calendar year, the chair and vice-chair for the ensuing year shall be elected by the Board. Special meetings may be called by the chair or by four members of the Board by delivery of written notice to each member of the Board.
 - F. A majority of the members of the Board shall constitute a quorum for the transaction of business and taking any official actions. Official action of the Board shall require a favorable vote by a majority of the members present.
 - G. Members of the Board shall serve without compensation but shall be reimbursed for expenses incurred in the performance of

- 1 their duties in accordance with the provisions of the State Travel 2 Reimbursement Act.
- 3 H. The Board shall act in accordance with the provisions of the 4 Oklahoma Open Records Act and the Administrative Procedures Act.
- 5 SECTION 7. AMENDATORY Section 7, Chapter 282, O.S.L.
- 6 2022 (47 O.S. Supp. 2022, Section 3-107), is amended to read as
- 7 follows:

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- Section 3-107. A. All records of Service Oklahoma, other than those declared by law to be confidential for the use of Service

 Oklahoma, shall be open to public inspection during normal business hours.
 - B. The records and files of Service Oklahoma concerning any state tax law shall be considered confidential and privileged, except as otherwise provided by law, and neither Service Oklahoma nor any employee engaged in the administration of Service Oklahoma or charged with the custody of any such records or files nor any person who may have secured information from Service Oklahoma shall disclose any information obtained from the records or files or from any examination or inspection of the premises or property of any person.
- C. The Executive Director shall supervise the maintenance of
 all records of Service Oklahoma and shall adopt rules concerning the
 destruction and retention of records. Records of Service Oklahoma
 shall not be subject to the provisions of:

1. Sections 305 through 317 of Title 67 of the Oklahoma

Statutes or be transferred to the custody or control of the State

Archives Commission;

- 2. Section 590 of Title 21 of the Oklahoma Statutes; or
- 3. The Records Management Act, Sections 201 through 215 of Title 67 of the Oklahoma Statutes.

In carrying out the powers and duties of Service Oklahoma, the Executive Director may, pursuant to an adopted rule, order destruction of records deemed to no longer be of value to Service Oklahoma.

- D. 1. The <u>Executive</u> Director may cause any or all records kept by Service Oklahoma to be photographed, microphotographed, photostatted, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.
- 2. The photostatic copy, photograph, microphotograph,
 photographic film, or computerized image of the original record
 shall be deemed to be an original record for all purposes and shall
 be admissible as evidence in all courts or administrative agencies.
 A facsimile, exemplification, or certified copy thereof shall be
 deemed to be a transcript, exemplification, or certified copy of the
 original.

1 3. The photostatic copies, photographs, microphotographs,

2 | reproduction on film, or computerized images shall be placed in

3 | conveniently accessible files and provisions shall be made for

4 preserving, examining, and using copies, photographs,

5 | microphotographs, reproductions on film, and computerized images.

6 | The Executive Director is empowered to authorize the disposal,

archival storage, or the destruction of the original records or

papers.

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9 SECTION 8. AMENDATORY Section 8, Chapter 282, O.S.L.

2022 (47 O.S. Supp. 2022, Section 3-108), is amended to read as

11 follows:

12 Section 3-108. A. The <u>Executive</u> Director may enter into

interagency agreements for the inspection, release, and disclosure

of information contained in the records of Service Oklahoma to the

extent that the inspection, release, or disclosure is necessary and

appropriate.

B. The Executive Director may enter into interagency agreements

18 | in order to administer the responsibilities pursuant to the

provisions of this act, including, but not limited to, the receipt

of proceeds for the provision of services provided by Service

21 Oklahoma.

22 C. The Executive Director may enter into interagency agreements

with the Department of Public Safety to assume control over the

operations or management and acquire ownership of any satellite

- offices of the Department of Public Safety that provide driving services.
- 3 SECTION 9. AMENDATORY Section 10, Chapter 282, O.S.L.
- 4 | 2022 (47 O.S. Supp. 2022, Section 3-110), is amended to read as
- 5 | follows:
- 6 Section 3-110. A. Officers and employees of Service Oklahoma
- 7 designated by the Executive Director for the purpose of
- 8 | administering the motor vehicle laws of this state are authorized to
- 9 administer oaths and acknowledge signatures and shall do so without
- 10 fee.
- B. The Executive Director and such officers of Service Oklahoma
- 12 | as the Executive Director may designate are hereby authorized to
- 13 prepare under the seal of Service Oklahoma and deliver upon request
- 14 a certified copy of any record of Service Oklahoma, charging a fee
- of Three Dollars (\$3.00) for each record so certified, and every
- 16 | such certified copy shall be admissible in any proceeding in any
- 17 | court in like manner as the original thereof. A certification fee
- 18 | shall be charged:
- 1. Only if the person requesting the record specifically
- 20 requests that the record be certified; and
- 2. In addition to the copying and reproduction fees provided by
- 22 | the Oklahoma Open Records Act and any other applicable law.
- C. The Executive Director and such officers of Service Oklahoma
- 24 as the Executive Director may designate are hereby authorized to

- provide at no charge a copy of any record required to be maintained by Service Oklahoma to any of the following government agencies when requested in the performance of official governmental duties:
 - 1. The driver license agency of any other state;
 - 2. Any court, district attorney, or municipal prosecutor in this state or any other state;
 - 3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;
 - 4. Any public school district in this state for purposes of providing the Motor Vehicle Report of a currently employed school bus driver or person making application for employment as a school bus driver;
 - 5. The Department of Human Services for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Department of Human Services for placement of a child in foster care or adoption of the child;
 - 6. The Office of Juvenile Affairs for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Office of Juvenile Affairs for placement of a child in foster care;
 - 7. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986,

- as amended, and contracted by the Developmental Disabilities

 Services Division of the Oklahoma Department of Human Services; or
 - 8. Any state agency in this state.

- D. Any record required to be maintained by Service Oklahoma may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Executive Director or a designee of the Executive Director.
- E. The following records shall be provided by Service Oklahoma to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725, upon payment of the appropriate fees for the records:
- 1. A Motor Vehicle Report, as defined in Section 6-117 of Title
 13 47 of the Oklahoma Statutes; and
- 2. A copy of any driving record related to the Motor Vehicle
 Report.
 - F. 1. The provisions of subsections B, D, and E of this section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725. Upon written request to the Executive Director of Service Oklahoma by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual

- 1 | as named or otherwise identified in the written request, to be used
- 2 | in the official capacity of the agency, the Executive Director may
- 3 release such personal information to the agency pursuant to the
- 4 | provisions of the Driver's Privacy Protection Act, 18 U.S.C.,
- 5 | Sections 2721 through 2725. Provided, the provisions of this
- 6 subsection or any other provision of this act shall not be construed
- 7 | to keep audio or video recordings of Service Oklahoma confidential
- 8 | beyond any exception provided for in the Oklahoma Open Records Act.
- 9 2. For the purposes of this subsection, "personal information"
- 10 means information which identifies a person, including, but not
- 11 | limited to, a photograph or image of the person in computerized
- 12 | format, fingerprint image in computerized format, signature or
- 13 | signature in computerized format, Social Security number, residence
- 14 | address, mailing address, and medical or disability information.
- 15 | SECTION 10. AMENDATORY 47 O.S. 2021, Section 6-102, as
- 16 | amended by Section 39, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
- 17 | Section 6-102), is amended to read as follows:
- 18 | Section 6-102. A. A nonresident who is sixteen (16) years of
- 19 age or older may operate a motor vehicle in this state as authorized
- 20 by the class, restrictions, and endorsements specified on the
- 21 license, if the nonresident is:
- 22 1. Properly licensed in the home state or country to operate a
- 23 | commercial or noncommercial motor vehicle and who has immediate

- 1 possession of a valid driver license issued by the home state or 2 country; or
 - 2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.
 - B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:
 - 1. Operating a vehicle pursuant to subsection B of Section 6-105 of this title; or
 - 2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of Service Oklahoma or by a designated examiner approved and certified by Service Oklahoma.
 - C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:
 - 1. A member of the Armed Forces of the United States who is on active duty;
- 22 2. A member of the military reserves, not including United
 23 States reserve technician;

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3. A member of the National Guard who is on active duty,
 including National Guard military technicians;

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- 4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or
- 5. A member of the United States Coast Guard who is on active duty.
- D. The Executive Director of Service Oklahoma is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.
- SECTION 11. AMENDATORY 47 O.S. 2021, Section 6-117, as amended by Section 57, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-117), is amended to read as follows:
- Section 6-117. A. Service Oklahoma shall file every
 application for a driver license or identification card received by
 Service Oklahoma and shall maintain suitable indexes containing:
- 1. All applications denied and on each thereof note the reasons
 for the denial;
 - 2. All applications granted;

- 3. The name of every person whose driving privilege has been suspended, revoked, canceled, or disqualified by Service Oklahoma and after each such name note the reasons for the action. Any notation of suspension of the driving privilege of a person for reason of nonpayment of a fine shall be removed from the driving record after the person has paid the fine and the driving privilege of the person is reinstated as provided for by law;
- 4. The county of residence, the name, date of birth, and mailing address of each person residing in that county who is eighteen (18) years of age or older, and who is the holder of a current driver license or a current identification card issued by Service Oklahoma for the purpose of ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes; and
- 5. The name, driver license number, and mailing address of every person for the purpose of giving notice, if necessary, as required by Section 2-116 of this title.
- B. Service Oklahoma shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of the records and reports or make suitable notations in order that an individual record of a person showing the convictions of the person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration

of Service Oklahoma upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records involving a collision in which the person was not issued a citation or if a citation is issued and the person was not convicted.

- C. 1. Service Oklahoma may designate and is hereby authorized to prepare under the seal of Service Oklahoma and deliver upon request a copy of any collision report on file with the Department, charging a fee of:
 - a. beginning on July 1, 2011, through June 30, 2013,

 Fifteen Dollars (\$15.00), of which Eight Dollars

 (\$8.00) shall be deposited by the Commissioner to the credit of the Department of Public Safety Revolving

 Fund and, in addition to other purposes authorized by law, the expenditures from that fund of monies derived from the Eight Dollars (\$8.00) pursuant to this subparagraph shall be used to fund any Oklahoma

 Highway Patrol Trooper Academy provided by the Department of Public Safety. Any remaining funds

shall be deposited in an account to be utilized exclusively for future expenses directly related to the operation of an Oklahoma Highway Patrol Academy, and

b. beginning on July 1, 2013, and any year thereafter, Seven Dollars (\$7.00).

However, Service Oklahoma shall not be required to furnish personal information from the collision report which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725.

- 2. Notwithstanding the provisions of paragraph 1 of this subsection, Service Oklahoma is authorized to enter into contracts to supply information regarding vehicles reported to be involved in collisions. For each vehicle, the information shall be limited to that which only describes the vehicle and the collision. Service Oklahoma shall not be required to provide any information regarding the owner or operator of the vehicle or any information which would conflict with Section 2-110 or Section 1109 of this title.
- D. Service Oklahoma or any licensed operator upon request shall prepare and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of the motor vehicle laws of this state. However, Service Oklahoma shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States

1 Code, Sections 2721 through 2725. The Motor Vehicle Report shall be 2 a summary of the driving record of the person and shall include the enumeration of any motor vehicle collisions, reference to 3 convictions for violations of motor vehicle laws, and any action 4 5 taken against the privilege of the person to operate a motor vehicle, as shown by the files of Service Oklahoma for the three (3) 6 years preceding the date of the request. The Motor Vehicle Report, 7 to include any record or information associated with the Motor 9 Vehicle Report, shall not be deemed a "public civil record" as defined in Section 18 of Title 22 of the Oklahoma Statutes, and 10 shall not be subject to expungement. Service Oklahoma shall not be 11 12 required to release to any person, in whole or in part and in any format, a driving index, as described in subsection A of this 13 section, except as otherwise provided for by law. For each Motor 14 Vehicle Report furnished by Service Oklahoma, Service Oklahoma shall 15 collect the sum of Twenty-five Dollars (\$25.00), Twenty Dollars 16 (\$20.00) of which shall be deposited in the General Revenue Fund and 17 Five Dollars (\$5.00) shall be deposited in the Department of Public 18 Safety Revolving Fund through October 31, 2022. Beginning November 19 1, 2022, the Five Dollars (\$5.00) shall be deposited in the Service 20 Oklahoma Revolving Fund. For each Motor Vehicle Report furnished by 21 a licensed operator, the licensed operator shall collect the sum of 22 Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which 23 shall be paid to the Oklahoma Tax Commission for deposit in the 24

1 General Revenue Fund in the State Treasury, Five Dollars (\$5.00) 2 shall be deposited in the Department of Public Safety Revolving Fund and Two Dollars (\$2.00) of which shall be retained by the licensed 3 operator through October 31, 2022. Beginning November 1, 2022, for 4 5 each Motor Vehicle Report furnished by a licensed operator, the licensed operator shall collect the sum of Twenty-five Dollars 6 (\$25.00), Eighteen Dollars (\$18.00) of which shall be paid to the 7 Oklahoma Tax Commission for deposit in the General Revenue Fund in 9 the State Treasury, Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund, and Two Dollars (\$2.00) shall be 10 retained by the licensed operator. Persons sixty-five (65) years of 11 12 age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by Service Oklahoma or a licensed operator. 13 For purposes of this subsection, a Motor Vehicle Report shall 14 include a report which indicates that no driving record is on file 15 with Service Oklahoma for the information received by Service 16 Oklahoma in the request for the Motor Vehicle Report. 17

- E. Service Oklahoma may develop procedures whereby an acting agent of an employer or an employer of a person:
 - 1. Who has a Class A, B, C or D driver license; and
- 2. Who operates a commercial, company-owned or personal motor vehicle during the course of business in the course of his or her employment with the employer, may automatically be notified, pursuant to a fee schedule established by Service Oklahoma, should

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1 the driving record of a person reflect a traffic conviction in any 2 court or an administrative action by Service Oklahoma which alters the status of the commercial driving privileges of the person, or 3 any other change to the driving status. The notification system 5 shall include electronic delivery of a Motor Vehicle Report at least 6 annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., 7 Section 391.25, or who operates a company-owned or personal motor 8 9 vehicle during the course of business. All monies received by the 10 Commissioner of Public Safety and the officers and employees of the Department pursuant to this subsection shall be deposited in the 11 12 Department of Public Safety Restricted Revolving Fund through October 31, 2022. Beginning November 1, 2022, all monies received 13 by the Executive Director of Service Oklahoma and the officers and 14 employees of Service Oklahoma pursuant to this subsection shall be 15 deposited in the Service Oklahoma Revolving Fund. For each Motor 16 Vehicle Report furnished by Service Oklahoma, through the electronic 17 notification system, Service Oklahoma shall collect the sum of 18 Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which 19 shall be deposited in the General Revenue Fund in the State 20 Treasury. Five Dollars (\$5.00) shall be deposited in the Department 21 of Public Safety Revolving Fund through October 31, 2022. Beginning 22 November 1, 2022, for each Motor Vehicle Report furnished by Service 23 Oklahoma, through the electronic notification system, Service 24

- Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00),

 Eighteen Dollars (\$18.00) of which shall be deposited in the General

 Revenue Fund in the State Treasury, Five Dollars (\$5.00) shall be

 deposited in the Service Oklahoma Revolving Fund. Two Dollars

 (\$2.00) shall be retained by Service Oklahoma or its authorized

 agent for the purpose of development and maintenance of the
 - F. Service Oklahoma is authorized to establish a procedure for reviewing the driving records of state residents who are existing policyholders of any insurance company licensed to operate in this state during specified periods of time and producing a report which identifies the policyholders which have had violation and/or status changes to their driving records during such time period. Service Oklahoma may sell such report to the insurance company or its agent at a fee to be set by Service Oklahoma. Any such report sold by Service Oklahoma shall only consist of information otherwise lawfully obtainable by the insurance company or its agent. The fee shall be sufficient to recover all costs incurred by Service Oklahoma and ensure that there will be no net revenue loss to the state. Such fee shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, such fee shall be deposited in the Service Oklahoma Revolving Fund.

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electronic notification system.

- 1 G. All monies received by the Commissioner of Public Safety or
- 2 | Service Oklahoma and the officers and employees of the Department
- 3 | shall be remitted to the State Treasurer to be credited to the
- 4 | General Revenue Fund in the State Treasury except as otherwise
- 5 provided for by law.
- 6 | SECTION 12. AMENDATORY 47 O.S. 2021, Section 1140, as
- 7 amended by Section 174, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
- 8 2022, Section 1140), is amended to read as follows:
- 9 Section 1140. A. The Service Oklahoma Operator Board shall
- 10 adopt rules prescribing minimum qualifications and requirements for
- 11 | locating Service Oklahoma locations and for persons applying for a
- 12 license to operate a designated Service Oklahoma location. Such
- 13 qualifications and requirements shall include, but not be limited
- 14 to, the following:
- 15 1. Necessary job skills and experience;
- 16 2. Minimum office hours;
- 3. Provision for sufficient staffing, equipment, office space
- 18 and parking to provide maximum efficiency and maximum convenience to
- 19 | the public;
- 20 4. Obtainment of a faithful performance surety bond as provided
- 21 | for by law;
- 22 5. That the applicant has not been convicted of a felony and
- 23 | that no felony charges are pending against the applicant;

- 1 6. That the location specified in the individual's application 2 for a license to operate a designated Service Oklahoma location not be owned by a member of Service Oklahoma or an employee of Service 3 Oklahoma or any person related to a member of Service Oklahoma or an 4 5 employee of Service Oklahoma within the third degree by consanguinity, marriage, or adoption and that the location not be 6 within a three-mile radius of an existing licensed operator unless 7 the applicant is assuming the location of an operating licensed 9 operator;
 - 7. That a single website, designated by Service Oklahoma, will be used for the distribution of services provided by Service Oklahoma with motor vehicle services to be fulfilled by licensed operators;
 - 8. That licensed operators will attend all required training provided by Service Oklahoma; and
 - 9. That there should be at least one Service Oklahoma location in each county.
 - B. 1. Any person making application to the Service Oklahoma
 Operator Board for the purpose of obtaining a license to operate a
 designated Service Oklahoma location shall pay, when submitting the
 application, a nonrefundable application fee of One Hundred Dollars
 (\$100.00). All such application fees shall be deposited in the
 Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023,

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all such application fees shall be deposited in the Service Oklahoma Revolving Fund.

- 2. Any person making application to the Service Oklahoma

 Operator Board for the purpose of obtaining a license to operate a

 designated Service Oklahoma location must meet standardization and

 branding requirements established by the Service Oklahoma Operator

 Board, upon recommendations from Service Oklahoma. Upon approval,

 the person must either pay a fee to Service Oklahoma for all costs

 related to meeting the standardization and branding requirements or

 obtain approval from the Service Oklahoma Operator Board that the

 location meets all standardization and branding requirements. All

 such fees shall be deposited in the Service Oklahoma Revolving Fund.

 The amount of the license fee will be determined by the Service

 Oklahoma Operator Board. This provision shall not apply to any

 existing Service Oklahoma location.
 - C. Upon application by a person to serve as a licensed operator, the Service Oklahoma Operator Board is authorized to make a determination whether such person and such location meets meet the criteria and guidelines established by the Service Oklahoma Operator Board and, if such be the case, may issue a license to operate a designated Service Oklahoma location.
 - D. 1. A licensed operator may be permitted, upon application, to sell or transfer an existing license to operate a designated Service Oklahoma location. Any sale or transfer of a license is

subject to approval of the Service Oklahoma Operator Board. In order to sell or transfer an existing licensed operator license, the licensed operator shall meet the following guidelines and requirements:

- a. the licensed operator shall be in good standing with the Service Oklahoma Operator Board,
- the licensed operator shall have held a licensed operator license, issued by the Service Oklahoma
 Operator Board, for a minimum of five (5) years, and
- c. the licensed operator shall provide the Service

 Oklahoma Operator Board evidence that the proposed

 buyer or transferee of the licensed operator licensee

 meets the qualifications and requirements set forth in

 subsection A of this section, has the ability to meet

 all financial requirements and terms of any current

 existing contract between the licensed operator and

 Service Oklahoma, and agrees to the onboarding and

 training requirements of Service Oklahoma, as

 established by Service Oklahoma and the Service

 Oklahoma Operator Board.
- 2. The purchase price of a licensed operator license shall be agreed upon by the licensed operator and the individual purchasing the license to operate a designated Service Oklahoma location.

 However, the purchaser or transferee agrees to pay a transfer fee to

- Service Oklahoma in the amount of three percent (3%) of the last
 annual gross revenue from fees retained at the Service Oklahoma
 location to be purchased, not to exceed Fifteen Thousand Dollars
 (\$15,000.00). The transfer fee shall be deposited in the Service
 Oklahoma Revolving Fund.
 - 3. Upon receipt of the application to sell or transfer an existing licensed operator license, the Service Oklahoma Operator Board will determine whether the licensed operator license may be sold or transferred on the condition that the existing location is in good standing and the new licensee meets the requirements outlined in Section 1140 et seq. of this title.
 - 4. The Service Oklahoma Operator Board may, at its discretion, buy back a licensed operator license from a licensed operator who desires to sell or transfer its licensed operator license but has held a licensed operator license issued by Service Oklahoma for less than five (5) years. The purchase price for such a license will be one-half (1/2) times the most recent annual gross revenue from fees retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00).
 - E. 1. Licensed operators shall be subject to all laws relating to licensed operators and shall be subject to removal for cause by the Service Oklahoma Operator Board. Any action taken by Service Oklahoma to revoke a license shall be pursuant to and in accordance

with the provisions of the Administrative Procedures Act. For the purposes of this section, "for cause" shall be defined as follows:

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- a. repeated violations of written contracts, rules, regulations and statutes pertaining to licensed operators after written warning by the Service Oklahoma Operator Board and an opportunity to correct such violations,
- b. failure of the licensed operator to promptly remit funds owed to Service Oklahoma upon written demand,
- c. being charged with a felony crime involving dishonesty or moral turpitude,
- d. failure to timely file state and federal income tax returns, or
- e. any act of official misconduct as set forth in Section 93 of Title 51 of the Oklahoma Statutes.

In the event a license is revoked by the Service Oklahoma

Operator Board for cause, the Service Oklahoma location operated by
the licensed operator will be permanently closed and the licensed
operator shall not be entitled to any compensation.

Motor license agents and licensed operators in good standing as of November 1, 2022, shall be exempt from the branding and physical standardization requirements to be established by the Service Oklahoma Operator Board, with the recommendation of the Executive Director of Service Oklahoma.

- 2. A license to operate a designated Service Oklahoma location may be revoked by the Service Oklahoma Operator Board for failure to meet the standards for customer satisfaction established by the Service Oklahoma Operator Board. In the event of revocation, the licensed operator shall sell his or her license to operate a Service Oklahoma location to Service Oklahoma at a rate of one-half (1/2) times the most recent annual gross revenue from fees retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00).
- F. All licensed operators shall be licensed by and under the supervision of Service Oklahoma; provided, any agent authorized to issue registrations pursuant to the International Registration Plan shall also be under the supervision of the Corporation Commission, subject to rules promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Service Oklahoma shall be the holder of all licenses and has the right to approve and revoke such licenses. After obtaining a license, any such licensed operator shall furnish and file with Service Oklahoma a bond in such amount as may be fixed by Service Oklahoma. Such licensed operator shall be removable at the will of Service Oklahoma. Such licensed operator shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the Service Oklahoma Operator Board. Provided, Service Oklahoma may operate a Service

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Oklahoma location in any county where a vacancy occurs, as determined by Service Oklahoma.

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- In the event of a vacancy due to the death of a licensed 3 operator, the licensed operator's designee or a licensed operator 4 5 location employee shall immediately notify Service Oklahoma. licensed operator may designate an individual to continue to operate 6 the Service Oklahoma location upon the death of the licensed operator. The designee shall apply to obtain a license to operate 9 the vacant licensed operator location with the Service Oklahoma 10 Operator Board within thirty (30) days of the licensed operator's In the event that no designee is designated or that the 11 12 designee fails to apply to be a licensed operator with Service 13 Oklahoma within thirty (30) days, Service Oklahoma may take any and all action it deems appropriate in order to provide for the orderly 14 transition and the maintenance of operations of the Service Oklahoma 15 location, as permitted by law. 16
 - H. When an application for registration is made with Service Oklahoma, the Corporation Commission or a licensed operator, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the licensed operator, such licensed operator shall retain a fee as provided in Section 1141.1 of this title. When the fee is paid by a person

1 making application directly with Service Oklahoma or the Corporation 2 Commission, as applicable, the registration fees shall be in the same amount as provided for licensed operators and the fee provided 3 by Section 1141.1 of this title shall be deposited in the Oklahoma 5 Tax Commission Revolving Fund or as provided in Section 1167 of this title, as applicable. Beginning January 1, 2023, the fee provided 6 by Section 1141.1 of this title shall be deposited in the Service 7 Oklahoma Revolving Fund or as provided in Section 1167 of this 9 title, as applicable. Service Oklahoma shall prepare schedules of 10 registration fees and charges for titles which shall include the 11 fees for such licensed operators and all fees and charges paid by a 12 person shall be listed separately on the application and registration and totaled on the application and registration. 13 The licensed operators shall charge only such fees as are specifically 14 provided for by law, and all such authorized fees shall be posted in 15 such a manner that any person shall have notice of all fees that are 16 imposed by law. 17

- I. Any licensed operator shall be responsible for all costs incurred by Service Oklahoma when relocating an existing Service Oklahoma location. The Service Oklahoma Operator Board may waive payment of such costs in case of unforeseen business or emergency conditions beyond the control of the licensed operator.
- J. Any existing contracts by or between any motor license agent and the Oklahoma Tax Commission shall be assigned to Service

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1	Oklahoma. All existing motor license agents in good standing with
2	the Oklahoma Tax Commission will be offered a subsequent contract
3	from Service Oklahoma to become a licensed operator to take effect
4	on January 1, 2023. The contract between existing motor license
5	agents and Service Oklahoma shall be agreed to no later than
6	December 31, 2022. In the event an existing motor license agent
7	declines to enter into the subsequent contract with Service Oklahoma
8	to become a licensed operator, that motor license agent may continue
9	to conduct business pursuant to the existing contract through
10	December 31, 2025, so long as that motor license agent remains in
11	good standing with Service Oklahoma in accordance with the terms of
12	the existing contract.
13	SECTION 13. This act shall become effective November 1, 2023.
14	COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION April 4, 2023 - DO PASS AS AMENDED
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