

1 ENGROSSED HOUSE
2 BILL NO. 1839

By: Kerbs of the House

3 and

4 Hall of the Senate

5
6 [motor vehicles - Service Oklahoma - transfer of
7 property - transfer of personnel - effective date]
8
9

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

11 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-106, as
12 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 B. The Driver License Services Division shall consist of
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.
24

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.

8 D. 1. Any person appointed to any position created pursuant to
9 this section shall:

- 10 a. be a citizen of the State of Oklahoma,
- 11 b. be of good moral character,
- 12 c. possess a high school diploma or General Educational
13 Development equivalency certificate, and
- 14 d. meet physical and mental standards as the Executive
15 Director of Service Oklahoma may prescribe. The scope
16 of the physical and mental examinations for persons
17 appointed as a Driver License Examiner or Senior
18 Driver License Examiner shall be as prescribed by the
19 Executive Director of Service Oklahoma.

20 2. Any person appointed to the position of Driver License
21 Examiner shall be required to satisfactorily complete ~~satisfactorily~~
22 a course of training as prescribed by the Executive Director of
23 Service Oklahoma.

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

5 F. The annual salaries of personnel comprising this section
6 shall be in accordance and conformity with the findings for
7 Department of Public Safety law enforcement personnel of the State
8 of Oklahoma Total Remuneration Study of 2013.

9 SECTION 2. AMENDATORY 47 O.S. 2021, Section 2-108.3, as
10 amended by Section 29, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
11 Section 2-108.3), is amended to read as follows:

12 Section 2-108.3 A. In an effort to improve the public safety
13 of all citizens of this state, a more uniform and expeditious method
14 of obtaining ownership and registration information of all motor
15 vehicles operating on the roads and highways of this state is
16 required. Any method developed shall be conducted in accordance
17 with subsection B of this section.

18 B. In addition to the powers and duties prescribed by law, the
19 Executive Director of Service Oklahoma shall be authorized to direct
20 Service Oklahoma to develop a proposal for an intergovernmental
21 cooperative agreement pursuant to paragraph 1 of subsection D of
22 Section 1221 of Title 74 of the Oklahoma Statutes between Service
23 Oklahoma and all tribal governments that issue tribal license plates
24 and maintain ownership and registration information.

1 SECTION 3. AMENDATORY Section 1, Chapter 282, O.S.L.
2 2022 (47 O.S. Supp. 2022, Section 3-101), is amended to read as
3 follows:

4 Section 3-101. A. ~~Service Oklahoma, a division of the Office~~
5 ~~of Management and Enterprise Services,~~ is hereby created, which
6 shall consist of the Executive Director of Service Oklahoma and such
7 divisions, sections, committees, offices, boards, and positions as
8 may be established by the Executive Director of Service Oklahoma or
9 by law.

10 The applicable powers, duties, and responsibilities exercised by
11 the Driver License Services Division of the Department of Public
12 Safety shall be fully transferred to Service Oklahoma on November 1,
13 2022. All employees of the Department of Public Safety whose duties
14 are transferred under this act shall be transferred to Service
15 Oklahoma.

16 The applicable powers, duties, and responsibilities exercised by
17 the Motor Services Division of the Oklahoma Tax Commission shall be
18 fully transferred to Service Oklahoma on January 1, 2023. All
19 employees of the Oklahoma Tax Commission whose duties are
20 transferred under this act shall be transferred to Service Oklahoma.

21 B. 1. Beginning on the effective date of this act, Service
22 Oklahoma shall cease to be part of or a division of the Office of
23 Management and Enterprise Services and shall be deemed to be a
24 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.

15 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 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;

21 3. "Executive Director" shall mean the chief executive officer
22 of Service Oklahoma;

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24

1 4. "Good standing" shall mean a licensed operator is current on
2 all required reporting and remittances and whose license is not
3 under review for revocation by the Service Oklahoma Operator Board;

4 5. "License" shall mean the authority granted by the Service
5 Oklahoma Operator Board to an individual for purposes of operating a
6 Service Oklahoma location;

7 6. "Licensed operator" shall mean an individual who obtains a
8 license from the Service Oklahoma Operator Board to operate a
9 designated Service Oklahoma location and offers third-party
10 fulfillment of designated services to be rendered by Service
11 Oklahoma, as set forth in Section 1140 et seq. of Title 47 of the
12 Oklahoma Statutes. Any reference to motor license agent in the
13 Oklahoma Statutes shall mean licensed operator; and

14 7. "Service Oklahoma location" shall mean any location where
15 services offered by Service Oklahoma are provided including
16 locations operated by either Service Oklahoma or pursuant to a
17 license issued by Service Oklahoma.

18 SECTION 5. AMENDATORY Section 3, Chapter 282, O.S.L.
19 2022 (47 O.S. Supp. 2022, Section 3-103), is amended to read as
20 follows:

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

1 Compensation for the Executive Director shall be determined pursuant
2 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:

11 1. Organize Service Oklahoma in a manner to efficiently achieve
12 the objectives of Service Oklahoma;

13 2. Supervise all activities of Service Oklahoma;

14 3. Administer programs and policies of Service Oklahoma;

15 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;

23 7. Provide input and recommendations to the Service Oklahoma
24 Operator Board on all matters including branding and physical

1 standardization requirements, customer service metrics, analysis,
2 and improvement processes for licensed operators, and processes for
3 termination of licensed operators for failure to comply with the
4 customer service metrics;

5 8. Establish internal policies and procedures;

6 9. Prescribe and provide suitable forms deemed necessary to
7 carry out the functions of Service Oklahoma and any other laws the
8 enforcement and administration of which are vested in Service
9 Oklahoma;

10 10. Establish such divisions, sections, committees, advisory
11 committees, offices, and positions in Service Oklahoma as the
12 Executive Director deems necessary to carry out the functions of
13 Service Oklahoma;

14 11. Accept and disburse grants, allotments, gifts, devises,
15 bequests, funds, appropriations, and other property made or offered
16 to Service Oklahoma; and

17 12. Create the budget for Service Oklahoma to be submitted to
18 the Legislature each year.

19 C. The salary and other expenses for the Executive Director
20 shall be budgeted as a separate line item through ~~the Office of~~
21 ~~Management and Enterprise Services~~ Service Oklahoma. The operating
22 expenses of Service Oklahoma shall be set by the Executive Director
23 and shall be budgeted as a separate line item through ~~the Office of~~
24 ~~Management and Enterprise Services~~ Service Oklahoma.

1 D. 1. The Executive Director of Service Oklahoma shall direct
2 all purchases, hiring, procurement, and budget for Service Oklahoma
3 ~~of the Office of Management and Enterprise Services~~ and establish,
4 implement, and enforce policies and procedures related thereto,
5 consistent with the Oklahoma Central Purchasing Act. Service
6 Oklahoma and the Executive Director shall be subject to the
7 requirements of the Public Competitive Bidding Act of 1974, the
8 Oklahoma Lighting Energy Conservation Act, and the Public Building
9 Construction and Planning Act.

10 2. The Executive Director of Service Oklahoma, or any employee
11 or agent of the Executive Director of Service Oklahoma acting within
12 the scope of delegated authority, shall have the same power and
13 authority related to purchases, hiring, procurement, and budget for
14 Service Oklahoma as outlined in paragraph 1 of this subsection for
15 Service Oklahoma as the State Purchasing Director has for all
16 acquisitions used or consumed by state agencies as established in
17 the Oklahoma Central Purchasing Act. Such authority shall,
18 consistent with the authority granted to the State Purchasing
19 Director pursuant to Section 85.10 of Title 74 of the Oklahoma
20 Statutes, include the power to designate financial or proprietary
21 information submitted by a bidder confidential and reject all
22 requests to disclose the information so designated, if the Executive
23 Director of Service Oklahoma requires the bidder to submit the
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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 Executive
8 Director of Service Oklahoma and shall consist of nine (9) members
9 who shall each serve a term of two (2) years.

10 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;

14 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 Executive 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.

13 3. Each member shall serve at the pleasure of his or her
14 appointing authority and may be removed or replaced without cause.

15 4. Any member of the Board shall be prohibited from voting on
16 any issue in which the member has a direct financial interest.

17 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;

23 3. Establish customer service metrics, analysis, and
24 improvement processes for licensed operators, and processes for

1 termination of licensed operators for failure to comply with the
2 customer service metrics, with the input and recommendation of the
3 Executive Director of Service Oklahoma;

4 4. Make recommendations to the Executive Director of Service
5 Oklahoma on all matters related to licensed operators;

6 5. Assist Service Oklahoma in conducting periodic reviews
7 related to the goals, objectives, priorities, and policies related
8 to licensed operators; and

9 6. Establish rules and qualifications for members of the
10 Licensed Operator Advisory Committee.

11 E. The Board shall hold meetings as necessary at a place and
12 time to be fixed by the Board. The Board shall elect, at its first
13 meeting, one member to serve as chair and one member to serve as
14 vice-chair. At the first meeting in each calendar year, the chair
15 and vice-chair for the ensuing year shall be elected by the Board.
16 Special meetings may be called by the chair or by four members of
17 the Board by delivery of written notice to each member of the Board.

18 F. A majority of the members of the Board shall constitute a
19 quorum for the transaction of business and taking any official
20 actions. Official action of the Board shall require a favorable
21 vote by a majority of the members present.

22 G. Members of the Board shall serve without compensation but
23 shall be reimbursed for expenses incurred in the performance of
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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:

8 Section 3-107. A. All records of Service Oklahoma, other than
9 those declared by law to be confidential for the use of Service
10 Oklahoma, shall be open to public inspection during normal business
11 hours.

12 B. The records and files of Service Oklahoma concerning any
13 state tax law shall be considered confidential and privileged,
14 except as otherwise provided by law, and neither Service Oklahoma
15 nor any employee engaged in the administration of Service Oklahoma
16 or charged with the custody of any such records or files nor any
17 person who may have secured information from Service Oklahoma shall
18 disclose any information obtained from the records or files or from
19 any examination or inspection of the premises or property of any
20 person.

21 C. The Executive Director shall supervise the maintenance of
22 all records of Service Oklahoma and shall adopt rules concerning the
23 destruction and retention of records. Records of Service Oklahoma
24 shall not be subject to the provisions of:

1 1. Sections 305 through 317 of Title 67 of the Oklahoma
2 Statutes or be transferred to the custody or control of the State
3 Archives Commission;

4 2. Section 590 of Title 21 of the Oklahoma Statutes; or

5 3. The Records Management Act, Sections 201 through 215 of
6 Title 67 of the Oklahoma Statutes.

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

11 D. 1. The Executive Director may cause any or all records kept
12 by Service Oklahoma to be photographed, microphotographed,
13 photostatted, reproduced on film, or stored on computer storage
14 medium. The film or reproducing material shall be of durable
15 material, and the device used to reproduce the records on the film
16 or reproducing material shall accurately reproduce and perpetuate
17 the original records in all detail.

18 2. The photostatic copy, photograph, microphotograph,
19 photographic film, or computerized image of the original record
20 shall be deemed to be an original record for all purposes and shall
21 be admissible as evidence in all courts or administrative agencies.
22 A facsimile, exemplification, or certified copy thereof shall be
23 deemed to be a transcript, exemplification, or certified copy of the
24 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,
7 archival storage, or the destruction of the original records or
8 papers.

9 SECTION 8. AMENDATORY Section 8, Chapter 282, O.S.L.
10 2022 (47 O.S. Supp. 2022, Section 3-108), is amended to read as
11 follows:

12 Section 3-108. A. The Executive Director may enter into
13 interagency agreements for the inspection, release, and disclosure
14 of information contained in the records of Service Oklahoma to the
15 extent that the inspection, release, or disclosure is necessary and
16 appropriate.

17 B. The Executive Director may enter into interagency agreements
18 in order to administer the responsibilities pursuant to the
19 provisions of this act, including, but not limited to, the receipt
20 of proceeds for the provision of services provided by Service
21 Oklahoma.

22 C. The Executive Director may enter into interagency agreements
23 with the Department of Public Safety to assume control over the
24 operations or management and acquire ownership of any satellite

1 offices of the Department of Public Safety that provide driving
2 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.

11 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
15 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:

19 1. Only if the person requesting the record specifically
20 requests that the record be certified; and

21 2. In addition to the copying and reproduction fees provided by
22 the Oklahoma Open Records Act and any other applicable law.

23 C. The Executive Director and such officers of Service Oklahoma
24 as the Executive Director may designate are hereby authorized to

1 provide at no charge a copy of any record required to be maintained
2 by Service Oklahoma to any of the following government agencies when
3 requested in the performance of official governmental duties:

4 1. The driver license agency of any other state;

5 2. Any court, district attorney, or municipal prosecutor in
6 this state or any other state;

7 3. Any law enforcement agency in this state or any other state
8 or any federal agency empowered by law to make arrests for public
9 offenses;

10 4. Any public school district in this state for purposes of
11 providing the Motor Vehicle Report of a currently employed school
12 bus driver or person making application for employment as a school
13 bus driver;

14 5. The Department of Human Services for the purpose of
15 providing the Motor Vehicle Report to ascertain the suitability of
16 any person being considered by the Department of Human Services for
17 placement of a child in foster care or adoption of the child;

18 6. The Office of Juvenile Affairs for the purpose of providing
19 the Motor Vehicle Report to ascertain the suitability of any person
20 being considered by the Office of Juvenile Affairs for placement of
21 a child in foster care;

22 7. Any nonprofit provider exempt from federal income tax
23 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986,
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1 as amended, and contracted by the Developmental Disabilities
2 Services Division of the Oklahoma Department of Human Services; or

3 8. Any state agency in this state.

4 D. Any record required to be maintained by Service Oklahoma may
5 be released to any other entity free of charge when the release of
6 the record would be for the benefit of the public, as determined by
7 the Executive Director or a designee of the Executive Director.

8 E. The following records shall be provided by Service Oklahoma
9 to any authorized recipient, pursuant to the provisions of the
10 Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through
11 2725, upon payment of the appropriate fees for the records:

12 1. A Motor Vehicle Report, as defined in Section 6-117 of Title
13 47 of the Oklahoma Statutes; and

14 2. A copy of any driving record related to the Motor Vehicle
15 Report.

16 F. 1. The provisions of subsections B, D, and E of this
17 section and the Oklahoma Open Records Act shall not apply to the
18 release of personal information from any driving record of any
19 person. Such personal information shall be confidential except as
20 provided for in this subsection or in the provisions of the Driver's
21 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725. Upon
22 written request to the Executive Director of Service Oklahoma by a
23 law enforcement agency or another state's or country's driver
24 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
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1 possession of a valid driver license issued by the home state or
2 country; or

3 2. A member of the Armed Forces of the United States or the
4 spouse or dependent of such member who has been issued and is in
5 possession of a valid driver license issued by an overseas component
6 of the Armed Forces of the United States.

7 B. A resident who is at least fifteen (15) years of age may
8 operate a vehicle in this state without a driver license, if the
9 resident is:

10 1. Operating a vehicle pursuant to subsection B of Section 6-
11 105 of this title; or

12 2. Taking the driving skills examination as required by Section
13 6-110 of this title, when accompanied by a Driver License Examiner
14 of Service Oklahoma or by a designated examiner approved and
15 certified by Service Oklahoma.

16 C. Any person, while in the performance of official duties, may
17 operate any class of motor vehicle if the person possesses any class
18 of valid Oklahoma driver license or a valid driver license issued by
19 another state, if the person is:

20 1. A member of the Armed Forces of the United States who is on
21 active duty;

22 2. A member of the military reserves, not including United
23 States reserve technician;

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

3 4. A member of the National Guard who is on part-time National
4 Guard training, including National Guard military technicians; or

5 5. A member of the United States Coast Guard who is on active
6 duty.

7 D. The Executive Director of Service Oklahoma is hereby
8 authorized to adopt rules as may be necessary to enter into
9 reciprocity agreements with foreign countries. The rules shall
10 specify that the driver license standards of the foreign country
11 shall be comparable to those of this state. The rules shall also
12 require foreign drivers, who are operating a motor vehicle in
13 Oklahoma under such a reciprocity agreement, to comply with the
14 compulsory motor vehicle liability insurance and financial
15 responsibility laws of this state.

16 SECTION 11. AMENDATORY 47 O.S. 2021, Section 6-117, as
17 amended by Section 57, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
18 Section 6-117), is amended to read as follows:

19 Section 6-117. A. Service Oklahoma shall file every
20 application for a driver license or identification card received by
21 Service Oklahoma and shall maintain suitable indexes containing:

22 1. All applications denied and on each thereof note the reasons
23 for the denial;

24 2. All applications granted;

1 3. The name of every person whose driving privilege has been
2 suspended, revoked, canceled, or disqualified by Service Oklahoma
3 and after each such name note the reasons for the action. Any
4 notation of suspension of the driving privilege of a person for
5 reason of nonpayment of a fine shall be removed from the driving
6 record after the person has paid the fine and the driving privilege
7 of the person is reinstated as provided for by law;

8 4. The county of residence, the name, date of birth, and
9 mailing address of each person residing in that county who is
10 eighteen (18) years of age or older, and who is the holder of a
11 current driver license or a current identification card issued by
12 Service Oklahoma for the purpose of ascertaining names of all
13 persons qualified for jury service as required by Section 18 of
14 Title 38 of the Oklahoma Statutes; and

15 5. The name, driver license number, and mailing address of
16 every person for the purpose of giving notice, if necessary, as
17 required by Section 2-116 of this title.

18 B. Service Oklahoma shall file all collision reports and
19 abstracts of court records of convictions received by it pursuant to
20 the laws of this state and maintain convenient records of the
21 records and reports or make suitable notations in order that an
22 individual record of a person showing the convictions of the person
23 and the traffic collisions in which the person has been involved
24 shall be readily ascertainable and available for the consideration

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

11 C. 1. Service Oklahoma may designate and is hereby authorized
12 to prepare under the seal of Service Oklahoma and deliver upon
13 request a copy of any collision report on file with the Department,
14 charging a fee of:

15 a. beginning on July 1, 2011, through June 30, 2013,
16 Fifteen Dollars (\$15.00), of which Eight Dollars
17 (\$8.00) shall be deposited by the Commissioner to the
18 credit of the Department of Public Safety Revolving
19 Fund and, in addition to other purposes authorized by
20 law, the expenditures from that fund of monies derived
21 from the Eight Dollars (\$8.00) pursuant to this
22 subparagraph shall be used to fund any Oklahoma
23 Highway Patrol Trooper Academy provided by the
24 Department of Public Safety. Any remaining funds

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

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

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

11 2. Notwithstanding the provisions of paragraph 1 of this
12 subsection, Service Oklahoma is authorized to enter into contracts
13 to supply information regarding vehicles reported to be involved in
14 collisions. For each vehicle, the information shall be limited to
15 that which only describes the vehicle and the collision. Service
16 Oklahoma shall not be required to provide any information regarding
17 the owner or operator of the vehicle or any information which would
18 conflict with Section 2-110 or Section 1109 of this title.

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

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

18 E. Service Oklahoma may develop procedures whereby an acting
19 agent of an employer or an employer of a person:

- 20 1. Who has a Class A, B, C or D driver license; and
- 21 2. Who operates a commercial, company-owned or personal motor
22 vehicle during the course of business in the course of his or her
23 employment with the employer, may automatically be notified,
24 pursuant to a fee schedule established by Service Oklahoma, should

1 the driving record of a person reflect a traffic conviction in any
2 court or an administrative action by Service Oklahoma which alters
3 the status of the commercial driving privileges of the person, or
4 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
7 operates a commercial motor vehicle, as required by 49 C.F.R.,
8 Section 391.25, or who operates a company-owned or personal motor
9 vehicle during the course of business. All monies received by the
10 Commissioner of Public Safety and the officers and employees of the
11 Department pursuant to this subsection shall be deposited in the
12 Department of Public Safety Restricted Revolving Fund through
13 October 31, 2022. Beginning November 1, 2022, all monies received
14 by the Executive Director of Service Oklahoma and the officers and
15 employees of Service Oklahoma pursuant to this subsection shall be
16 deposited in the Service Oklahoma Revolving Fund. For each Motor
17 Vehicle Report furnished by Service Oklahoma, through the electronic
18 notification system, Service Oklahoma shall collect the sum of
19 Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which
20 shall be deposited in the General Revenue Fund in the State
21 Treasury. Five Dollars (\$5.00) shall be deposited in the Department
22 of Public Safety Revolving Fund through October 31, 2022. Beginning
23 November 1, 2022, for each Motor Vehicle Report furnished by Service
24 Oklahoma, through the electronic notification system, Service

1 Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00),
2 Eighteen Dollars (\$18.00) of which shall be deposited in the General
3 Revenue Fund in the State Treasury, Five Dollars (\$5.00) shall be
4 deposited in the Service Oklahoma Revolving Fund. Two Dollars
5 (\$2.00) shall be retained by Service Oklahoma or its authorized
6 agent for the purpose of development and maintenance of the
7 electronic notification system.

8 F. Service Oklahoma is authorized to establish a procedure for
9 reviewing the driving records of state residents who are existing
10 policyholders of any insurance company licensed to operate in this
11 state during specified periods of time and producing a report which
12 identifies the policyholders which have had violation and/or status
13 changes to their driving records during such time period. Service
14 Oklahoma may sell such report to the insurance company or its agent
15 at a fee to be set by Service Oklahoma. Any such report sold by
16 Service Oklahoma shall only consist of information otherwise
17 lawfully obtainable by the insurance company or its agent. The fee
18 shall be sufficient to recover all costs incurred by Service
19 Oklahoma and ensure that there will be no net revenue loss to the
20 state. Such fee shall be deposited in the Department of Public
21 Safety Revolving Fund through October 31, 2022. Beginning November
22 1, 2022, such fee shall be deposited in the Service Oklahoma
23 Revolving Fund.

24

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;
- 17 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;

24

1 6. That the location specified in the individual's application
2 for a license to operate a designated Service Oklahoma location not
3 be owned by a member of Service Oklahoma or an employee of Service
4 Oklahoma or any person related to a member of Service Oklahoma or an
5 employee of Service Oklahoma within the third degree by
6 consanguinity, marriage, or adoption and that the location not be
7 within a three-mile radius of an existing licensed operator unless
8 the applicant is assuming the location of an operating licensed
9 operator;

10 7. That a single website, designated by Service Oklahoma, will
11 be used for the distribution of services provided by Service
12 Oklahoma with motor vehicle services to be fulfilled by licensed
13 operators;

14 8. That licensed operators will attend all required training
15 provided by Service Oklahoma; and

16 9. That there should be at least one Service Oklahoma location
17 in each county.

18 B. 1. Any person making application to the Service Oklahoma
19 Operator Board for the purpose of obtaining a license to operate a
20 designated Service Oklahoma location shall pay, when submitting the
21 application, a nonrefundable application fee of One Hundred Dollars
22 (\$100.00). All such application fees shall be deposited in the
23 Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023,
24

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

3 2. Any person making application to the Service Oklahoma
4 Operator Board for the purpose of obtaining a license to operate a
5 designated Service Oklahoma location must meet standardization and
6 branding requirements established by the Service Oklahoma Operator
7 Board, upon recommendations from Service Oklahoma. Upon approval,
8 the person must either pay a fee to Service Oklahoma for all costs
9 related to meeting the standardization and branding requirements or
10 obtain approval from the Service Oklahoma Operator Board that the
11 location meets all standardization and branding requirements. All
12 such fees shall be deposited in the Service Oklahoma Revolving Fund.
13 The amount of the license fee will be determined by the Service
14 Oklahoma Operator Board. This provision shall not apply to any
15 existing Service Oklahoma location.

16 C. Upon application by a person to serve as a licensed
17 operator, the Service Oklahoma Operator Board is authorized to make
18 a determination whether such person and such location ~~meets~~ meet the
19 criteria and guidelines established by the Service Oklahoma Operator
20 Board and, if such be the case, may issue a license to operate a
21 designated Service Oklahoma location.

22 D. 1. A licensed operator may be permitted, upon application,
23 to sell or transfer an existing license to operate a designated
24 Service Oklahoma location. Any sale or transfer of a license is

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

- 5 a. the licensed operator shall be in good standing with
6 the Service Oklahoma Operator Board,
- 7 b. the licensed operator shall have held a licensed
8 operator license, issued by the Service Oklahoma
9 Operator Board, for a minimum of five (5) years, and
- 10 c. the licensed operator shall provide the Service
11 Oklahoma Operator Board evidence that the proposed
12 buyer or transferee of the licensed operator licensee
13 meets the qualifications and requirements set forth in
14 subsection A of this section, has the ability to meet
15 all financial requirements and terms of any current
16 existing contract between the licensed operator and
17 Service Oklahoma, and agrees to the onboarding and
18 training requirements of Service Oklahoma, as
19 established by Service Oklahoma and the Service
20 Oklahoma Operator Board.

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

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

1 Service Oklahoma in the amount of three percent (3%) of the last
2 annual gross revenue from fees retained at the Service Oklahoma
3 location to be purchased, not to exceed Fifteen Thousand Dollars
4 (\$15,000.00). The transfer fee shall be deposited in the Service
5 Oklahoma Revolving Fund.

6 3. Upon receipt of the application to sell or transfer an
7 existing licensed operator license, the Service Oklahoma Operator
8 Board will determine whether the licensed operator license may be
9 sold or transferred on the condition that the existing location is
10 in good standing and the new licensee meets the requirements
11 outlined in Section 1140 et seq. of this title.

12 4. The Service Oklahoma Operator Board may, at its discretion,
13 buy back a licensed operator license from a licensed operator who
14 desires to sell or transfer its licensed operator license but has
15 held a licensed operator license issued by Service Oklahoma for less
16 than five (5) years. The purchase price for such a license will be
17 one-half (1/2) times the most recent annual gross revenue from fees
18 retained of that Service Oklahoma location, not to exceed Two
19 Hundred Thousand Dollars (\$200,000.00).

20 E. 1. Licensed operators shall be subject to all laws relating
21 to licensed operators and shall be subject to removal for cause by
22 the Service Oklahoma Operator Board. Any action taken by Service
23 Oklahoma to revoke a license shall be pursuant to and in accordance
24

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

- 3 a. repeated violations of written contracts, rules,
4 regulations and statutes pertaining to licensed
5 operators after written warning by the Service
6 Oklahoma Operator Board and an opportunity to correct
7 such violations,
- 8 b. failure of the licensed operator to promptly remit
9 funds owed to Service Oklahoma upon written demand,
- 10 c. being charged with a felony crime involving dishonesty
11 or moral turpitude,
- 12 d. failure to timely file state and federal income tax
13 returns, or
- 14 e. any act of official misconduct as set forth in Section
15 93 of Title 51 of the Oklahoma Statutes.

16 In the event a license is revoked by the Service Oklahoma
17 Operator Board for cause, the Service Oklahoma location operated by
18 the licensed operator will be permanently closed and the licensed
19 operator shall not be entitled to any compensation.

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

1 2. A license to operate a designated Service Oklahoma location
2 may be revoked by the Service Oklahoma Operator Board for failure to
3 meet the standards for customer satisfaction established by the
4 Service Oklahoma Operator Board. In the event of revocation, the
5 licensed operator shall sell his or her license to operate a Service
6 Oklahoma location to Service Oklahoma at a rate of one-half (1/2)
7 times the most recent annual gross revenue from fees retained of
8 that Service Oklahoma location, not to exceed Two Hundred Thousand
9 Dollars (\$200,000.00).

10 F. All licensed operators shall be licensed by and under the
11 supervision of Service Oklahoma; provided, any agent authorized to
12 issue registrations pursuant to the International Registration Plan
13 shall also be under the supervision of the Corporation Commission,
14 subject to rules promulgated by the Corporation Commission pursuant
15 to the provisions of subsection E of Section 1166 of this title.
16 Service Oklahoma shall be the holder of all licenses and has the
17 right to approve and revoke such licenses. After obtaining a
18 license, any such licensed operator shall furnish and file with
19 Service Oklahoma a bond in such amount as may be fixed by Service
20 Oklahoma. Such licensed operator shall be removable at the will of
21 Service Oklahoma. Such licensed operator shall perform all duties
22 and do such things in the administration of the laws of this state
23 as shall be enjoined upon and required by the Service Oklahoma
24 Operator Board. Provided, Service Oklahoma may operate a Service

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

3 G. In the event of a vacancy due to the death of a licensed
4 operator, the licensed operator's designee or a licensed operator
5 location employee shall immediately notify Service Oklahoma. A
6 licensed operator may designate an individual to continue to operate
7 the Service Oklahoma location upon the death of the licensed
8 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
11 death. In the event that no designee is designated or that the
12 designee fails to apply to be a licensed operator with Service
13 Oklahoma within thirty (30) days, Service Oklahoma may take any and
14 all action it deems appropriate in order to provide for the orderly
15 transition and the maintenance of operations of the Service Oklahoma
16 location, as permitted by law.

17 H. When an application for registration is made with Service
18 Oklahoma, the Corporation Commission or a licensed operator, a
19 registration fee of One Dollar and seventy-five cents (\$1.75) shall
20 be collected for each license plate or decal issued. Such fees
21 shall be in addition to the registration fees on motor vehicles and
22 when an application for registration is made to the licensed
23 operator, such licensed operator shall retain a fee as provided in
24 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
3 same amount as provided for licensed operators and the fee provided
4 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
6 title, as applicable. Beginning January 1, 2023, the fee provided
7 by Section 1141.1 of this title shall be deposited in the Service
8 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
13 registration and totaled on the application and registration. The
14 licensed operators shall charge only such fees as are specifically
15 provided for by law, and all such authorized fees shall be posted in
16 such a manner that any person shall have notice of all fees that are
17 imposed by law.

18 I. Any licensed operator shall be responsible for all costs
19 incurred by Service Oklahoma when relocating an existing Service
20 Oklahoma location. The Service Oklahoma Operator Board may waive
21 payment of such costs in case of unforeseen business or emergency
22 conditions beyond the control of the licensed operator.

23 J. Any existing contracts by or between any motor license agent
24 and the Oklahoma Tax Commission shall be assigned to Service

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 Passed the House of Representatives the 6th day of March, 2023.

15

16

17

Presiding Officer of the House
of Representatives

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19

Passed the Senate the ____ day of _____, 2023.

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21

Presiding Officer of the Senate

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