OKLAHOMA STATUTES
TITLE 63. PUBLIC HEALTH AND SAFETY

§63-1-101. Short title....57
§63-1-102. Definitions of terms used in Code....57
§63-1-103. State Board of Health created....57
§63-1-103a. Short title - Oklahoma Public Health Advisory Council Modernization Act....59
§63-1-103a.1. Public Health Advisory Councils....59
§63-1-104. State Commissioner of Health – Powers and duties....65
§63-1-105. State Department of Health created....65
§63-1-105a. Liability insurance for certain employees....66
§63-1-105b. Soliciting residents for nursing care facilities....66
§63-1-105c. Conflicts of interest....66
§63-1-105d. Tobacco Prevention and Cessation Revolving Fund....67
§63-1-105e. Duties of Department of Health....67
§63-1-105f. Office of Accountability Systems....68
§63-1-106. State Commissioner of Health - Qualifications - Powers and duties....70
§63-1-106.1. Fee schedule for licenses, permits and other health services....73
§63-1-106.2. Uniform application to be used in credentialing process....74
§63-1-106.3. Oklahoma Food Service Advisory Council....74
§63-1-107. Public Health Special Fund....76
§63-1-107.1. Repealed by Laws 2002, c. 3, § 25, emerg. eff. Feb. 15, 2002....76
§63-1-107.1A. Eldercare Revolving Fund....76
§63-1-107.2. Vaccine Revolving Fund....77
§63-1-107.3. Health Department Media Campaign Revolving Fund....77
§63-1-107.4. Oklahoma Department of Health Civil Monetary Penalty Revolving Fund....78
§63-1-108. Federal funds - Grants and donations....78
§63-1-109. Right to choose practitioner....79
§63-1-110.1. Children First Fund....79
§63-1-111.1. Repealed by Laws 2004, c. 29, § 1....80
§63-1-114.1. Comprehensive Childhood Lead Poisoning Prevention Program....80
§63-1-114.2. Dental Health Service....81
§63-1-115. Short title....81
§63-1-116. Definitions....81
§63-1-117. Legislative findings - Intent....82
§63-1-118. Division of Health Care Information - Powers and duties....82
§63-1-119. Collection of health care data....84
§63-1-120. Confidentiality of data - Disclosure upon court order - Immunity from liability....86
§63-1-121. Reports....87
§63-1-122. Health Care Information Advisory Committee....87
§63-1-123. Repealed by Laws 1994, c. 283, § 23, eff. Sept. 1, 1994....88
§63-1-123.1. Transfer of powers, duties, etc. from Oklahoma Health Care Authority to State Department of Health....88
§63-1-131. Health and medical information – Definitions - Advisory board....88
§63-1-132. Oklahoma Health Information Exchange Trust....91
A. The state expressly approves the creation of a public trust to be named the "Oklahoma Health Information Exchange Trust", also known as "OHIET", of which the state shall be the beneficiary; provided, however, such approval shall be contingent upon satisfaction of the following conditions: 91
§63-1-201. County board of health - Membership....92
§63-1-202. County board of health - Powers and duties....93
§63-1-203. County superintendent of health - Appointment - Compensation....94
§63-1-204. County superintendent of health - Powers and Duties....94
§63-1-205. County, district and cooperative departments of health - Medical director - contracts for public health services....95

§63-1-206. Functions of health departments....96
§63-1-206.1. Nonphysician services - Fees - Agreements to provide services - Disposition of funds..97
§63-1-207. Cooperative departments of health - Agreements for....98
§63-1-208. Funds for operation of health departments....98
§63-1-208.1. Regional guidance centers and services....99
§63-1-209. Cities and towns - Health authorities - Licensing and Inspection - Ordinances....100
§63-1-209.1. County boards of health as sponsoring agency for National Health Service Corps assignees....101
§63-1-210. City-county board of health in certain counties - Membership....101
§63-1-211. Organization - Meetings - Compensation....102
§63-1-212. Powers and duties of city - county board of health....103
§63-1-212.1. Peace officer certificates for certain employees....103
§63-1-213. Board of county commissioners - Rules and regulations - Fees....103
§63-1-214. City-county health departments - Agreement for creation - Powers - Medical director and other employees....104
§63-1-215. Duties of director of city-county health department....105
§63-1-216. Agreements with other municipalities, agencies and organizations....106
§63-1-217. Fees - Disposition....106
§63-1-218. Annual budget....106
§63-1-218.1. Travel expenses - Reimbursement - Payment by credit card....107
§63-1-219. Child guidance programs, community mental health services and community facilities for individuals with intellectual disabilities authorized....108
§63-1-222.1. Governing boards - Membership - Tenure....108
§63-1-222.2. Duties of governing boards....109
§63-1-222.3. Support of programs....109
§63-1-222.4. Screening of minors to avoid duplication of services....109
§63-1-223. Constitutional levy for health department....110
§63-1-224. Election on constitutional levy....110
§63-1-225. Repeal of constitutional levy....110
§63-1-226. Annual budget for health department....111
§63-1-227. Short title - Intent of Legislature - Office of Child Abuse Prevention created....111
§63-1-227.1. Definitions....112
§63-1-227.2. Power and duties of Office of Child Abuse Prevention....112
§63-1-227.3. Comprehensive state plan for prevention of child abuse and neglect....114
§63-1-227.4. Development and preparation of comprehensive state plan - Proposal for grants for child abuse prevention programs and services....115
§63-1-227.5. Repealed by Laws 2007, c. 147, § 9, eff. July 1, 2007....116
§63-1-227.6. Funding of child abuse prevention programs....116
§63-1-227.7. Director of Office of Child Abuse Prevention - Power and duties....117
§63-1-227.8. Child Abuse Prevention Fund....118
§63-1-227.9. Child Abuse Training and Coordination Council....118
§63-1-229.1. Short title....120
§63-1-229.2. Definitions....120
§63-1-229.3. Tobacco Use Reduction Fund....121
§63-1-229.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....121
§63-1-229.5. Review and recommendation of State Plan for Tobacco Use Prevention and Cessation – Invitations to bid for program contract proposals – Evaluations – Youth Tobacco Survey....122
§63-1-229.6. Review and approval of Invitations To Bid – Considerations in developing State Plan and reviewing intergovernmental contracts....123
§63-1-229.7. Retention of unexpended appropriated funds....124
§63-1-229.8. Contractor reports – Report to Governor and Legislature....125
§63-1-229.11. Short title - Prevention of Youth Access to Tobacco Act....125
§63-1-229.12. Definitions....125

§63-1-229.13. Furnishing of tobacco or vapor products to minors prohibited – Proof of age – Fines – Employee and employer liability – Notification of storeowners – Failure to pay administrative fine – Municipal ordinances....126
§63-1-229.15. Signs in retail establishments required – Fines....129
§63-1-229.16. Notice to retail employees - Signed acknowledgement....130
§63-1-229.17. Vending machine sales restricted....130
§63-1-229.18. Distribution of tobacco or vapor products and product samples restricted – Fines – Municipal ordinances....131
§63-1-229.19. Sale of tobacco products except in original, sealed packaging prohibited – Fine – Municipal ordinances....132
§63-1-229.20. Regulation by agencies or political subdivisions restricted....132
§63-1-229.21. Display or sale of tobacco or vapor products – Public access – Fines – Municipal ordinances....132
§63-1-229.22. Enforcement of Act by ABLE Commission....133
§63-1-229.23. Municipalities to furnish information to ABLE Commission....135
§63-1-229.24. Distribution of administrative fines to municipalities....135
§63-1-229.25. Certain other penalties authorized by law not excluded....135
§63-1-229.26. Transfer of any material or device used in smoking, chewing or consumption of tobacco or vapor products to minors prohibited – Administrative fine for violation....135
§63-1-229.27. Short title - Prevention of Youth Access to Alocholic Beverages and Low-Point Beer Act....136
§63-1-229.28. Definitions....136
§63-1-229.29. Retail sale of alcoholic beverages or low-point beer – Posting of signs – Penalty....136
§63-1-229.30. Sale of alcoholic beverages or low-point beer - Notice to employees - Signed acknowledgement....137
§63-1-229.31. Enforcement of act - Enlistment of persons under 21 years of age....138
§63-1-229.32. Other penalties authorized by law not excluded....138
§63-1-229.33. Prevention of Youth Access to Alcohol Revolving Fund....138
§63-1-229.34. Hired bus or limousine service....139
§63-1-230. Repealed by Laws 2005, c. 211, § 5, eff. Nov. 1, 2005....139
§63-1-231. Short title - Purpose....140
§63-1-232. Statewide program to promote health care....140
§63-1-232.1. Prenatal classes - Risks of drug or alcohol use- Treatment – Education and prevention materials....140
§63-1-232.2. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....140
§63-1-233. Providers as state employees - Protection from liability - Employment contracts....141
§63-1-234. Repealed by Laws 2005, c. 211, § 5, eff. Nov. 1, 2005....141
§63-1-234.1. Breast-feeding – Declaration as right....141
§63-1-235. Short title....142
§63-1-236. Definitions....142
§63-1-237. Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases....142
§63-1-237.1. Postponing Sexual Involvement for Young Teens program....144
§63-1-238. State Plan....144
§63-1-239. Repealed by Laws 1998, c. 22, § 2, emerg. eff. April 1, 1998....145
§63-1-240. Renumbered as Title 10, § 440 by Laws 2012, c. 253, § 6, eff. Nov. 1, 2012....145
§63-1-241. Renumbered as Title 10, § 441 by Laws 2012, c. 253, § 6....145
§63-1-242. Short title - Maternal Mortality Review Act....145
§63-1-242.1. Definitions....145
§63-1-242.2. Maternal Mortality Review Committee....146
§63-1-242.3. Investigation – Subpoena for production of records....148
§63-1-242.4. Composition and structure of Committee....149
§63-1-243. Requirements concerning perinatal mental health disorders....150

§63-1-250. Repealed by Laws 2009, c. 178, § 15.....152
§63-1-260.1. Short title.....152
§63-1-260.2. Purposes of act – Duties of Board of Health and Department of Health.....152
§63-1-260.3. Establishment, promotion, and maintenance of osteoporosis prevention and treatment education program - Needs assessment.....153
§63-1-260.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013, without reference to the amendment in Laws 2013, c. 229, § 54 which read as follows:.....156
§63-1-260.4. Osteoporosis prevention and awareness.....156
§63-1-260.5. Replication and use of successful osteoporosis programs – Contracts with national organizations – Acceptance of grants, services, and property – Federal waivers.....156
§63-1-270. Plan for statewide coordinated system of care for stroke.....157
§63-1-270.1. Short title.....158
§63-1-270.2. Human embryo – Stem cell research – Reporting system.....158
§63-1-280.1. Sooner Start program treatment of autism spectrum disorders - Funding - Contracts. 159
§63-1-280.2. Primary care provider evaluation training - Applied behavior analysis treatment pilot project.....159
§63-1-280.3. Outreach program providing intensive behavioral intervention for children with autism. 160
§63-1-290. Short title.....160
§63-1-290.1. Definitions.....160
§63-1-290.2. Registered nurses - Physician-approved protocols.....160
§63-1-290.3. Construction of act - Severability.....161
§63-1-291.1. Short title-Oklahoma Veterans Brain Injury Treatment and Recovery Act of 2014.....161
§63-1-291.2. Hyperbaric oxygen treatment defined.....161
§63-1-291.3. Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund.....162
§63-1-291.4. Oklahoma State University Center for Aerospace and Hyperbaric Medicine - Jurisdiction over treatment and costs.....162
§63-1-291.5. Approval of treatment plan and funding - Time limit for treatment and submission of bills.....162
§63-1-291.6. Payment of treatment costs.....163
§63-1-292. Definitions.....163
§63-1-293. Epinephrine auto-injector prescriptions – Training – Providing and administering auto-injectors – Immunity from liability.....164
§63-1-301. Definitions.....166
§63-1-302. Rules and regulations.....167
§63-1-303. System of vital statistics.....167
§63-1-304. State Commissioner of Health - Duties.....167
§63-1-305. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.....168
§63-1-306. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.....168
§63-1-307. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.....168
§63-1-308. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.....168
§63-1-309. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.....168
§63-1-310. Forms of records.....168
§63-1-311. Birth certificates - Filing - Contents - Surrogates.....168
§63-1-311.1. Obtaining social security numbers for live births and deaths.....170
§63-1-311.2. Providing documentation to the Department of Human Services.....170
§63-1-311.3. Information regarding acknowledgment of paternity to be provided to unmarried mother – Availability of forms – Supplementary birth certificate.....170
§63-1-312. Infant of unknown parentage.....171
§63-1-313. Delayed birth certificate.....172
§63-1-314. Delayed death certificate.....172
§63-1-315. Judicial proceeding for record of birth.....173

§63-1-315.1. Verified petition to obtain judicial record of death for a person who died 25 years ago or longer....173
§63-1-316. New certificate of birth....175
§63-1-316a. Heirloom birth certificates....175
A. The State Department of Health shall provide for the issuance of an heirloom birth certificate. The Department shall design the form of the heirloom birth certificate with the advice and assistance of the Oklahoma Arts Council and may promote and sell copies of the certificate. An heirloom birth certificate shall not be used as evidence of live birth nor identification purposes..175
§63-1-316b. Short title - Death Certificate Accuracy Act....176
§63-1-317. Death certificate - Filing - Contents....176
§63-1-317a. Electronic capture of death certificate....177
§63-1-317b. List of all registered deaths of residents indicated as veterans on death record....178
§63-1-317c. Confidentiality and disclosure – Construction with Section 1-323....178
§63-1-318. Fetal death certificate - Filing - Contents....178
§63-1-318.1. MISSing Angels Act – Christopher and Kendall's Law....179
§63-1-318.2. Certificate of birth for stillborn child....179
§63-1-319. Disinterment Permit - Notice of Disinterment and Reinterment....179
§63-1-320. Extension of time to file certificate....180
§63-1-321. Amendment of certificate or record....180
§63-1-322. Copies of records - Certification....181
§63-1-323. Vital statistics records confidential – Exceptions – Online public index....182
§63-1-323.1. Notification system for identifying missing children....184
§63-1-324. Certified copies of records - Evidentiary value....185
§63-1-324.1. See the following versions:....186
§63-1-324.1v1. Birth, death or stillbirth certificates - Prohibited acts - Penalties....186
§63-1-324.1v2. Birth, death or stillbirth certificates - Prohibited acts - Penalties....187
§63-1-324.2. Unlawful acts - Penalties....188
§63-1-325. Fees for certified copies of records - Noncollectible drafts - Enlistees....188
§63-1-326. Inmates of institutions - Records - Deaths....189
§63-1-327. Information concerning birth or death....189
§63-1-328. Renumbered as § 396.29 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. 190
§63-1-329.1. Cremation - Burial at sea - Bodies for pathologic study - Disposal permits....190
§63-1-330. Repealed by Laws 2003, c. 57, § 30, emerg. eff. April 10, 2003....191
§63-1-331. Renumbered as § 396.30 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. 191
§63-1-331.1. Renumbered as § 396.31 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003....191
§63-1-332. Renumbered as § 396.32 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. 191
§63-1-333. Renumbered as § 396.33 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. 191
§63-1-334. Marriage and divorce – Nonidentifiable aggregate data....191
§63-1-401. Definitions....191
§63-1-402. Examinations for tuberculosis....191
§63-1-403. Exposure to tuberculosis....192
§63-1-405. Freedom to choose treatment....192
§63-1-409. Reciprocal agreements....192
§63-1-410. Hospitalization and treatment....193
§63-1-450. Oklahoma Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act....193
§63-1-501. Definitions....194
§63-1-502. Rules and regulations....194

§63-1-502.1. Communicable diseases - Universal precautions - Rules and regulations - Risk exposure. 194
§63-1-502.2. Certain information to be confidential - Circumstances under which release permissible - Written consent defined - Multidisciplinary advisory committee on HIV/HBV-infected health care workers - Wrongful disclosure of certain information....195
§63-1-502.3. Person withdrawing or testing blood for human immunodeficiency virus (HIV) - Civil and criminal liability - Definitions....199
§63-1-503. Reports of disease....200
§63-1-504. Quarantine - Violation of quarantine unlawful - Injunctive relief....200
§63-1-505. Removal of diseased persons authorized....201
§63-1-506. Permission for removal of diseased persons....201
§63-1-507. Schools - Attendance of diseased pupils....201
§63-1-508. Animals - Quarantine....201
§63-1-509. Inflammation of eyes of newborn infants....202
§63-1-510. Required eye treatment of infant - Exemption....202
§63-1-511. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010....203
§63-1-512. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010....203
§63-1-513. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010....203
§63-1-514. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010....203
§63-1-515. Pregnant women - Tests for syphilis....203
§63-1-515.1. Physicians attending upon pregnant females – Blood sample....203
§63-1-516. Reports - Blood tests for syphilis....204
§63-1-516.1. Exemption....204
§63-1-517. Definitions....204
§63-1-518. Report and treatment of disease....205
§63-1-519. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011....205
§63-1-520. False discharge from treatment - Penalty....205
§63-1-521. Treatment by person not a physician....205
§63-1-522. Treatment without prescription....205
§63-1-523. Institutions - Treatment of infected inmates - Notice to persons in contact with infected inmates - Testing of inmates....206
§63-1-524. Prisoners - Examinations - Testing certain persons for sexually transmitted infection (STI) or human immunodeficiency virus (HIV) - Treatment - Quarantine....207
§63-1-524.1. Examination of certain arrested persons for a sexually transmitted infection (STI) including human immunodeficiency virus (HIV) - Court order - Required provisions - Notification concerning results to victim's designated professional - Treatment - Responsibility for costs....208
§63-1-525. Exposure of prescriptions and records - Disclosure of results of examinations of persons arrested for certain sex offenses and offenses involving human immunodeficiency virus (HIV) - Testing and counseling services - Rules and regulations....211
§63-1-526. Rules and regulations....212
§63-1-527. Reports of a sexually transmitted infection....212
§63-1-528. Sexually transmitted infection cases - Instructions - Notification....212
§63-1-529. Investigations by health officers....213
§63-1-530. Protection against spread of infection....213
§63-1-531. Certificates of freedom from infection....213
§63-1-532. Publicity of information and reports....213
§63-1-532.1. Minor's consent to examination and treatment for sexually transmitted infections....214
§63-1-533. Phenylketonuria, related inborn metabolic disorders and other genetic or biochemical disorders - Educational and newborn screening programs....214
§63-1-534. Tests....214
§63-1-534.1. State Plan for the Prevention and Treatment of AIDS - Lead agency - Submission to Legislature - Preparation....215
§63-1-534.2. State Plan for the Prevention and Treatment of AIDS - Contents....215

§63-1-539.1. Short title - Definitions....217
§63-1-539.2. Needlestick Injury Prevention Committee – Appointments – Powers and duties....218
§63-1-539.3. Uniform rules to be promulgated by certain state agencies....221
§63-1-540. Information campaign on DES....222
§63-1-541. Registry of persons who took DES....222
§63-1-542. Report of findings and recommendations....222
§63-1-543. Short title - Screening for detection of congenital or acquired hearing loss....222
§63-1-543.3. Grand funding for sickle cell disease....223
§63-1-544. Report of results....223
§63-1-545. Publication of results - Release of information....224
§63-1-546.1. Short title – Legislative findings....224
§63-1-546.2. Repealed by Laws 2004, c. 92, § 5, eff. July 1, 2004....224
§63-1-546.3. Repealed by Laws 2004, c. 92, § 5, eff. July 1, 2004....224
§63-1-546.4. Duties of Department of Health and Department of Mental Health and Substance Abuse Services....224
§63-1-546.5. District attorney multidisciplinary teams - Appropriate dispositions....225
§63-1-550.1. Definitions....225
§63-1-550.2. Birth defects surveillance program....225
§63-1-550.3. Record of Infants Born Exposed to Alcohol and Other Harmful Substances....227
§63-1-550.4. Short title – Fayelen's Law....228
§63-1-550.5. Birthing facility – Pulse oximetry screening....228
§63-1-551.1. Tumor registry....229
§63-1-552. Investigations and other actions - Compilation and evaluation of information....231
§63-1-553. Bone marrow donation program....231
§63-1-553.1. Mammography reports – Breast density classification....232
§63-1-554. Oklahoma Breast and Cervical Cancer Act....232
§63-1-555. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....233
§63-1-556. Contract review and recommendation....233
§63-1-557. Breast and Cervical Cancer Act Revolving Fund....234
§63-1-558. State income tax return check-off....235
§63-1-559. Belle Maxine Hilliard Breast and Cervical Cancer Treatment Revolving Fund....235
§63-1-559.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017....236
§63-1-559.2a. Quality Afterschool Opportunities Act to Reduce Childhood Obesity and Improve Academic Performance....236
§63-1-559.2b. Legislative findings....236
§63-1-559.2c. Obesity reduction programs - Department duties - Rules....236
§63-1-560.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017....237
§63-1-561. Short title....237
§63-1-562. Definitions....237
§63-1-563. Genetic counselors - License required....238
§63-1-564. Requirements for licensure - Issuance of temporary license....238
§63-1-565. Requirements for temporary licensure - Term of license....239
§63-1-566. Exceptions to licensure requirement....240
§63-1-567. Continuing education requirements....240
§63-1-568. Licensure, accreditation, certification not contingent upon acceptance of abortion as treatment option....241
§63-1-569. Licensure requirements - Rules....242
§63-1-570. Genetic Counseling Licensure Revolving Fund....242
§63-1-604. Transfer of General Hospital to City of Clinton....243
§63-1-605. Unexpended appropriations - Continuance....243
§63-1-606. Successor owners as eligible employers for participation in Public Employees Retirement System....243
§63-1-701. Definitions....243

§63-1-702. Licenses required - Practice of healing arts or medicine....244
§63-1-702a. Voluntary licensing of birthing centers - Standards for day treatment programs - Rules and regulations....245
§63-1-702b. Repealed by Laws 2006, c. 315, § 18, emerg. eff. June 9, 2006....245
§63-1-702c. Enhanced reimbursement program for services provided to Medicare beneficiaries...245
§63-1-702d. Repealed by Laws 2006, c. 315, § 19, emerg. eff. June 9, 2006....245
§63-1-702e. Uncompensated Care Equalization Revolving Fund....245
§63-1-703. Licenses - Application - Evidence of qualifications....246
§63-1-704. Licenses - Fees - Duration - Posting....246
§63-1-705. Rules and standards - Inspection - Application of other laws - Community-based programs and services to be provided....247
§63-1-706. Licenses - Issuance, suspension and revocation....248
§63-1-706.1. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....248
§63-1-706.2. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....248
§63-1-706.3. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....248
§63-1-706.4. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....248
§63-1-706.5. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....248
§63-1-706.10. Short title....248
§63-1-706.11. Recognition of Center as resource to state's emergency medical services system....248
§63-1-706.12. Purposes of Center....249
§63-1-707. Rules and standards – Oklahoma Hospital Advisory Council....250
§63-1-707a. Staff privileges - Applications - Psychologists....251
§63-1-707b. Granting of staff privileges - Criteria....252
§63-1-709. Information confidential....253
§63-1-710. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....253
§63-1-711. Survey and inventory of hospitals and health centers....253
§63-1-712. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....253
§63-1-713. Standards of United States Surgeon General to be followed - Reports....253
§63-1-713.1. Federally Qualified Health Centers - Compliance with federal law - Subject to Open Meeting Act - Investigation of and sanctions for noncompliance - Board member training and certification....254
§63-1-714. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....255
§63-1-715. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....255
§63-1-716. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....255
§63-1-717. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....255
§63-1-718. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....255
§63-1-719. Bonds of counties, cities and towns....255
§63-1-720. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....256
§63-1-721. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999....256
§63-1-722. Electronic- or computer-generated signatures of physician....256
§63-1-723. Primary Health Care Development Revolving Fund....257
§63-1-723.2. Discount program for qualified self-pay patients - Defense in collection action....257
§63-1-724. Health centers – Contracts, donations, and grants....258
§63-1-727. Human cloning....258
§63-1-728. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728.1. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728.2. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728.3. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728.4. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728.5. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010....259
§63-1-728a. Short title....259
§63-1-728b. Definitions....259
§63-1-728c. Prohibits employer discrimination - Applicable circumstances....260

§63-1-728d. No requirement to admit patients - Employee refusal to participate and immunity....261
§63-1-728e. Discrimination - Circumstances - Prohibitions....261
§63-1-728f. Ability to sue - Damages....262
§63-1-729. Repealed by Laws 2010, c. 48, § 2, emerg. eff. April 2, 2010....262
§63-1-729.1. Physician presence for abortion-inducing drugs....262
§63-1-729.2. Violation of act - Penalties....262
§63-1-729.3. Civil actions - Damages and injunctive relief - Civil contempt....263
§63-1-729.4. Anonymity of woman upon whom abortion is performed....264
§63-1-729.5. Immunity from civil action....264
§63-1-729.6. Interpretation of act....264
§63-1-729.7. Severability of act....264
§63-1-729a. Sale or distribution of RU-486....265
§63-1-730. Definitions....271
§63-1-731. Persons who may perform abortions - Violations....272
§63-1-731.1. Repealed by Laws 2010, c. 46, § 2, emerg. eff. April 2, 2010....272
§63-1-731.2. Prohibiting certain abortions - Penalties....272
§63-1-732. Viable fetus - Grounds to abort - Procedure....274
§63-1-733. Self-induced abortions....275
§63-1-734. Live-born fetus - Care and treatment....275
§63-1-735. Sale of child, unborn child or remains of child - Experiments....276
§63-1-736. Hospitals - Advertising of counseling to pregnant women....276
§63-1-737. Hospitals which may perform abortions....276
§63-1-737.1. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010....276
§63-1-737.2. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010....276
§63-1-737.3. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010....276
§63-1-737.4. Required signage in abortion facilities....276
§63-1-737.5. Failure to post signage in abortion facilities – Fine – Cause of action....277
§63-1-737.6. Orally inform minors in abortion facilities – Minor certification....278
§63-1-737.7. Short title - Oklahoma Unborn Child Protection from Dismemberment Abortion Act.278
§63-1-737.8. Definitions....278
§63-1-737.9. Unlawful dismemberment abortions - Exceptions....280
§63-1-737.10. Injunctive relief....280
§63-1-737.11. Civil damages action....281
§63-1-737.12. Attorney fees....281
§63-1-737.13. Penalties....281
§63-1-737.14. Disclosure of identity....282
§63-1-737.15. Limitations of act....282
§63-1-737.16. Severability....282
§63-1-738. Repealed by Laws 2009, c. 227, § 12, eff. Nov. 1, 2009....283
§63-1-738.1. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010....283
§63-1-738.1A. Definitions....283
§63-1-738.2. Voluntary and informed consent - Compliance by physicians - Confirmation of receipt of medical risk information....284
§63-1-738.3. Print and online information - Requirements....286
§63-1-738.3a. Form tracking voluntary and informed consent - Contents of form - Submission - Late fee....288
§63-1-738.3b. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010....290
§63-1-738.3c. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010....290
§63-1-738.3d. Ultrasound required prior to procedure - Written certification - Medical emergency exception....290
§63-1-738.3e. Violation of ultrasound requirement - Injunctive relief - Action for damages - License suspension....291
§63-1-738.3f. Civil actions - Damages....292

§63-1-738.3g. Reasonable costs and attorney fees....293
§63-1-738.3h. Identity of woman upon whom abortion performed - Disclosure....293
§63-1-738.3i. Statute of limitations....293
§63-1-738.3j. Interpretation of act....294
§63-1-738.3k. Severability of act....294
§63-1-738.4. Medical emergency abortions – Physician's judgment – Patient's right to information. 294
§63-1-738.5. Disciplinary action....294
§63-1-738.5a. Severability....295
§63-1-738.6. Short title....295
§63-1-738.7. Definitions....295
§63-1-738.8. Review of materials, notice in cases of twenty-plus weeks' gestation - Certification, furnishing of information....296
§63-1-738.9. Use of anesthetic or analgesic to eliminate or alleviate pain - Notice....297
§63-1-738.10. Publication of materials on twenty-week gestation - Legibility - Availability at no cost. 297
§63-1-738.11. Web site, development and maintenance....298
§63-1-738.12. Medical emergency abortion - Notice of medical indications....298
§63-1-738.13. Reporting forms - Submission of copies - Late fees - Public report - Alteration of dates. 298
§63-1-738.14. Violation of Act - Penalties....300
§63-1-738.15. Failure to comply with Act or issue public report - Civil liability....300
§63-1-738.16. Civil or criminal actions - Anonymity of person upon whom abortion has been performed or attempted....301
§63-1-738.17. Severability of provisions....301
§63-1-738a. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738b. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738c. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738d. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738e. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738f. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738g. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738h. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010....302
§63-1-738i. Statistical Abortion Reporting Act....302
§63-1-738j. Individual Abortion Form - Submission of abortion statistics....302
§63-1-738k. Posting of Individual Abortion Form - Notice - Sample form....303
§63-1-738l. Complications of Induced Abortion Report - Sample form....312
§63-1-738m. Annual Abortion Report - Annual Judicial Bypass of Abortion Parental Consent Summary Report....314
§63-1-738n. Notification of physicians - Late fee - Promulgation of rules – Claims brought by taxpayers....319
§63-1-738o. Authority to intervene by right....321
§63-1-738p. Judicial order restraining or enjoining Statistical Abortion Reporting Act....321
§63-1-738q. Injucntion or restraining orders – Enforcement of provisions....322
§63-1-739. Records....322
§63-1-740. Abortion on minor without parental consent or knowledge - Liability....322
§63-1-740.1. Definitions....323
§63-1-740.2. Consent of parent - Requirements - Exceptions - Forms....323
§63-1-740.2A. Evaluation and counseling session....325
§63-1-740.3. Judicial authorization prior to abortion - Court proceedings - Confidentiality - Appeal. 326
§63-1-740.4. Illegal abortion on unemancipated minor - Criminal and civil liability....327

§63-1-740.4a. Report of procedure - Contents - Submission - Late fee - Public report - Rules - Failure to post public report - Attorneys fees....328
§63-1-740.4b. Unlawful acts - Defense - Civil action - Consent....330
A. A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of this title or intentionally causes, aids, abets or assists an unemancipated minor to obtain an abortion without the consent required by Section 1-740.2 of this title commits a felony....330
§63-1-740.5. Severability....331
§63-1-740.6. Enjoinder, suspension, or delay of act....332
§63-1-740.11. Nongovernmental entities providing alternatives-to-abortion services, funding - Annual reports - Contracts for services - Rules....332
§63-1-740.12. Alternatives-to-Abortion Services Revolving Fund....333
§63-1-740.13. Consent form....333
§63-1-740.14. Injunctions or restraining orders – Enforcement of provisions....335
§63-1-740.15. Short title - Choosing Childbirth Act....336
§63-1-740.16. Definitions....336
§63-1-740.17. Department of Health grants to private organizations for services....336
§63-1-740.18. Grant supervising entity....337
§63-1-740.19. Severability....337
§63-1-741. Abortions - Refusal to perform or participate - Exemptions....338
§63-1-741.1. Performance or assisting performance of abortion by state employee or agency prohibited - Exceptions - Use of public funds to encourage abortions prohibited....338
§63-1-741.2. Repealed by Laws 2011, c. 92, § 2, eff. Nov. 1, 2011....339
§63-1-741.3. Patient Protection and Affordable Care Act - Qualified insurance plans - Elective abortion prohibited....339
§63-1-741.11. Repealed by Laws 2010, c. 171, § 2, emerg. eff. April 27, 2010....340
§63-1-741.12. Wrongful life or wrongful birth action - Damages....341
§63-1-742. Payment for securing or soliciting patients for hospital or other entity - Penalties - Construction of act - Exceptions....341
§63-1-743. Advertisement of mammography services - Disclosure of cost - Penalty....342
§63-1-744. Short title - Parental Notification for Abortion Act....343
§63-1-744.1. Definitions....343
§63-1-744.2. Notice – Waiting period....343
§63-1-744.3. Medical emergency – Notice requirement....344
§63-1-744.4. Exceptions to notice requirement....344
§63-1-744.5. Criminal and civil liability....345
§63-1-744.6. Injunction or restraining orders – Enforcement of provisions....345
§63-1-745.1. Pain-Capable Unborn Child Protection Act....345
§63-1-745.2. Definitions....345
§63-1-745.3. Legislative findings....346
§63-1-745.4. Abortion requirements – Determination of probable postfertilization age of unborn child....348
§63-1-745.5. Abortions prohibited when probable postfertilization age of unborn child is 20 or more weeks – Exceptions – Procedure for abortion....348
§63-1-745.6. Abortion – Report to State Department of Health – Public statistical report – Late fee. 349
§63-1-745.7. Violations of act....350
§63-1-745.8. Suits upon violation of act – Injunctive relief – Attorney fees....350
§63-1-745.9. Public disclosure of woman's identity whom an abortion was performed on....351
§63-1-745.10. Severability....352
§63-1-745.11. Construction of act....352
§63-1-745.12. Heartbeat Informed Consent Act....353
§63-1-745.13. Definitions....353

§63-1-745.14. Making heartbeat audible before abortion.....353
§63-1-745.15. Application of act.....354
§63-1-745.16. Violations of act - Penalties - Civil actions.....354
§63-1-745.17. Public disclosure of identity.....355
§63-1-745.18. Interpretation of statute.....356
§63-1-745.19. Severability of act.....356
§63-1-746.1. Definitions.....356
§63-1-746.2. Voluntary and informed consent.....357
§63-1-746.3. Printed materials to provide information.....358
§63-1-746.4. Website to provide information.....359
§63-1-746.5. Medical emergency.....359
§63-1-746.6. Reporting form for physicians.....359
§63-1-746.7. Violations - Penalties.....361
§63-1-746.8. Violations – Civil actions for mother, father or grandparent.....361
§63-1-746.9. Anonymity in court proceedings.....362
§63-1-746.10. Severability.....362
§63-1-747.1. Short title - Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act.....362
§63-1-747.2. Definitions.....363
§63-1-747.3. Order of priority.....363
§63-1-747.4. Cause of action.....363
§63-1-747.5. Severability.....363
§63-1-748. Abortion facility standards - Admitting privileges requirement - Violations - Penalties.. 364
§63-1-749. Preservation of fetal tissue extracted.....368
A. Any physician who performs an abortion on a minor who is less than fourteen (14) years of age at the time of the abortion shall preserve, in accordance with rules promulgated by the Oklahoma State Bureau of Investigation, fetal tissue extracted during such abortion. The physician shall submit the tissue to the Oklahoma State Bureau of Investigation.....368
§63-1-749.1. Inspections of abortion facilities.....368
A. The State Board of Health shall establish policies and procedures for conducting pre-licensure and re-licensure inspections of abortion facilities. Prior to issuing or reissuing a license, the Department shall conduct an on-site inspection to ensure compliance with the rules promulgated by the Board. 368
§63-1-750. Criminal and civil penalties - Civil liability - Severability.....369
A. A person who intentionally, knowingly or recklessly violates any provision or requirement of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes is guilty of a felony.....369
§63-1-751. Short title - Humanity of the Unborn Child Act.....371
§63-1-752. Pregnancy assistance — Agencies and services available — Promotion on social media platforms.....371
§63-1-753. Development and distribution of educational and informational materials – Community assistance.....372
§63-1-754. Instructional program for students.....373
§63-1-755. Public Education on the Humanity of the Unborn Child Fund.....373
§63-1-756. Medication abortions – Signage required for mifepristone use – Required information for patients – Violations - Penalties.....374
§63-1-818.1. Renumbered as § 1430.1 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.2. Renumbered as § 1430.2 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.3. Renumbered as § 1430.3 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.4. Renumbered as § 1430.4 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.5. Renumbered as § 1430.5 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.6. Renumbered as § 1430.6 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.7. Renumbered as § 1430.7 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378

§63-1-818.8. Renumbered as § 1430.8 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.9. Renumbered as § 1430.9 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.....378
§63-1-818.10. Renumbered as § 1430.10 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 378
§63-1-818.11. Renumbered as § 1430.11 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 378
§63-1-818.12. Renumbered as § 1430.12 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 378
§63-1-818.13. Renumbered as § 1430.13 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 378
§63-1-818.14. Renumbered as § 1430.14 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.15. Renumbered as § 1430.15 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.16. Renumbered as § 1430.16 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.17. Renumbered as § 1430.17 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.18. Renumbered as § 1430.18 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.19. Renumbered as § 1430.19 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.20. Renumbered as § 1430.20 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.21. Renumbered as § 1430.21 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.22. Renumbered as § 1430.22 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.23. Renumbered as § 1430.23 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.24. Renumbered as § 1430.24 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.25. Renumbered as § 1430.25 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.26. Renumbered as § 1430.26 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.27. Renumbered as § 1430.27 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.28. Renumbered as § 1430.28 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.29. Renumbered as § 1430.29 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 379
§63-1-818.30. Renumbered as § 1430.30 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.31. Renumbered as § 1430.31 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.32. Renumbered as § 1430.32 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.33. Renumbered as § 1430.33 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.34. Renumbered as § 1430.34 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.35. Renumbered as § 1430.35 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.36. Renumbered as § 1430.36 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.37. Renumbered as § 1430.37 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.38. Renumbered as § 1430.38 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.39. Renumbered as § 1430.39 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.40. Renumbered as § 1430.40 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-818.41. Renumbered as § 1430.41 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.. 380
§63-1-819. Residential Care Act.....380
§63-1-820. Definitions.....380
§63-1-821. Rules - Powers and duties.....383
§63-1-821.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017.....385
§63-1-822. Application for license - Fee - Information required - Qualifications - Issuance of license - Expiration - Modification - Renewal.....385
§63-1-823. Transfer of ownership of home - Probationary license required - Notice of transfer.....387
§63-1-824. Probationary license - Duration - Conditions for issuance - Termination - Issuance or denial of regular license.....388
§63-1-825. Violation of act - Penalties and liabilities.....389
§63-1-826. Denial, refusal to renew, suspension or revocation of license.....389
§63-1-827. Effective date of nonrenewal, suspension or revocation of license - Hearing - New application - New license.....390
§63-1-828. Fire safety inspections - Fire safety rules and regulations.....391
§63-1-828.1. State agencies - Placement of persons in unlicensed residential care homes prohibited. 391
§63-1-829. Inspections and investigations - Reports.....391
§63-1-830. Complaints - Notice - Hearing - Orders - Emergencies.....393
§63-1-830.1. Participation in dispute resolution panels.....395

§63-1-830.2. Challenge to statement of deficiency – Informal dispute resolution – Alternative informal dispute resolution....395
§63-1-831. Report or plan of correction....396
§63-1-832. Prohibited acts - Violations....396
§63-1-833. Penalties....397
§63-1-834. Prosecution of violations - Action for equitable relief....398
§63-1-835. Administration of medication to resident....399
§63-1-836. Rules ensuring minimum standards for homes....399
§63-1-837. Insuring life of resident - Persons eligible - Assignment of benefits of life insurance policy. 401
§63-1-838. Repealed by Laws 2001, c. 410, § 21, eff. Nov. 1, 2001....402
§63-1-839. Disposition of monies received by Department....402
§63-1-840. Other provisions applicable to residential care homes....402
§63-1-841. Accounting of clients' financial records....402
§63-1-842. Residents' representatives....402
§63-1-849. Renumbered as § 629 of Title 57 by Laws 2015, c. 227, § 2, eff. Nov. 1, 2015....403
§63-1-850. Short title....403
§63-1-851. Public policy as to development of long-term services....403
§63-1-851.1. Definitions....403
§63-1-851.2. Department - Powers and duties - Participation in federal programs - Collection of monthly data....405
§63-1-851.3. Certificate of need required....407
§63-1-852. Long-term care facility certificate of need – Requirements - Exemptions....407
§63-1-852.1. Fees - Maximum fee - Capital cost for acquisition - Request for exemption....411
§63-1-853. Findings as to necessity....411
§63-1-853.1. Investigation of application by not-for-profit life care community for certificate of need. 414
§63-1-854.1. Appeal of findings....415
§63-1-857. Time for submitting plans and specifications - Time for construction - Time for acquisition....416
§63-1-857.1. Rules and regulations - Oaths - Reports....417
§63-1-857.2. Decision granting or denying certificate of need for new long-term care facility - Written findings of facts, conclusions of law and explanations required....417
§63-1-857.4. Repealed by Laws 2004, c. 436, § 14, emerg. eff. June 4, 2004....418
§63-1-857.6. Oklahoma Health Planning Commission - Abolition - Transfer of funds, property, etc. 418
§63-1-858. Penalties....419
§63-1-859. Provisions as supplemental....419
§63-1-859.1. Volunteer program....419
§63-1-860.1. Short title....419
§63-1-860.2. Definitions....419
§63-1-860.2a. Hospices exempt from act....421
§63-1-860.3. Contents of hospice program....421
§63-1-860.4. Requirements and conditions for hospices - Hospice teams - Records - Governing body - Administrators....422
§63-1-860.5. Department - Powers and duties....425
§63-1-860.6. First-year or permanent license - Application - Plan for delivery of services - Term and renewal of license - Conditional license....426
§63-1-860.7. Patient care when patient unable to pay....428
§63-1-860.8. Inspections and investigations....428
§63-1-860.9. Denial, refusal to renew, suspension or revocation of license....428
§63-1-860.9a. Violations - Administrative fines....429
§63-1-860.10. Complaints - Notice - Hearing - Orders - Service of order or other instrument....430

§63-1-860.11. Appeals....431
§63-1-860.12. Attorney General - Equitable relief....432
§63-1-860.13. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....432
§63-1-860.14. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013, without reference to the amendment in Laws 2013, c. 229, § 57 which read as follows:....432
§63-1-860.14. Annual report on the improvement of hospice care....432
§63-1-860.15. Fees....433
§63-1-860.16. Hospice Revolving Fund....433
§63-1-862. Continuing education requirements for administrators....433
§63-1-865.1. Sheltered Workshop Act....434
§63-1-865.2. Definitions....434
§63-1-865.3. Department of Human Services – Powers and duties – Sheltered workshops....435
§63-1-865.4. License renewal – Application requirements....437
§63-1-865.5. Sheltered workshop conditional license....438
§63-1-865.6. Sheltered workshop license - Transfer....439
§63-1-865.7. Sheltered workshop inspection - Notice....440
§63-1-865.8. Criminal history records – Criminal background check - Confidentiality....440
§63-1-870. Legislative statement of need....441
§63-1-871. Short title....442
§63-1-872. Definitions....442
§63-1-873. Licensure requirements and standards - Centers required to be licensed....442
§63-1-874. Application for license - Renewal - Proof of compliance with law....443
§63-1-875. Inspection by State Department of Health....444
§63-1-876. Denial, suspension, non-renewal or revocation of license - notice - Hearing - Reinstatement of suspended license....444
§63-1-877. Discontinuance of operation of a center - Notification of participants and Department - Surrender of license....444
§63-1-878. Unlawful operation or misrepresentation - Penalties - Misdemeanor - Prosecution - Civil actions - Remedies....445
§63-1-879.1. Repealed by Laws 2007, c. 93, § 7, eff. Nov. 1, 2007....446
§63-1-879.2. Alzheimer's Research Advisory Council - Powers, duties and responsibilities....446
§63-1-879.2a. Short title....447
§63-1-879.2b. Definitions....447
§63-1-879.2c. Required disclosure....447
§63-1-879.3. Core Neuropathology Laboratory....448
§63-1-879.4. Repealed by Laws 1994, c. 283, § 22, eff. Sept. 1, 1994....449
§63-1-880.1. Short title....449
§63-1-880.2. Public policy - Purpose....449
§63-1-880.3. Definitions....449
§63-1-880.4. Department - Powers and duties - Participation in federal programs - Collection of monthly data....449
§63-1-880.5. Certificate of need required....451
§63-1-880.6. Application for certificate of need - Exemptions....451
§63-1-880.7. Findings as to necessity - Certain capital expenditures exempted - Criteria for approval of application - Reconsideration of determination....454
§63-1-880.8. Appeal of final determination....455
§63-1-880.9. Term of validity of certificate - Time for submitting plans and specifications - Time for construction or modification of structure - Time for acquisition - Effective dates of deadlines....455
§63-1-880.10. Decision granting or denying certificate of need for psychiatric or chemical dependency facility - Written findings of fact, conclusions of law and explanations required....456
§63-1-880.11. Violations - Penalties....456
§63-1-880.12. Payment or acceptance of payment for securing or soliciting patients for psychiatric or chemical dependency facility....457

§63-1-881. Prescribing antipsychotic drugs to long-term care facility residents – Written consent – Denial of admission....458
§63-1-890.1. Short title....461
§63-1-890.2. Definitions....461
§63-1-890.3. Promulgation of rules - Contents - Other applicable acts....462
§63-1-890.4. Application to establish or license a continuum of care facility or assisted living center. 463
§63-1-890.5. License required....464
§63-1-890.6. Application of act - Bans on admission - Penalties....464
§63-1-890.7. Repealed by Laws 2003, c. 16, § 1....466
§63-1-890.8. Provision of home care, nursing, hospice and private services - Plan of accommodation for certain disabled residents....466
§63-1-891. Supervision of nurse aide trainees....468
§63-1-894. Quality of care fees – Assessment upon repeal of federal requirements....468
§63-1-895. Informal dispute resolution panel....468
§63-1-899.1. Repealed by Laws 2002, c. 112, § 5, eff. Dec. 31, 2002....468
§63-1-901. Definitions....469
§63-1-902. Renumbered as § 2-6-701 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-903. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....469
§63-1-904. Renumbered as § 2-6-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-905. Renumbered as § 2-4-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-906. Renumbered as § 2-6-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-907. Renumbered as § 2-6-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-908. Renumbered as § 2-6-401 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-909. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....469
§63-1-909A. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....469
§63-1-910. Renumbered as § 2-6-403 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-911. Renumbered as § 2-6-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-912. Renumbered as § 2-6-601 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993....469
§63-1-913. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....470
§63-1-914. Cooperation in clearing area and controlling malaria....470
§63-1-915. Bottled water - Plants - Sale or distribution - Permits required....470
§63-1-916. Fees for permits....470
§63-1-917. Standards for bottled water plants....470
§63-1-918. Standards, rules and regulations....471
§63-1-919. Plans for bottled water plants....471
§63-1-931. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....471
§63-1-932. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....471
§63-1-933. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....471
§63-1-935. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....471
§63-1-1001. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....471
§63-1-1001.1. Short title....471
§63-1-1001.2. Application of act - Exceptions....471
§63-1-1001.3. Definitions....472
§63-1-1001.4. Unlawful actions....473
§63-1-1001.5. Promulgation of rules....473
§63-1-1001.6. Embargo of unlawful bedding....474
§63-1-1001.7. Permits....475
§63-1-1001.8. Inspections....476
§63-1-1002. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....477
§63-1-1002.1. Short title....477
§63-1-1002.2. Rules establishing requirements for retailers of bunk beds....477
§63-1-1002.3. Fines....477

§63-1-1002.4. Application of act....478
§63-1-1003. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1004. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1005. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1006. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1007. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1008. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996....478
§63-1-1009. Renumbered as § 2-6-801 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...478
§63-1-1010. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....478
§63-1-1011. Health nuisances - Removal - Collection of cost of removal....478
§63-1-1013. Definition of public bathing place....479
§63-1-1013.1. Annual license for public bathing places – Fees....479
§63-1-1013.2. Revocation of public bathing place license....480
§63-1-1014. Standards and rules for public bathing places....480
§63-1-1015. Sanitation and safety....480
§63-1-1016. Construction and finish - Toilet facilities - Drinking fountains - Hot and cold water - Lavatories and Showers - Design and operation requirements - Equipment....481
§63-1-1016A. Procedure for use of public restrooms....481
§63-1-1016B. Penalty....482
§63-1-1017. Plans and specifications....482
§63-1-1018. Examinations and investigations....482
§63-1-1019. Records....482
§63-1-1020. Noncompliance with law....482
§63-1-1020.1. Reinspection of public bathing place found to be public nuisance - Fees....483
§63-1-1021. Permanently out-of-service public bathing places....483
§63-1-1101. Definitions....483
§63-1-1102. Acts prohibited....485
§63-1-1103. Injunctions authorized....485
§63-1-1104. Violations - Punishment....486
§63-1-1105. Embargo authorized - Nuisances....486
§63-1-1106. Prosecution for violations....487
§63-1-1107. Discretion in prosecution....487
§63-1-1108. Rules and regulations - Definitions - Standards....488
§63-1-1109. Adulterated food....488
§63-1-1110. Misbranding of food....489
§63-1-1111. Permits authorized....490
§63-1-1112. Adding substances to food....491
§63-1-1113. False advertising....492
§63-1-1114. Rules and regulations - Enforcement....492
§63-1-1115. Inspections....492
§63-1-1116. Publication of reports....493
§63-1-1117. Conformity to federal requirements....493
§63-1-1118. Food establishment license - Exemptions - Fee-exempt license - Sanitation standards. 493
§63-1-1118.1. Unattended food establishments – Criteria - Permits....495
§63-1-1119. License required - Manufacturers, wholesalers, brokers of foods and drugs - Exception. 498
§63-1-1120. Definitions....498
§63-1-1121. License....499
§63-1-1122. License fee....499
§63-1-1123. Examination of plant....499
§63-1-1124. Inspection and revocation of license....499
§63-1-1125. Storing of impure foods....500

§63-1-1126. Goods not intended for human consumption.....500
§63-1-1127. Construction of plant - Equipment.....500
§63-1-1128. Sanitation and cleanliness.....500
§63-1-1129. Water supply - Toilet facilities.....501
§63-1-1130. Temperatures required.....501
§63-1-1131. Inspection, wrapping, identification of stored food.....502
§63-1-1132. Warehousemen.....502
§63-1-1133. Storage lien.....502
§63-1-1134. State board of health.....503
§63-1-1135. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.....503
§63-1-1136. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.....503
§63-1-1137. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.....503
§63-1-1138. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.....503
§63-1-1139. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.....503
§63-1-1201. Hotels, motels, etc. - Licenses required - Rules and regulations.....503
§63-1-1301.1. Renumbered as § 7-401 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....503
§63-1-1301.2. Renumbered as § 7-402 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.3. Renumbered as § 7-403 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.4. Renumbered as § 7-404 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.5. Renumbered as § 7-405 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.6. Renumbered as § 7-406 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.7. Renumbered as § 7-407 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.8. Renumbered as § 7-408 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.9. Renumbered as § 7-409 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.10. Renumbered as § 7-410 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.11. Renumbered as § 7-411 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.12. Renumbered as § 7-412 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.13. Renumbered as § 7-413 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.14. Renumbered as § 7-414 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.15. Renumbered as § 7-415 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.16. Renumbered as § 7-416 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.17. Renumbered as § 7-417 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....504
§63-1-1301.18. Renumbered as § 7-418 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....505
§63-1-1301.19. Renumbered as § 7-419 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....505
§63-1-1301.20. Renumbered as § 7-420 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.....505
§63-1-1301.30. Short title.....505
§63-1-1301.31. Legislative intent.....505
§63-1-1301.32. Purpose of act.....505
§63-1-1301.33. Labeling and advertising.....506
§63-1-1301.34. Separate display.....507
§63-1-1301.35. Food establishments - notice.....507
§63-1-1301.36. Registration.....508
§63-1-1301.37. License to manufacture.....508
§63-1-1301.38. Import license.....509
§63-1-1301.39. Rules, regulations and orders - Waiver on exports.....509
§63-1-1301.40. Penalties.....510
§63-1-1301.41. Deposit of funds.....510
§63-1-1330. Short title - Oklahoma Honey Sales Act.....511
§63-1-1331. Beekeepers - Exemptions from regulation and inspection.....511
§63-1-1401. Definitions.....511
§63-1-1402. Acts prohibited.....513
§63-1-1403. Injunction.....514
§63-1-1404. Violations - Penalties - Exemptions.....514

§63-1-1405. Embargo....515
§63-1-1406. Prosecution for violations....516
§63-1-1407. Minor violations....516
§63-1-1408. Adulteration of drugs and devices....516
§63-1-1409. Misbranding of drugs and devices....517
§63-1-1410. Adulteration of cosmetics....520
§63-1-1411. Misbranding of cosmetics....521
§63-1-1412. Advertisements - False or misleading....521
§63-1-1413. Regulations - Hearings - Notice....522
§63-1-1414. Inspections....522
§63-1-1415. Publication of reports and information....523
§63-1-1430. Forced implantation of microchip or permanent mark prohibited....523
§63-1-1431. Labeling requirements for cannabidiol....523
§63-1-1440. Recodified as § 5-4.1 of Title 2 by Laws 2017, c. 85, § 3, eff. Nov. 1, 2017....524
§63-1-1440.1. Recodified as § 5-4.2 of Title 2 by Laws 2017, c. 85, § 4, eff. Nov. 1, 2017....524
§63-1-1440.2. Recodified as § 5-4.3 of Title 2 by Laws 2017, c. 85, § 5, eff. Nov. 1, 2017....524
§63-1-1440.3. Recodified as § 5-4.4 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017....524
§63-1-1440.4. Recodified as § 5-4.5 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017....524
§63-1-1440.5. Recodified as § 5-4.6 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017....524
§63-1-1450. Legislative findings – Short title....524
§63-1-1451. Definitions....525
§63-1-1452. Authorized personnel - Supervision....525
§63-1-1453. Certification....526
§63-1-1454. Restrictions for certification - Application....526
§63-1-1455. Training and testing - Certification by reciprocity....527
§63-1-1456. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....528
§63-1-1457. Fees - Effective period for certification....528
§63-1-1458. Violations - Application....529
§63-1-1501. Occupational diseases - Reports - Detection and prevention - Agreements....531
§63-1-1501.1. Diagnostic X-Ray Facility Act - Short title....532
§63-1-1502. Definitions....532
§63-1-1503. Diagnostic x-ray systems - Official state agency - Healing arts practitioners....532
§63-1-1504. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....533
§63-1-1504.1. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....533
§63-1-1505. Rules for diagnostic x-ray facilities....533
§63-1-1508. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....533
§63-1-1509. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....533
§63-1-1510. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....533
§63-1-1511. Noise control and abatement - Studies....533
§63-1-1512. State Department of Health as official agency....534
§63-1-1513. Cooperation with federal agencies....534
§63-1-1514. State agencies and local government to cooperate with Department....534
§63-1-1515. Clean Air in Restaurants Act - Restaurant rebate program....534
§63-1-1521. Short title....535
§63-1-1522. Definitions....535
§63-1-1523. Smoking in certain places prohibited - Exemptions....536
§63-1-1524. Repealed by Laws 2003, S.J.R. No. 21, § 7, eff. Sept. 1, 2003....539
§63-1-1525. Measures to prevent smoking in nonsmoking areas....540
§63-1-1526. Rules and regulations....540
§63-1-1526.1. Administrative fines - Nursing facilities and employees - Child care facilities....540
§63-1-1527. Legislative intent....541
§63-1-1528. Smoking in motor vehicles whre children are present....541

§63-1-1529. Use of tobacco products prohibited on all properties owned, leased or contracted for use by the state....541
§63-1-1530. Development of strategies to prevent tobacco use by minors....541
§63-1-1531. Smoking cessation fee....541
§63-1-1532. Health Care Enhancement Fund....542
§63-1-1601. Definitions....543
§63-1-1602. Regulations - State Board of Health....545
§63-1-1603. Acts prohibited....546
§63-1-1604. Violations - Penalties - Exemptions....547
§63-1-1605. Embargo....548
§63-1-1606. Prosecutions for violations....548
§63-1-1607. Injunction....549
§63-1-1608. Rules and regulations....549
§63-1-1609. Right of access - Inspections....549
§63-1-1610. Inspections of records....549
§63-1-1611. Publication of reports and information....550
§63-1-1701. Penalties for violation of act - Injunctive relief....550
§63-1-1701.1A. Violation of rules, regulations or standards - Orders - Penalties....551
§63-1-1701.1B. Collection of fines - Limiting construction of act....552
§63-1-1701.2. Administrative warrants....552
§63-1-1702. Renewal of license or permit - Grace period - Renewal fee - Penalty fee - Prohibited renewal....553
§63-1-1703. Old licenses continued in effect....553
§63-1-1704. Status of employees under Merit System not changed....553
§63-1-1707. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....554
§63-1-1708. Malpractice insurance on doctors and nurses in health departments - Liability....554
§63-1-1708.1A. Short title....554
§63-1-1708.1B. Legislative findings - Purpose....554
§63-1-1708.1C. Definitions....555
§63-1-1708.1D. Medical liability actions - Evidence....556
§63-1-1708.1E. Repealed by Laws 2013, 1st Ex.Sess., c. 12, § 6....556
§63-1-1708.1F-1. Noneconomic damages – Hard cap limit – Exception – Applicability and termination of section....556
§63-1-1708.1F. Medical liability actions - Damages....557
§63-1-1708.1G. Repealed by Laws 2009, c. 228, § 87, eff. Nov. 1, 2009....558
§63-1-1708.1H. Statements, conduct, etc. expressing apology, sympathy, etc. – Admissibility – Definitions....558
§63-1-1708.1I. Expert witnesses – Qualifications....559
§63-1-1709. Information concerning condition and treatment of patients - Restrictions - Exemption from liability - Review committees....559
§63-1-1709.1. Peer review information....560
§63-1-1710. Retirement system....563
§63-1-1712. Failure to comply with or breach of certain federal laws inadmissible....563
§63-1-1750. Rules and regulations....564
§63-1-1751. License fees....564
Fees for licenses issued by the State Board of Health to practice the fitting and dealing of hearing aids shall be set by the State Board of Health at rates not less than the following schedule:....564
§63-1-1752. Abolition of Board of Hearing Aid Dealers and Fitters....564
§63-1-1753. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....565
§63-1-1754. Renewal of permit or license....565
§63-1-1801. Renumbered as § 2-5-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...565
§63-1-1802. Renumbered as § 2-5-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...565
§63-1-1803. Renumbered as § 2-5-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...565

§63-1-1804. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.....565
§63-1-1804.1. Renumbered as § 2-5-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 565
§63-1-1805. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.....565
§63-1-1805.1. Renumbered as § 2-5-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 565
§63-1-1806. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.....565
§63-1-1806.1. Renumbered as § 2-5-106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 565
§63-1-1807. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.....565
§63-1-1807.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....565
§63-1-1808. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.....565
§63-1-1808.1. Renumbered as § 2-5-107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 566
§63-1-1809. Renumbered as § 2-5-108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1810. Renumbered as § 2-5-109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1811. Renumbered as § 2-5-110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1812. Renumbered as § 2-5-111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1813. Renumbered as § 2-5-112 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1814. Renumbered as § 2-5-113 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1815. Renumbered as § 2-5-114 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1816. Renumbered as § 2-5-115 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1817. Renumbered as § 2-5-116 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1818. Renumbered as § 2-5-117 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1819. Renumbered as § 2-5-118 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...566
§63-1-1900.1. Long-Term Care Reform and Accountability Act of 2001.....566
§63-1-1900.2. Waiver of Nursing Home Care Act provisions and rules.....567
§63-1-1901. Short title.....567
§63-1-1902. Definitions.....567
§63-1-1903. License required - Exemptions - Practice of healing arts not authorized – Application of act to facilities not receiving public funds.....571
§63-1-1904. Licensure and certification - Purpose - Procedure - Violations - Applications.....571
§63-1-1905. Application fee - Form and display of license - Renewal - Transfer of ownership or operation of facility - Conditional license - Liability of transferor - Unannounced inspections.....573
§63-1-1906. Issuance and renewal of licenses - Initial license - Denial of application - Notice of denial - Suspension or revocation - Administrative penalties - Effective date of nonrenewal or revocation - Application following revocation.....574
§63-1-1907. Repealed by Laws 1991, c. 127, § 13, emerg. eff. April 29, 1991.....577
§63-1-1908. Fire safety standards - Vendor payments.....577
§63-1-1908.1. Funding source for temporary managers, state monitors or receivers – Nursing Facility Administrative Penalties Fund.....578
§63-1-1909. Documents and papers required to be displayed.....579
§63-1-1910. Records required to be retained for public inspection.....579
§63-1-1911. Inspections - Meetings - Reports - Departmental files.....580
§63-1-1912. Notice of violation and right to hearing – Emergency orders - Appeal.....582
§63-1-1913. Repealed by Laws 1991, c. 127, § 13, emerg. eff. April 29, 1991.....583
§63-1-1914. Plan of correction of violations to be submitted - Report of correction - Petition for time extension - Contest of department action.....583
§63-1-1914.1. Remedies for violations - Considerations in determining appropriate remedy.....584
§63-1-1914.2. Temporary managers.....585
§63-1-1914.3. Informal dispute resolution meeting.....589
§63-1-1914.4. Definitions.....590
§63-1-1914.5. Written request for informal dispute resolution.....590

§63-1-1914.6. Informal dispute resolution - Impartial decision maker.....591
§63-1-1914.7. Employment status of impartial decision maker.....592
§63-1-1914.8. Informal dispute resolution - Procedure.....592
§63-1-1914.9. Determinations - Impartial decision maker – State survey agency.....592
§63-1-1914.10. Deficiencies.....593
§63-1-1914.11. Alternative informal dispute resolution - Definitions.....594
§63-1-1914.12. Alternative informal dispute resolution.....594
§63-1-1914.13. Request for alternative informal dispute resolution - Meeting with impartial decision-making panel.....594
§63-1-1914.14. Alternative informal dispute resolution - Procedure - Evidence.....595
§63-1-1914.15. Alternative informal dispute resolution - Determinations - State survey agency determination - Amended statement of deficiencies.....596
§63-1-1914.16. Alternative informal dispute resolution - Limitation of matters.....597
§63-1-1915. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....597
§63-1-1916. Prohibited acts - Violations - Prosecution.....597
§63-1-1916.1. Violations - Penalties - Criteria for determination of amount of penalty - Appeal - Surrender of license.....598
§63-1-1916.2. Denial, refusal to renew, suspension or revocation of license.....599
§63-1-1917. State agencies to assist in carrying out provisions of act.....599
§63-1-1918. Rights and responsibilities - Violations - Penalties.....599
§63-1-1918.1. Dispensation of certain drugs in bubble pack units - Pilot program.....604
§63-1-1918.2. Renumbered as § 367.3 of Title 59 by Laws 2004, c. 374, § 9, emerg. eff. June 3, 2004. 605
§63-1-1918A. Repealed by Laws 2005, c. 108, § 4, eff. July 1, 2005.....605
§63-1-1918B. Intent of Legislature regarding nursing home residents' pain – Nursing homes to assess residents' pain – Rules and regulations regarding pain management.....605
§63-1-1919. Person authorized to have access to facilities - Violations - Exemptions.....605
§63-1-1920. Protection of resident's funds.....607
§63-1-1921. Contracts - Provisions and procedures.....608
§63-1-1922. Residents' advisory council.....609
§63-1-1923. Long-Term Care Facility Advisory Board.....610
§63-1-1923.1. Residents and Family State Council - Toll free hotline.....613
§63-1-1924. Information which may be disclosed by department.....613
§63-1-1924.1. Notification of clergy upon impending death.....614
§63-1-1925. Minimum standards for facilities.....614
§63-1-1925.1. Long-term care facilities - Visiting or residential animals.....615
§63-1-1925.2. See the following versions:.....615
§63-1-1925.2v1. Reimbursements from Nursing Facility Quality of Care Fund - Staffing ratios - Name and title posting - Rule promulgation - Appeal - Nursing Facility Funding Advisory Committee.....615
§63-1-1925.2v2. Reimbursements from Nursing Facility Quality of Care Fund - Staffing ratios - Name and title posting - Rule promulgation - Appeal - Nursing Facility Funding Advisory Committee.....622
§63-1-1925.3. Repealed by Laws 2002, c. 112, § 10, eff. Dec. 31, 2002.....631
§63-1-1925.4. Disaster and emergency evacuation plans - Disclosure.....631
§63-1-1926. Involuntary transfer or discharge of resident - Grounds.....632
§63-1-1927. Notice of involuntary transfer or discharge.....632
§63-1-1928. Rules and regulations for transfer of residents by facility or home.....632
§63-1-1929. Rules and regulations for transfer of resident by Department.....633
§63-1-1930. Voluntary closing of facility - Notice - Alternative placement of residents - Relocation assistance.....633
§63-1-1930.1. Notification of Department of certain events.....634
§63-1-1930.2. Petition to place facility under control of receiver – Hearing - Emergency hearing - Ex parte receivership.....634
§63-1-1930.3. Powers and duties of receiver – Liability - Limited duration license.....635

§63-1-1930.4. Termination of receivership.....636
§63-1-1930.5. Liability of facility owner, administrator or employee notwithstanding receivership. 637
§63-1-1931. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1932. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1933. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1934. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1935. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1936. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1937. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1938. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.....637
§63-1-1939. Liability to residents - Injunctive and declaratory relief - Damages - Waiver of rights - Jury trial - Retaliation against residents - Immunity - Report of abuse or neglect and other serious incidents.....638
§63-1-1940. Violations declared public nuisance - Injunction - Complaints.....639
§63-1-1941. Copies of complaints, inspection or survey results to Ombudsman Program of Special Unit on Aging.....642
§63-1-1942. Rules and regulations.....642
§63-1-1943. Application of Administrative Procedure Act.....642
§63-1-1943.1. Administrator of record for multiple facilities.....642
§63-1-1944. Short title.....643
§63-1-1945. Definitions.....643
§63-1-1946. Notification of sex or violent offender status.....645
§63-1-1947. Employee background checks.....646
§63-1-1948. Employment of sex or violent offenders prohibited.....655
§63-1-1950. Dispensing of nonprescription drugs - Maintaining bulk supplies.....655
§63-1-1950.1. Definitions - Criminal history background check on certain persons to be offered employment.....656
A. For purposes of this section:.....656
§63-1-1950.2. Nontechnical medical care providers - Employment by department.....659
§63-1-1950.3. Nurses aides - Employment of persons not licensed – Medication aides – Rules for medication administration.....659
§63-1-1950.4. Nurse aides – Uniform employment application.....662
§63-1-1950.4a. Uniform employment application for nurse aides - Providing false information - Penalties.....663
§63-1-1950.5. Caregiver - Solicitation or acceptance of gifts - Offense.....663
§63-1-1950.6. Effective date - Definitions.....664
§63-1-1950.7. Nontechnical services worker abuse registry.....664
§63-1-1950.8. Criminal history records and nontechnical services worker abuse registry search – Temporary employment.....665
§63-1-1950.9. Fine and imprisonment.....667
§63-1-1951. Certification, training and registration.....667
§63-1-1951.1. Rules and implementation.....672
§63-1-1952. Repealed by Laws 2007, c. 93, § 8, eff. Nov. 1, 2007.....672
§63-1-1953.1. Definitions.....672
§63-1-1953.2. Notice of electronic monitoring - Refusal to admit - Signs.....672
§63-1-1953.3. Obstruction of electronic monitoring devices - Penalties.....673
§63-1-1953.4. Admission into evidence.....673
§63-1-1953.5. Electronic monitoring in nursing homes.....673
§63-1-1953.6. Consent for electronic monitoring in nursing homes.....674
§63-1-1953.7. Residents utilizing existing electronic monitoring devices.....675
§63-1-1955.1. Short title.....675
§63-1-1955.2. Definitions.....675

§63-1-1955.3. Oklahoma Long-Term Care Partnership Program - Purposes - Exhaustion of benefits - Asset disregard....676
§63-1-1955.4. Eligibility for assistance under state Medicaid program - Continuing eligibility for asset disregard - Reciprocal agreements....677
§63-1-1955.5. Promulgation of rules....677
§63-1-1955.6. Long-term care insurance policies - Notice regarding asset disregard and asset tests. 677
§63-1-1960. Short title....677
§63-1-1961. Definitions....677
§63-1-1962. Home care agency license – Supervisory requirements - Exemptions....679
§63-1-1962a. Certification of home care agency administrators....682
§63-1-1963. State Department of Health - Powers and duties - Rules and regulations for investigation and hearing of complaints....683
§63-1-1964. Contents, coverage and scope of rules....685
§63-1-1965. Procedures for licensure....685
§63-1-1966. Violations - Penalties....688
§63-1-1967. Violations - Equitable relief - Jurisdiction....688
§63-1-1967a. Civil actions....688
§63-1-1968. Eligibility to serve as guardian....690
§63-1-1969. Administrative Procedures Act - Application....690
§63-1-1970. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....690
§63-1-1971. Home Health Care Revolving Fund....690
§63-1-1972. Companion and sitter service licensure – Requirements - Violations....690
§63-1-1973. Self-administration of medication – Assistance from certified nurse aide....692
§63-1-1980. Use of fee proceeds for business expenses....694
§63-1-1990.1. Silver Alert Act....694
§63-1-1990.2. Definitions....694
§63-1-1990.3. Development and implementation....695
§63-1-1990.4. Statewide coordinator – Adoption of rules – Issuance of directives....695
§63-1-1990.5. Activation of silver alert procedure - Procedure....696
§63-1-1990.6. Silver alert information and statements....696
§63-1-1990.7. Termination of a silver alert – Senior citizen....696
§63-1-1991. Training for Alzheimer's and dementia care....697
§63-1-2001. Renumbered as § 2-7-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...697
§63-1-2001.1. Renumbered as § 2-7-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 697
§63-1-2002. Renumbered as § 2-7-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...697
§63-1-2002.a. Renumbered as § 2-7-122 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 697
§63-1-2003. Renumbered as § 2-7-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...697
§63-1-2003.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....697
§63-1-2004. Renumbered as § 2-7-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...698
§63-1-2004.1. Renumbered as § 2-7-106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2004.2. Renumbered as § 2-7-107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2004.3. Renumbered as § 2-7-109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993....698
§63-1-2005.1. Renumbered as § 2-7-123 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005.2. Renumbered as § 2-7-119 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698

§63-1-2005.3. Renumbered as § 2-7-115 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005.3A. Renumbered as § 2-7-121 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005.3B. Renumbered as § 2-7-120 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005.3C. Renumbered as § 2-7-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2005.4. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....698
§63-1-2006. Renumbered as § 2-7-113 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...698
§63-1-2006.1. Renumbered as § 2-7-110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 698
§63-1-2007. Renumbered as § 2-7-112 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...698
§63-1-2008. Renumbered as § 2-7-116 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...698
§63-1-2008.1. Renumbered as § 2-7-117 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2009. Renumbered as § 2-7-124 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2009.1. Renumbered as § 2-7-108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2010. Renumbered as § 2-7-125 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2011. Renumbered as § 2-7-130 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2012. Renumbered as § 2-7-129 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2012.1. Renumbered as § 2-7-126 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2012.2. Renumbered as § 2-7-128 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2012.3. Renumbered as § 2-7-127 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2012.4. Renumbered as § 2-7-132 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2013. Renumbered as § 2-7-131 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2013.1. Renumbered as § 2-7-133 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2014. Renumbered as § 2-7-111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...699
§63-1-2014.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....699
§63-1-2014.2. Renumbered as § 2-7-118 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 699
§63-1-2014.3. Renumbered as § 2-7-114 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 700
§63-1-2015. Renumbered as § 2-7-301 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2016. Renumbered as § 2-7-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2017. Renumbered as § 2-7-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2018. Renumbered as § 2-7-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2019. Renumbered as § 2-7-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2020. Renumbered as § 2-7-306 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2021. Renumbered as § 2-7-307 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2053. Renumbered as § 2-11-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 700
§63-1-2101. Renumbered as § 2-8-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2102. Renumbered as § 2-8-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2103. Renumbered as § 2-8-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2104. Renumbered as § 2-8-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2105. Renumbered as § 2-8-202 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2106. Renumbered as § 2-8-203 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700

§63-1-2107. Renumbered as § 2-8-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...700
§63-1-2201. Renumbered as § 1150.2 of Title 59 by Laws 1993, c. 145, § 360, eff. July 1, 1993.....701
§63-1-2202. Renumbered as § 1150.7 of Title 59 by Laws 1993, c. 145, § 360, eff. July 1, 1993.....701
§63-1-2203. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....701
§63-1-2211. Short title.....701
§63-1-2212. Definitions.....701
§63-1-2213. Office of the State Long-Term Care Ombudsman.....701
§63-1-2214. Liability of long-term care ombudsman - Legal representation.....704
§63-1-2215. Willful interference with official duties - Retaliation or reprisal for filing complaint - Penalty.....704
§63-1-2216. Duties of Commission for Human Services - Advisory capacity of State Council on Aging. 704
§63-1-2217. Oklahoma Long-term Care Services and Supports Advisory Committee.....706
§63-1-2300. Renumbered as § 2-10-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2301. Renumbered as § 2-10-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2302. Renumbered as § 2-10-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2302.a. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....707
§63-1-2303. Repealed by Laws 1993, c. 94, § 1, emerg. eff. April 18, 1993 and by Laws 1993, c. 145, § 362, eff. July 1, 1993.....707
§63-1-2304. Renumbered as § 2-10-801 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2304.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.....707
§63-1-2304.2. Renumbered as § 2-10-404 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2305. Renumbered as § 2-10-802 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2306. Renumbered as § 2-10-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2307. Renumbered as § 2-10-803 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2308. Renumbered as § 2-10-403 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 707
§63-1-2309. Renumbered as § 2-10-405 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2324. Renumbered as § 2-10-602 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2325. Renumbered as § 2-10-601 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2401. Renumbered as § 2-10-1101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2402. Renumbered as § 2-10-1102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2403. Renumbered as § 2-10-1103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2404. Renumbered as § 2-10-1104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2405. Renumbered as § 2-10-1105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2406. Renumbered as § 2-10-1106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2407. Renumbered as § 2-10-1107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2408. Renumbered as § 2-10-1108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2409. Renumbered as § 2-10-1109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2410. Renumbered as § 2-10-1110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2411. Renumbered as § 2-10-1111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2412. Renumbered as § 2-10-901 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708

§63-1-2413. Renumbered as § 2-10-1001 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 708
§63-1-2414. Renumbered as § 2-10-301 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2414.1. Renumbered as § 2-10-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2414.2. Renumbered as § 2-10-306 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2415. Renumbered as § 2-10-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2416. Renumbered as § 2-10-701 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2416.1. Renumbered as § 2-10-501 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2417. Renumbered as § 2-10-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2418. Renumbered as § 2-10-202 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2419. Renumbered as § 2-10-203 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2420. Renumbered as § 2-10-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2421. Renumbered as § 2-10-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2440. Renumbered as § 2-11-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2441. Renumbered as § 2-11-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2443. Renumbered as § 2-11-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 709
§63-1-2501. Short title....709
§63-1-2502. Legislative findings and declaration....710
§63-1-2503. See the following versions:....710
§63-1-2503v1. Definitions....710
§63-1-2503v2. Definitions....715
§63-1-2504. Utilization of emergency medical personnel in hospital or health care facilities - EMT students - Nurses....719
§63-1-2504.1. Duty to act - Mutual aid - Exemption....720
§63-1-2504.2. Quality Assurance reviews....720
§63-1-2505. Licensed personnel - Levels of care....721
§63-1-2505.1. Emergency medical technician and medical responder death benefit....722
§63-1-2505.2. Emergency Medical Personnel Death Benefit Revolving Fund....722
§63-1-2505.3. Application fee – Apportionment to revolving fund....723
§63-1-2506. Performance of medical procedures....723
§63-1-2506.1. Administration of opiate antagonists....723
§63-1-2506.2. Prescription of opiate antagonists to family members....725
§63-1-2507. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....725
§63-1-2508. Repealed by Laws 2013, c. 23, § 8, eff. Nov. 1, 2013....725
§63-1-2509. Operation of ambulance service - Violation of act - Penalties - Public nuisance - Injunctions....725
§63-1-2509.1. Promulgation of rules for the Oklahoma Emergency Response Systems Development Act....726
§63-1-2510. Division of Emergency Medical Services created....726
§63-1-2511. Commissioner - Powers and duties relating to Oklahoma Emergency Medical Services Improvement Program....727
§63-1-2512. Rules....729
§63-1-2512.1. Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund - Rules....729
§63-1-2513. Operation of ambulance service - Application for license – Air Ambulance providers..730
§63-1-2514. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....730
§63-1-2515. EMS Regions, Ambulance Service districts or municipalities - Regulation and control of Ambulance Service transports - Exemptions....730
§63-1-2516. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....732
§63-1-2517. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....732

§63-1-2518. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....732
§63-1-2519. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....732
§63-1-2520. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....732
§63-1-2521. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005....732
§63-1-2522. Renumbered as Title 63, § 1-2530.9 by Laws 2004, c. 459, § 11, emerg. eff. June 4, 2004. 732
§63-1-2523. Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund....732
§63-1-2530. Short title....733
§63-1-2530.1. Legislative findings and intent....733
§63-1-2530.2. Definitions....733
§63-1-2530.3. Rules - Classification of trauma and emergency care - Requirements for distribution of trauma patients....735
§63-1-2530.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....736
§63-1-2530.5. Recognition of geographic regions with functioning trauma system - Regional trauma advisory boards - Funding....736
§63-1-2530.6. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....737
§63-1-2530.7. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013....737
§63-1-2530.8. Recognition and certification of trauma transfer and referral centers - Rules establishing minimum standards - Data - Funding....737
§63-1-2530.9. Trauma Care Assistance Revolving Fund....738
§63-1-2600. Short title....739
§63-1-2601. Purpose of act....739
§63-1-2602. Eligibility requirements - Areas of financial assistance....739
§63-1-2603. Kidney Health Revolving Fund....740
§63-1-2604. Individual policy coverage for prescription drugs for cancer treatment or study of oncology - Exclusion prohibited....740
§63-1-2605. Off-label uses of prescription drugs for cancer treatment - Coverage under health maintenance contracts....740
§63-1-2701. Repealed by Laws 2004, c. 22, § 1 and by Laws 2004, c. 92, § 6, eff. July 1, 2004....741
§63-1-2702. Agency responsible for telemedicine and Oklahoma Telemedicine Network - Duties.. 741
§63-1-2702.1. Telehealth website – Establishment - Purpose....742
§63-1-2703. Telemedicine grants – Rural assistance....742
§63-1-2710. Short title....743
§63-1-2711. Legislative findings - Purpose....743
§63-1-2712. Oklahoma Dental Loan Repayment Program - Administration of program - Eligibility and obligations of dentists....744
§63-1-2713. Amount of award....745
§63-1-2714. Dental Loan Repayment Revolving Fund....745
§63-1-2720. Oklahoma Medical Loan Repayment Program....746
§63-1-2721. Physician and physician assistant requirements....746
§63-1-2722. Amount of educational loan repayment award....747
§63-1-2723. Physician Manpower Training Commission - Program funding....747
§63-1-2730. Short title - Oklahoma Mental Health Loan Repayment Act....748
§63-1-2731. Assistance for providers in Health Professional Shortage Areas - Requirements....748
§63-1-2732. Factors to determine amount of award....749
§63-1-2733. Mental Health Loan Repayment Revolving Fund....749
§63-2-101. See the following versions:....749
§63-2-101.1. Drug paraphernalia - Factors used in determining....750
§63-2-101.2. Definitions....750
§63-2-101v1. Definitions....751
§63-2-101v2. Definitions....763
§63-2-102. Bureau of Narcotics and Dangerous Drug Control....775

§63-2-103. Director - Appointment and powers - Agents and reserve agents - Custody of sidearms and badges upon death or retirement....775
§63-2-103.1. Investigations - Subpoena power....777
§63-2-103a. Repealed by Laws 2014, c. 390, § 6, eff. July 1, 2014....778
§63-2-104.1. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission....778
§63-2-105. Duty of state departments, officers, agencies, and employees – Fatal and nonfatal drug overdose report....780
§63-2-106. Powers and duties of Director....781
§63-2-106.1. Lease of seaplane....784
§63-2-106.2. Sale of forfeited vehicles, equipment, and property - Exemption....784
§63-2-107. Bureau of Narcotics Revolving Fund....785
§63-2-107a. Bureau of Narcotics Drug Education Revolving Fund....785
§63-2-107b. Drug Money Laundering and Wire Transmitter Revolving Fund....786
§63-2-109. Rental or charter of aircraft....786
§63-2-109a. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Janitorial services - Background investigations and national criminal history record checks....786
§63-2-110. Attorneys....786
§63-2-111. Employee performance recognition program - Awards - Funding....787
§63-2-112. Report on progress of opioid act of 2019....788
§63-2-201. Authority to control - Recommendations....789
§63-2-202. Nomenclature in Schedules....790
§63-2-203. Schedule I characteristics....790
§63-2-204. Schedule I....790
§63-2-205. Schedule II characteristics....805
§63-2-206. Schedule II....805
§63-2-207. Schedule III characteristics....807
§63-2-208. Schedule III....807
§63-2-209. Schedule IV characteristics....810
§63-2-210. Schedule IV....811
§63-2-211. Schedule V characteristics....813
§63-2-212. Schedule V....813
§63-2-301. Rules and regulations....816
§63-2-302. See the following versions:....816
§63-2-302v1. Registration requirements....817
§63-2-302v2. Registration requirements....820
§63-2-303. Registration....823
§63-2-304. Denial, revocation or suspension of registration - Administrative penalty....826
§63-2-305. Order to show cause....827
§63-2-306. Transmission of copies of convictions....828
§63-2-307. Records of registrants....828
§63-2-308. Order forms....828
§63-2-309. Prescriptions....829
§63-2-309A. Short title....833
§63-2-309B. Definitions....833
§63-2-309C. Dispensers of Schedule II, III, IV or V controlled dangerous substances - Transmittal of certain information to central repository - Willful failure to transmit - Monitoring of pseudoephedrine product sales....835
§63-2-309D. See the following versions:....836
§63-2-309E. Central repository information - Control of access....836
§63-2-309F. Central repository - Powers, duties and responsibilities - Contract with vendor to serve as....836
§63-2-309G. Development of criteria for production of exception reports out of information collected....837

§63-2-309H. Implementation and enforcement of act - Rules and regulations.....838
§63-2-309I. Prescription limits and rules for opioid drugs – Copay and other insurance requirements – Informed consent process.....838
§63-2-310. Samples.....841
§63-2-311. Sale of certain substances.....841
§63-2-312. Physicians, podiatrists, optometrists, dentists, veterinarians and advanced practice nurses - Authority to prescribe, administer or dispense.....842
§63-2-312.1. Prescription of anabolic steroids or human growth hormones.....843
§63-2-312.2. Sale or dispensation of Naloxone.....844
§63-2-313. Excepted preparations - Conditions of exemption.....844
§63-2-314. Labels.....845
§63-2-315. Submission of out-of-date controlled dangerous substances for destruction.....846
§63-2-321. Short title.....847
§63-2-322. Precursor substances - License or permit.....847
§63-2-323. License to sell, transfer or otherwise furnish - Application - Records - Fee.....848
§63-2-324. Permit to possess - Application Fee - Regular report in lieu of permit.....849
§63-2-325. Denial, suspension or revocation of license or permit - Grounds - Order to show cause - Administrative proceeding - Suspension without order to show cause.....850
§63-2-326. Discovery of loss or theft - Disposal - Reports - Other duties.....850
§63-2-327. Application of act - Sale or transfer of certain nonnarcotic products.....851
§63-2-328. Violations - Penalties.....851
§63-2-329. Drug cleanup fines - Disposition of fines collected.....852
§63-2-330. Notification of seizure – Duty of law enforcement agencies.....853
§63-2-331. Seizure of devices or precursor chemicals – Notice by peace officer to Bureau of Narcotics and Dangerous Drugs Control.....853
§63-2-332. Possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance – Presumption – Exceptions – Penalty – Registration - Records.. 853
§63-2-333. Knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances – Penalty - Damages.....855
§63-2-341. Pharmacy electronic drug-tracking service.....856
§63-2-401. Prohibited acts A - Penalties.....859
§63-2-401A. Repealed by Laws 1992, c. 86, § 3, eff. Sept. 1, 1992.....865
§63-2-402. See the following versions:.....865
§63-2-402v1. Prohibited acts B - Penalties.....865
§63-2-402v2. Prohibited acts B - Penalties.....868
§63-2-403. Prohibited acts C - Penalties.....869
§63-2-404. Prohibited acts D - Penalties.....869
§63-2-405. Prohibited acts E - Penalties.....870
§63-2-406. Prohibited acts F - Penalties.....871
§63-2-407. Prohibited acts G - Penalties.....872
§63-2-407.1. Certain substances causing intoxication, distortion or disturbances of auditory, visual, muscular or mental processes prohibited - Exemptions - Penalties.....874
§63-2-408. Offering, soliciting, attempting, endeavoring or conspiring to commit offense - Penalties. 875
§63-2-409. Additional penalties.....875
§63-2-410. Conditional release for first offense - Effect of expungement - Persons not covered by section.....875
§63-2-411. General penalty clause.....876
§63-2-412. Second or subsequent offenses.....876
§63-2-413. Bar to prosecution.....876
§63-2-413.1. Emergency medical assistance – Immunity from prosecution.....877
§63-2-414. Short title.....878
§63-2-415. Application - Fines and penalties.....878

§63-2-416. Apportionment of fines....883
§63-2-417. Drug Abuse Education Revolving Fund....884
§63-2-418. Repealed by Laws 1992, c. 86, § 3, eff. Sept. 1, 1992....884
§63-2-419. Repealed by Laws 1997, c. 133, § 610, eff. July 1, 1998....884
§63-2-419.1. Use of minors in transportation, sale, etc. of controlled dangerous substances....884
§63-2-420. GPS monitoring of persons charged with aggravated trafficking - Statistical records....885
§63-2-421. Short title....885
§63-2-422. Definitions....885
§63-2-423. Liability for civil damages....887
§63-2-424. Persons who may bring action - Persons liable - Damages recoverable....887
§63-2-425. Individual drug users who may bring action - Persons liable for damages - Damages recoverable....888
§63-2-426. Third party payment of damages - Defense under contract of insurance - Indemnification - Prohibition....889
§63-2-427. Drug market target community - Level of offense....889
§63-2-428. Joinder of parties - Judgments....889
§63-2-429. Comparative responsibility - Burden and standard of proof....890
§63-2-430. Right of contribution - Recovery by plaintiff....890
§63-2-431. Proof of participation in illegal drug market - Standard of proof - Prima facie evidence of participation....890
§63-2-432. Attachments of assets - Execution of judgment - Exempt property - Property seized by forfeiture....890
§63-2-433. Limitation of action - Accrual of cause of action - Tolling....891
§63-2-434. Legal representation of state - Stay of action....891
§63-2-435. Interfamily tort immunity not altered....892
§63-2-501. Powers of enforcement personnel....892
§63-2-502. Inspections....892
§63-2-503. Property subject to forfeiture....894
§63-2-503.1. Transactions involving proceeds derived from illegal drug activity prohibited - Penalties. 897
§63-2-503.1a. Drug Money Laundering and Wire Transmitter Act - Short title....899
§63-2-503.1b. Criminal financial check on money services business registrations....899
§63-2-503.1c. Financial transactions involving proceeds of unlawful acts....899
§63-2-503.1d. Certain sales or transfers of money transmitter equipment prohibited - Allowing access to equipment - Penalty....900
§63-2-503.1e. Use of money services business for unlawful acts....900
§63-2-503.1f. Evasion of certain money reporting requirements....901
§63-2-503.1g. Structuring of monetary transactions....901
§63-2-503.1h. Violation of act - Penalties - Definitions....901
§63-2-503.1i. Interception, seizure and forfeiture of funds or equipment....902
§63-2-503.1j. Money and wire transmission fee - Quarterly remittance - Notice of income tax credit - Enforcement....902
§63-2-503.1k. Prosecution - Venue....903
§63-2-503.1l. Definitions....904
§63-2-503.2. Assessment for violation of acts - Drug Abuse Education and Treatment Revolving Fund. 905
§63-2-503A. Drug manufacture vehicle....906
§63-2-504. Seizure of property....907
§63-2-505. Summary forfeiture of certain substances....907
§63-2-506. Seizure of property - Notice of seizure and intended forfeiture proceeding - Verified answer and claim to property - Hearing - Evidence and proof - Proceeds of sale....908
§63-2-507. Itemization and submission for destruction....913
§63-2-508. Disposition of seized property....913

§63-2-509. Eradication - Penalties - Prohibition of suspended or deferred sentences or probation. 919
§63-2-510. Defenses - Descriptions.....921
§63-2-511. Judicial review.....922
§63-2-512. Drug Eradication and Enforcement Plan Revolving Fund – Creation - Use of funds.....922
§63-2-551. Appropriate pain management - High dosages of controlled dangerous drugs.....922
§63-2-560. Manufacture of controlled dangerous substance restrictions.....923
§63-2-603. Uniformity of interpretation.....924
§63-2-604. Short title.....924
§63-2-608. Headings.....924
§63-2-701. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry.....924
§63-2-801. Definitions.....927
§63-2-802. Clinical trials using cannabidiol – Principal investigators.....927
§63-2-803. Approved cannabidiol for use in clinical trials.....928
§63-2-804. Immunity.....929
§63-2-805. Approval – Termination date – Reporting – Rules.....929
§63-2-901. Drug Possession Diversion Program – District attorney discretion to refer.....930
§63-2-902. Deferred prosecution – Fees - Drug Possession Diversion Program Fund.....930
§63-2-903. Duties of district attorney staff members.....931
§63-2-904. Drug Possession Diversion Program – Annual report.....931
§63-2-1001. Opioid Overdose Fatality Review Board – Powers and duties.....931
§63-2-1002. Composition of Board.....934
§63-2-1003. Review of overdose death certificates.....936
§63-2-309Dv1. Central repository information - Confidentiality - Access - Disclosure - Penalties - Liability.....936
§63-2-309Dv2. Central repository information - Confidentiality - Access - Disclosure - Penalties - Liability.....940
§63-79. Oklahoma Sports Eye Safety Program Revolving Fund.....944
§63-91. State Anatomical Board - Creation and membership – Duties – Organization – Rules - Records of bodies received and distributed - Exemptions.....945
§63-92. Conditions for surrendering unclaimed bodies in government custody to Anatomical Board. 946
§63-93. Autopsies - Request of chief medical examiner or district attorney or consent of Anatomical Board required.....947
§63-94. Board to receive unclaimed or donated bodies - Board approval to donees - Distribution..947
§63-95. Surrender of body when claimed.....947
§63-96. Authority to dissect, operate or experiment on dead bodies - Record of bodies received.. 948
§63-97. Cremation of bodies after scientific study completed.....948
§63-98. Expense of delivery or distribution of unclaimed body.....948
§63-98.1. Repealed by Laws 2006, c. 114, § 9, eff. Nov. 1, 2006.....948
§63-99. Neglect to perform duties - Punishment.....948
§63-100. Effect of partial unconstitutionality.....949
§63-101. Shipment of dead body.....949
§63-102. Violation by agent of railroad.....949
§63-103. Post mortem caesarian section - Right to perform - Nonliability of physician and hospital. 949
§63-104. Nonliability of physician for failure to perform.....950
§63-109. Anatomical Donor Program Registration Act.....950
§63-121.1. Definitions.....951
§63-122.1. Short title.....952
§63-122.2. Jurisdictional areas of state agencies.....952
§63-123.1. Responsibility for administration, regulation and enforcement of blasting operations or activities - Certification of blasters.....954
§63-123.2. Permit to manufacture, store, or use explosives or blasting agents - Records.....954

§63-123.2A. Permit to purchase blasting agents or explosives....955
§63-123.3. Issuance, denial, suspension, or revocation of permits - Hearings - Inspections - Injunctions....955
§63-123.4. Rules - Fees....956
§63-123.5. Violations - Penalties....956
§63-123.6. Provisions cumulative to other laws and ordinances....958
§63-123.7. Deposit of monies....959
§63-123.8. Exemptions....959
§63-124. Renumbered as § 128.1 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....960
§63-124.1. Administration and enforcement - Personnel....960
§63-124.2. Federal rules or regulations to govern....960
§63-124.3. Permits - Information required....960
§63-124.4. Disposition of permit fees....961
§63-124.5. Records....961
§63-124.6. Inspection of premises....962
§63-124.7. Denial, revocation or suspension of permit....962
§63-124.8. Responsibility of permit holders - Penalties....962
§63-125. Renumbered as § 128.2 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....963
§63-126. Renumbered as § 128.3 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....963
§63-127. Renumbered as § 128.4 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....963
§63-128. Renumbered as § 128.5 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....963
§63-128.1. Transporting vehicles to be labeled....963
§63-128.2. Storage of explosives....963
§63-128.3. Penalty for violation of §§ 128.1 and 128.2....963
§63-128.4. Transportation of nitroglycerine in or near city, town or village....964
§63-128.5. Shooting wells within limits....964
§63-128.6. Penalty for violation of §§ 128.4 and 128.5....964
§63-128.7. Authority of officers....964
§63-129. Renumbered as § 128.7 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....964
§63-130. Renumbered as § 128.6 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995....965
§63-131. Gasoline kept in red tanks....965
§63-132. Penalty for violations - Civil liability....965
§63-134. Renumbered as § 36 of Title 25 by Laws 1995, c. 344, § 36, eff. Nov. 1, 1995....965
§63-135. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990....965
§63-136. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990....965
§63-137. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990....965
§63-141.1. Renumbered as § 121.1 of this title by Laws 1995, c. 344, § 32, eff. Nov. 1, 1995....965
§63-141.2. Renumbered as § 124.1 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....965
§63-141.3. Renumbered as § 124.2 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....965
§63-141.4. Renumbered as § 124.3 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-141.5. Renumbered as § 124.4 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-141.6. Renumbered as § 124.5 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-141.7. Renumbered as § 124.6 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-141.8. Renumbered as § 124.7 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-141.9. Renumbered as § 124.8 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995....966
§63-142.1. Short title....966
§63-142.2. Definitions....966
§63-142.3. Filing of notice - Participation by municipality in statewide one-call notification center....968
§63-142.4. Filing fees....968
§63-142.5. Certain excavations, demolitions and explosions prohibited near certain facilities....969
§63-142.6. Notice of proposed demolition, explosion or excavation - Marking or providing location of facilities - Emergencies....969
§63-142.7. Use of powered or mechanized equipment - Exemptions....971

§63-142.8. Additional notice required....971
§63-142.9. Damage to underground facilities....972
§63-142.9a. Damage to underground facilities – Liability - Injunction....972
§63-142.10. Statewide notification center....973
§63-142.11. Exemptions....973
§63-142.12. Repealed by Laws 2016, c. 151, § 3, eff. Nov. 1, 2016....974
§63-142.13. Enforcement authority – Corporation Commission....974
§63-176. Repealed by Laws 2013, c. 53, § 2, eff. July 1, 2013....974
§63-313A. Definitions....974
§63-313B. Prior authorization forms for prescription drug benefits....976
§63-315. Display of sign by retailers as to meat inspection....977
§63-316. Definitions....977
§63-317. Misleading or deceptive practices....978
§63-330.21. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.22. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.23. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.24. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.25. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.26. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.27. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990....981
§63-330.31. Independent audits - Reimbursable cost statements....981
§63-330.51. Definitions....982
§63-330.52. State Board of Examiners....983
§63-330.53. Qualifications for license or certification....984
§63-330.54. License fees - Expiration date....985
§63-330.56. Officers - Rules - Travel expenses - Personnel....985
§63-330.57. Qualifications of administrator....986
§63-330.58. Duties of Board....986
§63-330.59. Service as administrator without license prohibited....988
§63-330.60. Rules and regulations....988
§63-330.61. Additional fees....989
§63-330.62. Oklahoma State Board of Examiners for Long-Term Care Administrators Revolving Fund. 989
§63-330.63. Repealed by Laws 2006, c. 291, § 13, eff. July 1, 2006....989
§63-330.64. Complaints - Registry....989
§63-330.65. Complaint procedures....990
§63-330.71. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.72. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.73. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.74. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.75. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.76. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.77. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....991
§63-330.78. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....992
§63-330.79. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....992
§63-330.80. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....992
§63-330.81. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.82. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....992
§63-330.83. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990....992
§63-330.84. Renumbered as § 2451 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990. 992
§63-330.85. Renumbered as § 2452 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990. 992

§63-330.86. Renumbered as § 2453 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990. 992
§63-330.87. Renumbered as § 2454 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990. 992
§63-330.88. Renumbered as § 2455 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990. 992
§63-330.89. Repealed by Laws 1990, c. 320, § 21, emerg. eff. May 30, 1990....992
§63-330.90. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.91. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.92. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.93. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.94. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.95. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....992
§63-330.96. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999....993
§63-330.97. Renumbered as § 1-2522 of this title by Laws 2002, c. 374, § 11, eff. July 1, 2002.....993
§63-420. See the following versions:....993
§63-420v1. Medical marijuana license – Application – Fee – Temporary license – Caregiver license. 993
§63-420v2. Medical marijuana license – Application – Fee – Temporary license – Caregiver license. 995
§63-420v3. Medical marijuana license – Application – Fee – Temporary license – Caregiver license. 997
§63-421. Medical marijuana dispensary license application – Fee – Criteria for license – Monthly sales report....1000
§63-422. Medical marijuana commercial grower license application – Fee – Criteria for license...1001
§63-423. Medical marijuana processing license application – Fee – Criteria for license....1002
§63-424. Marijuana transportation license....1004
§63-425. See the following versions:....1004
§63-425v1. Discrimination against medical marijuana license holder....1004
§63-425v2. Discrimination against medical marijuana license holder....1005
§63-426. Tax on retail medical marijuana....1007
§63-426.1. Licensure revocation hearings to be recorded – Sharing information with law enforcement - Sharing information with political subdivisions – Certificate of compliance with political subdivision....1007
§63-427.1. Short title - Oklahoma Medical Marijuana and Patient Protection Act....1008
§63-427.2. See the following versions:....1008
§63-427.2v1. Definitions....1009
§63-427.2v2. Definitions....1016
§63-427.3. Oklahoma Medical Marijuana Authority – Creation - Duties....1023
§63-427.4. Oklahoma Medical Marijuana Authority – Executive Director....1025
§63-427.5. Oklahoma Medical Marijuana Authority Revolving Fund....1026
§63-427.6. Monitoring and disciplinary actions....1026
§63-427.7. See the following versions:....1028
§63-427.7v1. Registry of patients and caregivers....1028
§63-427.7v2. Registry of patients and caregivers....1029
§63-427.8. Additional rights, restrictions and prohibitions related to medical marijuana use and possession....1029
§63-427.9. Patient license – Verification of need of applicants – Disabled veteran reduced fee....1032
§63-427.10. Physicians who may provide a recommendation – Physician immunity....1033
§63-427.11. Caregiver license rights....1033
§63-427.12. Restrictions on growing medical marijuana....1034
§63-427.13. Oklahoma-licensed business purchase requirement – Inventory tracking system.....1034
§63-427.14. See the following versions:....1035

§63-427.14v1. Medical marijuana business license - Requirements.....1036
§63-427.14v2. Medical marijuana business license - Requirements.....1040
§63-427.15. Authority to develop policies and procedures for disclosure by businesses.....1044
§63-427.16. Medical marijuana transporter license - Requirements.....1044
§63-427.17. Medical marijuana testing laboratory license – Requirements.....1047
§63-427.18. Packaging and labeling requirements.....1052
§63-427.19. Medical marijuana research license - Requirements.....1053
§63-427.20. Medical marijuana education facility license - Requirements.....1054
§63-427.21. Advertising restrictions.....1056
§63-427.22. Confidential records.....1056
§63-427.23. Promulgation of rules to implement provisions of act.....1056
§63-428. Short title - Oklahoma Medical Marijuana Waste Management Act.....1057
§63-428.1. Definitions.....1057
§63-429. Applicability – Jurisdiction - Destruction of plant parts that do not require medical marijuana waste disposal facility – Disposal records.....1058
§63-430. Medical marijuana waste disposal license – Screening process – Waste disposal facility permit.....1058
§63-465.20. Smelling, inhaling, etc. of substances which cause unnatural conditions - Exemptions - Penalties.....1061
§63-465.21. Sale of certain paint to intoxicated person.....1062
§63-472. City jails.....1062
§63-475. Contagious disease - Isolation.....1062
§63-476. Isolation of prisoners having contagious disease - Jail construction.....1062
§63-477. Sanitation of charitable institutions.....1063
§63-479. Violations - Penalty.....1063
§63-485.1. Purpose of act.....1063
§63-485.2. Oklahoma Spastic Paralysis Commission - Creation - Powers and duties.....1063
§63-485.3. J.D. McCarty Center for Children with Developmental Disabilities - Establishment and maintenance - Contracts - Payments - Power of Commission - Legal representation – Sale of surplus property and fixtures.....1064
§63-485.4. Oklahoma Cerebral Palsy Commission - Gifts and bequests.....1065
§63-485.5. Members of Commission - Appointment - Term - Travel expenses.....1065
§63-485.6. Officers - Organization - Director and personnel - Legal assistance.....1066
§63-485.7. Bonds of members.....1066
§63-485.8. Partial invalidity.....1067
§63-485.9. Change of name for Institute and Commission.....1067
§63-485.10. Annuity contracts - Purchases as salary payments.....1067
§63-485.11. J.D. McCarty Center for Children with Developmental Disabilities Revolving Fund.....1068
§63-485.12. Exemptions.....1068
§63-488.1. Program of immunization.....1068
§63-488.2. Funds.....1069
§63-535. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.....1069
§63-536. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.....1069
§63-537. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.....1069
§63-538. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.....1069
§63-663. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1069
§63-680. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1069
§63-681. School buildings - Protection from tornadoes and severe weather.....1069
§63-682. Federal assistance programs - Participation.....1070
§63-682.1. Vaccination program for first responders.....1070
§63-683.1. Citation.....1071
§63-683.2. Findings and declarations.....1072
§63-683.3. Definitions.....1073

§63-683.4. Oklahoma Department of Emergency Management – Powers and duties of Director..1074
§63-683.5a. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1075
§63-683.6. State Hazard Mitigation Team.....1075
§63-683.8. Powers and duties of Governor.....1077
§63-683.9. Natural or man-made emergency - Additional powers of Governor.....1079
§63-683.10. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1080
§63-683.11. Political subdivisions - Emergency management programs - Emergency management directors - Declaration of local emergency.....1080
§63-683.12. Mutual aid arrangements for reciprocal emergency management.....1082
§63-683.13. Emergency management activities declared as governmental functions - Workers' benefit rights preserved.....1082
§63-683.14. Exemption from civil liability.....1083
§63-683.15. Limitation on political activity.....1084
§63-683.16. Restriction on employment - Loyalty oath.....1084
§63-683.17. Appropriation powers - Gifts, grants and loans.....1085
§63-683.18. Utilization of services, equipment, etc.....1086
§63-683.19. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1086
§63-683.19a. County and city-county health departments - Benefits, powers, immunities and protections.....1086
§63-683.21. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1086
§63-683.22. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.....1086
§63-683.23. Violations - Civil actions - Jurisdiction - Penalties - Enforcement.....1086
§63-683.24. Emergency Management Disaster Relief Matching Fund.....1087
§63-683.25. Short title.....1088
§63-683.26. Voluntary involvement in emergency management programs – Voluntary emergency management initiatives.....1088
§63-683.27. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.....1088
§63-683.28. Oklahoma Department of Emergency Management – Volunteer programs.....1088
§63-683.29. Repealed by Laws 2007, c. 93, § 9, eff. Nov. 1, 2007.....1089
§63-683.30. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.....1089
§63-683.31. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.....1089
§63-683.32. Funds, grants, and services from federal government - Receipt and expenditure.....1089
§63-683.33. Power to make contracts and agreements.....1090
§63-683.34. Rules.....1090
§63-683.35. Short title - Oklahoma First Informer Broadcasters Act.....1090
§63-683.36. Definitions – Training and certification program – Access to area affected by emergency or disaster.....1090
§63-684.1. Entry into Emergency Management Compact.....1091
§63-684.2. Purpose and authorities.....1091
§63-684.3. General implementation.....1092
§63-684.4. Party state responsibilities.....1092
§63-684.5. Limitations.....1094
§63-684.6. Licenses and permits.....1094
§63-684.7. Liability.....1094
§63-684.8. Supplementary agreements.....1095
§63-684.9. Compensation.....1095
§63-684.10. Reimbursement.....1095
§63-684.11. Evacuation.....1096
§63-684.12. Implementation.....1096
§63-684.13. Validity.....1097
§63-684.14. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1097
§63-684.15. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1097
§63-684.16. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1097

§63-684.17. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.18. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.19. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.20. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.21. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.22. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.23. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1098
§63-684.24. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.....1099
§63-684.25. Short title - Uniform Emergency Volunteer Health Practitioners Act.....1099
§63-684.26. Definitions.....1099
§63-684.27. Applicability to volunteer health practitioners.....1101
§63-684.28. Regulation of services during emergency.....1101
§63-684.29. Volunteer health practitioner registration systems.....1102
§63-684.30. Recognition of volunteer health practitioners licensed in other states.....1103
§63-684.31. No effect on credentialing and privileging.....1104
§63-684.32. Provision of volunteer health or veterinary services – Administrative sanctions.....1104
§63-684.33. Relation to other laws.....1106
§63-684.34. Regulatory authority.....1106
§63-684.35. Uniformity of application and construction.....1107
§63-685.1. Citation.....1107
§63-685.2. Findings and declarations.....1107
§63-685.3. Definitions.....1108
§63-685.4. Emergency interim succession to office of Governor.....1109
§63-685.5. Emergency interim succession to state offices other than Governor.....1109
§63-685.6. Interim succession to political subdivision offices.....1110
§63-685.7. Special emergency judges.....1110
§63-685.8. Oaths.....1111
§63-685.9. Limitation on exercise of powers and duties by interim successors and special emergency judges - Termination of authority by Legislature.....1111
§63-685.10. Removal of successors.....1111
§63-685.11. Disputes.....1112
§63-686.1. Citation.....1112
§63-686.2. Declarations.....1112
§63-686.3. Definitions.....1112
§63-686.4. Designation of emergency interim successor.....1113
§63-686.5. Emergency interim successor defined - Qualification - Tenure.....1113
§63-686.6. Maintaining minimum number of successors.....1114
§63-686.7. Effective date of designations and removals - Recording.....1114
§63-686.8. Oaths.....1115
§63-686.9. Successors to keep informed.....1115
§63-686.10. Changing place of session.....1115
§63-686.11. Calling of session - Limitations suspended.....1115
§63-686.12. Exercise of powers and duties by successors - Ouster provisions applicable.....1116
§63-686.13. Privileges and immunities - Compensation and allowances.....1116
§63-686.14. Termination of authority.....1116
§63-687.1. Citation.....1117
§63-687.2. Definitions.....1117
§63-687.3. Temporary disaster locations for seat of state government.....1117
§63-687.4. Temporary disaster locations for seat of local government.....1118
§63-688.1. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.....1118
§63-688.2. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.....1118
§63-688.3. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.....1118
§63-688.4. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.....1118

§63-688.5. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.....1118
§63-689. Repealed by Laws 2003, c. 292, § 2, emerg. eff. May 27, 2003.....1118
§63-689.1. Renumbered as § 4-2-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...1118
§63-689.1B. Renumbered as § 4-2-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 1119
§63-689.2. Renumbered as § 4-2-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993...1119
§63-690.1. Short title – Purposes.....1119
§63-690.2. Definitions.....1119
§63-690.3. Duties of Department of Emergency Management.....1120
§63-690.4. Grants or loans for flood hazard mitigation.....1121
§63-690.5. Recommendation of priorities for flood hazard mitigation projects.....1122
§63-690.6. Funding of acquisition of real property by municipalities.....1122
§63-695.1. Short title.....1123
§63-695.2. Purpose - Definitions - Statewide mutual aid system - Reimbursement.....1123
§63-695.3. Prompt, full and effective response - Legally designated jurisdiction official.....1125
§63-695.4. Procedural plans and programs - Requests for assistance - Consultation between jurisdictions - Discretion.....1125
§63-695.5. Necessary actions and provisions - Powers, duties, rights and privileges of emergency forces - Command and control.....1127
§63-695.6. Professional, mechanical or other licenses, certificates or permits.....1127
§63-695.7. Liability and immunity.....1127
§63-695.8. Compensation and death benefits.....1128
§63-695.9. Reimbursement for loss, damage, expense or cost.....1128
§63-695.10. Plans for evacuation and interjurisdiction reception of civilian population.....1128
§63-701. Shooting galleries - Standards and specifications.....1129
§63-702. Ammunition.....1129
§63-703. Operators and employees - 21 years of age.....1129
§63-704. Inspection statement.....1130
§63-705. License tax.....1130
§63-706. Hours for opening and closing - Exception.....1130
§63-707. Penalties.....1130
§63-708. Public shootings sponsored by non-profit organizations exempt.....1131
§63-709. Repealed by Laws 1997, c. 256, § 1, emerg. eff. May 23, 1997.....1131
§63-709.1. Repealed by Laws 1997, c. 256, § 1, emerg. eff. May 23, 1997.....1131
§63-709.2. Noise - Exemption from liability.....1131
§63-931. Board of Medicolegal Investigations - Membership - Compensation - Meetings.....1131
The Board of Medicolegal Investigations is hereby re-created. The members of the Board shall be: 1132
§63-932. Rules and regulations.....1132
§63-933. Office of Chief Medical Examiner.....1133
§63-934. Appointment and qualifications of Chief Medical Examiner.....1133
§63-935. Responsibility of Examiner - Delegation of duties.....1133
§63-935.1. Office of the State Medical Examiner relocation.....1133
§63-936. Office and laboratory.....1133
The Board shall provide for a central and eastern office and shall see that there is maintained a laboratory suitably equipped with facilities for performance of the duties imposed by Section 931 et seq. of this title.....1134
§63-937. Appointment and qualifications of county medical examiners.....1134
The Chief Medical Examiner shall appoint medical examiners for the state. Each medical examiner so appointed shall be a Doctor of Medicine or Osteopathic Medicine, shall hold a valid board certification to practice forensic pathology in Oklahoma, and shall hold office at the pleasure of the Chief Medical Examiner. The Chief Medical Examiner shall appoint a Deputy Chief Medical Examiner to serve in the capacity of the Chief Medical Examiner in the event the Chief Medical Examiner is absent, ill, or disqualified by personal interest.....1134

§63-938. Types of deaths to be investigated - Autopsies.....1134
§63-939. Production of records, documents, evidence or other material.....1135
§63-940. Cooperation of state and county officials - Notification of deaths.....1135
§63-940a. Liability for removal of body.....1136
§63-941. Investigation by county examiner.....1136
Upon receipt of notice of death of any person which under Section 931 et seq. of this title is subject to investigation, a representative Death Investigator from the Office of the Chief Medical Examiner shall immediately initiate an investigation and shall document in detail, by the end of his or her assigned shift, all the known and available facts of the death scene in the electronic database of the Chief Medical Examiner. Decedent specimens, evidence, and photographs shall be sent to the Office of the Chief Medical Examiner. The investigating official of the Office of the Chief Medical Examiner may take charge of any object or writing found on or near the body which is deemed necessary for the purpose of establishing the cause and/or manner of death.....1136
§63-941a. Custody of the body.....1137
Upon completion of an investigation by the Office of the Chief Medical Examiner, the body of the deceased shall be released to the person legally entitled to the custody thereof, or his or her representative, unless:.....1137
§63-941b. Condition of the body.....1138
When attending a patient at time of death, physicians shall take care that the remains of the deceased are left in such a state that will not hinder or unnecessarily complicate the preparation for burial or other disposition, provided that nothing herein shall interfere with or restrict a physician's sworn duty to do all things necessary to save the patient's life.....1138
§63-942. Report of findings.....1138
§63-942a. Appeal of medical examiner's findings.....1138
§63-943. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.....1139
§63-944. Autopsy - Public interest - Collection of specimens.....1139
When necessary in connection with an investigation to determine the cause and/or manner of death and when the public interest requires it, the Chief Medical Examiner, his or her designee or a district attorney shall require and authorize an autopsy to be conducted. In determining whether the public interest requires an autopsy the medical examiner or district attorney involved shall take into account but shall not be bound by request therefor from private persons or from other public officials.....1139
§63-944.1. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.....1139
§63-944.2. Unconstitutional.....1139
§63-945. Person to perform autopsy - Extent - Report of findings.....1140
§63-946. Exhuming of bodies - Hearing - Autopsy - Reports.....1143
§63-947. Certificate of death.....1144
§63-948. Storage of biological specimens - Storage fees - Drug screens.....1144
§63-948.1. Fee schedule - Exemptions.....1145
A. The Board of Medicolegal Investigations may establish a fee schedule for forensic services, permits and reports rendered to members of the public and other agencies.....1145
§63-949. Records - Evidence - Sudden Unexpected Death in Infants and Children.....1147
§63-950. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.....1149
§63-951. Transporting of bodies for autopsy or scientific tests.....1149
§63-952. Persons excluded from serving as examiners or deputies.....1149
§63-953. Penalties.....1149
§63-954. Chief Medical Examiner Revolving Fund.....1150
§63-981. Activity within six (6) feet of high voltage overhead line or conductorprohibited.....1150
§63-982. Storing, moving, etc. of equipment, materials, or buildings within six feet of lines prohibited.....1151
§63-983. Posting of warning signs in cranes, derricks and similar apparatus.....1151
§63-984. Violations and penalties.....1151
§63-985. Definitions.....1152

§63-986. Temporary clearance of lines - Costs....1152
§63-987. Operations and activities exempt....1152
§63-1051. Short title....1152
§63-1052. Application of act....1153
§63-1053. Finding and declaration of necessity....1153
§63-1054. Definitions....1154
§63-1055. Creation of city and county authorities....1156
§63-1055.1. Certain housing authorized to use state controlled communication towers....1157
§63-1056. Petitions and elections to discontinue the construction of additional public housing projects....1157
§63-1057. Creation of Indian housing authorities – Transfer of management and control....1159
§63-1058. Appointment, qualifications, tenure and meetings of authority commissioners....1161
§63-1059. Interest of commissioners, officers, or employees....1162
§63-1060. Removal of commissioners....1163
§63-1061. Power of authority....1163
§63-1062. Operation of housing not for profit....1167
§63-1063. Tenant eligibility....1168
§63-1064. Cooperation between authorities....1168
§63-1065. Dwellings for disaster victims and defense workers....1169
§63-1066. Tax exemption and payments in lieu of taxes....1169
§63-1067. Planning, zoning and building laws....1170
§63-1068. Bonds....1170
§63-1069. Form and sale of bonds....1171
§63-1070. Provisions of bonds and trust indentures....1171
§63-1071. Housing bonds, legal investments and security....1173
§63-1072. Construction of bond provisions....1174
§63-1073. Remedies of an obligee....1174
§63-1074. Additional remedies conferrable by the authority....1174
§63-1075. Exemption of property from execution sale....1175
§63-1076. Aid from federal government....1175
§63-1077. Transfer of possession or title to federal government....1176
§63-1078. Eminent domain....1176
§63-1079. Reports and audits....1177
§63-1080. Cooperation in undertaking projects....1177
§63-1081. Agreements as to payments by housing authority....1178
§63-1082. Other state and local aid....1178
§63-1083. Rural electric cooperative housing authority....1178
§63-1083.1. Rural electric cooperative housing authorities - Exemption from publication of notice, petition and election procedure....1179
§63-1084. Industrial housing - Adoption of Federal standards....1179
§63-1092.1. Short title....1180
§63-1092.2. Compliance with Federal Uniform Relocation Act - Compensation and reimbursement payments....1180
§63-1093. Responsibility for conduct of assistance programs....1180
§63-1094. Availability of funds....1181
§63-1095. Costs to units of local government....1181
§63-1097. Payments not considered as income or resources....1181
§63-1098. Act not to create new elements of value or damage....1181
§63-1099. Appeals....1182
§63-2051. Citation....1182
§63-2052. Purpose....1182
§63-2053. Community defined....1182
§63-2054. Community Social Service Center Authority - Powers, rights and privileges....1182

§63-2055. Title to property....1183
§63-2056. Building of centers on leased land....1183
§63-2057. East Central Oklahoma Health and Social Service Center at Ada - Transfer of management and operation....1183
§63-2058. Transfer of property, records, funds, etc. - Assumption of obligations....1184
§63-2059. National Guard Advocacy Program....1184
§63-2060. Short title – Oklahoma Certified Healthy Communities Act....1185
§63-2061. Short title – Oklahoma Certified Healthy Schools Act....1185
§63-2071. Declaration - definition....1186
§63-2072. Establishment and operation of centers....1187
§63-2073. Educational materials and information - Physician to direct....1187
§63-2074. Rules, regulations and standards....1187
§63-2075. Fees....1187
§63-2151. Blood products or tissues - Addition to human body - Warranty....1188
§63-2151.1. Organ and tissue donations from HIV positive persons....1188
§63-2152. Donation of blood....1189
§63-2153. Preplacement or replacement of blood as a condition of treatment....1189
§63-2154. Statement of benefits from donation of blood....1189
§63-2161. Short title....1190
§63-2162. Purpose of act....1190
§63-2163. Definitions....1190
§63-2166. Contracts for blood and blood products....1190
§63-2167. Blood solicitation and donation....1190
§63-2167.1. Test for detection of antibodies to human T-lymphotropic virus type III - Notification of donors....1191
§63-2168. Statement of benefits arising from donation of blood - Donor forms - Unlawful representations....1191
§63-2169. Financial statements and reports....1192
§63-2170. Violations - Penalties....1192
§63-2171. Repealed by Laws 2005, c. 108, § 5, eff. July 1, 2005....1192
§63-2172. Repealed by Laws 2005, c. 108, § 5, eff. July 1, 2005....1192
§63-2173. Short title....1192
§63-2174. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017....1192
§63-2175. Public umbilical cord blood bank – Education program – Donation to bank....1192
§63-2175.1. State Commissioner request for information about public cord blood collection operation....1194
§63-2200.1. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1194
§63-2200.1A. Short title....1194
§63-2200.2. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1195
§63-2200.2A. Definitions....1195
§63-2200.3. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1197
§63-2200.3A. Applicability....1197
§63-2200.4. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1197
§63-2200.4A. Persons authorized to make anatomical gift before donor's death....1197
§63-2200.5. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1198
§63-2200.5A. Manner of making anatomical gift before donor's death....1198
§63-2200.6. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1199
§63-2200.6A. Amending or revoking anatomical gift before donor's death....1199
§63-2200.7. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1200
§63-2200.7A. Refusal to make anatomical gift - Effect of refusal....1200
§63-2200.8. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1201
§63-2200.8A. Preclusive effect of anatomical gift, amendment, or revocation....1201
§63-2200.9. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009....1202

§63-2200.9A. Persons authorized to make anatomical gift of decedent's body or part.....1202
§63-2200.10. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1203
§63-2200.10A. Manner of making, amending, or revoking anatomical gift of decedent's body or part. 1203
§63-2200.11. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1203
§63-2200.11A. Persons who may receive anatomical gift - Purpose of gift.....1203
§63-2200.12. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1205
§63-2200.12A. Search and notification.....1205
§63-2200.13. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1206
§63-2200.13A. Delivery of document of gift not required - Right to examine.....1206
§63-2200.14. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1206
§63-2200.14A. Rights and duties of procurement organization and others.....1206
§63-2200.15. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1208
§63-2200.15A. Coordination of procurement and use of gifts.....1208
§63-2200.16. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1208
§63-2200.16A. Sale or purchase of parts prohibited - Reasonable fees.....1208
§63-2200.17. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1209
§63-2200.17A. Falsification, etc. of document of gift for financial gain - Penalties.....1209
§63-2200.18. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1209
§63-2200.18A. Immunity.....1209
§63-2200.19. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1210
§63-2200.19A. Law governing validity and interpretation - Presumption of validity.....1210
§63-2200.20. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1210
§63-2200.20A. Life Share Donor Registry.....1210
§63-2200.21. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1212
§63-2200.21A. Effect of anatomical gift on advance health care directive.....1212
§63-2200.22. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1213
§63-2200.22A. Cooperation between medical examiner and procurement organizations.....1213
§63-2200.23. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1214
§63-2200.23A. Facilitation of anatomical gift from body of decedent under medical examiner's jurisdiction.....1214
§63-2200.24. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1215
§63-2200.24A. Uniformity of application and construction.....1215
§63-2200.25. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1215
§63-2200.25A. Relation to Electronic Signatures in Global and National Commerce Act.....1216
§63-2200.26. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1216
§63-2200.26A. References to act.....1216
§63-2200.27. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.....1216
§63-2200.27A. Office of Chief Medical Examiner - Compensation from recovery organizations....1216
§63-2201. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1216
§63-2202. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1216
§63-2203. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2204. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2205. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2206. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2207. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2208. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2209. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1217
§63-2209.1. Permits - Rules.....1217
§63-2210. Eye recovery by certified eye bank technicians - Eye banks.....1219
§63-2210.1. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1220
§63-2211. Donor notation on driver license.....1221
§63-2212. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1221

§63-2213. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1221
§63-2214. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1221
§63-2215. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1221
§63-2216. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1221
§63-2217. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1222
§63-2218. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1222
§63-2220.1. Short title.....1222
§63-2220.2. Organ donor education and awareness programs.....1222
§63-2220.3. Oklahoma Organ Donor Education and Awareness Program Revolving Fund.....1223
§63-2220.4. Income tax return contributions.....1224
§63-2220.5. Driver license or identification applications - Voluntary contributions.....1225
§63-2220.6. Education and awareness curricula for elementary and secondary schools.....1226
§63-2220.10. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.....1226
§63-2220.11. Renumbered as § 848-2.20B of Title 74 by Laws 2002, c. 451, § 2, eff. July 1, 2002. 1226
§63-2251. Renumbered as § 1-2300 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Also renumbered as § 1-2300 of this title by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2252. Renumbered as § 1-2301 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Amended and also renumbered as § 1-2301 of this title by Laws 1990, c. 225, §§ 1 and 11, respectively, eff. Sept. 1, 1990.....1227
§63-2253. Renumbered as §1-2302 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990.....1227
§63-2254. Renumbered as § 1-2303 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Amended and also renumbered as § 1-2303 of this title by Laws 1990, c. 225, §§ 3 and 11, respectively, eff. Sept. 1, 1990.....1227
§63-2255.1. Renumbered as § 1-2401 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2401 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.2. Renumbered as § 1-2402 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2402 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.3. Renumbered as § 1-2403 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2403 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.4. Renumbered as § 1-2404 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2404 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.4A. Renumbered as § 1-2405 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2405 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.5. Renumbered as § 1-2406 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2406 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.6. Renumbered as § 1-2407 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2407 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1227
§63-2255.7. Renumbered as § 1-2408 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2408 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2255.8. Renumbered as § 1-2409 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2409 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2255.9. Renumbered as § 1-2410 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2410 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2255.10. Renumbered as § 1-2411 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2411 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2256. Renumbered as § 1-2412 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2257. Renumbered as § 1-2413 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2258. Renumbered as § 1-2414 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228
§63-2258.2. Renumbered as § 1-2415 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.....1228

§63-2258.3. Renumbered as § 1-2416 of Title 63 by Laws 1990, c. 210, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990....1228
§63-2258.4. Renumbered as § 1-2416.1 of this title by Laws 1991, c. 336, § 10, eff. July 1, 1991.. 1228
§63-2259. Renumbered as § 1-2417 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990....1228
§63-2259.1. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990....1228
§63-2260. Renumbered as § 1-2418 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990....1229
§63-2261. Renumbered as § 1-2419 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990....1229
§63-2263. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990....1229
§63-2264. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990....1229
§63-2351. Definitions....1229
§63-2352. Labeling....1229
§63-2353. Safety glazing materials required in hazardous locations....1230
§63-2354. Employees - Nonliability....1230
§63-2355. Law governing....1230
§63-2356. Penalties....1230
§63-2407. Short title....1230
§63-2408. Definitions....1230
§63-2409. Appointment of interpreter in court action or grand jury proceeding....1232
§63-2410. Arrests - Appointment of interpreter....1232
§63-2411. Administrative proceedings - Appointment of interpreter....1233
§63-2412. Notice of necessity of interpreter - Proof of hearing loss....1233
§63-2413. Request for interpreter....1234
§63-2413.1. Contracts with employees of other state agencies for interpreter services....1234
§63-2414. Oath or affirmation of true interpretation....1234
§63-2415. Interpreter's fees – Recess periods....1234
§63-2416. Short title....1235
§63-2417. Duties and responsibilities of State Department of Rehabilitation Services....1235
§63-2418. Telephone access line surcharge - Telecommunications for the Hearing Impaired Revolving Fund....1235
§63-2418.1. Certified local exchange telephone companies - Compliance with federal legislation - Assessment of surcharge....1236
§63-2419. Collection of revenues to cease under certain conditions....1236
§63-2451. Renumbered as § 1-2517 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999....1237
§63-2452. Renumbered as § 1-2518 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999....1237
§63-2453. Renumbered as § 1-2519 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999....1237
§63-2454. Renumbered as § 1-2520 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999....1237
§63-2455. Renumbered as § 1-2521 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999....1237
§63-2501. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2502. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2503. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2504. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2505. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2506. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2507. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2508. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2508.1. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2509. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2510. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2511. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237
§63-2512. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003....1237

§63-2513. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1237
§63-2514. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2521. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2522. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2523. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2524. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2525. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2525.1. Renumbered as § 2508.1 of this title by Laws 1995, c. 204, § 9, eff. July 1, 1995.....1238
§63-2525.2. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2525.3. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2525.4. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2525.5. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2525.6. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2525.7. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.....1238
§63-2526. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2527. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.....1238
§63-2528.1. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1238
§63-2528.2. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1238
§63-2528.3. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1238
§63-2528.4. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1238
§63-2528.5. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1238
§63-2528.6. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1239
§63-2528.7. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1239
§63-2528.8. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1239
§63-2528.9. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1239
§63-2528.10. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.....1239
§63-1-2550. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.....1239
§63-2550.1. Definitions.....1239
§63-2550.2. Referral to and treatment by specialist.....1240
§63-2550.3. Termination of participating providers – Procedures and conditions.....1241
§63-2550.4. Nonformulary or prior-authorized drugs - Approval.....1242
§63-2551. Short title.....1243
§63-2552. Definitions.....1243
§63-2553. Identifying devices and identification cards.....1243
§63-2554. Duties of law enforcement officers.....1244
§63-2555. Medical practitioners - Duties - Liability.....1244
§63-2556. Persons other than law enforcement officers or medical practitioners.....1245
§63-2557. Penalties.....1245
§63-2558. Duties as additional.....1245
§63-2601. Definitions.....1245
§63-2602. Right of self-consent under certain conditions - Doctor patient privileges.....1246
§63-2603. Payment for services.....1247
§63-2604. Safeguards to protect minor.....1248
§63-2605. Providing of health care not mandatory.....1248
§63-2621. Short title.....1248
§63-2622. Definitions.....1248
§63-2623. Medical savings account - Contributions and withdrawals.....1249
§63-2654.1. Short title - Definitions.....1251
§63-2654.2. Oklahoma Poison Control Center.....1251
§63-2654.3. Authority of Director.....1252
§63-2654.4. Certification as regional poison control center.....1252
§63-2656.1. Administration of oaths - Federal grant or contract funds.....1252
§63-2656.2. Annual report - Distribution.....1253

§63-2657. Definitions....1253
§63-2658. License policy....1254
§63-2659. Application....1254
§63-2660. Issuance of a license....1254
§63-2661. Hearing - Notice....1254
§63-2662. Rules and regulations....1255
§63-2663. Inspections and investigations....1255
§63-2663A. Consultant pharmacists – Required visits to ambulatory surgical center....1255
§63-2664. Penalty....1255
§63-2665. Discriminatory practices....1256
§63-2666. Formal transfer agreement....1256
§63-2701. Public policy....1256
§63-2702. Medical report - Immunity....1256
§63-2801. Short title....1256
§63-2802. Definitions....1257
§63-2803. Establishment of basic or sophisticated system....1257
§63-2804. Services included in system....1258
§63-2805. Preparation and implementation of system....1258
§63-2806. Technical and operational standards for basic or sophisticated system....1259
§63-2807. Submission of final plan to public telephone utilities - Alternative reports....1259
§63-2808. Joint power or written cooperative agreements for implementation of plan - Powers of public safety agency employees - Immunity....1259
§63-2809. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998....1260
§63-2810. Duties or liabilities of public telephone utility not affected....1260
§63-2811. Short title....1260
§63-2812. Purpose....1260
§63-2813. Definitions....1260
§63-2814. Political subdivisions authorized to operate emergency telephone service - Service fee - Election....1262
§63-2815. Due date of fee - Penalty for late payment - Filing of return - Determination of fee - Audit - Governing bodies, boards....1267
§63-2815.1. Outgoing calls - Confidentiality - Liability....1269
§63-2816. Bonds....1269
§63-2817. Liability....1270
§63-2818. Contract for administration of emergency telephone service....1270
§63-2818.2. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997....1271
§63-2818.3. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997....1271
§63-2818.4. Presumption to be considered by committee in developing recommendations....1271
§63-2819. Renumbered as § 2870 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016....1271
§63-2820. Use of nine-one-one number for nonemergency purposes....1271
§63-2821. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2841. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2842. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2843. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2843.1. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2843.2. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1271
§63-2844. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1272
§63-2846. Mandatory provision of emergency telephone service – Confidentiality - Liability....1272
§63-2847. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1272
§63-2849. Renumbered as § 2871 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016....1272
§63-2851. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1272
§63-2852. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1272
§63-2853. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017....1272

§63-2855.1. Direct access to 9-1-1 service required....1272
§63-2861. Short title - Oklahoma 9-1-1 Management Authority Act....1273
§63-2862. Definitions....1273
§63-2863. Oklahoma 9-1-1 Management Authority – Creation - Members....1275
§63-2864. Powers and duties....1278
§63-2865. Fees - Transactions....1279
§63-2866. Collection, payment and distribution of fees – Wireless and VoIP providers....1281
§63-2867. Collection, payment and distribution of fees – Prepaid wireless providers....1282
§63-2868. Use of funds – Annual audit – Annual report....1283
§63-2869. Oklahoma 9-1-1 Management Authority Revolving Fund....1285
§63-2870. False alarm, complaint or information - Penalty....1285
§63-2871. Regional Emergency Nine-One-One Services Act....1285
§63-2901. Energy Conservation Assistance Fund....1287
§63-2902. Disbursement and implementation of Fund - Publicizing program - Eligibility standards - Priority of applications - Issuance of grants - Form of applications - Contractors; eligibility, payments, monitoring and audit of financial and operating records....1288
§63-2903. Lien against property - Foreclosure - Repayment of loan....1289
§63-2904. Consumer education programs....1290
§63-3001. Sale of pull-top or flip-top can prohibited - Definitions....1290
§63-3001.1. Renumbered as § 2-11-502 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 1290
§63-3001.2. Renumbered as § 2-11-503 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993. 1291
§63-3080.1. Short title....1291
§63-3080.2. Definitions....1291
§63-3080.3. Presumption of hydration and nutrition sufficient to sustain life....1291
§63-3080.4. Presumption of nutrition and hydration, when inapplicable....1292
§63-3080.5. Withdrawing treatment or care....1293
§63-3090.1. Short title - Nondiscrimination in Treatment Act....1293
§63-3090.2. Definitions....1293
§63-3090.3. Nondiscrimination in treatment....1294
§63-3090.4. Injunctive relief....1294
§63-3091.1. Short title - Right to Try Act....1294
§63-3091.2. Definitions....1294
§63-3091.3. Manufacturers' rights – Insurance coverage – Liability of patients' heirs....1296
§63-3091.4. Actions against health care provider's license or Medicare certification prohibited...1297
§63-3091.5. Patient access – Counseling, advice or recommendations....1297
§63-3091.6. Immunity against private causes of action....1297
§63-3091.7. Clinical trials....1298
§63-3101. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992....1298
§63-3101.1. Short title....1298
§63-3101.2. Purpose - Protection for proxies and health care providers - Certain acts not condoned, authorized or approved....1298
§63-3101.3. Definitions....1299
§63-3101.4. Advance directive - Execution - Specific nutrition/hydration provision - Form - Inclusion in declarant's medical records - Authority of proxy - Designation based on religious beliefs or tenets....1300
§63-3101.5. Advance directive - When and which become operative....1305
§63-3101.6. Advance directive - Revocation....1306
§63-3101.7. Qualified patient - Determination - Record....1306
§63-3101.8. Patient's right to make decisions regarding life-sustaining treatment - Patient's comfort and alleviation of pain - Pregnant patient....1306
§63-3101.9. Physician or health care provider unwilling to comply with act....1307

§63-3101.10. Civil and criminal liability and disciplinary actions.....1307
§63-3101.11. Acts constituting unprofessional conduct - Acts constituting felonies - Sanctions....1308
§63-3101.12. Interpretation, construction and application of act.....1308
§63-3101.13. Presumption of validity of advance directive.....1309
§63-3101.14. Directives executed out-of-state.....1309
§63-3101.15. Directives executed prior to change in law.....1310
§63-3101.16. Treatment decisions to be based on known intentions, personal views and best interests of declarant.....1310
§63-3102. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1311
§63-3102.1. Advance directives registry database.....1311
A. The State Department of Health shall establish and maintain an advance directives registry which shall be accessible through a website maintained by the Department. The registry shall be used to store advance directives pursuant to the Oklahoma Advance Directive Act that are filed with the registry by or with the authorization of those executing the advance directives.....1311
§63-3102.2. Advance directive forms database.....1311
A. The State Department of Health shall maintain a website of advance directive forms that may be downloaded for printing and into word processing programs.....1311
§63-3102.3. Patient disclosure relating to advanced directives forms and registry.....1312
§63-3102.4. Classes and priorities for persons authorized to make health care decisions for those incapable of communicating.....1312
§63-3102.5. Persons not authorized to make health care decisions.....1314
§63-3102A. Experimental treatments, tests or drugs - Persons eligible to give consent.....1315
§63-3103. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1315
§63-3103.1. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1315
§63-3104. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1315
§63-3105. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1315
§63-3105.1. Short title - Physician Orders for Life-Sustaining Treatment Act.....1315
§63-3105.2. Definitions.....1316
§63-3105.3. Orders for life-sustaining treatment – Standardized form – Noncompliant forms.....1316
§63-3105.4. Format and content of form.....1317
§63-3105.5. Physician not subject to liability or discipline – Liability for falsification of form – Temporary court orders.....1323
§63-3106. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3107. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3108. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3109. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3110. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3111. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.....1324
§63-3112. Definitions.....1324
§63-3113. Designation of lay caregivers by hospital patients.....1325
§63-3114. Notification by hospital to lay caregiver.....1326
§63-3115. Consultation with lay caregiver by hospital - Discharge plan.....1326
§63-3116. Construction of act.....1326
§63-3117. Impact on state or federal program funding.....1326
§63-3118. Verification of compliance.....1327
§63-3121. Short title.....1327
§63-3122. Declaration of death.....1327
§63-3123. Application and construction.....1327
§63-3129. Written policy for disposition of remains of a child – Hospitals, birthing centers or medical facilities.....1327
§63-3131.1. Short title.....1328
§63-3131.2. Legislative intent.....1328
§63-3131.3. Definitions.....1328

§63-3131.4. Health care presumption and exceptions - Health care agencies not required to provide certain treatment, facilities or services....1329
§63-3131.5. Consent form....1331
§63-3131.6. Compliance required....1333
§63-3131.7. Revocation of consent....1334
§63-3131.8. Protection from criminal prosecution, civil liability and professional discipline....1335
§63-3131.9. Certain conditions for insurance prohibited....1335
§63-3131.10. Consent or order to accompany person....1336
§63-3131.11. Effect of act....1336
§63-3131.12. Duties of the Department of Human Services....1336
§63-3131.13. Construction of act....1337
§63-3131.14. Application of act....1337
§63-3141.1. Short title - Legislative intent....1337
§63-3141.2. Definitions....1338
§63-3141.3. Violations....1338
§63-3141.4. Acts not constituting violations....1338
§63-3141.5. Injunctions - Persons who may bring....1338
§63-3141.6. Actions for damages - Persons who may bring....1339
§63-3141.7. Attorney fees....1339
§63-3141.8. Revocation or suspension of license or certificate....1339
§63-3151. Suicide data collection system – Confidentiality of data - Penalties....1340
§63-3160. Short title - Medical Treatment Laws Information Act....1341
§63-3161. Definitions....1341
§63-3162. Brochure and online presentation of rights and responsibilities for health care providers – Certification requirements....1342
§63-3163. Disclosure statement for patients and patients' families....1343
§63-3201. Short title....1344
§63-3202. Definitions....1344
§63-3203. Purposes - Legislative findings - Continued subsidized indigent health care - Powers of Board of Regents of University of Oklahoma....1345
§63-3204. University Hospitals - Transfer of jurisdiction, supervision, management and control...1346
§63-3205. University Hospitals - Certificate of Need - Operation and licensing - Service and receiving payments - Teaching and training....1349
§63-3206. Children's Hospital - General hospital and service institution for certain persons....1349
§63-3207. University Hospitals Authority - Creation - Powers and authority - Status - Membership - Terms of office - Qualifications - Removal of member - Vacancies - Compensation and expenses - Quorum - Other laws....1349
§63-3208. University Hospitals Authority - Powers and duties....1351
§63-3209. Determination of criteria and standards for medicaid recipients and indigents - Medicaid eligibility office staff....1353
§63-3210. University Hospitals - Authority - Agreements and undertakings....1354
§63-3211. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019....1354
§63-3212. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019....1354
§63-3213. Employees of University Hospitals Authority - Retirement systems....1354
§63-3213.1. Repealed by Laws 1997, c. 287, § 19, eff. July 1, 1997....1355
§63-3213.2. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019....1355
§63-3214. Investments of funds - University Hospitals Authority Agency Special Account - Blanket bond coverage....1355
§63-3215. Issuance of bonds - Resolution - Amount - Principal and interest - Credit enhancement - Form - Execution - Denominations - Place of payment - Signatures - Qualities and incidences - Manner of sale - Fees and expenses - Interim receipts or temporary bonds - Replacement bonds - Consent of issue - Refunding bonds....1355
§63-3216. Issuance of bonds - Approval of Attorney General....1357

§63-3217. Issuance of bonds - Approval of Supreme Court.....1357
§63-3218. Bonds not to be debt of state or political subdivision - Statement on bonds - Tax exemption.....1358
§63-3219. Investment in bonds issued pursuant to this act - Use as collateral security.....1358
§63-3220. University Hospitals Authority - Annual report to Governor and Legislature.....1358
§63-3221. University Hospitals Authority Disbursing Fund.....1359
§63-3221.1. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.....1359
§63-3222. Traffic and parking regulations on University Hospitals Authority property - Violations - Campus police officers and guards - Cooperative agreements.....1360
§63-3223. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.....1360
§63-3224. University Hospitals Trust.....1360
§63-3225. Submission of certain contractual agreements to Contingency Review Board - Declaratory judgment of Supreme Court of Oklahoma.....1363
§63-3226. Leases from University Hospitals Authority to University Hospitals Trust.....1365
§63-3227. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.....1366
§63-3227.1. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.....1366
§63-3228. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.....1366
§63-3240.1. Short title.....1366
§63-3240.2. Definitions.....1366
§63-3240.3. Community Hospitals Authority - Purpose, establishment and duties - Indigent care services - Appropriation - Reimbursement.....1367
§63-3240.4. Licensure of hospitals – Services and payment – Teaching and training hospitals.....1367
§63-3240.5. Composition of agency – Terms – Reimbursement - Quorum.....1368
§63-3240.6. Powers and duties.....1369
§63-3240.7. Annual report.....1370
§63-3240.8. Community Hospitals Authority Revolving Fund.....1371
§63-3241.1. Supplemental Hospital Offset Payment Program Act.....1371
§63-3241.2. Definitions.....1371
§63-3241.3. Hospital assessment - Exceptions - Fees - Promulgation of rules.....1372
§63-3241.4. Supplemental Hospital Offset Payment Program Fund.....1376
§63-3241.5. Supplemental hospital offset payment program.....1380
§63-3241.6. Implementation of Supplemental Hospital Offset Payment Program Act.....1381
§63-3242. Supplemental Medicaid reimbursement for ground emergency transportation.....1381
§63-3250.1. Short title.....1383
§63-3250.2. Definitions.....1383
§63-3250.3. Purpose – Creation of public trust – Instrument – Condition precedent – Filing - Amendment.....1384
§63-3250.4. Hospitals within hospital district – License, accreditation, and certification requirements – Participation in federal medical programs.....1386
§63-3250.5. Members and officers of community hospital public trust authority – Residency – Bond. 1386
§63-3250.6. Authority, powers, and duties of community hospital public trust authority – Conflict of interest – Compliance with statutes – Audits – Issuance of bonds.....1387
§63-3250.7. Reports.....1391
§63-3250.8. Medicaid Payment Reimbursement Fund.....1391
§63-3250.9. Waivers authorizing Medicaid supplements.....1392
§63-3271. Short title.....1392
§63-3272. Definitions.....1392
§63-3273. Purposes - Legislative findings.....1393
§63-3274. Hospitals - Operation, licensing, accreditation, and certification - Teaching and training. 1393
§63-3275. Oklahoma State University Medical Authority - Members - Qualifications, appointment, and removal - Applicable statutes.....1394

§63-3276. Oklahoma State University Medical Authority - Powers and duties - Applicable statutes. 1395
§63-3277. Medicaid eligibility criteria - Determination....1398
§63-3278. Agreements and obligations - Public purpose - Conditions....1398
§63-3279. Oklahoma State University Medical Authority Agency Special Account - Official Depository Account - Bond coverage....1398
§63-3280. Issuance of bonds - Procedure - Characteristics - Approvals....1399
§63-3281. Issuance of bonds - Approval of Attorney General....1400
§63-3282. Issuance of bonds - Approval of Supreme Court....1400
§63-3283. Revenue bonds not debt of state or political subdivision - Statement on bonds - Tax exempt....1401
§63-3284. Bonds - Investment securities - Collateral security....1402
§63-3285. Annual report to Governor and Legislature....1402
§63-3286. Oklahoma State University Medical Authority Disbursing Fund....1402
§63-3287. Oklahoma State University Medical Authority Marketing Revolving Fund....1403
§63-3288. Regulation of traffic and parking on Oklahoma State University Medical Authority property - Appointment of campus police officers and guards....1403
§63-3289. Resident physicians of Oklahoma State University Center for Health Sciences - Payroll, benefits and employment status - Termination of privileges....1404
§63-3290. Oklahoma State University Medical Trust....1404
§63-3291. Submission of certain agreements to Contingency Review Board - Declaratory judgment of validity by Supreme Court of Oklahoma....1407
§63-3292. Leases from Oklahoma State University Medical Authority to Oklahoma State University Medical Trust - Transfers of title - Other agreements....1408
§63-3293. Oklahoma State University Medical Trust Revolving Fund....1410
§63-3301. Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area - Membership - Duties and responsibilities....1410
§63-4001. Short title....1412
§63-4002. Definitions....1412
§63-4003. Title and annual registration required - Vessels affected - Outboard motors affected - Sellers, traders and lessors required to be licensed....1416
§63-4004. Administration of act - Promulgation of rules and preparation of forms and records - Jurisdiction to enforce act and rules - Determination of factory-delivered price - Manual of procedure - Rules to comply with certain other laws....1417
§63-4005. Exemptions....1417
§63-4006. Utilization of motor license agents....1419
§63-4007. Confidentiality of title and registration information - Penalties - Copies of certificate of title or registration....1419
§63-4008. Application for certificate of title - Transmittal - Issuance - Confirmation....1420
§63-4009. Application for certificate of title or registration - Contents - Manufacturer's certificate of origin - Identification number - Homemade vessels - Lien entry form for certain vessels - Delivery of certificate....1421
§63-4009.1. Serial numbers for outboard motors – Rules - Penalties....1423
§63-4010. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1424
§63-4011. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1424
§63-4012. Sale or transfer of ownership - Assignment of certificate - Presentment of assigned certificate - Delivery of certificate - Filing and indexing - Passage of ownership by operation of law - Homemade vessels - Bills of sale - Duplicate certificates....1424
§63-4013. Perfection of security interest - Applicability of Title 12A - Surrender of certificate or application to secured party - Delivery to Commission - Satisfaction and release - Penalty - New certificate - Security interests perfected prior to effective date of act....1425
§63-4014. Fees....1428

§63-4015. Application required - Time - Contents.....1429
§63-4016. Application for registration of vessel - Contents - Issuance of certificate and assignment of permanent number - Availability and inspection of certificate and bill of sale.....1429
§63-4017. Application for registration of motor - Contents - Issuance of certificate - Availability and inspection of certificate and bill of sale.....1430
§63-4018. Members of armed forces or spouses - Registration requirements.....1431
§63-4019. Registration fees - Due date - Delinquency - Registration dates - Proportional fees.....1431
§63-4020. Notice of registration requirements.....1432
§63-4021. Fees - Exemptions - Credits - Duplicate certificates.....1433
§63-4022. Application directly to Commission or motor vehicle agent - Copies - Fees.....1437
§63-4023. Purpose of fees - Payment in lieu of ad valorem taxes.....1437
§63-4024. Late registration - Failure or refusal to file application - Penalties.....1438
§63-4025. Payment of fees and taxes by check - Nonpayment of check - Cancellation of title and registration - Credit of motor license agent's account - Collection - Penalties.....1438
§63-4026. Repossession by mortgagee - Liability for delinquent registration.....1439
§63-4027. Lien of title and registration fees and penalties - Priority - Seizure - Costs of taking into custody and storage - Foreclosure.....1439
§63-4028. Apportionment of fees, taxes and penalties.....1440
§63-4029. Refusal, revocation or cancellation of certificate of title or registration.....1440
§63-4030. Permanent number system for vessels.....1441
§63-4031. Boat liveries - Records - Safety equipment - Compliance with act.....1443
§63-4032. Violations - Punishments.....1444
§63-4033. Dealers license required - Multiple locations - Bona fide dealer status - Applications - Report of transfer of ownership - Posting license - Authority granted by license - Compliance with act.....1445
§63-4034. Fees.....1448
§63-4035. Demonstration permits - Record of purchases and sales.....1448
§63-4035.1. Manufacturer's testing permits - Display - Fee.....1449
§63-4036. Used vessels or motors - Expiration of registration - Use of demonstration permit - Purchase or transfer of ownership of out-of-state used vessel or motor - Application for certificate of title - Sale or transfer of ownership - Tax stamp - Registration by purchaser.....1449
§63-4037. Dealer agreements - Restrictions.....1450
§63-4037.1. Relocating existing dealership within or into relevant market area where same product line is represented.....1451
§63-4037.2. Good cause for not relocating additional dealership for same product line - Circumstances considered.....1452
§63-4038. Designated successor of deceased or incapacitated new vessel dealer - Continuation of existing dealer agreement - Refusal to honor succession - Notice.....1452
§63-4039. Termination of dealer agreement - Continued sale of parts.....1453
§63-4039.1. Commercial vessel dealer - Docking of vessels for sale.....1453
§63-4040. Brokers prohibited - Exception.....1453
§63-4041. Violations - Denial, revocation or suspension of license - Fine.....1453
§63-4042. Denial, suspension or revocation of license - Hearing - Notice - Production of documents - Subpoena - Witnesses.....1455
§63-4043. Injunction - Parties.....1456
§63-4044. Permits for displays and sales of new vessels or motors held off premises of licensed dealer.....1456
§63-4101. Short title - Definitions.....1457
§63-4102. Administration by Oklahoma Tax Commission - Execution of forms, declarations, applications, statements or other information in writing.....1457
§63-4103. Excise tax - Amount - When due - Delinquency - Failure or refusal to pay - Penalty - Exceptions - Credits.....1458
§63-4104. Apportionment and distribution of revenue.....1458

§63-4105. Value of vessel or motor - Time, method of determination - Disputed value.....1459
§63-4106. Exemptions.....1459
§63-4107. Tax in lieu of all other taxes - Sales tax on unattached accessories.....1461
§63-4108. Failure or refusal to pay tax - Report to Commission - Seizure - Hearing - Sale.....1461
§63-4200. Short title.....1462
§63-4201. Definitions.....1462
§63-4202. Administration and enforcement of act - Promulgation of rules - Forms.....1463
§63-4202.1. Operators of emergency vessels - Exercise of certain privileges.....1464
§63-4203. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.....1464
§63-4204. Administration and enforcement of Act upon waters under jurisdiction of Grand River Dam Authority - Authority as motor license agent - Remission of fees.....1464
§63-4205. Sanctioned water events - Administering entities - Safety rules - Permits - Filing of notification of event - Holding event in unsafe manner or unsafe environmental conditions.....1465
§63-4206. Use of personal flotation devices.....1466
§63-4207. Lights and other equipment.....1466
§63-4208. Noise control equipment and noise levels.....1468
§63-4209. Unlawful possession of vessel or motor - Penalties.....1469
§63-4209.1. Knowingly receiving, possessing, selling or disposing of stolen or converted vessel or motor - Penalties.....1469
§63-4209.2. Removing or falsifying identification number of vessel or motor - Penalties.....1469
§63-4209.3. Making false statement in application for certificate of title or assignment thereof for stolen vessel or motor - Penalties.....1470
§63-4209.4. Altering or forging certificate of title or assignment thereof - Penalties.....1470
§63-4209.5. Injuring, tampering with or damaging vessel or motor or accessories, appurtenances or attachments thereto - Climbing into or upon vessel with intent to commit crime.....1471
§63-4209.6. Falsely reporting theft or conversion of vessel or motor.....1471
§63-4209.7. Additional unlawful acts - Penalties.....1471
§63-4209.8. Inspections for purpose of locating stolen vessels and related equipment.....1472
§63-4210. Operation of certain devices or vessels – Prohibited acts – Yielding to emergency vessels - Penalties.....1472
§63-4210.1. Negligent homicide - Penalties.....1473
§63-4210.2. Eluding or attempting eluding peace officer - Assisting peace officer - Arrests.....1473
§63-4210.3. Transporting weapon in or discharging weapon from vessel - Exceptions - Penalties. 1474
§63-4210.4. Care and prudent speed to be used in operation of vessel - Operation in wake zone - Parking, mooring or beaching in a swimming area - Violation.....1474
§63-4210.5. Removing, tampering, or interfering with or attaching vessel to waterway marker, navigational aid or buoy.....1475
§63-4210.6. Sitting and standing in vessel while under way.....1475
§63-4210.7. Occupying front or back deck of vessel while under way.....1475
§63-4210.8. Operation or control of vessel under influence of alcohol or other intoxicating substance.....1476
§63-4210.9. Implied consent to administer drug or alcohol test.....1477
§63-4210.10. Qualified persons to withdraw blood.....1479
§63-4210.11. Refusal to submit to drug or alcohol testing - Exceptions.....1482
§63-4210.12. Laboratory report - Evidence.....1483
§63-4210.13. Criminal trials - Use of alcohol or drug tests as evidence.....1484
§63-4210.14. Use of other competent evidence.....1485
§4210A. Renumbered as § 4210.8 of this title by Laws 2003, c. 393, § 9, emerg. eff. June 4, 2003. 1485
§63-4211. Diving or submerging in body of water - Use of buoys - Operating vessel in diving area. 1485
§63-4211.1. Inner tubes, air mattresses or floating chairs - Distance from shore restricted.....1485

§63-4212. Towing person or persons using parasails, water skis or similar devices - Time restrictions - Professional exhibitions excepted - Colliding with or striking object or person - Operation of personal watercraft....1486
§63-4213. Placing or disposing of marine sewage in state waters prohibited - Use of total retention marine toilets required....1487
§63-4214. Collision, accident, or other casualty - Rendering of assistance by vessel operator - Notice - Accident report - Notice to appear - Written report – Drug and alcohol test....1487
§63-4215. Negligent operation - Liability....1489
§63-4216. Actions against nonresident owners or operators - Service of notice - Venue....1490
§63-4217. Abandonment of vessel - Removal....1491
§63-4217.1. Abandoned vessels – Notice of removal....1492
§63-4217.2. Abandoned vessels – Contest of removal or storage – Hearing....1492
§63-4217.3. Abandoned vessels – Regaining possession....1493
§63-4217.4. Abandoned vessels – Lien – Foreclosure by sale – Notice – Application of proceeds. 1493
§63-4218. Violations - Penalties....1494
§63-4219. Nighttime speed limit....1495
§63-4220. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1495
§63-4220.1. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1495
§63-4220.2. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1495
§63-4220.3. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1495
§63-4220.4. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993....1495
§63-4221. Failure to comply with lawful order or directive of law enforcement officer....1495
§63-4222. Repealed by Laws 2018, c. 27, § 62, eff. Nov. 1, 2018....1495
§63-4230. Repealed by Laws 1997, c. 240, § 6, emerg. eff. May 23, 1997....1496
§63-4230.1. Repealed by Laws 2003, c. 459, § 12....1496
§63-4231. Short title....1496
§63-4232. Definitions - Requirements for persons younger than sixteen to operate certain motorized vessels, personal watercraft - Boating Safety Education Certificate....1496
§63-4233. Exceptions to certification requirement....1497
§63-4234. Unlawful acts regarding certificates....1498
§63-4235. Violation of certification requirement - Penalties....1498
§63-4236. Boating Safety Education Fund....1499
§63-4251. Short title....1499
§63-4252. Definitions....1499
§63-4253. Crimes and penalties - Exceptions - Punishment for second and subsequent offenses - Restitutions....1500
§63-4254. Seizure of property....1503
§63-4255. Forfeiture of property....1503
§63-4256. Civil proceedings....1508
§63-4257. Criminal proceedings....1509
§63-5000.24. Medicaid Buy-In Program....1509
§63-5000.25. Results-based funding pilot project....1510
§63-5003. Legislative declaration - Purpose....1510
§63-5004. Short title....1511
§63-5005. Definitions....1511
§63-5006. Oklahoma Health Care Authority - Creation - Powers and duties - Personnel....1512
§63-5007. Oklahoma Health Care Authority Board....1513
§63-5007.1. Oklahoma Medicaid Accountability and Outcomes Act....1513
§63-5008. Administrator - Qualifications - Status - Powers and duties - Contract bidding process - Advisory committees....1514
§63-5009. Development of managed care system - Administration of Oklahoma Medicaid Program. 1515

§63-5009.1. Oklahoma Health Care Authority - Acceptance of federal grants - Appropriations in advance....1516
§63-5009.2. Advisory Committee on Medical Care for Public Assistance Recipients....1517
§63-5009.3. Repealed by Laws 2001, c. 277, § 14, eff. July 1, 2001....1518
§63-5009.4. Advisory Task Force on SoonerCare – Duties....1518
§63-5009.5. Acturarial certification of Medicaid managed care plan capitation rates....1519
§63-5009.6. Diabetes self-management training report....1519
§63-5010. Analysis of state health care programs - Exploration of cost containment and delivery alternatives....1519
§63-5011. State-purchased health care benefits – Utilization and financial data review – Collection of cost and quality of service data....1520
§63-5011.1. State-purchased health care benefits – Optometrists to be permitted to provide vision care or medical diagnosis and treatment of the eye....1521
§63-5012. Submission of plans, proposals and recommendations to Legislature - Contents....1522
§63-5013. Authority as resource for information on state health care access, cost containment and related health issues....1523
§63-5013.1. Persons providing Medicaid home- and community-based personal care services pursuant to contract with Authority....1523
§63-5014. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004....1524
§63-5015. Review of state-purchased and state-subsidized health care programs and regulatory agencies - Report to Legislature....1524
§63-5015.1. Legal division or unit....1524
§63-5016. Oklahoma Health Care Authority Revolving Fund....1525
§63-5017. Oklahoma Health Care Authority Federal Disallowance Fund....1525
§63-5018. Confidentiality of Medicaid applications and records - Disclosure to authorized representative....1526
§63-5018.1. Concurrent applications by active duty military members....1527
If a person who is on active duty with the United States Armed Forces makes an application to the Oklahoma Health Care Authority to receive any type of benefits, either for himself or herself or for an immediate family member, and the person has previously made the same or a substantially similar application in another state which was pending at the time the person became a resident of this state, the Authority shall consider the application as if it had been made in this state at the time it was originally made in the other state....1527
§63-5019. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004....1527
§63-5020. Oklahoma Health Care Authority Medicaid Program Fund....1527
§63-5020A. Rate Preservation Fund....1527
§63-5021. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004....1528
§63-5022. Repealed by Laws 2017, c. 324, § 3, emerg. eff. July 1, 2017....1528
§63-5022.1. Repealed by Laws 2017, c. 324, § 3, emerg. eff. July 1, 2017....1528
§63-5022.2. Nursing facilities liability insurance costs – Medicaid reimbursement....1528
§63-5023. Adjustment of per diem rate – Medicaid savings....1528
§63-5024. Incorporated physician providers – Income deferral programs....1528
§63-5025. Reimbursement methodology - Established....1529
§63-5026. Medicaid prescription drug program – Definition of phenylketonuria....1529
§63-5027. Health care district....1530
§63-5028. Care coordination models for aged, blind and disabled persons....1531
§63-5028.1. Request for information for care coordination models for newborns through children 18 years of age....1531
§63-5029. Mailing information to victims of domestic violence....1532
A. The Oklahoma Health Care Authority shall coordinate with domestic violence sexual assault programs certified by the Office of the Attorney General who provide counseling services for victims of domestic violence to ensure that any information relating to billing or explanation of benefits (EOB) provided, maintained, monitored or otherwise handled by the Authority or any

other state agency including, but not limited to, services rendered by such facilities, is not sent by paper mail to the actual physical address of persons receiving such services.....1532
§63-5030.1. Medicaid Drug Utilization Review Board.....1532
§63-5030.2. Definitions.....1534
§63-5030.3. Powers and duties of board.....1535
§63-5030.4. Drug utilization review program.....1536
§63-5030.4A. Disease state management programs – Feasibility study.....1537
§63-5030.5. Drug prior authorization program - Conditions.....1538
§63-5051.1. Recovery from tortfeasors of amounts paid for medical expenses of injured and diseased persons - Liens or other legal action.....1541
§63-5051.2. Right to reimbursement for medical services - Assignment to Oklahoma Health Care Authority.....1543
§63-5051.3. Medical assistance - Homestead lien.....1544
§63-5051.4. Coverage under Medicaid Program Reform Act of 2003 - Enrollment fee and/or premium.....1547
§63-5051.5. Data files comparisons - File systems maintained by insurers - Exchange of information with Authority.....1548
§63-5052. Opportunity for hearing before Authority - Record - Review by Administrator - Judicial review.....1549
§63-5053. Short title.....1550
§63-5053.1. Definitions - Civil penalty for false or fraudulent claims.....1550
§63-5053.2. Civil actions by Attorney General or individual persons authorized - Complaint procedure.....1552
§63-5053.3. Actions brought by individuals - Participation by state - Procedure.....1553
§63-5053.4. Actions brought by individuals - Share of proceeds of actions or settlement - Award of expenses, fees, and costs.....1554
§63-5053.5. Prohibition of certain individual actions - Dismissal - Liability for expenses or fees - Relief following adverse acts - Statute of limitations.....1556
§63-5053.6. Service of subpoena - Limitation of actions - Burden of proof - Res judicata.....1557
§63-5053.7. Jurisdiction.....1558
§63-5054. State Medicaid program - Administrative sanctions.....1558
§63-5060. State Medicaid program not to contract with out-of-state providers.....1558
§63-6101. Short title.....1559
§63-6102. Legislative findings.....1559
§63-6103. Purposes.....1560
§63-6104. Definitions.....1560
§63-6105. Oklahoma Catastrophic Health Emergency Planning Task Force.....1563
§63-6301. Reports required from health care providers, coroners, medical examiners, or pharmacists.....1565
§63-6302. Investigations – Identification of exposed individuals – Closing, evacuation, or decontamination of facilities – Decontamination or destruction of materials – Enforcement powers. 1566
§63-6303. Reportable illnesses, health conditions, unusual clusters, or suspicious events – Duty to notify public health authorities – Sharing of information.....1567
§63-6401. Governor's declaration.....1568
§63-6402. Executive order.....1568
§63-6403. Activation of disaster response and recovery aspects of emergency plans – Powers of Governor.....1568
§63-6404. Enforcement of public health authority orders – Assistance from public safety authority. 1569
§63-6405. Termination of declaration of emergency by executive order – Special Session of State Legislature.....1570
§63-6501. Safe disposal of contaminated waste – Powers of public health authority.....1570

§63-6502. Safe disposal of human remains – Powers of public health authority – Identification and written record.....1571
§63-6503. Pharmaceutical agents and medical supplies – Purchase and distribution by public health authority - Regulation of use, sale, dispensing, distribution or transportation – Hoarding.....1572
§63-6504. Civil proceedings relating to destruction of property.....1573
§63-6601. Prevention of utilization of nuclear, biological or chemical agents – Proper control and treatment of transmissible diseases – Duty of public health authority.....1573
§63-6602. Repealed by Laws 2009, c. 78, § 14, eff. Nov. 1, 2009, and by Laws 2013, 1st Ex. Sess., c. 3, § 2, emerg. eff. Sept. 10, 2013.....1573
§63-6701. Provision of information to general public.....1573
§63-6702. Provision of information about and referrals to mental health support personnel.....1574
§63-6801. Enforcement of provisions of act – Rules – Fines and penalties – Orders and other remedies.....1574
§63-6802. Transfer of monies from state funds – Conditions.....1574
§63-6803. Preemption.....1575
§63-6804. Compliance with federal law and regulations – Conflict of laws – Predesignation of hospitals.....1575
§63-6900. Grant programs for administration of National Hospital Preparedness Program.....1575
§63-7002. Sale, etc. of human or synthetic urine or of adulterants – Violation – Penalty.....1576
§63-7100.1. Short title.....1577
§63-7100.2. Legislative findings - Purpose.....1577
§63-7100.3. Definitions.....1578
§63-7100.4. Authorization form for exchange of health information - Instructions.....1578
§63-7100.5. Acceptance and use of form.....1578
§63-7100.6. Immunity from liability.....1579
§63-7100.7. Information exchange not a violation or waiver of privilege protected by law.....1579
§63-7200.1. Short title.....1579
§63-7200.2. Legislative findings.....1579
§63-7200.3. Definitions.....1579
§63-7200.4. Ordering and furnishing sleep diagnostic tests - Facility standards.....1580
§63-7200.5. Violations - Enforcement - Promulgation of rules.....1581
§63-7300. Interstate Health Care Compact.....1581
§63-7301. Diabetes prevention reporting.....1585
A. The Oklahoma Health Care Authority and the State Department of Health shall collaborate to identify benchmarks and develop goals to reduce the incidence rates of, improve health care services for, and control complications resulting from diabetes.....1585
§63-7302. Tanning facilities - Age requirement - Posting requirement.....1586
§63-7310. Health insurance plans – Step therapy protocol - Requirements.....1587

§63-1-101. Short title.

This act shall be known as the Oklahoma Public Health Code.

Laws 1963, c. 325, art. 1, § 101.

§63-1-102. Definitions of terms used in Code.

As used in this Code, unless the context requires otherwise:

(a) The term "Board" means the State Board of Health.

(b) The term "Department" means the State Department of Health.

(c) the term "Commissioner" means the State Commissioner of Health.

(d) The term "local health officer" means the County Superintendent of Health of a county, or the Medical Director of a County Department of Health, District Department of Health or Cooperative Department of Health.

(e) The term "person" means any individual, corporation, company, firm, partnership, association, trust, state agency, governmental instrumentality or agency, institution, county, city, town or municipal authority or trust.

Laws 1963, c. 325, art. 1, § 102.

§63-1-103. State Board of Health created.

A. 1. There is hereby created the State Board of Health, which shall be an advisory body to the State Commissioner of Health and shall consist of nine (9) members appointed by the Governor and confirmed by the Senate for regular terms of nine (9) years, except as hereinafter otherwise indicated. Effective January 14, 2019, all duties and powers of the Board shall be transferred to the Commissioner. Any provision in statute that provides to the Board authority that is not advisory in nature shall be deemed to grant the duty or power to the Commissioner.

2. Not less than four members shall hold a current license to practice medicine in this state pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Oklahoma Osteopathic Medicine Act. At least one physician member shall be a person licensed to practice medicine in this state by the State Board of Osteopathic Examiners. Physician members licensed by the State Board of Medical Licensure and Supervision shall be members of the Oklahoma State Medical Association. One physician member shall be a diplomate of the American Board of Psychiatry and Neurology or be similarly qualified.

3. Not less than two members shall possess at least five (5) years of executive leadership experience in a health-related business or industry, and whose education and experience includes but is not limited to fiduciary, legal, business planning, or operational decision-making authority.

B. 1. The term of office of one member shall expire on June 30, 1964, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston, and Coal.

2. The term of office of one member shall expire on June 30, 1965, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Blaine,

Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson, and Cotton.

3. The term of office of one member shall expire on June 30, 1966, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Le Flore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter, and Love.

4. The term of office of one member shall expire on June 30, 1967, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay, and Noble.

5. The term of office of one member shall expire on June 30, 1968, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and Okmulgee.

6. The term of office of one member shall expire on June 30, 1969, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee, and Osage.

7. The term of office of one member shall expire on June 30, 1970, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

8. The term of office of one member shall expire on June 30, 1971, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon, and Tillman.

9. The term of office of one member shall expire on June 30, 1972, and each nine (9) years thereafter, and such member shall be appointed from the State of Oklahoma at large, and shall have been a

resident of the state for not less than five (5) years immediately preceding such member's appointment.
Added by Laws 1963, c. 325, art. 1, § 103, operative July 1, 1963. Amended by Laws 1987, c. 118, § 51, operative July 1, 1987; Laws 1997, c. 238, § 1, eff. Nov. 1, 1997; Laws 2002, c. 230, § 1, eff. Nov. 1, 2002; Laws 2018, c. 12, § 1, eff. Nov. 1, 2018; Laws 2018, c. 183, § 1, eff. Jan. 14, 2019.

§63-1-103a. Short title - Oklahoma Public Health Advisory Council Modernization Act.

Section 44 of this act shall be known and may be cited as the "Oklahoma Public Health Advisory Council Modernization Act".
Added by Laws 2013, c. 229, § 43, eff. Nov. 1, 2013.

§63-1-103a.1. Public Health Advisory Councils.

A. To assist and advise the State Board of Health and the State Department of Health, there are hereby created:

1. The Consumer Protection Licensing Advisory Council;
2. The Trauma and Emergency Response Advisory Council;
3. The Infant and Children's Health Advisory Council;
4. The Advancement of Wellness Advisory Council; and
5. The Home Care, Hospice and Palliative Care Advisory Council.

B. 1. Except for the Home Care, Hospice and Palliative Care Advisory Council, each Public Health Advisory Council (Advisory Council) created pursuant to subsection A of this section shall consist of seven (7) members. Two members shall be appointed by the Governor, two members shall be appointed by the Speaker of the House of Representatives, two members shall be appointed by the President Pro Tempore of the Senate, and one member shall be appointed by the State Board of Health. Appointments shall be for three-year terms. Members of the Advisory Councils shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Four members shall constitute a quorum.

2. The Home Care, Hospice and Palliative Care Advisory Council shall consist of nine (9) members. Two members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives, three members shall be appointed by the President Pro Tempore of the Senate and one member shall be appointed by the State Board of Health. Five members shall constitute a quorum.

3. Each Advisory Council shall meet at least twice a year, but no more than four times a year and shall elect a chair, a vice-chair and a secretary from among its members. Each Advisory Council shall only meet as required for election of officers, establishment of meeting dates and times; rule development, review and recommendation;

and adoption of nonbinding resolutions to the State Department of Health or the State Board of Health concerning matters brought before the Advisory Council. Special meetings may be called by the chair or by the concurrence of any three members.

C. 1. All members of the Consumer Protection Licensing Advisory Council shall be knowledgeable of certain consumer issues as specified below. The Consumer Protection Licensing Advisory Council shall be composed as follows:

a. the Governor shall appoint:
   (1) one member who is a licensed radiologist assistant, and
   (2) one member who is a licensed audiologist,

b. the President Pro Tempore of the Senate shall appoint:
   (1) one member who is a licensed radiologist, and
   (2) one member representing the hearing-aid-fitting industry,

c. the Speaker of the House of Representatives shall appoint:
   (1) one member representing the medical micropigmentation industry, and
   (2) one member representing the hearing-impaired public, and

d. the State Board of Health shall appoint one member representing a diagnostic x-ray facility.

2. The jurisdiction areas of the Consumer Protection Licensing Advisory Council shall include the hearing-aid-fitting industry, the medical micropigmentation industry, the radiation industry and such other areas as designated by the State Board of Health.

D. 1. All members of the Trauma and Emergency Response Advisory Council shall be knowledgeable of issues that arise in a hospital setting and issues that arise concerning emergency response. The Trauma and Emergency Response Advisory Council shall be composed as follows:

a. the Governor shall appoint:
   (1) one member who is an administrative director of a licensed ambulance service, and
   (2) one member who is a Board Certified Emergency Physician,

b. the President Pro Tempore of the Senate shall appoint:
   (1) one member who is a representative from a hospital with trauma and emergency services, and
   (2) one member who is a trauma surgeon with privileges at a hospital with trauma and emergency operative services,

c. the Speaker of the House of Representatives shall appoint:

(1) one member representing the trauma registrar of a licensed hospital that is classified as providing trauma and emergency operative services, and
(2) one member who is an Emergency Medical Technician, and

d. the State Board of Health shall appoint one member who is a critical care nurse.

2. The jurisdictional areas of the Trauma and Emergency Response Advisory Council shall include emergency response systems development, injury prevention, catastrophic health emergency, trauma systems improvement and development and such other areas designated by the State Board of Health.

E. 1. All members of the Infant and Children's Health Advisory Council shall be knowledgeable of issues that arise in the area of infant and children's health care. The Infant and Children's Health Advisory Council shall be composed as follows:

a. the Governor shall appoint:
(1) one member who works for the state or for a political subdivision on child abuse issues, and
(2) one member who is knowledgeable about childhood immunizations,

b. the President Pro Tempore of the Senate shall appoint:
(1) one member who is knowledgeable about newborn screening issues,
(2) one member licensed by the state as an optometrist who has knowledge of vision screening for children, and
(3) one member who is a licensed ophthalmologist in this state with the knowledge of treating visual deficiencies in children,

c. the Speaker of the House of Representatives shall appoint:
(1) one member who is licensed by the state as a physician and works as a pediatrician, and
(2) one member who is licensed by the state as a genetic counselor, and

d. the State Board of Health shall appoint one member who is a physician licensed by the state who specializes in the diagnosis and treatment of childhood injuries in a trauma setting.

2. The jurisdictional areas of the Infant and Children's Health Advisory Council shall include all issues that arise in the area of health care for infants and children and such other areas as designated by the State Board of Health.

F. 1. All members of the Advancement of Wellness Advisory Council shall be knowledgeable of issues that arise in the area of

advancing the health of all Oklahomans. The Advancement of Wellness Advisory Council shall be composed as follows:

a. the Governor shall appoint:
   (1) one member who is knowledgeable about breast and cervical cancer issues, and
   (2) one member who is knowledgeable about organ donor issues,

b. the President Pro Tempore of the Senate shall appoint:
   (1) one member who is mayor of a city or town that has been designated a certified healthy community in an urban setting, and
   (2) one member who is the president or chief operating officer of a business that has been designated a certified healthy business,

c. the Speaker of the House of Representatives shall appoint:
   (1) one member who is the mayor of a city or town that has been designated a certified healthy community in a rural setting, and
   (2) one member who is the president or chief operating officer of a business that has been designated a certified healthy business in an urban setting, and

d. the State Board of Health shall appoint one member who is the Executive Director of the Tobacco Settlement Endowment Trust.

2. The jurisdictional areas of the Advancement of Wellness Advisory Council shall include all issues that arise in the areas of tobacco usage and cessation, organ and tissue donation, the requirements for a city or town in the state to be designated as a certified healthy community, the requirements for a business to be designated as a certified healthy business and such other areas as designated by the State Board of Health.

G. 1. All members of the Home Care, Hospice and Palliative Care Advisory Council shall be knowledgeable of issues that arise in the administration and practice of home care, hospice and palliative care services. The Home Care, Hospice and Palliative Care Advisory Council shall be composed as follows:

a. the Governor shall appoint:
   (1) one member who is the owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act, and
   (2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act,
(2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act, and
(3) one member who is a member of the palliative care patient advocacy community,

c. the Speaker of the House of Representatives shall appoint:
(1) one member representing the public who is or was a legal guardian of a recipient of hospice services,
(2) one member representing the public who is a recipient or legal guardian of a recipient of services from a home health agency, and
(3) one member who is an allopathic or osteopathic physician or nurse certified in palliative care delivery in this state, and

d. the State Board of Health shall appoint one member representing an association which advocates on behalf of home care or hospice issues.

2. The jurisdictional areas of the Home Care, Hospice and Palliative Care Advisory Council shall include all issues that arise in the areas of home care, hospice services and palliative care, including, but not limited to:

a. identifying methods that improve the quality and delivery of home care, hospice and palliative care,
b. reviewing best practices from home care, hospice and palliative care programs in the state,
c. developing information on home care, hospice and palliative care issues for the general public, and
d. such other areas as designated by the State Board of Health.

H. In addition to other powers and duties assigned to each Advisory Council pursuant to this section, each Advisory Council, within its jurisdictional area, shall:

1. Have authority to recommend to the State Board of Health rules on behalf of the State Department of Health. The State Department of Health shall not have standing to recommend to the State Board of Health permanent rules or changes to such rules within the jurisdiction of an Advisory Council which have not been submitted previously to the appropriate Advisory Council for action;

2. Before recommending any permanent rules to the State Board of Health, give public notice, offer an opportunity for public comment and conduct a public rulemaking hearing when required by the Administrative Procedures Act;

3. Have the authority to make nonbinding written recommendations to the State Board of Health and/or to the State Department of Health which have been concurred upon by at least a majority of the membership of the Advisory Council;

4. Have the authority to provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

a. pass nonbinding resolutions expressing the sense of the Advisory Council, and

b. make recommendations to the State Board of Health or the State Department of Health concerning the need and the desirability of conducting meetings, workshops and seminars; and

5. Cooperate with each other Advisory Council, the public, the State Board of Health and the Commissioner of Health in order to coordinate the rules within their respective jurisdictional areas and to achieve maximum efficiency and effectiveness in furthering the objectives of the State Department of Health.

I. The Advisory Councils shall not recommend rules for promulgation by the State Board of Health unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule-impact statement and rulemaking hearings.

J. Members of the Advisory Councils shall serve without compensation. The Advisory Councils are authorized to utilize the conference rooms of the State Department of Health and obtain administrative assistance from the State Department of Health, as required.

Added by Laws 2013, c. 229, § 44, eff. Nov. 1, 2013. Amended by Laws 2014, c. 141, § 1, eff. Nov. 1, 2014; Laws 2015, c. 11, § 1, eff. Nov. 1, 2015.

§63-1-104. State Commissioner of Health – Powers and duties.

A. The State Commissioner of Health may adopt an official seal for the State Department of Health. The State Commissioner of Health shall hold such meetings as he or she deems necessary.

B. The Commissioner shall have the following powers and duties:

1. Adopt such rules and standards as he or she deems necessary to carry out any of the provisions of the Oklahoma Public Health Code;

2. Accept and disburse grants, allotments, gifts, devises, bequests, funds, appropriations, and other property made or offered to the Department; and

3. Establish such divisions, sections, bureaus, offices, and positions in the State Department of Health as the Commissioner deems necessary to carry out the provisions of this Code.

C. The State Commissioner of Health shall be appointed by the Governor, with the advice and consent of the Senate. The Commissioner shall serve at the pleasure of the Governor and may be removed or replaced without cause. Compensation for the Commissioner shall be determined pursuant to Section 3601.2 of Title 74 of the Oklahoma Statutes.
Added by Laws 1963, c. 325, art. 1, § 104, operative July 1, 1963. Amended by Laws 1976, c. 136, § 1, operative July 1, 1976; Laws 1985, c. 178, § 42, operative July 1, 1985; Laws 1997, c. 238, § 2, eff. Nov. 1, 1997; Laws 2018, c. 183, § 2, eff. Jan. 14, 2019.

§63-1-105. State Department of Health created.
There is hereby created a State Department of Health, which shall consist of the State Commissioner of Health, and such divisions, sections, bureaus, offices, and positions as may be established by the Commissioner, or by law.
Added by Laws 1963, c. 325, art. 1, § 105, operative July 1, 1963. Amended by Laws 2018, c. 183, § 3, eff. Jan. 14, 2019.

§63-1-105a. Liability insurance for certain employees.
The Department of Health is authorized to purchase or provide, from funds available for the operation of the Department, liability insurance for the State Board of Health, the Commissioner of Health, and such other employees of the Department as may be designated by the Board. The insurance coverage shall protect such persons from personal civil liability for errors and omissions resulting from the discharge of their official duties. This section shall in no way be construed as waiving the governmental immunity of the state.
Added by Laws 1982, c. 299, § 17, emerg. eff. May 28, 1982.

§63-1-105b. Soliciting residents for nursing care facilities.
Any employee of the State Department of Health who willfully or knowingly accepts anything of value from any person, firm, association, partnership or corporation for securing or soliciting residents for any facility subject to the Nursing Home Care Act, the Residential Care Act, the Continuum of Care and Assisted Living Act, or any other long-term care facility licensed by the Department, upon conviction thereof, shall be guilty of a felony.
Added by Laws 2000, c. 340, § 10, eff. July 1, 2000.

§63-1-105c. Conflicts of interest.
A. The State Department of Health shall:
1. Ensure that no employee of the Department whose responsibilities relate in any manner to long-term care is subject to a conflict of interest which would impair the ability of the person to carry out his or her employment duties in an impartial manner including, but not limited to:

a. ownership or investment interest by the employee or a member of the employee's immediate family represented by equity, debt or other financial relationship in a long-term care facility or a long-term care service,

b. employment by, under contract to, or participation by the employee or a member of the employee's immediate family in the management of, a long-term care facility, except as provided in Section 1-1914.2 of Title 63 of the Oklahoma Statutes and with the approval of the State Commissioner of Health, or

c. the receipt or the right of the employee or a member of the employee's immediate family to receive directly or indirectly remuneration, in cash or in kind, under a compensation arrangement with an owner or operator of a long-term care facility; and

2. Establish and specify, in writing, mechanisms to identify and remove conflicts of interest referred to in this section including, but not limited to:

a. the methods by which the Department will examine individuals and members of the individuals' immediate family members to identify the conflicts, and

b. the actions that the Department will require the individuals and such family members to take to eliminate such conflicts.

B. For purposes of this section, the term "immediate family" means:

1. The spouse of the employee;
2. The parents of the spouse of the employee;
3. A child by birth or adoption;
4. A stepchild;
5. A parent;
6. A grandparent;
7. A grandchild;
8. A sibling of the employee;
9. The spouse of any immediate family member specified in this subsection; or
10. Such other relationship deemed necessary by the State Board of Health as determined by rule.

Added by Laws 2000, c. 340, § 11, eff. July 1, 2000.

§63-1-105d. Tobacco Prevention and Cessation Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Tobacco Prevention and Cessation Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of the fund are hereby appropriated

and may be budgeted and expended by the State Department of Health for purposes of paragraph 2 of subsection C of Section 1, Chapter 340, O.S.L. 2000. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2000, c. 340, § 20, eff. July 1, 2000. Amended by Laws 2012, c. 304, § 472.
NOTE: Editorially renumbered from § 105d of this title to provide consistency in numbering.

§63-1-105e. Duties of Department of Health.

A. The State Department of Health shall:

1. Perform duties and responsibilities as directed by the State Commissioner of Health to ensure compliance with relevant provisions of this act;

2. Fix and collect fees for the certification of compliance of health maintenance organizations pursuant to the provisions of Section 6907 of Title 36 of the Oklahoma Statutes; and

3. Perform any and all health-related services, within the scope of practice, as prescribed by state law, by the State Board of Health, or by standards of care for medical services. When the Department provides a health-related service to any person covered by an applicable health insurance plan, the Department may submit a claim for said service to the appropriate insurance company, health maintenance organization or preferred provider organization. Upon receipt of the claim, said insurance company, health maintenance organization or preferred provider organization shall reimburse the Department for the service provided in accordance with the standard and customary rate schedule established by the plan. All health insurance plans doing business in Oklahoma shall recognize the public health service delivery model utilized by the Department, as an appropriate provider of services for reimbursement.

B. All actions of the Department shall be subject to the provisions of the Administrative Procedures Act.

C. Fees and insurance reimbursement payments collected shall be deposited in the Public Health Special Fund in the State Treasury.
Added by Laws 2003, c. 197, § 54, eff. Nov. 1, 2003. Amended by Laws 2011, c. 105, § 1, eff. Nov. 1, 2011.

§63-1-105f. Office of Accountability Systems.

A. The Office of Accountability Systems of the State Department of Health (OAS) shall have the authority to:

1. Coordinate audits and investigations and make reports to the State Board of Health and State Commissioner of Health within the State Department of Health and State Health Officer relating to the

administration of programs and operations of the State Department of Health;

2. Except as otherwise prohibited by current law, access all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to programs and operations with respect to which the Director of the Office of Accountability Systems has responsibilities;

3. Request assistance from other state, federal and local government agencies;

4. Issue administrative subpoenas for the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence;

5. Administer to or take from any current or former employee of the State Department of Health an oath, affirmation, or affidavit;

6. Receive and investigate complaints or information from an employee of the Department, service recipient or member of the public concerning the possible existence of an activity within the State Department of Health constituting a violation of law, rules or regulations, mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety;

7. Cause to be issued on behalf of OAS credentials, including an identification card with the State Seal; and

8. Keep confidential all actions and records relating to OAS complaints.

B. It shall be the duty and responsibility of the Director and staff of the Office of Accountability Systems to:

1. Keep the State Board of Health and the State Commissioner of Health fully informed of matters relating to fraud, abuses, deficiencies and other serious problems of which the Director is aware relating to the administration of programs and operations within the State Department of Health. Further, the Director shall recommend corrective action concerning such matters and report to the State Board of Health and the State Commissioner of Health on the progress of the corrective matters, except when such matters relate to the State Commissioner of Health or the performance of his or her duties in such capacity. Matters directly involving the Commissioner may be reported by the Director to the Board without providing notice to the Commissioner;

2. Report to and be under the direct supervision of the State Board of Health and shall not be subject to supervision or report to any other State Department of Health employee. Unless otherwise instructed by the State Board of Health, staff of the Office of Accountability Systems and independent contractors performing internal investigative services for the Office of Accountability Systems shall be directly supervised by the Director of the Office of Accountability Systems and not subject to the supervision of or required to report to any other State Department of Health employee.

Neither the State Commissioner of Health nor any other employee of the State Department of Health shall prevent, prohibit, or obstruct the Director from initiating, implementing or completing any investigation or from issuing any subpoena during the course of an investigation or audit regarding the State Department of Health; and

3. Report expeditiously to the appropriate law enforcement entity whenever the Director has reasonable grounds to believe that there has been a felonious violation of state or federal criminal law.

Added by Laws 2006, c. 101, § 1, eff. July 1, 2006. Amended by Laws 2008, c. 119, § 1, emerg. eff. May 5, 2008; Laws 2011, c. 105, § 2, eff. Nov. 1, 2011; Laws 2018, c. 29, § 1, eff. Nov. 1, 2018.

§63-1-106. State Commissioner of Health - Qualifications - Powers and duties.

A. The State Commissioner of Health shall serve at the pleasure of the State Board of Health, and shall have skill and experience in public health duties and sanitary sciences and shall meet at least one of the following qualifications:

1. Possession of a Doctor of Medicine Degree and a license to practice medicine in this state;

2. Possession of an Osteopathic Medicine Degree and a license to practice medicine in this state;

3. Possession of a Doctoral degree in Public Health or Public Health Administration; or

4. Possession of a Master of Science Degree and a minimum of five (5) years of supervisory experience in the administration of health services.

B. The Commissioner shall have the following powers and duties, unless otherwise directed by the State Board of Health:

1. Have general supervision of the health of the citizens of the state; make investigations, inquiries and studies concerning the causes of disease and injury, and especially of epidemics, and the causes of mortality, and the effects of localities, employment, conditions and circumstances on the public health; investigate conditions as to health, sanitation and safety of schools, prisons, public institutions, mines, public conveyances, camps, places of group abode, and all buildings and places of public resort, and recommend, prescribe and enforce such measures of health, sanitation and safety for them as the Commissioner deems advisable; take such measures as deemed necessary by the Commissioner to control or suppress, or to prevent the occurrence or spread of, any communicable, contagious or infectious disease, and provide for the segregation and isolation of persons having or suspected of having any such disease; designate places of quarantine or isolation; advise state and local governments on matters pertaining to health, sanitation and safety; and abate any nuisance affecting injuriously

the health of the public or any community. Any health information or data acquired by the Commissioner from any public agency, which information or data is otherwise confidential by state or federal law, shall remain confidential notwithstanding the acquisition of this information by the Commissioner.

2. Be the executive officer and supervise the activities of the State Department of Health, and act for the Department in all matters except as may be otherwise provided in this Code; administer oaths at any hearing or investigation conducted pursuant to this Code; and enforce rules and standards adopted by the State Board of Health. All rules adopted by the State Board of Health are subject to the terms and conditions of the Administrative Procedures Act.

3. Appoint an Assistant State Commissioner of Health and fix the qualifications, duties and compensation of the Assistant State Commissioner of Health; and employ, appoint and contract with, and fix the qualifications, duties and compensation of, such other assistants, doctors, engineers, attorneys, sanitarians, nurses, laboratory personnel, administrative, clerical and technical help, investigators, aides and other personnel and help, either on a full-time, part-time, fee or contractual basis, as shall be deemed by the Commissioner necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code, or to assist the Commissioner in the performance of official duties and functions.

4. Cause investigations, inquiries and inspections to be made, and hold hearings and issue orders pursuant to the provisions of the Administrative Procedures Act, to enforce and make effective the provisions of this Code, and all rules and standards adopted by the State Board of Health pursuant to law and the Commissioner or the representative of the Commissioner shall have the right of access to any premises for such purpose at any reasonable time, upon presentation of identification.

5. Authorize persons in the State Department of Health to conduct investigations, inquiries and hearings, and to perform other acts that the Commissioner is authorized or required to conduct or perform personally.

6. Except as otherwise provided by law, all civil and criminal proceedings under this Code shall be initiated and prosecuted by the district attorney where the violation takes place.

7. Issue subpoenas for the attendance of witnesses and the production of books and records at any hearing to be conducted by the Commissioner or the State Board of Health; and if a person disobeys any such subpoena, or refuses to give evidence before, or to allow books and records to be examined by, the Commissioner or the Board after such person is directed to do so, the Commissioner may file a contempt proceeding in the district court of the county in which the premises involved are situated, or, if no premises are involved, of

the county in which such person resides or has a principal place of business, and a judge of such court, after a trial de novo, may punish the offending person for contempt.

8. Unless otherwise required by the terms of a federal grant, sell, exchange or otherwise dispose of personal property that has been acquired by the State Department of Health, or any of its components, when such property becomes obsolete or is no longer needed; any money derived therefrom shall be deposited in the Public Health Special Fund.

9. Sell films, educational materials, biological products and other items produced by the State Department of Health; and all proceeds therefrom shall be deposited in the Public Health Special Fund.

10. Revoke or cancel, or suspend for any period up to one (1) year, any license or permit issued under or pursuant to this Code, or by the Commissioner, when the Commissioner determines that ground therefor as prescribed by this Code exists, or that the holder of such license or permit has violated any law, or any of the provisions of this Code, or any rules or standards of the State Board of Health filed with the Secretary of State, but the Commissioner shall first afford the holder an opportunity to show cause why the license or permit should not be revoked, canceled or suspended, notice of such opportunity to be given by certified United States Mail to the holder of the license or permit at the last-known address of such holder.

11. Accept, use, disburse and administer grants, allotments, gifts, devises, bequests, appropriations and other monies and property offered or given to the State Department of Health, or any component or agency thereof, by any agency of the federal government, or any corporation or individual.

12. Be the official agency of the State of Oklahoma in all matters relating to public health which require or authorize cooperation of the State of Oklahoma with the federal government or any agency thereof; coordinate the activities of the State Department of Health with those of the federal government or any department or agency thereof, and with other states, on matters pertaining to public health, and enter into agreements for such purpose, and may accept, use, disburse and administer, for the office of the Commissioner or for the State Department of Health, for any purpose designated and on the terms and conditions thereof, grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program relating to the public health or the control of disease, and enter into agreements for such purposes.

13. The State Commissioner of Health may appoint commissioned peace officers, certified by the Council on Law Enforcement Education

and Training, to investigate violations of the Public Health Code and to provide security to Department facilities.
Added by Laws 1963, c. 325, art. 1, § 106, operative July 1, 1963. Amended by Laws 1980, c. 159, § 17, emerg. eff. April 2, 1980; Laws 1986, c. 148, § 1, emerg. eff. April 29, 1986; Laws 1987, c. 118, § 52, operative July 1, 1987; Laws 1987, c. 225, § 42, eff. July 1, 1987; Laws 1991, c. 293, § 4, emerg. eff. May 30, 1991; Laws 1995, c. 230, § 20, eff. July 1, 1995; Laws 1997, c. 238, § 3, eff. Nov. 1, 1997; Laws 2004, c. 456, § 1, eff. Nov. 1, 2004.

§63-1-106.1. Fee schedule for licenses, permits and other health services.

A. The State Board of Health may establish a system of fees to be charged for health services and for services rendered to members of the public in the issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature or has been approved by the Contingency Review Board. The State Board of Health must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules and regulations in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as may be otherwise provided for in this title.

For license or permit issuance: $50.00 to $2,000.00
For license or permit renewal: $10.00 to $500.00
For health services: $25.00 to $250.00

provided further, that any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent.

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the State Commissioner of Health and the State Department of Health, regardless of whether the statutes creating such programs are codified in the Oklahoma Public Health Code.

C. The Board shall base its schedule of licensing or permitting fees upon the reasonable costs of review and inspection services rendered in connection with each license and permit program, but shall be within the ranges specified in subsection A of this section, except as may be otherwise specified in this section. The Department shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules and regulations and the Board shall also base

the fee on reasonable costs associated with the training of those personnel. Such fees shall not be used in the operation of local health departments whose personnel do not participate fully in applicable State Department of Health training and standardization programs.

D. The Board may exempt by rule any class of licensee or permittee or any class of facility or activity to be licensed or permitted from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would work an unreasonable economic hardship.

E. All statutory fees now in effect for health services and for the issuance and renewal of any license or permit administered by the State Commissioner of Health and the State Department of Health within the jurisdiction of the Department shall remain in effect until such time as the Board acts to implement new fee schedules pursuant to the provisions of this Code.

F. Unless a longer duration is specified for certain permits by the rules and regulations of the Board, licenses and permits issued by the Commissioner of Health shall be for a one-year period.

Added by Laws 1984, c. 162, § 2, emerg. eff. May 1, 1984. Amended by Laws 1987, c. 206, § 16, operative July 1, 1987; Laws 1987, c. 236, § 2, emerg. eff. July 20, 1987; Laws 1991, c. 293, § 1, emerg. eff. May 30, 1991; Laws 1991, c. 335, § 22, emerg. eff. June 15, 1991; Laws 1992, c. 215, § 20, emerg. eff. May 15, 1992; Laws 1992, c. 373, § 12, eff. July 1, 1992; Laws 1993, c. 145, § 308, eff. July 1, 1993; Laws 2005, c. 282, § 1, emerg. eff. June 6, 2005.

NOTE: Laws 1991, c. 287, § 10 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1992, c. 183, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1993, c. 163, § 1 repealed by Laws 1993, c. 324, § 58, eff. July 1, 1993.

§63-1-106.2. Uniform application to be used in credentialing process.

A. By January 1, 1999, the State Board of Health shall promulgate rules necessary to develop a uniform application which shall be used in the credentialing process of health care providers. The State Department of Health shall develop such application form for:

1. Initial privileges or membership in a hospital, managed care organization, or other entity requiring credentials verification; and

2. Recredentialing or reappointment in a hospital, managed care organization, or other entity requiring credentials verification.

B. Any entity requiring credentials verification may require supplemental information.

Added by Laws 1998, c. 210, § 1, eff. July 1, 1998.

§63-1-106.3. Oklahoma Food Service Advisory Council

A. There is hereby created within the State Department of Health the Oklahoma Food Service Advisory Council. The purpose of the Advisory Council shall be to:

1. Advise the State Board of Health, the State Commissioner of Health, and the Department regarding food service establishments; and

2. Recommend actions to improve sanitation and consumer protection.

B. The Advisory Council shall have the duty and authority to:

1. Review and approve in an advisory capacity only rules and standards for food service establishments operating in this state;

2. Evaluate, review and make recommendations regarding Department inspection activities; and

3. Recommend and approve quality indicators and data submission requirements for food service establishments which shall be used by the Department to monitor compliance with licensure requirements and to publish an annual report of food service establishment performance.

C. The Oklahoma Food Service Advisory Council shall be composed of fourteen (14) members as follows:

1. Nine members shall be appointed by the Commissioner, with the advice and consent of the Board, from a list of three names for each position provided by an association representing the majority of restaurant owners in this state. Such appointments shall be as follows:

a. one member shall represent the Oklahoma Restaurant Association,

b. one member shall represent the Oklahoma Hotel and Motel Association,

c. one member shall represent the Oklahoma Grocers Association,

d. one member shall represent food service education,

e. one member shall represent food processing education,

f. one member shall be an independent food service operator,

g. one member shall be a food processor,

h. one member shall represent the School Nutrition Association of Oklahoma, and

i. one member shall be a citizen representing the public and shall not be a food service establishment operator or employee and shall not be a member of a food service governing board; and

2. The remaining appointments shall consist of:

a. the Director of the Oklahoma City-County Health Department, or a designee,

b. the Director of the Tulsa City-County Health Department, or a designee,

c. two directors from other county health departments in this state or designees, appointed by the Commissioner, and

d. the Director of the Oklahoma Department of Agriculture, Food, and Forestry or a designee.

D. The appointments made by the Commissioner shall be for three-year terms, except that after the effective date of this act, the initial term of the representative of the public shall be for one (1) year, and the initial terms of the independent food service operator, the food processor, the representatives of food service education, and food processing education shall be for two (2) years. The initial terms of all other members appointed by the Commissioner shall be for three (3) years. After initial appointments to the Advisory Council, the Commissioner shall appoint members to three-year terms.

E. The Advisory Council shall meet on a quarterly basis. Members of the Advisory Council shall serve without compensation but shall be reimbursed for travel expenses by the Department pursuant to the provisions of the State Travel Reimbursement Act.

Added by Laws 1999, c. 290, § 1, eff. Nov. 1, 1999. Amended by Laws 2016, c. 319, § 1, eff. Nov. 1, 2016.

§63-1-107. Public Health Special Fund.

There is hereby created in the State Treasury a revolving fund to be known as the Public Health Special Fund. All monies, fees and revenues collected, authorized or received from any source by the State Commissioner of Health or the State Department of Health under the provisions of this Code or any other law or any agreement shall, unless otherwise expressly provided in this Code or other law, be placed in said fund. Said fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner for the purpose of maintaining and operating the State Department of Health, and in administering and executing the laws pertaining to the duties and functions of the State Department of Health. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1963, c. 325, art. 1, § 107, operative July 1, 1963. Amended by Laws 1986, c. 312, § 13, operative July 1, 1986; Laws 2012, c. 304, § 473.

§63-1-107.1. Repealed by Laws 2002, c. 3, § 25, emerg. eff. Feb. 15, 2002.

§63-1-107.1A. Eldercare Revolving Fund.

A. There is hereby created in the State Treasury a Revolving Fund for the State Department of Health to be designated the "Eldercare Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for operation of local Eldercare case management programs. A full accounting of the expenditures of the program shall be sent to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by January 15 of each year. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Eldercare Revolving Fund shall not be used for the costs the State Department of Health incurs in administering the local programs.

D. The State Department of Health shall recognize and reimburse indirect costs for Eldercare programs, administered by contractors, if the costs are charged in accordance with an indirect cost allocation plan developed in accordance with federal guidelines established by the United States Office of Management and Budget Circular A-87. In no case shall the State Department of Health reimburse indirect costs in excess of twenty percent (20%) of total direct salaries for Eldercare and Advantage program personnel.
Added by Laws 2002, c. 3, § 8, emerg. eff. Feb. 15, 2002. Amended by Laws 2012, c. 304, § 474.

§63-1-107.2. Vaccine Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Vaccine Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purchase of vaccines. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1992, c. 336, § 7, eff. July 1, 1992. Amended by Laws 2012, c. 304, § 475.

§63-1-107.3. Health Department Media Campaign Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated as the "Health

Department Media Campaign Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund shall be budgeted and expended by the State Department of Health for media campaigns. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1993, c. 269, § 9, eff. Sept. 1, 1993. Amended by Laws 2012, c. 304, § 476.

§63-1-107.4. Oklahoma Department of Health Civil Monetary Penalty Revolving Fund.

A. There is hereby created in the State Treasury a fund for the State Department of Health to be designated the "Oklahoma Department of Health Civil Monetary Penalty Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. It shall consist of monies received by the State Department of Health which emanate from fines and assessments against Oklahoma nursing homes and other long-term and non-long-term care facilities found to be noncompliant with federal conditions of participation.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health at the discretion of the Commissioner of Health for the protection of the health or property of residents of nursing facilities.

C. All expenditures shall be in compliance with requirements of the Centers for Medicare and Medicaid Services. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

D. The Commissioner of Health may request the Director of the Office of Management and Enterprise Services to transfer monies between the Oklahoma Department of Health Civil Monetary Penalty Revolving Fund and any other fund of the Department, as needed for the proper expenditure of funds.
Added by Laws 2013, c. 258, § 1, eff. Nov. 1, 2013.

§63-1-108. Federal funds - Grants and donations.

The State Treasurer shall act as custodian of funds received by and allotted to the State Department of Health and to the State Commissioner of Health by federal agencies, when requested to do so by such federal agencies; and the State Budget Director shall maintain a system of accounts for such funds, and each allotment of funds shall be kept and accounted for as a separate fund. Such funds

shall be disbursed in the same manner as state appropriated funds, except as may otherwise be requested by the federal agency allotting the funds disbursed. Grants and donations from other sources for public health purposes shall be similarly kept, accounted for or disbursed if believed by the State Commissioner of Health to be necessary or convenient to accomplish the purposes for which the grants or donations were made.
Laws 1963, c. 325, art. 1, § 108.

§63-1-109. Right to choose practitioner.

Nothing in this Code shall prevent citizens of this state from the free choice of any practitioner of the healing arts who is licensed to practice his profession in the State of Oklahoma, nor from the free choice of a duly-accredited religious practitioner of any nationally recognized church or denomination who practices healing by prayer or spiritual means alone in accordance with the tenets and practices of such church or denomination, nor shall this Code be construed to permit one legalized profession of the healing arts to discriminate in any manner against any other profession of the healing arts so licensed to practice its profession by the State of Oklahoma.
Laws 1963, c. 325, art. 1, § 109.

§63-1-110.1. Children First Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Children First Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for operation of Children First family resource programs. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The State Department of Health shall submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by January 15 of each year, an annual report, including a full accounting of administrative expenditures from the fund for the prior fiscal year, and a summary detailing the demographic characteristics of families served including, but not limited to, the following:

1. Age and marital status of parent(s);
2. Household composition of families served;
3. Number of families accepted into the program, by location, and average length of time enrolled;

4. Referrals made on behalf of families not accepted into the program; and

5. Average actual expenditures per child during the most recent state fiscal year.

C. Projects shall comply with the uniform components of the State Plan for the Prevention of Child Abuse.

D. The Department shall forward to the Oklahoma Health Care Authority a report of the total number of hours of nursing services provided to families under Children First family resource programs. The Oklahoma Health Care Authority shall submit such information to the Centers for Medicaid and Medicare Services for purposes of applying for federal matching funds and shall submit any necessary applications for waivers to accomplish the provisions of this subsection.

E. The State Department of Health shall contract with a university-related program for a performance-based evaluation of programs. Program sites shall fully cooperate and comply with the evaluation process, and sites shall provide weekly caseload and referral information to the State Department of Health.

Added by Laws 1997, c. 375, § 1, eff. Sept. 1, 1997. Amended by Laws 1998, c. 392, § 5, eff. Sept. 1, 1998; Laws 2001, c. 356, § 5, emerg. eff. June 4, 2001; Laws 2003, c. 103, § 1, eff. Nov. 1, 2003; Laws 2012, c. 304, § 477.

§63-1-111.1. Repealed by Laws 2004, c. 29, § 1.

§63-1-114.1. Comprehensive Childhood Lead Poisoning Prevention Program.

A. There is hereby established the Comprehensive Childhood Lead Poisoning Prevention Program to be administered by the State Department of Health.

B. The State Board of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, shall promulgate rules for:

1. Lead toxicity screening of children ages six (6) months to seventy-two (72) months;

2. The performance of verbal risk assessments on children ages six (6) months to seventy-two (72) months;

3. The performance of blood lead tests when screening eligible children for lead poisoning, provided that screening and testing for Medicaid-eligible children shall be conducted in accordance with existing federal law;

4. Setting standards for any developmental assessments for a child identified as being lead poisoned;

5. Identifying as statewide screening requirements the minimum laboratory tests or analysis for childhood lead poisoning to be

performed by medical providers for particular age or population groups;

6. The determination of risk for each child tested;

7. Detailing the diagnosis, treatment and follow-up services needed pursuant to the provisions of this act;

8. Providing for health education and counseling related to childhood lead poisoning to parents and children; and

9. Assessments and lead hazard control as part of the treatment and follow-up for a child identified as being lead poisoned.

Added by Laws 1994, c. 158, § 1, eff. Sept. 1, 1994. Amended by Laws 2013, c. 229, § 45, eff. Nov. 1, 2013.

§63-1-114.2. Dental Health Service.

A. The Dental Health Service is hereby created within the State Department of Health.

B. The Dental Health Service shall:

1. Plan, direct and coordinate all dental public health programs with local, state, and national health programs;

2. Advise the Department on matters involving oral health; and

3. Plan, implement, and evaluate all oral health programs within the Department.

C. The director of the Dental Health Service shall be an experienced public health dentist licensed to practice under the State Dental Act of Oklahoma.

Added by Laws 2007, c. 122, § 1, eff. Nov. 1, 2007.

§63-1-115. Short title.

This act shall be known and may be cited as the "Oklahoma Health Care Information System Act".

Added by Laws 1992, c. 347, § 1, eff. Sept. 1, 1992.

§63-1-116. Definitions.

When used in the Oklahoma Health Care Information System Act:

1. "Board" means the State Board of Health;

2. "Commissioner" means the State Commissioner of Health;

3. "Department" means the State Department of Health;

4. "Health care providers" means a hospital or related institution licensed pursuant to Section 1-702 of this title, nursing facilities licensed pursuant to Section 1-1903 of this title, physicians as specified in paragraphs 1 through 7 of subsection A of Section 725.2 of Title 59 of the Oklahoma Statutes, physical therapists, physician assistants, pharmacists, nurses and home health care providers licensed pursuant to the laws of this state;

5. "Third-party payor" means any entity, other than a purchaser, which is responsible for payment either to the purchaser or the health care provider for health care services rendered by the health care provider;

6. "Public-supported provider" means any public or private entity supported in whole or in part by federal or state funds, or any health care provider contracting with the state for providing health care services including, but not limited to, Medicaid;

7. "Identifying information" means a program identifying number assigned for purposes of statistical and data analysis, which protects and maintains patient and physician anonymity. Identifying information shall remain confidential as provided in Section 1-120 of this title;

8. "Information providers" means and includes health care providers, third-party payors or public-supported providers required to report or submit information to the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act;

9. "Division" means the Division of Health Care Information; and

10. "Health care information system" means the system for receipt, collection, analysis, evaluation, processing, utilization and dissemination of health care data established and maintained by the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act.

Added by Laws 1992, c. 347, § 2, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 15; Laws 1994, c. 350, § 1, eff. Sept. 1, 1994; Laws 1998, c. 389, § 3, eff. July 1, 1998; Laws 2000, c. 52, § 5, emerg. eff. April 14, 2000.

§63-1-117. Legislative findings - Intent.

A. As a result of rising health care costs and concerns expressed by health care providers, health care consumers, third-party payors and the general public, and as a result of public health information showing that Oklahoma has a higher death rate than the national average, the Oklahoma Legislature finds that there is an urgent need to establish and maintain, for the purposes of accurately assessing the health of the public, health care planning and cost containment, an information base for the State of Oklahoma that will facilitate ongoing analysis and evaluation of patterns and trends in the health status of Oklahomans, the utilization and costs of health care services, and the capability of the various components of the health care industry to provide needed services.

B. The Oklahoma Health Care Information System shall be responsible for the development and operation of a method for collecting, processing and disseminating health care data including, but not limited to, quality, expenditure and utilization data. It is the intent of the Legislature that a uniform set of data be periodically and routinely compiled that will make possible the ongoing analysis, comparison and evaluation of trends in the quality and delivery of health care services in this state for the purpose of effective health care planning by public and private entities, cost

containment, health facility development, and improving access to and quality of care.
Added by Laws 1992, c. 347, § 3, eff. Sept. 1, 1992. Amended by Laws 1998, c. 389, § 4, eff. July 1, 1998; Laws 2000, c. 332, § 1, eff. July 1, 2000.

§63-1-118. Division of Health Care Information - Powers and duties.

A. The Division of Health Care Information is hereby created within the State Department of Health.

B. The Division shall:

1. Collect from providers health care information for which the Division has established a defined purpose and a demonstrated utility that is consistent with the intent of the provisions of Section 1-117 et seq. of this title;

2. Establish and maintain a uniform health care information system;

3. Analyze health care data submitted including, but not limited to, geographic mapping of disease entities;

4. Provide for dissemination of health care data to users and consumers;

5. Provide for the training and education of information providers regarding processing and maintenance and methods of reporting required information;

6. Be authorized to access all state agency health-related data sets and shall develop mechanisms for the receipt of health care data to the Division or its agent; provided, however, all provisions for confidentiality shall remain in place;

7. Provide for the exchange of information with other agencies or political subdivisions of this state, the federal government or other states, or agencies thereof. The Division shall collaborate with county health departments, including the Oklahoma City-County Health Department and the Tulsa City-County Health Department, in developing city-county based health data sets;

8. Contract with other public or private entities for the purpose of collecting, processing or disseminating health care data; and

9. Build and maintain the data base.

C. 1. The State Board of Health shall adopt rules governing the acquisition, compilation and dissemination of all data collected pursuant to the Oklahoma Health Care Information System Act.

2. The rules shall include, but not be limited to:

a. adequate measures to provide system security for all data and information acquired pursuant to the Oklahoma Health Care Information System Act,

b. adequate procedures to ensure confidentiality of patient records,

c. charges for users for the cost of data preparation for information that is beyond the routine data disseminated by the office, and

d. time limits for the submission of data by information providers.

D. The Division shall adopt standard nationally recognized coding systems to ensure quality in receiving and processing data.

E. The Division shall implement mechanisms to encrypt all personal identifiers contained in any health care data upon transmission to the State Department of Health, and all such data shall remain encrypted while maintained in the Department's database or while used by a contractor.

F. The Division may contract with an organization for the purpose of data analysis. Any contract or renewal thereof shall be based on the need for, and the feasibility, cost and performance of, services provided by the organization. The Division shall require any data analyzer at a minimum to:

1. Analyze the information;

2. Prepare policy-related and other analytical reports as determined necessary for purposes of this act; and

3. Protect the encryption and confidentiality of the data.

G. The Board shall have the authority to set fees and charges with regard to the collection and compilation of data requested for special reports, and for the dissemination of data. These funds shall be deposited in the Oklahoma Health Care Information System Revolving Fund account.

H. The Division may accept grants or charitable contributions for use in carrying out the functions set forth in the Oklahoma Health Care Information System Act from any source. These funds shall be deposited in the Oklahoma Health Care Information System Revolving Fund.

Added by Laws 1992, c. 347, § 4, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 16; Laws 1998, c. 389, § 5, eff. July 1, 1998; Laws 2000, c. 332, § 2, eff. July 1, 2000; Laws 2001, c. 353, § 1, eff. Nov. 1, 2001.

§63-1-119. Collection of health care data.

A. 1. The Division of Health Care Information within the State Department of Health shall, with the advice of the Health Care Information Advisory Committee and in accordance with the rules of the State Board of Health, collect health care information from information providers.

2. The information to be collected about information providers may include, but shall not be limited to:

a. financial information including, but not limited to, consumption of resources to provide services, reimbursement, costs of operation, revenues, assets,

liabilities, fund balances, other income, rates, charges, units of service, wage and salary data,

b. service information including, but not limited to, occupancy, capacity, and special and ancillary services,

c. physician profiles in the aggregate by clinical specialties and nursing services,

d. discharge data including, but not limited to, completed discharge data sets or comparable information for each patient discharged from the facility after the effective date of this act, and

e. ambulatory care data including, but not limited to, provider-specific and encounter data.

3. The Division shall implement a demonstration project for the voluntary submission of ambulatory care data, including, but not limited to, submissions from federally qualified health centers, migrant health programs and rural health clinics as defined in Title 3 of the Federal Public Health Service Act (PL 104-299), and the Oklahoma Health Care Authority. The Division shall complete the demonstration project by January 1, 2002.

4. The Division shall establish a phase-in schedule for the collection of health care data. The phase-in schedule shall provide that prior to January 1, 1994, only data currently collected shall be required to be submitted to the Division. Thereafter, in the collection of health care data, the Division shall whenever possible utilize existing health data resources and avoid duplication in the collection of health care data.

5. Except as provided by Section 1-120 of this title and as otherwise authorized by the provisions of the Oklahoma Health Care Information System Act, the provisions of the Oklahoma Health Care Information System Act shall not be construed to lessen or reduce the responsibility of the information provider with regard to:

a. the accuracy of the data or information submitted,

b. liability for release of the data or information to the Division, data processor or as otherwise authorized by this section, or

c. the preservation of confidentiality of such data or information until submitted to the Division.

B. Upon the request of the State Department of Health, every state agency, board or commission shall provide the Division of Health Care Information with the health care data and other health care information requested at no charge to the Department or the Division. Except as otherwise provided by the Health Care Information System Act for the purpose of statistical and similar reports, information which is required by state or federal law to be confidential shall not be transferred to any entity by the Division unless a separate written agreement for such transfer has been

executed with the state agency, board or commission providing the information to the Division.
Added by Laws 1992, c. 347, § 5, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 17; Laws 1994, c. 350, § 2, eff. Sept. 1, 1994; Laws 1996, c. 221, § 5, eff. Nov. 1, 1996; Laws 1998, c. 389, § 6, eff. July 1, 1998; Laws 2000, c. 332, § 3, eff. July 1, 2000.

§63-1-120. Confidentiality of data - Disclosure upon court order - Immunity from liability.

A. Except as otherwise provided by Section 1-119 of this title, the individual forms, computer tapes, or other forms of data collected by and furnished to the Division of Health Care Information or to a data processor pursuant to the Oklahoma Health Care Information System Act shall be confidential and shall not be public records as defined in the Open Records Act.

B. After approval by the State Department of Health, the compilations prepared for release or dissemination from the data collected, except for a report prepared at the request of an individual data provider containing information concerning only its transactions, shall be public records. The Division shall establish a Health Care Information Advisory Committee as provided in Section 1-122 of this title, to assist with determinations related to data collection, and information to be released and disseminated to the public.

C. The confidentiality of identifying information is to be protected and the pertinent statutes, rules and regulations of the State of Oklahoma and of the federal government relative to confidentiality shall apply.

D. Identifying information shall not be disclosed, and shall not be used for any purpose except for the creation and maintenance of anonymous medical case histories for statistical reporting and data analysis.

E. The Division or other state agency receiving information pursuant to the Oklahoma Health Care Information System Act shall be subject to the same confidentiality restrictions imposed by state or federal law as the public or private agency providing the information and is prohibited from taking any administrative, investigative or other action with respect to any individual on the basis of the identifying information. The Division data analyzer or other state agency receiving information pursuant to the Oklahoma Health Care Information System Act is further prohibited from identifying, directly or indirectly, any individual in any report of scientific research or long-term evaluation, or otherwise disclosing identities in any manner.

F. Except as otherwise authorized by the Oklahoma Health Care Information System Act, identifying information submitted to the Division which would directly or indirectly identify any person shall

not be disclosed by the Division either voluntarily or in response to any legal process, unless directed to by a court of competent jurisdiction, granted after application showing good cause therefor with notice of the hearing to the Division. In assessing good cause the court shall only grant such application if it seeks to challenge the statistical efficacy of a finding made by the Division or alleges a violation of confidentiality by the Division. Such application shall then be granted only when the public interest and the need for disclosure outweighs the injury to the person, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

G. Any person who submits or receives data as required or authorized by the Oklahoma Health Care Information System Act shall be immune from liability in any civil action for any action taken as required by the provisions of the Oklahoma Health Care Information System Act. This immunity is in addition to any other immunity for the same or similar acts to which the person is otherwise entitled.

H. Any person who violates the confidentiality provisions of this section shall be punishable by a fine of Five Thousand Dollars ($5,000.00).

Added by Laws 1992, c. 347, § 6, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 18; Laws 1994, c. 350, § 3, eff. Sept. 1, 1994; Laws 1998, c. 389, § 7, eff. July 1, 1998; Laws 2001, c. 353, § 2, eff. Nov. 1, 2001.

§63-1-121. Reports.

The State Department of Health shall issue reports no less than annually which may include recommendations to the Oklahoma Legislature for any change in the statutes needed to further the purposes of the Oklahoma Health Care Information System Act. The initial report shall be submitted by January 1, 1993. The initial report shall include but not be limited to an implementation schedule for the development and completion of the health care information system and the status of compliance with the health care information and data submission requirements of the Division. The system shall be fully functional and operative by January 1, 1995. Subsequent reports may include plans for expanding the uniform data base to other medical providers including, but not limited to, all licensed health care professionals or entities providing health care services.

Added by Laws 1992, c. 347, § 7, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 19; Laws 1998, c. 389, § 8, eff. July 1, 1998.

§63-1-122. Health Care Information Advisory Committee.

A. The State Commissioner of Health shall appoint a Health Care Information Advisory Committee to advise and assist the Division of

Health Care Information with determinations related to data elements to be collected, reporting requirements, and the release and dissemination of information to the public.

B. The membership of the Health Care Information Advisory Committee shall include, but not be limited to, the Administrator of the Oklahoma Health Care Authority, or a designee and the presidents of the following organizations, or their designees:

1. The Oklahoma State Chamber of Commerce;
2. The Oklahoma Hospital Association;
3. The Oklahoma State Medical Association;
4. The Oklahoma Osteopathic Association;
5. The Oklahoma AFL-CIO;
6. A statewide health care consumer coalition;
7. The Association of Oklahoma Life Insurance Companies;
8. The Oklahoma Health Care Association;
9. The Oklahoma Pharmaceutical Association;
10. The Oklahoma Dental Association;
11. The Oklahoma State Chiropractic Association;
12. The Oklahoma Optometric Association;
13. The Oklahoma Physical Therapy Association;
14. The Oklahoma Podiatric Medical Association;
15. The Oklahoma Psychological Association; and
16. The Oklahoma Association of Home Care.

C. For voting purposes, a majority of the members in attendance at a meeting shall be able to take action on behalf of the Advisory Committee.

D. The Division, with the approval of the Commissioner, may appoint health care data technical advisory committees as needed and appropriate to assist in the development of implementation methods and in the interpretation and evaluation of the data received pursuant to the Oklahoma Health Care Information System Act.

The Health Care Information Advisory Committee and any technical advisory committees established pursuant to this section shall provide information and assistance to any legislative committee or task force requesting such information or assistance.

Added by Laws 1992, c. 347, § 8, eff. Sept. 1, 1992. Amended by Laws 1993, c. 332, § 20; Laws 1994, c. 350, § 4, eff. Sept. 1, 1994; Laws 1997, c. 238, § 4, eff. Nov. 1, 1997; Laws 1998, c. 389, § 9, eff. July 1, 1998; Laws 2001, c. 353, § 3, eff. Nov. 1, 2001.

§63-1-123. Repealed by Laws 1994, c. 283, § 23, eff. Sept. 1, 1994.

§63-1-123.1. Transfer of powers, duties, etc. from Oklahoma Health Care Authority to State Department of Health.

Effective July 1, 1998, all powers, duties, functions, personnel and responsibilities vested in the Oklahoma Health Care Authority for

operation of the Oklahoma Health Care Information Systems Act shall be transferred to the State Department of Health.
Added by Laws 1998, c. 389, § 10, eff. July 1, 1998.

§63-1-131. Health and medical information – Definitions - Advisory board.

A. As used in this section:

1. "Electronic medical record" or "EMR" means an electronic record of health-related information on an individual that can be created, gathered, managed, and consulted by authorized clinicians and staff within one health care organization;

2. "Health data exchange" means record-level health data exchanged for the purpose of statistical data analysis, including, but not limited to, quality, expenditure, and utilization data, for the purpose of developing a uniform and routinely compiled dataset that will make possible the ongoing analysis, comparison, and evaluation of trends in the quality and delivery of health care services for the purpose of effective health care planning by public and private entities, cost containment, health facility development, and improving access to, and quality of care;

3. "Health information exchange" or "HIE" means the electronic movement of health-related information among organizations according to nationally recognized standards for treatment purposes;

4. "Health information technology" or "HIT" means technology that allows comprehensive management of medical information and its secure exchange between health care consumers and providers for treatment purposes; and

5. "Hub" means a registry, a data repository, or a patient identity manager.

B. 1. There is hereby created the "Health Information Infrastructure Advisory Board".

2. The purpose of the advisory board shall be to advise and assist the Oklahoma Health Care Authority in:

a. developing a strategy for the adoption and use of electronic medical records and health information technologies that is consistent with emerging national standards and promotes interoperability of health information systems. The strategy shall:

(1) be researched and contain the best practices in electronic medical records systems and health information technologies,

(2) be designed to reduce medical errors and enable patients to make better decisions about their own health care by promoting secure access to medical records online, and

(3) assist in the design of the health information infrastructure roadmap, which shall contain the state plan for the exchange of health information,

b. the determinations related to data elements to be collected, and

c. the governance structure and policies and procedures for the health information exchange, ensuring that the strategy and plan preserve the privacy and security of health information as required by state and federal law.

3. Duties of the advisory board shall not include the development of a health data exchange; however, key features of a health information exchange shall be designed to integrate with a state health data exchange.

4. The Authority shall operate as a hub for health information exchange between health related state agencies and other health information organizations. Information exchange shall be implemented through interagency agreements among all health related agencies. The agreement shall ensure, but shall not be limited to:

a. confidentiality of information,

b. funding and implementation of the plan, which may include phased-in implementation, and

c. procedures for coordinating, monitoring, and improving data exchange that is compatible with current adopters of electronic medical record systems and health information technologies.

5. The advisory board shall consist of ten (10) members who shall be appointed by the directors of the following agencies and shall include, but not be limited to, individuals from:

a. the Oklahoma Health Care Authority,

b. the State Department of Health,

c. the Department of Mental Health and Substance Abuse Services,

d. the Department of Human Services,

e. the State and Education Employees Group Insurance Board,

f. the Insurance Department,

g. the Department of Corrections,

h. the State Department of Rehabilitative Services, and

i. the City-County Health Departments.

6. Vacancies occurring in the advisory board shall be filled by appointment of the director of the represented agency.

7. The member from the Oklahoma Health Care Authority shall chair the advisory board, and the Authority shall staff the advisory board.

8. Each agency shall receive one vote and a majority of the members in attendance at a meeting shall be able to take action on behalf of the advisory board.

9. Members of the advisory board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses in accordance with the State Travel Reimbursement Act.

Added by Laws 2009, c. 276, § 1, eff. Nov. 1, 2009.

§63-1-132. Oklahoma Health Information Exchange Trust.

A. The state expressly approves the creation of a public trust to be named the "Oklahoma Health Information Exchange Trust", also known as "OHIET", of which the state shall be the beneficiary; provided, however, such approval shall be contingent upon satisfaction of the following conditions:

1. Finalizing the declaration of trust;

2. Adoption of the declaration of trust by an official action of the trustees of OHIET; and

3. Submission of OHIET for acceptance of the beneficial interest and approval as required by Section 177 of Title 60 of the Oklahoma Statutes.

B. The approved declaration of trust shall:

1. Specify that OHIET shall be created as a public trust pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes and shall have the same rights, responsibilities, and attributes as any public trust created under such laws;

2. Specify that the primary purpose of OHIET shall be to:

a. serve as Oklahoma's "Qualified State-Designated Entity" for purposes of any grants awarded pursuant to 42 U.S.C., Section 300jj-33 for purposes of facilitating and expanding the electronic movement and use of health information among organizations according to nationally recognized standards, and

b. promote, develop, and sustain electronic health information exchanges at the state level; and

3. To the extent required by law, specify the adoption of bylaws and rules for the due and orderly administration and regulation of affairs of OHIET, which shall require approval in accordance with the provisions of the Administrative Procedures Act.

C. The approved declaration of trust shall also require the trustees of OHIET to establish an advisory board which shall make recommendations to the trustees. The advisory board shall include in its membership representatives of:

1. Health care providers, including providers that provide services to low income and underserved populations;

2. Health plans;

3. Patient or consumer organizations that represent the population to be served;

4. Health information technology vendors;

5. Health care purchasers and employers;

6. Public health agencies;

7. Health professions schools, universities, and colleges;

8. Clinical researchers;

9. Other users of health information technology, such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and

10. Such other entities as may be determined appropriate by the Secretary of Health and Human Services pursuant to 42 U.S.C., Section 300jj-33.

D. OHIET shall have seven (7) trustees, three of which shall be appointed by the Governor, two of which shall be appointed by the President Pro Tempore of the Senate, and two of which shall be appointed by the Speaker of the House of Representatives.

E. The terms of the trustees shall be as follows:

1. Of the trustees first appointed, one member appointed by the Governor shall be appointed for a term of one (1) year, one member appointed by the President Pro Tempore of the Senate shall be appointed for a term of two (2) years, one member appointed by the Speaker of the House of Representatives shall be appointed for a term of three (3) years, one member appointed by the Governor shall be appointed for a term of four (4) years, one member appointed by the President Pro Tempore of the Senate shall be appointed for a term of five (5) years, one member appointed by the Speaker of the House of Representatives shall be appointed for a term of (5) years, and one member appointed by the Governor shall be appointed for a term of five (5) years; and

2. At the expiration of the term of each member and of each succeeding member, the entity who originally appointed such member shall appoint a successor who shall serve for a term of five (5) years. Whenever a vacancy on the trust occurs, the entity who originally appointed such member shall fill the same by appointment and the appointee shall hold office during the unexpired term. Each member shall hold office until the member's successor has been appointed and qualified.

F. The provisions of the Governmental Tort Claims Act shall apply to OHIET as a state-beneficiary public trust created pursuant to state law. OHIET shall also be immune from liability relating to the accuracy or completeness of any information submitted by a third party to any health information exchange operated by OHIET.

G. The provisions of this section shall cease to be in effect on January 1, 2016. As of such date, the Oklahoma Health Care Authority shall fulfill the purpose set forth in subparagraph a of paragraph 2 of subsection B of this section with respect to grants awarded prior to the effective date of this act.
Added by Laws 2010, c. 388, § 2, emerg. eff. June 7, 2010. Amended by Laws 2015, c. 157, § 1, eff. Nov. 1, 2015.

§63-1-201. County board of health - Membership.

There is hereby created in each county of the state a county board of health, which shall consist of five (5) members, who shall serve without compensation, and who shall be residents of the county, appointed as follows:

(a) The State Commissioner of Health shall appoint one member, whose term shall expire on June 30, 1964, and each four (4) years thereafter.

(b) The State Commissioner of Health shall appoint another member, whose term shall expire on June 30, 1965, and each four (4) years thereafter.

(c) The judge of the district court shall appoint one member, who shall be the holder of a school administrator's certificate issued by the State Board of Education, and whose term of office shall expire on June 30, 1966, and each four (4) years thereafter.

(d) The Board of County Commissioners shall appoint one member, who shall be a doctor of medicine, doctor of osteopathy, or, if no doctor of medicine or doctor of osteopathy is available, the board of county commissioners may appoint a dentist, optometrist, or registered nurse. The term of office of such member shall expire on June 30, 1967, and each four (4) years thereafter.

(e) The board of county commissioners shall appoint another member who may be a member of the board of county commissioners, and who shall serve at the pleasure of the board of county commissioners.
Laws 1963, c. 325, art. 2, § 201.

§63-1-202. County board of health - Powers and duties.

The county board of health shall have the following powers and duties:

1. Organize by electing a chair and other necessary officers annually and meet at such times, in such manner and upon such notice as the board shall prescribe. Provided, that the board shall meet at least two times each year;

2. Establish and maintain a county department of health, if the same, in the opinion of the board, will be to the best interest of the county;

3. Enter into agreements with county boards of health of other counties, and with the governing boards or boards of health of cities, towns and school districts lying wholly or partly in the

county, for the establishment and operation of district or cooperative departments of health;

4. Prepare and submit to the county excise board, annually, an estimate of its needs, and needs for the operation of the county department of health, if any, or for its proportionate part of the costs of operation of a district or cooperative department of health, if it has entered into an agreement therefor;

5. Advise with the State Commissioner of Health on matters pertaining to public health in the county, and as to the appointment of the county superintendent of health or the medical director of the county, district or cooperative department of health; and

6. Adopt regulations, which shall be subject to the approval of the State Commissioner of Health and shall not be more stringent than state law and rules and regulations of the State Board of Health, to protect the public health in the county in emergencies.

Added by Laws 1963, c. 325, art. 2, § 202. Amended by Laws 2009, c. 132, § 1, eff. Nov. 1, 2009.

§63-1-203. County superintendent of health - Appointment - Compensation.

(a) There is hereby created the office of county superintendent of health for each county that does not maintain a county department of health and that does not participate in the maintenance of a district department of health.

(b) The county superintendent of health shall be a regularly practicing physician, of good standing and of good moral character, and shall be a resident of the county for which he is appointed. He shall be appointed by, and shall serve at the pleasure of, the State Commissioner of Health. He shall be compensated for his services at a rate to be fixed by the board of county commissioners, subject to the following limitations: In counties having a population of not more than ten thousand (10,000), as shown by the last preceding Federal Decennial Census, he shall be paid not less than Two Hundred Dollars ($200.00) per annum; in counties having such a population of more than ten thousand (10,000) and not more than twenty thousand (20,000), he shall be paid not less than Three Hundred Dollars ($300.00) per annum; in counties having such a population of more than twenty thousand (20,000) and not more than forty thousand (40,000), he shall be paid not less than Five Hundred Dollars ($500.00) per annum; in counties having such a population of more than forty thousand (40,000) and not more than fifty thousand (50,000), he shall be paid not less than Seven Hundred Dollars ($700.00) per annum; and in counties having such a population in excess of fifty thousand (50,000), he shall be paid not less than One Thousand Five Hundred Dollars ($1,500.00) per annum.

Laws 1963, c. 325, art. 2, § 203.

§63-1-204. County superintendent of health - Powers and Duties.

The county superintendent of health, under the supervision of the State Commissioner of Health, shall have the following powers and duties: Abolish nuisance that are inimical to public health; isolate persons infected with dangerous, communicable infectious or contagious diseases, and take appropriate action to control or suppress, or to prevent the occurrence or spread of such diseases; enforce emergency health regulations the County Board of Health; enforce the provisions of this Code, and rules and regulations of the state board of health, that are applicable to his county; and perform such other duties and functions as may be required of him by the Commissioner.

Laws 1963, c. 325, art. 2, § 204.

§63-1-205. County, district and cooperative departments of health - Medical director - contracts for public health services.

(a) The county board of health may, with the approval of the State Commissioner of Health, establish and maintain a county department of health, the maintenance and operation of which is hereby declared to be a function of county government for which appropriations may be made from the general fund of the county and the proceeds of a levy made in accordance with Section 9a, Article X, Oklahoma Constitution.

(b) The county boards of health of two or more counties may, with the approval of the Commissioner, form a health district composed of such counties for public health purposes. The health district shall have a district department of health which shall be operated, in such counties, in the same manner as county departments of health.

(c) Cooperative departments of health may be formed by agreement between the county board of health of any county maintaining a county department of health, or the county boards of health of counties in a health district, and the governing boards of cities, towns, and school districts lying wholly or partly in such county or health district. Any such agreement shall stipulate what health services will be provided to the cities, towns and school districts, which may be all or any of the services that may be provided by a county department of health, and shall also fix the amounts of funds to be paid by the cities, towns, and school districts for the services. All agreements made under the provisions of this section shall be subject to the approval of the State Commissioner of Health.

(d) A county department of health, a district department of health and a cooperative department of health shall be under the direction of a medical director, who shall perform his duties under the supervision of the Commissioner, and who shall, in addition to his other duties, perform the same powers, duties and functions in the county, in the health district, or in the cooperative department,

as is provided by law for county superintendents of health. The Commissioner shall appoint and fix the duties and compensation of the medical director, who shall be a physician licensed under the laws of this state, and shall employ and fix the duties and compensation of such other personnel as he deems necessary for the operation of the county department of health, the district department of health, or the cooperative department of health, all such personnel to be employed under provisions of the Oklahoma Personnel Act and paid by state warrant. Reimbursements to the State Department of Health shall be paid by the county from the Section 9a of Article X of the Oklahoma Constitution, mill levy revenues, payable for the benefit of such county health department, district department of health, or the cooperative department of health and payable within thirty (30) days of receipt of an invoice therefor. Provided that, in any such local health department operating under the direction of a medical director who serves less than full time, the Commissioner may delegate nonmedical administrative duties to another employee of the county, district, or cooperative health department.

(e) The board of health of any county may contract with the department of health of any neighboring county or the State Department of Health to provide the county any or all public health services. The county receiving the services shall pay the department rendering the services according to a schedule of fees and payments mutually agreed upon by the State Board of Health and the county or counties affected. Such schedule of fees and payments shall be equal to the cost of the services provided.

Laws 1971, c. 119, § 2-205. Amended by Laws 1990, c. 265, § 36, operative July 1, 1990.

§63-1-206. Functions of health departments.

A. A county department of health, a district department of health, a cooperative department of health, and a city-county department of health shall, in their respective jurisdictions:

1. Maintain programs for disease prevention and control, health education, guidance, maternal and child health, including school health services, health in the working environment, nutrition and other matters affecting the public health;

2. Provide preventive services to the chronically ill and aged;

3. Maintain vital records and statistics;

4. Assist the State Commissioner of Health in the performance of official duties, and perform such other acts as may be required by the Commissioner; and

5. Enter into written agreements with the governing body of any municipality or county for the performance of services within the respective jurisdictions and authorities that are necessary and

proper pursuant to the authority granted to municipalities and counties by the Constitution and the laws of this state.

B. A county department of health, a district department of health, a cooperative department of health, and a city-county department of health may maintain programs for mental health and day care for children.

C. Nothing contained herein relating to pollution shall be in conflict with the existing jurisdiction of any other state environmental agency.

D. Except as otherwise provided by law, responsibility for the licensing and inspection of nursing facilities and specialized facilities, as defined in the Nursing Home Care Act and for the enforcement of state health and safety standards applicable to such facilities, shall be reserved to the State Department of Health and shall be exercised pursuant to the provisions of the Nursing Home Care Act.

E. Except as otherwise provided by law, responsibility for the licensing and inspection of any establishment where food or drink is offered for sale or sold, in accordance with the provisions of Section 1-1118 of this title, and for the enforcement of state health and safety standards applicable to such establishments, shall be reserved to the State Department of Health.

Added by Laws 1963, c. 325, art. 2, § 206, operative July 1, 1963. Amended by Laws 1967, c. 260, § 2, emerg. eff. May 8, 1967; Laws 1993, c. 145, § 303, eff. July 1, 1993; Laws 1995, c. 230, § 1, eff. July 1, 1995; Laws 1998, c. 314, § 9, eff. July 1, 1998.

§63-1-206.1. Nonphysician services - Fees - Agreements to provide services - Disposition of funds.

A. County, district, cooperative and city-county health departments, with the approval of the State Commissioner of Health, may collect fees for health services such as nursing, chronic disease screening, immunizations, maternal and child health services, genetic services, physical therapy, occupational therapy, dietetic, social work and home health aid given to patients in their homes, for mental health and guidance services and for dental care rendered in facilities operated by said departments, and may collect fees for such services as shall be authorized by the State Board of Health. Such fees shall be collected from persons financially able to pay for such services, and from insurers, governmental agencies or other persons obligated to reimburse for such services, and shall be collected in accordance with a schedule of fees approved by the State Commissioner of Health.

B. Fees for environmental services may be collected with the approval of the Executive Director of the Department of Environmental Quality as authorized by the Environmental Quality Board.

C. County, district, cooperative, and city-county health departments may enter into agreements with individuals and with public and private agencies to provide health services enumerated in subsection (a) of this section to said health departments and also to supply these services to organizations or agencies. Such agreements shall be subject to approval of the State Commissioner of Health, and shall specify services to be performed and amounts to be paid.

D. Money received by a county, district, or city-county health department pursuant to a contractual arrangement, as fees for services, or from some other source, shall be deposited with the county treasurer in the county where earned as provided for in Section 681 of Title 19 of the Oklahoma Statutes.

E. With the approval of the State Commissioner of Health, such funds shall be transferred, in accordance with provisions of Sections 683 and 684 of Title 19 of the Oklahoma Statutes, and added to specified items of the Health Department's appropriations, and no further action or appropriation by the county excise board shall be required to make such available for expenditure. The county board of health, the city-county board of health, or a person designated to act on behalf of either board is authorized to effect transfer of these funds, and to specify the item or items of appropriation to which they are to be added, in accordance with the State Health Commissioner's approval.

Added by Laws 1968, c. 266, § 1, emerg. eff. April 29, 1968. Amended by Laws 1979, c. 117, § 1; Laws 1984, c. 162, § 1, emerg. eff. May 1, 1984; Laws 1993, c. 145, § 304, eff. July 1, 1993.

§63-1-207. Cooperative departments of health - Agreements for.

Cooperative departments of health may be formed by agreement between the county board of health of any county maintaining a county department of health, or the county boards of health of counties in a health district, and the governing boards of cities, towns, and school districts lying wholly or partly in such county or health district. Any such agreement shall stipulate what health services will be provided to the cities, towns, and school districts, which may be all or any of the services that may be provided by a county department of health, and shall also fix the amount of funds to be paid by the cities, towns, and school districts for the services. All agreements made under the provisions of this section shall be subject to the approval of the State Commissioner of Health.

Laws 1963, c. 325, art. 2, § 207.

§63-1-208. Funds for operation of health departments.

(a) It shall be the duty of the county excise board of each county if funds are available to make necessary appropriations to provide sufficient funds to pay the amounts due under any agreement entered into by the county board of health, or by any city, town, or

school district of the county, for or in connection with a district department of health or a cooperative department of health; and such funds shall be accounted for, obligated, expended and disbursed as directed by the State Commissioner of Health, who may require any or all such funds to be combined with others to be used for similar or related purposes.

(b) The Commissioner may enter into agreements with county boards of health, and with city-county boards of health, whereby state funds will be used in conjunction with county funds for the operation of county, district, cooperative and city-county departments of health. The Commissioner may pay such funds on a reimbursement or percentage of budgetary expenditures basis, or other basis; and if directed to do so by the Commissioner, the county clerk shall add the amount of any such funds to specified items of appropriation, and no further action or appropriation by the county excise board shall be required to make such funds available for expenditure.

Laws 1963, c. 325, art. 2, § 208; Laws 1967, c. 260, § 3, emerg. eff. May 8, 1967.

§63-1-208.1. Regional guidance centers and services.

(a) The State Board of Health may establish regional guidance centers for regions designated by the Board, such regions to be selected by the Board on the basis of area, geographical location, population, and other factors deemed essential to indicate a need for guidance services. The center for a region shall be in a county having a county department of health or participating in a cooperative, district, or city-county department of health, and shall be under the administrative direction of the medical director of the county, cooperative, district, or city-county department of health, and under the supervision of the State Commissioner of Health. The county board of health or the city-county board of health of a county served by a regional guidance center and the State Commissioner of Health may enter into agreements for payment of operating expenses of the center, and the county board of health, or city-county board of health, may include an amount for its part of the costs in its budget or annual estimate of needs.

(b) The State Board of Health shall adopt rules, regulations, and standards for the operation of regional guidance centers, and to carry out the purposes of this section; and may formulate a schedule of fees to be charged for guidance services furnished to persons who are financially able to pay for the services. The State Board of Health may enter into agreements with individuals and with public or private agencies for services to be furnished to a guidance center and may also enter into agreements to furnish guidance services to public or private agencies. All fees collected shall be remitted to the State Commissioner of Health, who shall deposit the same in a special account in the State Treasury. Such fees shall be accounted

for by region of source and shall be used by the State Commissioner of Health to provide guidance services in the regions from which the fees are derived. County funds payable under agreements entered into under provisions of the preceding paragraph shall be accounted for, obligated, expended and disbursed as directed by the State Commissioner of Health. Provided, however, that by agreement between a county or city-county board of health and the Commissioner of Health, such county funds may be remitted to the State Commissioner of health who shall deposit such funds in the same special account in the State Treasury created for fees collected and shall be disbursed as is provided for fees.

(c) Guidance services furnished in a region under the provisions of this section shall, subject to existing laws, include evaluation, counseling, and referral for treatment, when indicated, of individuals with emotional or behavioral problems, and other persons in need of guidance services; consultant services to law enforcement agencies, schools, courts, other state or local agencies, and other persons or agencies concerned with persons or families with mental health and/or child development problems; and other guidance services that are now or may be in the future authorized to be performed by the State Department of Health or local departments of health.
Laws 1963, c. 370, § 10; Laws 1967, c. 260, § 4, emerg. eff. May 8, 1967.

§63-1-209. Cities and towns - Health authorities - Licensing and Inspection - Ordinances.

A. 1. Except as may be otherwise provided by city charter, the governing board of each city or incorporated town shall serve, ex officio, as the board of health for such city or town, and shall appoint, and fix the duties and compensation of, a health officer and other personnel to enforce the ordinances of such city or town relating to public health.

2. Except as otherwise provided by this subsection, the governing board may adopt such ordinances and rules as it deems necessary for the protection of the public health, provided such ordinances and rules are not inconsistent with state laws or rules of the State Board of Health. The governing board shall enforce such laws and rules as may be required by the State Commissioner of Health and may, by agreement with the medical director of the county or district department of health, delegate to such department the authority to enforce ordinances of the city or town relating to public health. Except as otherwise provided by law, responsibility for licensing, regulation and inspection of nursing facilities and specialized facilities, as defined in the Nursing Home Care Act and for enforcement of state health and safety standards applicable to such facilities, shall be reserved to the State Department of Health

and shall be exercised pursuant to the provisions of the Nursing Home Care Act.

3. Except as otherwise provided by law, responsibility for the licensing and inspection of any establishment where food or drink is offered for sale or sold, in accordance with the provisions of Section 1-1118 of this title, and for the enforcement of state health and safety standards applicable to such establishments, shall be reserved to the State Department of Health. Any such rules adopted by a governing body of a city or town relating to an establishment where food or drink is offered for sale or sold shall not be more stringent than the rules for such establishments adopted by the State Board of Health; provided, that rules adopted prior to May 31, 2008, which directly relate to training and permit requirements for food managers and food handlers and fees related to such establishments shall, in addition to the license fee required by the State Board of Health, be exempt from the provisions of this subsection.

B. The governing board of each city or incorporated town may adopt and enforce such ordinances as it deems necessary for the protection of the environment, provided such ordinances are not inconsistent with state laws or rules of the Environmental Quality Board. The governing board may, by agreement with the Department of Environmental Quality, delegate to the local representative of the Department of Environmental Quality the authority to investigate ordinances of the city or town relating to the environment and submit such investigative results to the clerk of the city or town.

Added by Laws 1963, c. 325, art. 2, § 209, operative July 1, 1963. Amended by Laws 1993, c. 145, § 305, eff. July 1, 1993; Laws 1995, c. 230, § 2, eff. July 1, 1995; Laws 1998, c. 314, § 10, eff. July 1, 1998; Laws 2009, c. 132, § 2, eff. Nov. 1, 2009.

§63-1-209.1. County boards of health as sponsoring agency for National Health Service Corps assignees.

There is hereby created authority for county boards of health as established under Title 63, Chapter 1, Public Health Code, Section 1-202, to be the sponsoring agency for our National Health Service Corps assignees as established by Public Law 91-623, known as the Emergency Health Personnel Act of 1970. This authority with the concurrence of the Commissioner of Health shall extend to include the sponsoring agency establishing rules of collection of fees for such personnel and disbursement of the fees in accordance with agreements reached by the U.S. Public Health Service in the assignment of Corps personnel under the sponsorship of the county health board.

Laws 1972, c. 184, § 13, emerg. eff. April 7, 1972.

§63-1-210. City-county board of health in certain counties - Membership.

Prior to November 1, 2018, there is hereby created in any county of the State of Oklahoma with a population of more than two hundred twenty-five thousand (225,000), according to the latest Federal Decennial Census, and containing within its boundaries a city with a population of more than one hundred fifty thousand (150,000), according to the latest Federal Decennial Census, a city-county board of health composed of nine (9) members. Beginning on and after November 1, 2018, a county board of health may create in any county of the State of Oklahoma with a population of more than two hundred twenty-five thousand (225,000), according to the latest Federal Decennial Census, and containing within its boundaries a city with a population of more than one hundred fifty thousand (150,000), according to the latest Federal Decennial Census, a city-county board of health composed of nine (9) members. The membership of the Board shall be composed of five (5) members appointed by the city council of such city, or city commission, whichever applies, and four members appointed by the board of county commissioners of such county. Each member shall serve a term of six (6) years, except, that of the members initially appointed by the city council, or city commission, whichever applies, one member initially appointed shall serve a term of two (2) years, one member initially appointed shall serve a term of three (3) years, one member initially appointed shall serve a term of four (4) years, one member initially appointed shall serve a term of five (5) years, and one member initially appointed shall serve a term of six (6) years; provided, however, that in any such city having a city board of health created under its charter provisions, the members of such city board of health and the tenure of the city board of health members of the city-county board of health shall be coterminous with the city board of health. Of the members initially appointed by the board of county commissioners, one member initially appointed shall serve a term of two (2) years, one member initially appointed shall serve a term of three (3) years, one member initially appointed shall serve a term of five (5) years, and one member initially appointed shall serve a term of six (6) years. The appointing authority shall appoint new members as the terms of office of its initial appointees expire. Wherever a city-county board of health is now in existence, the current board members shall be retained, until the termination of their present appointment, by the appointing authorities.
Added by Laws 1963, c. 325, art. 2, § 210, operative July 1, 1963.
Amended by Laws 2018, c. 143, § 1, eff. Nov. 1, 2018.

§63-1-211. Organization - Meetings - Compensation.

Such city-county board of health shall organize by electing a chairman and other necessary officers and shall meet at such times, in such manner, and upon such notice as the board shall prescribe;

provided, that at least one meeting shall be held annually. The members of such board shall serve without compensation.
Laws 1963, c. 325, art. 2, § 211.

§63-1-212. Powers and duties of city - county board of health.

It shall be the duty of the city-county board of health to recommend ordinances, rules and regulations to the governing body of any city or town within its jurisdiction and to the board of county commissioners of the county within which such board exists in matters pertaining to the preservation and promotion of public health, and to assist in the formulation and adoption of uniform health ordinances, rules and regulations within the jurisdiction of such board. Such board, in addition to the powers and duties set forth in Sections 210 to 218 of this article, shall have all the powers, rights and duties which are now or may hereafter be conferred by the statutes of this state upon city or county boards of health, except the making of rules and regulations.
Laws 1963, c. 325, art. 2, § 212.

§63-1-212.1. Peace officer certificates for certain employees.

Any employee of a city-county health department who is serving as a peace officer shall obtain a certificate as provided in Section 3311 of Title 70 of the Oklahoma Statutes.
Added by Laws 1987, c. 206, § 38, operative July 1, 1987; Laws 1987, c. 236, § 24, emerg. eff. July 20, 1987.

§63-1-213. Board of county commissioners - Rules and regulations - Fees.

A. The board of county commissioners in any county that qualifies under Section 210 of this article is hereby authorized and empowered to make and enforce all reasonable rules and regulations with regard to the preservation and promotion of public health; provided, that any such rules or regulations shall have first been recommended or approved by the city-county board of health, and further provided that such rules and regulations shall not be inconsistent with state laws or rules and regulations of the State Board of Health. Such rules and regulations shall be operative throughout the county, except within the limits of incorporated cities and towns. Any such rules adopted by county commissioners relating to an establishment where food or drink is offered for sale or sold shall not be more stringent than the rules for such establishments adopted by the State Board of Health; provided, that rules adopted prior to May 31, 2008, which directly relate to training and permit requirements for food managers and food handlers and fees related to such establishments shall, in addition to the license fee required by the State Board of Health, be exempt from the provisions of this subsection.

B. The board of county commissioners is also authorized to provide for the levying and collection of fees for services performed by such city-county health department outside the boundaries of incorporated cities and towns within such county. Any person who violates any rule or regulation made by such board of county commissioners under the authority of this section shall be guilty of a misdemeanor.
Added by Laws 1963, c. 325, art. 2, § 213. Amended by Laws 2009, c. 132, § 3, eff. Nov. 1, 2009.

§63-1-214. City-county health departments - Agreement for creation - Powers - Medical director and other employees.

A. The board of county commissioners of any county and the governing body of any city which qualify under Section 1-210 of this title shall enter into an agreement providing for the creation of a city-county health department, and such contracting bodies shall by agreement provide for the method of operation thereof, the selection of a director of such department, and the proportionate share of personnel and/or money that each shall contribute for the operation and support of such department.

B. Unless an agreement made pursuant to subsection A of this section specifically provides otherwise, any judgment against the city-county health department or the city-county board of health shall be treated as a judgment against the county and may be paid from a sinking fund established pursuant to Section 28 of Article X of the Oklahoma Constitution in the manner that other judgments against the county are paid.

C. Unless an agreement made pursuant to subsection A of this section specifically provides otherwise, a city-county health department shall have the power to own, acquire, lease, or dispose of real property in the performance of local public health functions, duties, and responsibilities.

D. The qualifications of the director shall be determined by the city-county board of health, with the advice of the State Commissioner of Health, and subject to approval by the governing body of the city and the board of county commissioners of the county. The director, with the approval of the city-county board of health, the board of county commissioners of the county, and the governing body of the city, or the city manager in cities having a managerial form of government, shall appoint other personnel of the department.

E. The employees of a city-county health department shall possess minimum qualifications as set forth in a system of personnel administration delineating job specifications and a compensation plan adopted by the city-county board of health, and approved by the State Commissioner of Health, the board of county commissioners and the governing body of the city. By March 1, 1991, the city-county health department shall establish a personnel, merit and promotion system

which shall be approved by the Commissioner of Public Health. The employees shall also be eligible for membership in any life or health insurance plan of the county and the county retirement program, subject to the same conditions or restrictions that apply to county employees. Any state employees officed or located at or assigned to a city-county health department shall be subject to the state system of personnel administration and shall be eligible for membership in the state employees insurance and retirement programs.

F. Such city-county health department shall, under the supervision of the director, enforce and administer all municipal and county ordinances, rules and regulations, and all state laws, and rules and regulations of the State Board of Health pertaining to public health matters in the jurisdiction where it is created, or in any area where it has jurisdiction to operate by agreement.

G. A city-county health department may perform any and all health-related services, within the scope of practice, as prescribed by law, by the city-county board of health, or by standards of care for medical services. When a city-county health department provides a health-related service to any person covered by an applicable health insurance plan, the city-county health department may submit a claim for said service to the appropriate insurance company, health maintenance organization or preferred provider organization. Upon receipt of the claim, said insurance company, health maintenance organization or preferred provider organization shall reimburse the city-county health department for the service provided in accordance with the standard and customary rate schedule established by the plan. All health insurance plans, doing business in Oklahoma, shall recognize the public health service delivery model utilized by the city-county health department, as an appropriate provider of services for reimbursement. All insurance reimbursement payments collected shall become a part of the general revenue of the unit of government levying the same.

Added by Laws 1963, c. 325, art. 2, § 214, operative July 1, 1963. Amended by Laws 1990, c. 239, § 1, eff. Sept. 1, 1990; Laws 2006, c. 279, § 2, eff. Nov. 1, 2006; Laws 2010, c. 198, § 1, eff. Nov. 1, 2010; Laws 2011, c. 105, § 3, eff. Nov. 1, 2011.

§63-1-215. Duties of director of city-county health department.

The director of the city-county health department shall direct and supervise all public health activities in the county, except in incorporated cities and towns which are not governed by the provisions of Sections 210 to 218 of this article, and which have not entered into any agreement for the operation of the health department of such city or town. Such director shall administer and enforce all municipal and county ordinances and rules relating to public health matters, and he shall also administer state laws, and rules of the State Board of Health pertaining to public health, subject to

administrative supervision of the State Commissioner of Health. Any other powers, authority, duties or functions which are now or may hereafter be conferred by law on county or city superintendents of public health are hereby conferred on such director of the city-county health department.
Added by Laws 1963, c. 325, art. 2, § 215, operative July 1, 1963. Amended by Laws 1993, c. 145, § 306, eff. July 1, 1993; Laws 1995, c. 285, § 21, eff. July 1, 1995; Laws 1998, c. 314, § 7, eff. July 1, 1998.

§63-1-216. Agreements with other municipalities, agencies and organizations.

The city-county board of health in any county wherein a city-county health department has been created as hereinbefore provided shall, subject to the approval of the board of county commissioners of the county and the governing body of the city which created and operates such city-county health department, have authority to enter into agreements with other counties, cities, towns, school districts, the State Health Department, the Department of Environmental Quality, or any state agency or institution, or philanthropic, voluntary or charitable organization, for the operation of the health department and the administering of health or environmental, as appropriate, services of such county, city, town, school district, agency or institution by such city-county health department, and may provide in the agreement for contribution by such participating body to the financial support of the city-county health department.
Added by Laws 1963, c. 325, art. 2, § 216, operative July 1, 1963. Amended by Laws 1993, c. 145, § 307, eff. July 1, 1993.

§63-1-217. Fees - Disposition.

All fees authorized by municipal or county ordinances, rules or regulations shall be collected as such ordinances, rules or regulations may provide and such fees shall become a part of the general revenue of the unit of government levying the same.
Laws 1963, c. 325, art. 2, § 217.

§63-1-218. Annual budget.

The city-county board of health, in cooperation with the Director of the city-county health department, shall prepare an annual budget for the operation of the city-county health department and submit the same, together with recommendations as to the respective contributions, to the board of county commissioners and to each city, town, school district or other agency or organization participating in the operation of such city-county health department as hereinabove provided. Such budget and recommendations shall act as a guide to such participants in providing for the operating and financing of

such city-county health department for the current or ensuing fiscal year.
Laws 1963, c. 325, art. 2, § 218.

§63-1-218.1. Travel expenses - Reimbursement - Payment by credit card.

A. Upon direction of the director of a city-county health department, with approval of the board of county commissioners of the county, employees of such city-county health department may be reimbursed for use of their personally owned automobiles while performing their duties on official business for the Department at a rate not to exceed that allowed for mileage to state employees. Travel claims for reimbursement on a mileage basis shall be accompanied by a detailed statement showing an adequate basis for computing the miles of travel and the purpose for the travel, and may be paid from any funds available for that purpose.

B. Subject to the limitations and procedures provided by this section, approved employees of a city-county health department may purchase materials, supplies, or services necessary for travel out of the county in which the city-county health department operates by use of one or more credit cards issued to the city-county health department. Purchases made with the credit cards shall be limited to actual expenses for travel out of the county by employees in the performance of their official duties. For purposes of this section, "actual expenses for travel" shall mean expenses for travel by public or private railroads, airplanes, buses, rental cars, or other public or private conveyances, fuel, oil, meals, lodging, parking fees, or telephone expenses.

C. The city-county health department shall encumber sufficient funds each month to pay for the estimated charges made with the cards including any annual or other fee owed for use of the cards. Payment for charges incurred on any card shall be made in a timely manner so that no interest charges or penalties accrue and so that the total payment amount corresponds to the balance of charges for purchases in addition to any applicable annual fee or service charge.

D. All receipts for charges made by use of any card issued to a city-county health department shall be maintained to facilitate accurate records of total monthly expenditures for which the city-county health department shall be obligated.

E. Employees who make credit purchases with credit cards issued to a city-county health department shall immediately and accurately document the expenditures on a form prepared by the State Auditor and Inspector, attaching receipts and a written explanation of each expenditure as to the date, case number, or other identification number, area or location, reason for expenditure and amount expended. A copy of the form shall be submitted to the director of the city-county health department for approval and the original form shall be

attached to the purchase order and shall be submitted for payment. A copy of the form shall be retained for the records of the city-county health department.

F. An employee of the city-county health department shall not receive any reimbursement pursuant to the provisions of subsection A of this section for any expenses for which a credit card issued pursuant to the provisions of this section has been used.

Added by Laws 1969, c. 146, § 1, emerg. eff. April 10, 1969. Amended by Laws 1974, c. 273, § 1, emerg. eff. May 29, 1974; Laws 2008, c. 149, § 3, emerg. eff. May 12, 2008.

§63-1-219. Child guidance programs, community mental health services and community facilities for individuals with intellectual disabilities authorized.

The board of county commissioners of any county, or the board of county commissioners of two or more counties jointly, is hereby authorized, at the option and approval of the board or boards, to conduct a child guidance program, and/or community health center and/or community facility for individuals with intellectual disabilities, separate and apart from or in conjunction with the county department of health, and to request as a part of the county budget an appropriation of not to exceed an amount equal to the net proceeds of a levy of three-fourths (3/4) mill on the dollar valuation of taxable property in the county for such purpose or purposes; and to employ personnel, within the limits of such funds, to conduct such program or programs. Provided, that any center or facility for mental health services established or maintained hereunder shall first be approved by the State Director of Mental Health on advice of the Board of Mental Health and shall operate under the guidelines of the Oklahoma Mental Health Services Act; and any center or facility for intellectual disability services established or maintained hereunder shall first be approved by the Director of Human Services.

Added by Laws 1963, c. 325, art. 2, § 219, operative July 1, 1963. Amended by Laws 1974, c. 265, § 1; Laws 2019, c. 475, § 49, eff. Nov. 1, 2019.

§63-1-222.1. Governing boards - Membership - Tenure.

A. Every county or combination of counties desirous of establishing a mental health center and/or facilities for individuals with intellectual disabilities shall establish a community mental health board and/or intellectual disability governing board each of which shall be composed of not less than seven (7) members. The members of such governing boards shall be appointed by the board of county commissioners of the county. The term of office of members of the governing board shall be three (3) years, except that of the members first appointed the term of three members shall be for one

(1) year, and the term of two members shall be for two (2) years. All members shall serve without pay.

B. When any combination of counties desires to establish a mental health center and/or facilities for individuals with intellectual disabilities, the chair of the board of county commissioners of each participating county shall appoint two (2) members of a selection committee, which committee shall select the governing board.

Added by Laws 1974, c. 265, § 2. Amended by Laws 2019, c. 475, § 50, eff. Nov. 1, 2019.

§63-1-222.2. Duties of governing boards.

The duties of each of the governing boards shall be:

1. For the community mental health board, the duties prescribed by the Unified Community Mental Health Services Act, Sections 3-301 through 3-327 of Title 43A of the Oklahoma Statutes; and

2. For the intellectual disability board, the duties prescribed for the Department of Human Services by Sections 1406 through 1425 of Title 10 of the Oklahoma Statutes.

Added by Laws 1974, c. 265, § 3. Amended by Laws 2019, c. 475, § 51, eff. Nov. 1, 2019.

§63-1-222.3. Support of programs.

The board of county commissioners may allocate part or all of the proceeds of the three-fourths-mill levy provided for by Section 1-219, as amended by Section 1 of this act, Title 63, Oklahoma Statutes, to the county health department for establishment or support of child guidance centers as part of the county health department. The county board of health shall continue in responsibility for child guidance centers receiving funds in accordance with the provisions of Section 1-202, Title 63, Oklahoma Statutes.

Laws 1974, c. 265, § 4.

§63-1-222.4. Screening of minors to avoid duplication of services.

In order to avoid duplication of services between the community mental health centers funded by the Department of Mental Health and Substance Abuse Services and the child guidance centers funded by the State Department of Health, minors shall be screened by the child guidance centers and referred to the most appropriate service provider.

Added by Laws 1987, c. 206, § 40, operative July 1, 1987; Laws 1987, c. 236, § 26, emerg. eff. July 20, 1987; Amended by Laws 1990, c. 51, § 129, emerg. eff. April 9, 1990.

§63-1-223. Constitutional levy for health department.

A levy of not to exceed two and one-half (2 1/2) mills on the dollar of assessed valuation of a county may be levied annually in accordance with the provisions of Section 9A, Article 10, Oklahoma Constitution, for the purpose of providing funds to maintain or aid in maintaining a county, district or cooperative department of health, where such levy is approved by a majority of the qualified ad valorem taxpaying voters of the county, voting on the question at an election called for such purpose; and the amount of the levy so approved may continue to be made annually until repealed by a majority of the qualified ad valorem taxpaying voters of the county, voting on the question at an election called for such purpose.
Laws 1963, c. 325, art. 2, § 223.

§63-1-224. Election on constitutional levy.

An election to authorize a levy under the provisions of the preceding section may be called by the board of county commissioners, in its official discretion. Such election may also be called by initiative petition filed with the county clerk, signed by sixteen percent (16%) of the legal voters of the county, such percent to be based upon the total number of votes cast at the last general election in the county for the state office receiving the highest number of votes at such election in the county. Whenever the election is called by either method, the board of county commissioners shall fix the date for the election and shall cause to be published in at least one issue each week, for four (4) weeks, of a newspaper having general circulation in the county, a notice stating that the election has been called, the date and purpose of the election, and the number of mills on the dollar of assessed valuation of the county to be voted upon; and the notice may contain any other information believed appropriate by the board. The election shall be conducted by the county election board, in the same manner as elections to select county officers, and the cost of holding the election shall be paid from county funds. The secretary of the county election board shall certify the results of the election to the board of county commissioners, and after receiving such certification the board of county commissioners shall notify the county excise board if the levy shall have been approved.
Laws 1963, c. 325, art. 2, § 224.

§63-1-225. Repeal of constitutional levy.

An election on a proposed repeal of a levy previously approved pursuant to the two preceding sections shall be called and held in the same manner as required for an election on approval of a levy; and the county excise board shall be notified if the levy is repealed.
Laws 1963, c. 325, art. 2, § 225.

§63-1-226. Annual budget for health department.

The county board of health shall annually file with the county excise board an estimate of needs for the operation or maintenance of the county, district or cooperative department of health to the extent that county funds are required for such purpose, and it shall be the mandatory duty of the county excise board to approve the same to the extent that such estimate of needs can be financed with proceeds of a levy authorized in accordance with the provisions of Section 9A, Article 10, Oklahoma Constitution; and so much of the levy as may be needed shall thereupon be ordered made. The estimate of needs may include, in addition to items for current operating expenses, items for anticipated capital outlay in the future which may accumulate from year to year until the total required amounts will be available for expenditure. Provided, that nothing herein shall prohibit the appropriation or use of other county funds for such purposes, or for other public health purposes.
Laws 1963, c. 325, art. 2, § 226.

§63-1-227. Short title - Intent of Legislature - Office of Child Abuse Prevention created.

A. Sections 1-227 through 1-227.9 of this title shall be known and may be cited as the "Child Abuse Prevention Act".

B. The Legislature hereby declares that the increasing incidence of child abuse and its attendant human and financial cost to the citizens of Oklahoma requires that the prevention of child abuse and neglect be identified as a priority within the children, youth and family service system of this state. It is the intent of the Legislature that:

1. A comprehensive approach for the prevention of child abuse and neglect be developed for the state, and that this planned, comprehensive approach be used as a basis for funding of programs and services for the prevention of child abuse and neglect statewide; and

2. Multidisciplinary and discipline-specific training on child abuse and neglect and domestic violence be made available to professionals in Oklahoma with responsibilities affecting children, youth, and families, including but not limited to: district attorneys, judges, lawyers, public defenders, medical personnel, law enforcement officers, school personnel, child welfare workers, youth service agencies, mental health workers, and Court Appointed Special Advocates (CASA). Said training shall be ongoing and shall accommodate professionals who require extensive knowledge and those who require only general knowledge.

C. For the purpose of establishing a comprehensive statewide approach towards the prevention of child abuse and neglect there is hereby created the Office of Child Abuse Prevention within the State Department of Health.

Added by Laws 1984, c. 216, § 1, operative July 1, 1984. Amended by Laws 1990, c. 154, § 1, eff. Sept. 1, 1990; Laws 2007, c. 147, § 1, eff. July 1, 2007.

§63-1-227.1. Definitions.

As used in the Child Abuse Prevention Act:

1. "Child abuse prevention" means services and programs designed to prevent the occurrence or recurrence of child abuse and neglect as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes but as limited by Section 844 of Title 21 of the Oklahoma Statutes. Except for the purpose of planning and coordination pursuant to the provisions of the Child Abuse Prevention Act, the services and programs of the Department of Human Services which are mandated by state law or which are a requirement for the receipt of federal funds with regard to deprived, destitute or homeless children shall not be subject to the provisions of the Child Abuse Prevention Act;

2. "Primary prevention" means programs and services designed to promote the general welfare of children and families;

3. "Secondary prevention" means the identification of children who are in circumstances where there is a high risk that abuse will occur and assistance, as necessary and appropriate, to prevent abuse or neglect from occurring;

4. "Tertiary prevention" means those services provided after abuse or neglect has occurred which are designed to prevent the recurrence of abuse or neglect;

5. "Department" means the State Department of Health;

6. "Director" means the Director of the Office of Child Abuse Prevention;

7. "Office" means the Office of Child Abuse Prevention;

8. "Commission" means the Oklahoma Commission on Children and Youth; and

9. "Child Abuse Prevention Fund" means the revolving fund established pursuant to Section 1-227.8 of this title.

Added by Laws 1984, c. 216, § 2, operative July 1, 1984. Amended by Laws 1985, c. 299, § 1, eff. Nov. 1, 1985; Laws 1990, c. 154, § 2, eff. Sept. 1, 1990; Laws 2007, c. 147, § 2, eff. July 1, 2007; Laws 2013, c. 229, § 46, eff. Nov. 1, 2013.

§63-1-227.2. Power and duties of Office of Child Abuse Prevention.

A. The Office of Child Abuse Prevention, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 1-103a.1 of this title, is hereby authorized and directed to:

1. Prepare and implement a comprehensive state plan for the planning and coordination of child abuse prevention programs and services and for the establishment, development and funding of such

programs and services, and to revise and update the plan pursuant to the provisions of Section 1-227.3 of this title;

2. Monitor, evaluate and review the development and quality of services and programs for the prevention of child abuse and neglect, publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to the chief administrative officer of each agency affected by the report. The report shall include:

a. activities of the Office,

b. a summary detailing the demographic characteristics of families served including, but not limited to, the following:

(1) age and marital status of parent(s),

(2) number and age of children living in the household,

(3) household composition of families served,

(4) number of families accepted into the program by grantee site and average length of time enrolled,

(5) number of families not accepted into the program and the reason therefor,

(6) average actual expenditures per family during the most recent state fiscal year, and

(7) number of individuals whose parental rights have ever been terminated and number of children born to an individual whose parental rights have ever been terminated,

c. recommendations for the further development and improvement of services and programs for the prevention of child abuse and neglect,

d. budget and program needs, and

e. statistics developed based on the reports received pursuant to Section 3 of this act; and

3. Conduct or otherwise provide for or make available continuing professional education and training in the area of child abuse prevention.

B. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Department of Health is authorized to:

1. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

2. Enter into agreements or contracts for the establishment and development of:

a. programs and services for the prevention of child abuse and neglect,

b. training programs for the prevention of child abuse and neglect, and

c. multidisciplinary and discipline specific training programs for professionals with responsibilities affecting children, youth and families; and

3. Secure necessary statistical, technical, administrative and operational services by interagency agreement or contract.

C. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Commissioner of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 1-103a.1 of this title, is authorized to promulgate rules and regulations as necessary to implement the duties and responsibilities assigned to the Office of Child Abuse Prevention.

D. 1. The Department of Human Services shall, as soon as reasonably possible, provide the State Department of Health access to the identifying information of all individuals who, as to any child, have had their parental rights terminated and the conditions which led to the making of the finding which resulted in the termination of parental rights.

2. The Division of Vital Records shall provide birth record information to the Office of Child Abuse Prevention for a child born to an individual whose identifying information has been provided pursuant to paragraph 1 of this subsection.

3. The Office of Child Abuse Prevention or other appropriate division of the State Department of Health shall review the information provided by the Department of Human Services and the Division of Vital Records and, when appropriate and if the resources are available, provide an assessment of the family and offer services if needed.

Added by Laws 1984, c. 216, § 3, operative July 1, 1984. Amended by Laws 1990, c. 154, § 3, eff. Sept. 1, 1990; Laws 2001, c. 356, § 2, emerg. eff. June 4, 2001; Laws 2007, c. 147, § 3, eff. July 1, 2007; Laws 2013, c. 229, § 47, eff. Nov. 1, 2013; Laws 2019, c. 36, § 1, eff. Nov. 1, 2019; Laws 2019, c. 377, § 1, eff. July 1, 2019.

§63-1-227.3. Comprehensive state plan for prevention of child abuse and neglect.

A. The Oklahoma Commission on Children and Youth shall review and approve the comprehensive state plan and any subsequent revisions of said plan, prior to the submission of the plan as provided in this section.

B. On or before July 1, 2007, the Oklahoma Commission on Children and Youth shall deliver the comprehensive state plan for the prevention of child abuse and neglect to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The plan shall include but not be limited to:

1. Specific proposals for the implementation of the comprehensive state plan which would promote the efficient use of

staff, funds and other resources on the state level and improve the coordination and integration of state goals, activities and funds for the prevention of child abuse and neglect, particularly with regard to primary and secondary prevention of child abuse and neglect; and

2. Specific proposals detailing the interagency provision of services to all populations at risk of committing child abuse. Services, especially those directed at high-risk populations including, but not limited to, those populations in which parental drug and/or alcohol abuse, mental illness and domestic abuse are an issue, shall be specifically addressed.

C. The Office of Child Abuse Prevention and the Oklahoma Commission on Children and Youth shall at least annually review the state plan and make any necessary revisions based on changing needs and program evaluation results not less than every five (5) years. Any such revisions shall be delivered to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than July 1 of each year.

D. The Office of Child Abuse Prevention shall provide adequate opportunity for appropriate private and public agencies and organizations and private citizens and consumers to participate at the local level in the development of the state plan.

Added by Laws 1984, c. 216, § 4, operative July 1, 1984. Amended by Laws 2001, c. 356, § 3, emerg. eff. June 4, 2001; Laws 2007, c. 147, § 4, eff. July 1, 2007.

§63-1-227.4. Development and preparation of comprehensive state plan - Proposal for grants for child abuse prevention programs and services.

A. The State Department of Health shall prepare the comprehensive state plan for prevention of child abuse and neglect for the approval of the Oklahoma Commission on Children and Youth. The development and preparation of the plan shall include, but not be limited to, adequate opportunity for appropriate local private and public agencies and organizations and private citizens to participate in the development of the state plan at the local level.

B. 1. The Office of Child Abuse Prevention shall review and evaluate all proposals submitted for grants or contracts for child abuse prevention programs and services. Upon completion of such review and evaluation, the Office of Child Abuse Prevention shall make the final recommendations as to which proposals should be funded pursuant to the provisions of the Child Abuse Prevention Act and shall submit its findings to the Oklahoma Commission on Children and Youth. The Commission shall review the findings of the interagency child abuse prevention task force and the Office of Child Abuse Prevention for compliance of such approved proposals with the comprehensive state plan prepared pursuant to the provisions of the Child Abuse Prevention Act.

2. Upon ascertaining compliance with the plans, the Commission shall deliver the findings of the Office of Child Abuse Prevention to the State Commissioner of Health.

3. The Commissioner shall authorize the Office of Child Abuse Prevention to use the Child Abuse Prevention Fund to fund such grants or contracts for child abuse prevention programs and services which are approved by the Commissioner.

4. Once the grants or contracts have been awarded by the Commissioner, the Office of Child Abuse Prevention shall annually review the performance of the awardees and determine if funding should be continued.

Added by Laws 1984, c. 216, § 5, operative July 1, 1984. Amended by Laws 1985, c. 299, § 2, eff. Nov. 1, 1985; Laws 1986, c. 58, § 1, eff. Nov. 1, 1986; Laws 1987, c. 84, § 1, emerg. eff. May 13, 1987; Laws 1990, c. 51, § 130, emerg. eff. April 9, 1990; Laws 2001, c. 356, § 4, emerg. eff. June 4, 2001; Laws 2005, c. 348, § 18, eff. July 1, 2005; Laws 2007, c. 147, § 5, eff. July 1, 2007; Laws 2009, c. 234, § 150, emerg. eff. May 21, 2009; Laws 2010, c. 324, § 5, emerg. eff. June 5, 2010; Laws 2013, c. 229, § 48, eff. Nov. 1, 2013.

§63-1-227.5. Repealed by Laws 2007, c. 147, § 9, eff. July 1, 2007.

§63-1-227.6. Funding of child abuse prevention programs.

A. The State Department of Health, in its annual budget requests, shall identify the amount of funds requested for the implementation of the Child Abuse Prevention Act.

B. From monies appropriated or otherwise available to the Office of Child Abuse Prevention through state, federal or private resources the State Commissioner of Health shall implement the provisions of the Child Abuse Prevention Act and shall disburse such monies in the following manner:

1. The Commissioner shall establish a formula for the distribution of funds for the establishment, development or improvement of both public and private programs and services for the prevention of child abuse and neglect which shall provide for the allocation of funds across the state based upon the percentage of the total state reported cases of abuse and neglect reported in the district and the percentage of the total state population under the age of eighteen (18) and upon the child abuse prevention service and program needs of the comprehensive state plan; and

2. For the continuing development and establishment of child abuse prevention training programs and multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting children, youth and families.

C. Appropriations made for distribution by the Office for grants or contracts for child abuse prevention programs and services shall be deposited in the Child Abuse Prevention Fund.

D. The Office shall develop and publish requests for proposals for grants or contracts for child abuse prevention programs and services which shall require no less than a ten percent (10%) cash or in-kind match by an agency or organization receiving a grant or contract and which are designed to meet identified priority needs.

A priority ranking shall be made based upon the extent to which a proposal meets identified needs, criteria for cost effectiveness, provision for an evaluation component providing outcome data and a determination that the proposal provides a mechanism for coordinating and integrating these preventive services with other services deemed necessary for working effectively with families who are at risk of child abuse or neglect.

E. On and after January 1, 1986, all budget requests submitted by any public agency to the Legislature for the funding of programs related to child abuse and neglect prevention shall conform to the comprehensive state plan and any subsequent updates or revisions of said plan developed pursuant to the provisions of the Child Abuse Prevention Act. Except for the purposes of planning and coordination pursuant to the provisions of the Child Abuse Prevention Act, the services and programs of the Department of Human Services which are mandated by state law or which are a requirement for the receipt of federal funds with regard to deprived, destitute or homeless children shall not be subject to the provisions of this subsection.

Added by Laws 1984, c. 216, § 7, operative July 1, 1984. Amended by Laws 1985, c. 299, § 3, eff. Nov. 1, 1985; Laws 1990, c. 154, § 4, eff. Sept. 1, 1990; Laws 2007, c. 147, § 6, eff. July 1, 2007.

§63-1-227.7. Director of Office of Child Abuse Prevention - Power and duties.

The State Board of Health shall direct the State Commissioner of Health to employ, appoint or otherwise designate a Director for the Office of Child Abuse Prevention. The Director shall:

1. Assure that the annual report is prepared as required by Section 1-227.2 of this title;

2. Formulate and recommend rules and regulations pertaining to the implementation of the provisions of the Child Abuse Prevention Act for approval or rejection by the Board; and

3. As authorized, act as agent for the Board in the performance of its duties pertaining to the implementation of the provisions of the Child Abuse Prevention Act.

Added by Laws 1984, c. 216, § 8, operative July 1, 1984. Amended by Laws 1990, c. 154, § 5, eff. Sept. 1, 1990; Laws 1990, c. 337, § 14; Laws 2007, c. 147, § 7, eff. July 1, 2007.

§63-1-227.8. Child Abuse Prevention Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Board of Health to be designated the "Child Abuse

Prevention Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of Section 1-227.6 of Title 63 of the Oklahoma Statutes, Section 5 of this act, and such other sources as the Legislature may provide.

B. The Child Abuse Prevention Fund shall be used by the Office of Child Abuse Prevention for funding grants and contracts for child abuse and neglect prevention programs and services as provided for in Section 1-227.6 of Title 63 of the Oklahoma Statutes. The Office shall use the Child Abuse Prevention Fund to fund only those grants and contracts approved by the State Board of Health, pursuant to the provisions of subsection C of Section 1-227.4 of Title 63 of the Oklahoma Statutes, and which comply with the comprehensive state plan and district plans prepared pursuant to the provisions of the Child Abuse Prevention Act, and for no other purpose. The Child Abuse Prevention Fund shall not be used for the costs of the Office incurred in administering such grants and contracts.

C. All projects funded through the Child Abuse Prevention Fund shall provide quarterly caseload and programmatic information to the Office of Child Abuse Prevention.

Added by Laws 1985, c. 299, § 4, eff. Nov. 1, 1985. Amended by Laws 1998, c. 392, § 6, eff. Sept. 1, 1998.

§63-1-227.9. Child Abuse Training and Coordination Council.

A. There is hereby created the Child Abuse Training and Coordination Council.

B. The Oklahoma Commission on Children and Youth shall appoint a Child Abuse Training and Coordination Council which shall be composed of twenty-two (22) members, as follows:

1. One member shall be a representative of child welfare services within the Department of Human Services;

2. One member shall be a representative of juvenile services within the Office of Juvenile Affairs;

3. One member shall be a representative of maternal and child health services within the State Department of Health;

4. One member shall be a representative of the State Department of Health;

5. One member shall be a representative of the State Department of Education;

6. One member shall be a representative of the Department of Mental Health and Substance Abuse Services;

7. One member shall be a representative of a statewide medical association and shall be a member of a state chapter of a national academy of pediatrics;

8. One member shall be a representative of the judiciary;

9. One member shall be a representative of a statewide association of osteopathic physicians and shall be a pediatric osteopathic physician;

10. One member shall be a representative of a statewide coalition on domestic violence and sexual assault;

11. One member shall be a representative of the District Attorneys Council;

12. One member shall be a representative of the Council on Law Enforcement Education and Training;

13. One member shall be a representative of the Department of Corrections;

14. One member shall be a representative of Court Appointed Special Advocates;

15. One member shall be a representative of the Oklahoma Bar Association;

16. One member shall be a representative of a statewide association of psychologists;

17. One member shall be a representative of a local chapter of a national association of social workers;

18. One member shall be a representative of a statewide association of youth services agencies;

19. One member shall be a representative of an Indian child welfare association;

20. One member shall be a representative of an advisory task force on child abuse and neglect;

21. One member shall be a representative of a postadjudication review board program; and

22. One member shall be a representative of nationally accredited child advocacy centers nominated to the Oklahoma Commission for Children and Youth. Eligible nominees may be anyone selected by a majority of the members of the nationally accredited child advocacy centers located in Oklahoma.

C. Each member of the Child Abuse Training and Coordination Council is authorized to have one designee.

D. The appointed members shall be persons having expertise in the dynamics, identification and treatment of child abuse and neglect and child sexual abuse.

E. The Child Abuse Training and Coordination Council shall:

1. Establish objective criteria and guidelines for multidisciplinary and, as appropriate for each discipline, discipline-specific training on child abuse and neglect for professionals with responsibilities affecting children, youth and families;

2. Review curricula and make recommendations to state agencies and professional organizations and associations regarding available curricula and curricula having high standards of professional merit;

3. Review curricula regarding child abuse and neglect used in law enforcement officer training by the Oklahoma Council on Law Enforcement Education and Training (CLEET) and make recommendations regarding the curricula to CLEET;

4. Cooperate with and assist professional organizations and associations in the development and implementation of ongoing training programs and strategies to encourage professionals to participate in such training programs;

5. Make reports and recommendations regarding the continued development and improvement of such training programs to the State Commissioner of Health, the Oklahoma Commission on Children and Youth, and each affected agency, organization and association;

6. Prepare and issue a model protocol for multidisciplinary teams regarding the investigation and prosecution of child sexual abuse, child physical abuse and neglect cases;

7. Review and approve protocols prepared by the local multidisciplinary teams;

8. Advise multidisciplinary teams on team development;

9. Collect data on the operation and cases reviewed by the multidisciplinary teams;

10. Issue annual reports; and

11. Annually approve the list of functioning multidisciplinary teams in the state.

Added by Laws 1990, c. 154, § 6, eff. Sept. 1, 1990. Amended by Laws 1994, c. 101, § 1, eff. Sept. 1, 1994; Laws 1996, c. 200, § 17, eff. Nov. 1, 1996; Laws 1997, c. 389, § 22, eff. Nov. 1, 1997; Laws 2000, c. 374, § 37, eff. July 1, 2000; Laws 2004, c. 250, § 1, emerg. eff. May 5, 2004; Laws 2006, c. 258, § 8, emerg. eff. June 7, 2006; Laws 2007, c. 147, § 8, eff. July 1, 2007.

§63-1-229.1. Short title.

This act shall be known and may be cited as the "Oklahoma Tobacco Use Prevention and Cessation Act".

Added by Laws 2001, c. 275, § 1, emerg. eff. May 31, 2001.

§63-1-229.2. Definitions.

As used in the Oklahoma Tobacco Use Prevention and Cessation Act:

1. "Contractor" means any public entity, private entity, or private nonprofit entity to which the State Department of Health, after recommendation by the Advancement of Wellness Advisory Council created in Section 44 of this act, has awarded monies from the Fund for qualified tobacco use prevention or cessation programs;

2. "Department" means the State Department of Health;

3. "Fund" means the Tobacco Use Reduction Fund established pursuant to Section 1-229.3 of this title;

4. "Qualified tobacco use prevention or cessation program" means a program for the prevention or cessation of tobacco use that meets

the criteria set forth in the State Plan for Tobacco Use Prevention and Cessation;

5. "State Plan" means the State Plan for Tobacco Use Prevention and Cessation adopted pursuant to Section 1-229.5 of this title; and

6. "Tobacco use" means the consumption of tobacco products by burning, chewing, inhalation or other forms of ingestion.

Added by Laws 2001, c. 275, § 2, emerg. eff. May 31, 2001.
Amended by Laws 2013, c. 229, § 49, eff. Nov. 1, 2013.

§63-1-229.3. Tobacco Use Reduction Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Tobacco Use Reduction Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated thereto by the Legislature, any other funds that may be directed thereto by the Board of Directors of the Tobacco Settlement Endowment Trust Fund, and all other monies including gifts, grants and other funds that may be directed thereto. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of the State Plan for Tobacco Use Prevention and Cessation and for other purposes specifically authorized by this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The fund shall be administered by the State Department of Health.

C. Monies from the fund shall not be used to engage in any political activities or lobbying, including, but not limited to, support of or opposition to candidates, ballot initiatives, referenda or other similar activities.

Added by Laws 2001, c. 275, § 3, emerg. eff. May 31, 2001. Amended by Laws 2012, c. 304, § 478.

§63-1-229.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-229.5. Review and recommendation of State Plan for Tobacco Use Prevention and Cessation – Invitations to bid for program contract proposals – Evaluations – Youth Tobacco Survey.

A. On or before January 1, 2002, the Department, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall review and recommend a State Plan for Tobacco Use Prevention and Cessation that is in compliance with nationally recognized guidelines or scientific evidence of effectiveness. On or before January 1 of each year, the State Department of Health may propose amendments to the plan. The Department shall submit its proposed State Plan or any proposed

amendments thereto to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Attorney General. The Governor, members of the Legislature, and the Attorney General may submit comments to the Department on its proposed amendments to the State Plan on or before March 1 of each year. On or before May 1 of each year, the Department shall make such amended State Plan public.

B. The State Plan shall set out the criteria by which Invitations To Bid and applications for contract proposals are considered. Such plan shall also describe the types of tobacco use prevention or cessation programs that shall be eligible for consideration for contracts from the Fund utilizing only those programs that are in compliance with nationally recognized guidelines, or scientific evidence of effectiveness. Such eligible programs shall include, but not be limited to:

1. Media campaigns directed to youth to prevent underage tobacco use;

2. School-based education programs to prevent youth tobacco use;

3. Community-based youth programs involving tobacco use prevention through general youth development;

4. Enforcement and administration of the Prevention of Youth Access to Tobacco Act, and related retailer education and compliance efforts;

5. Cessation programs for youth; and

6. Prevention or cessation programs for adults.

C. The State Plan shall provide that no less than seventy percent (70%) of the dollar value of the contracts awarded in each year shall be dedicated to programs described in paragraphs 1 through 5 of subsection B of this section.

D. The State Plan shall provide for the evaluation of all funded programs to determine their overall effectiveness in preventing or reducing tobacco use according to the program's stated goals.

An annual evaluation shall be provided by an independent contractor to determine the effectiveness of the programs by measuring the following:

1. Tobacco consumption;

2. Smoking rates among the population targeted by the programs; and

3. The specific effectiveness of any other program funded.

Such evaluation shall also be compared with initial baseline data collected prior to the creation of this act, and data from previous years if it is a multiyear program.

E. The State Plan further shall provide for administration of the Oklahoma Youth Tobacco Survey to measure tobacco use and behaviors towards tobacco use by individuals in grades six through twelve. Such survey shall:

1. Involve a statistically valid sample of the individuals in each of grades six through twelve;

2. Be made available to the public, along with the resulting data, excluding respondent identities and respondent-identifiable data, within sixty (60) days of completion of the survey; and

3. Be compared with data from previous years, including initial baseline data collected prior to the creation of this act.

Added by Laws 2001, c. 275, § 5, emerg. eff. May 31, 2001. Amended by Laws 2013, c. 229, § 50, eff. Nov. 1, 2013.

§63-1-229.6. Review and approval of Invitations To Bid - Considerations in developing State Plan and reviewing intergovernmental contracts.

A. The State Department of Health shall review Invitations To Bid and applications for contracts and evaluate the progress and outcomes of tobacco use prevention and cessation programs. The Department shall make final approval for the issuance of Invitations To Bid for contracts for tobacco use prevention and cessation programs.

B. An applicant or a bidder that requests funding to initiate, continue or expand a tobacco use prevention or cessation program shall demonstrate, by means of application, letters of recommendation, and such other means as the Department may designate, that the proposed tobacco use prevention or cessation program for which it seeks funds meets the criteria set forth in the State Plan. Previous contractors shall include recent evaluations of their programs with their bids or applications. The Department may not award a contract unless it makes a specific finding, as to each applicant or bidder, that the program proposed to be funded meets the criteria set forth in the State Plan.

C. In developing the State Plan and approving Invitations To Bid and reviewing intergovernmental contracts the Department shall consider:

1. In the case of applications or Invitations To Bid to fund media campaigns directed to youth to prevent underage tobacco use, whether the campaign provides for sound management and periodic evaluation of the campaign's relevance to the intended audience, including audience awareness of the campaign and recollection of the main message;

2. In the case of applications or Invitations To Bid to fund school-based education programs to prevent youth tobacco use, whether there is credible evidence that the program is effective in reducing youth tobacco use;

3. In the case of applications or Invitations To Bid to fund community-based youth programs involving youth tobacco use prevention through general youth development, whether the program:

a. has a comprehensive strategy with a clear mission and goals,
b. has professional leadership,
c. offers a diverse array of youth-centered activities in youth-accessible facilities,
d. is culturally sensitive, inclusive and diverse,
e. involves youth in the planning, delivery, and evaluation of services that affect them, and
f. offers a positive focus including all youth;

4. In the case of applications or Invitations To Bid to fund enforcement and administration of the Prevention of Youth Access to Tobacco Act and related retailer education and compliance efforts, whether such activities and efforts can reasonably be expected to reduce the extent to which tobacco products are available to individuals under eighteen (18) years of age;

5. In the case of applications or Invitations To Bid to fund youth cessation, whether there is credible evidence that the program is effective in long-term tobacco use cessation; and

6. In the case of applications or Invitations To Bid to fund adult programs, whether there is credible evidence that the program is effective in decreasing tobacco use.

D. State and local government departments and agencies shall be eligible for contracts provided pursuant to this act.

Added by Laws 2001, c. 275, § 6, emerg. eff. May 31, 2001. Amended by Laws 2013, c. 229, § 51, eff. Nov. 1, 2013.

§63-1-229.7. Retention of unexpended appropriated funds.

Any funds appropriated for qualified tobacco use prevention or cessation programs not expended in any fiscal year shall be retained in the Tobacco Use Reduction Fund and available for qualified tobacco use prevention or cessation programs in any following year.

Added by Laws 2001, c. 275, § 7, emerg. eff. May 31, 2001.

§63-1-229.8. Contractor reports – Report to Governor and Legislature.

A. As a condition to the receipt of funds under this act, a contractor shall agree to file a report with the State Department of Health on or before ninety (90) days after the end of the agreement period as to the following:

1. Amount received as a contract and the expenditures made with the proceeds of the contract;

2. A description of the program offered and the number of individuals who initially participated in and completed the program; and

3. Specific elements of the program meeting the criteria set forth in the State Plan.

B. Any contractor failing to timely file the report required pursuant to this section shall be subject to the jurisdiction of the Attorney General for repayment of the full amount of the contract expended.

C. The State Department of Health shall review and evaluate the reports of contractors required pursuant to this section and shall file a written report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor on or before February 1 of each year on the status of the Tobacco Use Reduction Fund and the activities of the Fund for the fiscal year most recently ended. The report shall include the beginning and ending balance of the Fund for each fiscal year, payments or gifts received by the Fund, income earned and expenditures made, the name of each contractor and the amount of each contract made, the criteria used to award each contract, and whether the program implemented by each contractor met the criteria. The report shall be publicly available immediately upon its filing.
Added by Laws 2001, c. 275, § 8, emerg. eff. May 31, 2001.

§63-1-229.11. Short title - Prevention of Youth Access to Tobacco Act.

This act shall be known and may be cited as the "Prevention of Youth Access to Tobacco Act".
Added by Laws 1994, c. 137, § 2, eff. July 1, 1994. Renumbered from § 600.1 of Title 37 by Laws 2016, c. 366, § 170, eff. Oct. 1, 2018.

§63-1-229.12. Definitions.

As used in the Prevention of Youth Access to Tobacco Act:

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

2. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

3. "Sample" means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

4. "Sampling" means the distribution of samples to members of the public in a public place;

5. "Tobacco product" means any product that contains tobacco and is intended for human consumption;

6. "Transaction scan" means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification;

7. "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entry that is

capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification; and

8. "Vapor product" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Added by Laws 1994, c. 137, § 3, eff. July 1, 1994. Amended by Laws 1996, c. 144, § 1, eff. Nov. 1, 1996; Laws 2000, c. 277, § 1, eff. Nov. 1, 2000 and Laws 2000, c. 342, § 9, eff. July 1, 2000; Laws 2014, c. 162, § 3, eff. Nov. 1, 2014. Renumbered from § 600.2 of Title 37 by Laws 2016, c. 366, § 171, eff. Oct. 1, 2018.

NOTE: Laws 2000, c. 277, § 1 and Laws 2000, c. 342, § 9 contain duplicate amendments.

§63-1-229.13. Furnishing of tobacco or vapor products to minors prohibited – Proof of age – Fines – Employee and employer liability – Notification of storeowners – Failure to pay administrative fine – Municipal ordinances.

A. It is unlawful for any person to sell, give or furnish in any manner any tobacco product or vapor product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products or vapor products when required in the performance of the employee's duties.

B. A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.

If an individual engaged in the sale or distribution of tobacco products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

C. 1. When a person violates subsection A or B of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of:

a. not more than One Hundred Dollars ($100.00) for the first offense,

b. not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense,

c. not more than Three Hundred Dollars ($300.00) for a third offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding thirty (30) days, or

d. not more than Three Hundred Dollars ($300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding sixty (60) days.

2. When it has been determined that a penalty shall include a license or permit suspension, the ABLE Commission shall notify the Oklahoma Tax Commission, and the Tax Commission shall suspend the store's license to sell tobacco products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental at the location where the offense occurred for the period of time prescribed by the ABLE Commission.

3. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

a. the individual who purchased or received the tobacco product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older, or

b. the person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such

individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

D. If the sale is made by an employee of the owner of a store at which tobacco products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products or permitted to sell vapor products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection C of this section. Each violation by an employee of a store predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental shall be deemed a violation against the owner for purposes of a sales tax permit suspension pursuant to the provisions of subsection C of this section. An owner of a store licensed to sell tobacco products or permitted to sell vapor products shall not be deemed in violation of the provisions of the Prevention of Youth Access to Tobacco Act for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

E. On or before December 15, 1997, the ABLE Commission shall adopt rules establishing a method of notification of storeowners when one of their employees has been determined to be in violation of this section by the ABLE Commission or convicted of a violation by a municipality.

F. 1. Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the ABLE Commission shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver license to the employee until proof of payment has been furnished to the Department of Public Safety.

2. Upon failure of a storeowner to pay the administrative fine within ninety (90) days of the assessment of the fine, the ABLE Commission shall notify the Tax Commission, and the Tax Commission shall suspend the store's license to sell tobacco products or the

store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental until proof of payment has been furnished to the Oklahoma Tax Commission.

G. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.

H. County sheriffs may enforce the provisions of the Prevention of Youth Access to Tobacco Act.

Added by Laws 1994, c. 137, § 4, eff. July 1, 1994. Amended by Laws 1996, c. 144, § 2, eff. Nov. 1, 1996; Laws 1997, c. 171, § 1, eff. Nov. 1, 1997; Laws 2000, c. 342, § 10, eff. July 1, 2000; Laws 2001, c. 5, § 12, emerg. eff. March 21, 2001; Laws 2004, c. 253, § 1, eff. July 1, 2004; Laws 2014, c. 162, § 4, eff. Nov. 1, 2014. Renumbered from § 600.3 of Title 37 by Laws 2016, c. 366, § 172, eff. Oct. 1, 2018.

NOTE: Laws 2000, c. 277, § 2 repealed by Laws 2001, c. 5, § 13, emerg. eff. March 21, 2001.

§63-1-229.15. Signs in retail establishments required – Fines.

A. Every person who sells or displays tobacco products or vapor products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS OR VAPOR PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The sign shall also provide the toll-free number operated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.

B. When a person violates subsection A of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of not more than Fifty Dollars ($50.00) for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products or vapor products at retail.

Added by Laws 1994, c. 137, § 6, eff. July 1, 1994. Amended by Laws 1997, c. 171, § 3, eff. Nov. 1, 1997; Laws 2004, c. 253, § 2, eff. July 1, 2004; Laws 2014, c. 162, § 6, eff. Nov. 1, 2014. Renumbered from § 600.5 of Title 37 by Laws 2016, c. 366, § 173, eff. Oct. 1, 2018.

§63-1-229.16. Notice to retail employees - Signed acknowledgement.

A. Every person engaged in the business of selling tobacco products or vapor products at retail shall notify each individual employed by that person as a retail sales clerk that state law:

1. Prohibits the sale or distribution of tobacco products or vapor products to any person under eighteen (18) years of age and the purchase or receipt of tobacco products or vapor products by any person under eighteen (18) years of age; and

2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age.

B. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows:

"I understand that state law prohibits the sale or distribution of tobacco products or vapor products to persons under eighteen (18) years of age and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension or nonissuance of my driver license. In addition, I understand that violations by me may subject the storeowner to fines or license or permit suspension."

Added by Laws 1994, c. 137, § 7, eff. July 1, 1994. Amended by Laws 1997, c. 171, § 4, eff. Nov. 1, 1997; Laws 2014, c. 162, § 7, eff. Nov. 1, 2014. Renumbered from § 600.6 of Title 37 by Laws 2016, c. 366, § 174, eff. Oct. 1, 2018.

§63-1-229.17. Vending machine sales restricted.

It shall be unlawful for any person to sell tobacco products or vapor products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public; and

2. In places that are open to the public, but to which persons under eighteen (18) years of age are not admitted.

Added by Laws 1994, c. 137, § 8, eff. July 1, 1994. Amended by Laws 2004, c. 253, § 3, eff. July 1, 2004; Laws 2014, c. 162, § 8, eff. Nov. 1, 2014. Renumbered from § 600.7 of Title 37 by Laws 2016, c. 366, § 175, eff. Oct. 1, 2018.

§63-1-229.18. Distribution of tobacco or vapor products and product samples restricted – Fines – Municipal ordinances.

A. It shall be unlawful for any person or retailer to distribute tobacco products, vapor products or product samples to any person under eighteen (18) years of age.

B. No person shall distribute tobacco products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.

C. When a person violates any provision of subsection A or B of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of:

1. Not more than One Hundred Dollars ($100.00) for the first offense;

2. Not more than Two Hundred Dollars ($200.00) for the second offense; and

3. Not more than Three Hundred Dollars ($300.00) for a third or subsequent offense.

D. Upon failure of any person to pay an administrative fine within ninety (90) days of the assessment of the fine, the ABLE Commission shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver license to the person until proof of payment has been furnished to the Department of Public Safety.

E. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.

Added by Laws 1994, c. 137, § 9, eff. July 1, 1994. Amended by Laws 1996, c. 144, § 4, eff. Nov. 1, 1996; Laws 1997, c. 171, § 5, eff. Nov. 1, 1997; Laws 2004, c. 253, § 4, eff. July 1, 2004; Laws 2014, c. 162, § 9, eff. Nov. 1, 2014. Renumbered from § 600.8 of Title 37 by Laws 2016, c. 366, § 176, eff. Oct. 1, 2018.

§63-1-229.19. Sale of tobacco products except in original, sealed packaging prohibited – Fine – Municipal ordinances.

A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

B. When a person violates subsection A of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of not more than Two Hundred Dollars ($200.00) for each offense.

C. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of such ordinances

shall be the same as provided for in this section, and the enforcement provisions under such ordinances shall not be more stringent than those of this section.
Added by Laws 1994, c. 137, § 10, eff. July 1, 1994. Amended by Laws 1996, c. 144, § 5, eff. Nov. 1, 1996; Laws 1997, c. 171, § 6, eff. Nov. 1, 1997. Renumbered from § 600.9 of Title 37 by Laws 2016, c. 366, § 177, eff. Oct. 1, 2018.

§63-1-229.20. Regulation by agencies or political subdivisions restricted.

No agency or other political subdivision of the state, including, but not limited to, municipalities, counties or any agency thereof, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, distribution, advertising, sampling, promotion, display, possession, licensing or taxation of tobacco products or vapor products, except as provided in Section 1511 of Title 68 of the Oklahoma Statutes, Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes and Section 1247 of Title 21 of the Oklahoma Statutes. Provided, however, nothing in this section shall preclude or preempt any agency or political subdivision from exercising its lawful authority to regulate zoning or land use or to enforce a fire code regulation regulating smoking or tobacco products to the extent that such regulation is substantially similar to nationally recognized standard fire codes.
Added by Laws 1994, c. 137, § 11, eff. July 1, 1994. Amended by Laws 2014, c. 162, § 10, eff. Nov. 1, 2014. Renumbered from § 600.10 of Title 37 by Laws 2016, c. 366, § 178, eff. Oct. 1, 2018.

§63-1-229.21. Display or sale of tobacco or vapor products – Public access – Fines – Municipal ordinances.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco products or vapor products without assistance from the person displaying the tobacco products or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.

B. When a person violates subsection A of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of not more than Two Hundred Dollars ($200.00) for each offense.

C. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.

Added by Laws 2004, c. 253, § 5, eff. July 1, 2004. Amended by Laws 2014, c. 162, § 11, eff. Nov. 1, 2014. Renumbered from § 600.10A of Title 37 by Laws 2016, c. 366, § 179, eff. Oct. 1, 2018.

§63-1-229.22. Enforcement of Act by ABLE Commission.

A. The Alcoholic Beverage Laws Enforcement (ABLE) Commission is authorized and empowered to enforce the provisions of Sections 600.1 et seq. of this title. The ABLE Commission shall enforce those provisions in a manner that can reasonably be expected to reduce the extent to which tobacco products or vapor products are sold or distributed to persons under eighteen (18) years of age.

B. The ABLE Commission may consider mitigating or aggravating circumstances involved with the violation of the Prevention of Youth Access to Tobacco Act when assessing penalties.

C. Any conviction for a violation of a municipal ordinance authorized by the Prevention of Youth Access to Tobacco Act and any compliance checks by a municipal police officer or a county sheriff pursuant to subsection E of this section shall be reported in writing to the ABLE Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.

D. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by municipalities and towns and reported to the ABLE Commission, shall be considered together in such determination.

E. Persons under eighteen (18) years of age may be enlisted by the ABLE Commission, a municipality or town, or a county to assist in compliance checks and enforcement; provided, such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the ABLE Commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE Commission in the manner prescribed by the ABLE Commission. Municipalities which have enacted municipal ordinances in accordance with the Prevention of Youth Access to Tobacco Act may conduct, pursuant to rules of the ABLE Commission, compliance checks without prior notification to the ABLE Commission and shall be exempt from the written notice requirement in this subsection. This subsection shall not apply to the use of persons under eighteen (18) years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in Section 301 of Title 68 of the Oklahoma Statutes, at any location the retailer of cigarettes is authorized to sell cigarettes. Any other use of persons under eighteen (18) years of age to test compliance shall be unlawful and punishable by the ABLE Commission by assessment of an administrative fine of One Hundred Dollars ($100.00).

F. At the beginning of each month, the Oklahoma Tax Commission, pursuant to Section 205 of Title 68 of the Oklahoma Statutes, shall provide to the ABLE Commission and to each municipality which has ordinances concerning the Prevention of Youth Access to Tobacco Act, the location, name, and address of each licensee licensed to sell tobacco products or vapor products at retail or otherwise furnish tobacco products or vapor products. Upon violation of an employee at a location, the ABLE Commission shall notify the storeowner for that location of the latest and all previous violations when one of their employees has been determined to be in violation of the Prevention of Youth Access to Tobacco Act by the ABLE Commission or convicted of a violation by a municipality. If the ABLE Commission fails to notify the licensee of a violation by an employee, that violation shall not apply against the licensee for the purpose of determining a license suspension pursuant to Section 600.3 of this title. For purposes of this subsection, notification shall be deemed given if the ABLE Commission mails, by mail with delivery confirmation, the notification to the address which is on file with the Oklahoma Tax Commission of the licensee or sales tax permit holder of the location at which the violation occurred and the ABLE Commission receives delivery confirmation from the U.S. Postal Service.

G. Upon request of a storeowner or a municipality which has enacted ordinances in accordance with the Prevention of Youth Access to Tobacco Act, the ABLE Commission is hereby authorized to provide information on any Prevention of Youth Access to Tobacco Act offense of any applicant for employment or employee of the storeowner.

H. The ABLE Commission shall prepare for submission annually to the Secretary of the United States Department of Health and Human Services, the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. 300-26), and otherwise shall be responsible for ensuring the state's compliance with that provision of federal law and any implementing of regulations promulgated by the United States Department of Health and Human Services.

Added by Laws 1994, c. 137, § 12, eff. July 1, 1994. Amended by Laws 1996, c. 144, § 6, eff. Nov. 1, 1996; Laws 1997, c. 171, § 7, eff. Nov. 1, 1997; Laws 2004, c. 253, § 6, eff. July 1, 2004; Laws 2014, c. 162, § 12, eff. Nov. 1, 2014. Renumbered from § 600.11 of Title 37 by Laws 2016, c. 366, § 180, eff. Oct. 1, 2018.

§63-1-229.23. Municipalities to furnish information to ABLE Commission.

Any city or town that enacts and enforces ordinances prohibiting and penalizing conduct under provisions of Section 600.3, 600.4, 600.8 or 600.9 of this title shall furnish information requested by the ABLE Commission in the form, manner and time as may be determined by the ABLE Commission which will allow the ABLE Commission to comply with subsection C of Section 600.11 of this title.

Added by Laws 1996, c. 144, § 7, eff. Nov. 1, 1996. Renumbered from § 600.11a of Title 37 by Laws 2016, c. 366, § 181, eff. Oct. 1, 2018.

§63-1-229.24. Distribution of administrative fines to municipalities.

For violations of the Prevention of Youth Access to Tobacco Act which occur in a municipality that has adopted ordinances prohibiting and penalizing conduct under provisions of the Prevention of Youth Access to Tobacco Act, thirty-five percent (35%) of each administrative fine imposed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission pursuant to the Prevention of Youth Access to Tobacco Act shall be remitted to such municipality.

Added by Laws 1997, c. 171, § 8, eff. Nov. 1, 1997. Renumbered from § 600.11b of Title 37 by Laws 2016, c. 366, § 182, eff. Oct. 1, 2018.

§63-1-229.25. Certain other penalties authorized by law not excluded.

Nothing in the Prevention of Youth Access to Tobacco Act shall be construed to prevent the imposition of any penalty as specified in Section 1241 of Title 21 of the Oklahoma Statutes.

Added by Laws 1994, c. 137, § 13, eff. July 1, 1994. Renumbered from § 600.12 of Title 37 by Laws 2016, c. 366, § 183, eff. Oct. 1, 2018.

§63-1-229.26. Transfer of any material or device used in smoking, chewing or consumption of tobacco or vapor products to minors prohibited – Administrative fine for violation.

A. It is unlawful for any person to sell, give or furnish in any manner to another person who is under eighteen (18) years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco products or vapor products, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products or vapor products.

B. When a person violates subsection A of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of not more than One Hundred Dollars ($100.00) for each offense.

Added by Laws 2004, c. 375, § 1, eff. July 1, 2004. Amended by Laws 2014, c. 162, § 13, eff. Nov. 1, 2014. Renumbered from § 600.13 of Title 37 by Laws 2016, c. 366, § 184, eff. Oct. 1, 2018.

§63-1-229.27. Short title - Prevention of Youth Access to Alocholic Beverages and Low-Point Beer Act.

Sections 59 through 64 of this act shall be known and may be cited as the "Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act".

Added by Laws 1995, c. 274, § 59, eff. Nov. 1, 1995. Renumbered from § 601 of Title 37 by Laws 2016, c. 366, § 188, eff. Oct. 1, 2018.

§63-1-229.28. Definitions.

As used in Sections 59 through 64 of this act:

1. "Alcoholic beverage" means any beverage so defined pursuant to Section 506 of Title 37 of the Oklahoma Statutes;

2. "Low-point beer" means any beverage so defined pursuant to Section 163.2 of Title 37 of the Oklahoma Statutes;

3. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed; and

4. "Proof of age" means a driver license or a card issued for identification only pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Added by Laws 1995, c. 274, § 60, eff. Nov. 1, 1995. Renumbered from § 602 of Title 37 by Laws 2016, c. 366, § 189, eff. Oct. 1, 2018.

§63-1-229.29. Retail sale of alcoholic beverages or low-point beer - Posting of signs - Penalty.

A. Every person who sells alcoholic beverages at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: "IT'S THE LAW. WE DO NOT SELL ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE". Every person who sells low-point beer at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: "IT'S THE LAW. WE DO NOT SELL LOW-POINT BEER TO PERSONS UNDER 21 YEARS OF AGE".

B. A violation of subsection A of this section constitutes a misdemeanor and upon conviction thereof a violator shall be assessed a fine not to exceed Fifty Dollars ($50.00) for each day such offense occurred. The notices required by subsection A of this section shall be the only notices required to be posted or maintained in any store that sells alcoholic beverages or low-point beer at retail.

Added by Laws 1995, c. 274, § 61, eff. Nov. 1, 1995. Renumbered from § 603 of Title 37 by Laws 2016, c. 366, § 190, eff. Oct. 1, 2018.

§63-1-229.30. Sale of alcoholic beverages or low-point beer - Notice to employees - Signed acknowledgement.

A. Every person engaged in the business of selling alcoholic beverages or low-point beer at retail shall notify each individual employed by that person as a retail sales clerk or server that state law:

1. Prohibits the sale or distribution of alcoholic beverages and low-point beer to any person under twenty-one (21) years of age and

the purchase or receipt of alcoholic beverages and low-point beer by any person under twenty-one (21) years of age; and

2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years of age.

B. This notice shall be provided before the individual commences work as a retail sales clerk or server, or, in the case of an individual employed as a retail sales clerk or server on the date when this section becomes effective, within thirty (30) days of that date. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows:

"I understand that state law prohibits the sale or distribution of alcoholic beverages and low-point beer to persons under twenty-one (21) years of age, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years of age. I have been advised on the law and I understand the penalty for violating it."

Added by Laws 1995, c. 274, § 62, eff. Nov. 1, 1995. Renumbered from § 604 of Title 37 by Laws 2016, c. 366, § 191, eff. Oct. 1, 2018.

§63-1-229.31. Enforcement of act - Enlistment of persons under 21 years of age.

A. All law enforcement agencies are authorized and empowered to enforce the provisions of this act. The provisions shall be enforced in a manner that can reasonably be expected to reduce the extent to which alcoholic beverages and low-point beer are sold or distributed to persons under twenty-one (21) years of age.

B. Persons under twenty-one (21) years of age may be enlisted by law enforcement agencies to assist in enforcement. Provided, however, that such persons may be used to test compliance only if the testing is conducted under the direct supervision of the law enforcement agency; provided, written parental consent shall be obtained prior to the use of any person under the age of eighteen (18) years. Any other use of persons under twenty-one (21) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of One Hundred Dollars ($100.00).

Added by Laws 1995, c. 274, § 63, eff. Nov. 1, 1995. Renumbered from § 605 of Title 37 by Laws 2016, c. 366, § 192, eff. Oct. 1, 2018.

§63-1-229.32. Other penalties authorized by law not excluded.

Nothing in the Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act shall be construed to prevent the imposition of any penalty as otherwise specified in the Oklahoma Statutes.

Added by Laws 1995, c. 274, § 64, eff. Nov. 1, 1995. Renumbered from § 606 of Title 37 by Laws 2016, c. 366, § 193, eff. Oct. 1, 2018.

§63-1-229.33. Prevention of Youth Access to Alcohol Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Prevention of Youth Access to Alcohol Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Mental Health and Substance Abuse Services from fines collected pursuant to Section 241 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for the purpose of programs and campaigns to educate the public and law enforcement about the dangers and consequences of providing alcohol to minors. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 61, § 13, eff. July 1, 2006. Renumbered from 6-107.7 of Title 47 by Laws 2007, c. 62, § 23, emerg. eff. April 30, 2007. Amended by Laws 2012, c. 304, § 129. Renumbered from § 608 of Title 37 by Laws 2016, c. 366, § 194, eff. Oct. 1, 2018.

§63-1-229.34. Hired bus or limousine service.

A. It shall be unlawful for any person owning or operating a hired bus or limousine service vehicle licensed as a "motor carrier of persons or property", as defined in the Motor Carrier Act of 1995, Section 230.23 et seq. of Title 47 of the Oklahoma Statutes, to knowingly transport a minor or minors, under the age of twenty-one (21) years, who are in possession of or consuming alcoholic beverages, including low-point beer as defined by Section 163.19 of Title 37 of the Oklahoma Statutes.

B. The operator of any vehicle found in violation of this act shall upon conviction be subject to a misdemeanor offense punishable by a fine of not more than Five Hundred Dollars ($500.00) and upon a second or subsequent conviction such operator shall be subject to the fine and mandatory revocation of his or her driving privileges pursuant to Section 6-205 of Title 47 of the Oklahoma Statutes.

C. The owner of any vehicle found in violation of this section shall upon conviction be subject to a misdemeanor offense punishable by a fine of not more than Five Hundred Dollars ($500.00) and upon a second or subsequent conviction such owner shall be subject to the fine and forfeiture of his or her Interstate Registration Certificate and/or other license issued pursuant to Section 230.21 et seq. of Title 47 of the Oklahoma Statutes, in addition to any other government-issued license authorizing the owner to operate such vehicle for a period of one (1) year.

D. Any law enforcement agency issuing a citation for a violation of this section shall, upon the violator's conviction, report the violation to the Corporation Commission. The Corporation Commission shall, upon an administrative hearing, proceed with revocation proceedings pursuant to the provisions of this act.

E. Any person found in violation of this section and subject to the license or permit revocations herein may apply for reinstatement of such license or permit following the conclusion of the two-year period with the appropriate state agency pursuant to law.

F. The Corporation Commission, the Department of Public Safety and any other state agency affected by the provisions of this section are authorized to promulgate rules as necessary to implement the provisions of this act.

Added by Laws 2010, c. 333, § 1, eff. Nov. 1, 2010. Renumbered from § 609 of Title 37 by Laws 2016, c. 366, § 195, eff. Oct. 1, 2018.

§63-1-230. Repealed by Laws 2005, c. 211, § 5, eff. Nov. 1, 2005.

§63-1-231. Short title - Purpose.

This act shall be known and may be cited as the "Maternal and Infant Care Improvement Act" which shall have as its purpose, the coordination, development and enhancement of a system of maternal and infant health services in the state in order to decrease infant mortality by providing prenatal care to pregnant women.

Added by Laws 1991, c. 250, § 1, eff. Sept. 1, 1991. Amended by Laws 2005, c. 211, § 1, eff. Nov. 1, 2005.

§63-1-232. Statewide program to promote health care.

The State Department of Health shall establish a statewide program directed toward the health needs of pregnant women and infants. This program shall promote the importance of prenatal and postnatal maternal and infant health care and shall provide free information regarding the types, location and availability of maternal and infant health care services.

Added by Laws 1991, c. 250, § 2, eff. Sept. 1, 1991. Amended by Laws 2005, c. 211, § 2, eff. Nov. 1, 2005.

§63-1-232.1. Prenatal classes - Risks of drug or alcohol use- Treatment – Education and prevention materials.

A. All prenatal classes offered shall include in their education curriculum the following:

1. The risks of drug or alcohol use during pregnancy to the unborn child and to the mother;

2. The risks of underage drinking, including information to assist new parents in preventing underage drinking in their own children; and

3. Information on screening, assessment, intervention, and referral for treatment of substance dependency.

B. All persons licensed to practice medicine and surgery or who are licensed osteopathic physicians and surgeons or who are certified nurse-midwives, advanced nurse practitioners and who provide prenatal, delivery, infant care services and other child or adult health services related to maternal and infant care shall provide access to screening, assessment, intervention, and referral for treatment of substance dependency.

C. Education and prevention materials regarding the risks of alcohol or drug use during pregnancy and the risks of underage drinking shall be made readily available by those governed by this section and shall be distributed to individuals who report to their health care provider they are pregnant or are planning to become pregnant.

Added by Laws 2008, c. 261, § 1, eff. July 1, 2008.

§63-1-232.2. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-233. Providers as state employees - Protection from liability - Employment contracts.

A. Persons licensed to practice medicine and surgery or who are licensed osteopathic physicians and surgeons or who are certified nurse-midwives, advanced nurse practitioners and who provide prenatal, delivery, infant care services and other child or adult health services to State Department of Health clients pursuant to and in strict compliance with all terms of a contract with the State Department of Health authorized by paragraph 3 of subsection B of Section 1-106 of this title, shall be considered employees of the state for purposes of The Governmental Tort Claims Act only, but only insofar as actions within the employee's scope of employment as specified by the terms of the contract.

B. Such contracts shall provide that any prenatal, delivery and infant care services rendered by the provider shall fully comply with the Standards for Ambulatory Obstetrical Care of the American College of Obstetrics and Gynecology and the Perinatal Care Guidelines of the American College of Obstetrics and Gynecology and the American Academy of Pediatrics as adopted and incorporated into the Standards and Guidelines for Public Providers of Maternity Services of the State Department of Health in order to entitle the provider to the limited liability provided by subsection A of this section.

C. Any contract executed pursuant to this section shall state with specificity, the exact services to be provided and the particular services which shall entitle the provider to the limited liability provided by subsection A of this section.

D. Any services provided or contracts entered into pursuant to this act shall include only those activities designed to promote the

healthiest possible outcomes for mother and child. The prenatal and postnatal services provided with these funds shall be used solely to provide health care services for pregnant women, decrease infant mortality and facilitate the birth of a live child. For purposes of this act, “health care services” does not include abortion, abortion referral, or abortion counseling. This subsection shall be inseverable from this section.
Added by Laws 1991, c. 250, § 3, eff. Sept. 1, 1991. Amended by Laws 2005, c. 211, § 3, eff. Nov. 1, 2005.

§63-1-234. Repealed by Laws 2005, c. 211, § 5, eff. Nov. 1, 2005.

§63-1-234.1. Breast-feeding – Declaration as right.

The Legislature hereby declares that breast-feeding a baby constitutes a basic act of nurturing to which every baby has a right and which should be encouraged in the interests of maternal and child health. In furtherance of this right, a mother may breast-feed her baby in any location where the mother is otherwise authorized to be. Breast-feeding shall not constitute a violation of any provision of Title 21 of the Oklahoma Statutes.
Added by Laws 2004, c. 332, § 1, emerg. eff. May 25, 2004.

§63-1-235. Short title.

This act shall be known and may be cited as the "Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases".
Added by Laws 1994, c. 170, § 1, eff. July 1, 1994.

§63-1-236. Definitions.

A. As used in this act:

1. "Committee" means the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases;

2. "Coordinating Council" means the Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases; and

3. "State Plan" means the State Plan for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases.

B. The purpose of this act is to provide for a comprehensive, coordinated, multidisciplinary and interagency effort to reduce the rate of adolescent pregnancy and sexually transmitted diseases within the State of Oklahoma.
Added by Laws 1994, c. 170, § 2, eff. July 1, 1994.

§63-1-237. Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases.

1. The Governor shall appoint an Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases which shall be composed of thirty-one (31) members as follows:

a. the chief executive officers or their designees of the:
   (1) Commission on Children and Youth,
   (2) State Department of Education,
   (3) Oklahoma Department of Career and Technology Education,
   (4) Department of Human Services,
   (5) Department of Mental Health and Substance Abuse Services,
   (6) Office of Volunteerism,
   (7) State Department of Health, and
   (8) College of Public Health,

b. the Executive Director of the Office of Juvenile Affairs or designee,

c. two representatives from the Maternal and Infant Health Division, two representatives from the HIV/STD Division, two representatives from the Child Health and Guidance Division of the State Department of Health,

d. a superintendent of an independent school district,

e. a representative of a statewide association of medical doctors,

f. a representative of a statewide association of osteopathic physicians,

g. a representative of a statewide association of parents and teachers,

h. a representative of a statewide association of classroom teachers,

i. a representative of a statewide association of school counselors,

j. a principal of an alternative education program,

k. a representative of business or industry,

l. a representative of a statewide association formed for the purpose of developing leadership skills,

m. a representative of an ecumenical association,

n. two parents of ten- to twenty-year-old children,

o. a teenage girl,

p. a representative of a nonprofit statewide child advocacy organization,

q. the Governor or the Governor's designee, who shall chair the Coordinating Council.

Legal assistance shall be provided by the Office of the Attorney General. Staff support and assistance shall be provided by the State Department of Health as the legal agency.

2. The Coordinating Council shall:

a. on or before December 1, 1994, complete the State Plan pursuant to the provisions of Section 1-238 of this title and present it to the Committee for approval, and

b. after approval of the State Plan, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1995, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Added by Laws 1994, c. 170, § 3, eff. July 1, 1994. Amended by Laws 2000, c. 177, § 14, eff. July 1, 2000; Laws 2001, c. 33, § 58, eff. July 1, 2001; Laws 2007, c. 93, § 1, eff. Nov. 1, 2007.

§63-1-237.1. Postponing Sexual Involvement for Young Teens program.

A. On or before January 1, 2011, the State Department of Health shall contract with community or faith-based organizations in order to expand the Postponing Sexual Involvement (PSI) for Young Teens program. The purpose of the program shall be to reduce the incidence of teen pregnancies in this state by encouraging teenagers to abstain from sexual activities.

B. The Postponing Sexual Involvement (PSI) for Young Teens program shall be directed to geographic areas in the state where the teen birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birth weight babies, high incidence of alcohol and drug abuse, and high rates of teen pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of teenage parents, low birth weight babies, and very young foster children.

C. Funding for this program shall be provided from the unused funds from the Oklahoma Employer/Employee Partnership for Insurance Coverage pursuant to Section 1010.1 of Title 56 of the Oklahoma Statutes, not to exceed Five Hundred Thousand Dollars ($500,000.00).

Added by Laws 2007, c. 318, § 4, emerg. eff. June 4, 2007.

§63-1-238. State Plan.

A. The State Plan for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases shall include but not necessarily be limited to:

1. A statewide public awareness campaign which extols the virtue of abstaining from premarital sexual activity. Said public awareness campaign shall not directly or indirectly condone premarital or promiscuous sexual activity;

2. Identification of effective prevention strategies;

3. Identification of resources, both within the agencies subject to the provisions of this act and within the communities;

4. Identification of sources of revenue for programs and efforts from private as well as federal and state sources;

5. Development and replication of effective model programs;

6. Empowerment of communities in developing local prevention strategies;

7. Development of recommendations for local prevention efforts and technical assistance to communities;

8. Delineation of service responsibilities and coordination of delivery of services by the agencies subject to the provisions of this act;

9. Coordination and collaboration among related efforts and programs;

10. Evaluation of prevention strategies and programs;

11. Distribution of information on prevention programs and strategies; and

12. A funding and implementation plan which shall provide for utilization of identifiable financial resources from federal, state, local and private resources and coordination of those resources to fund related services.

B. On or before July 1, 1995, the agencies subject to the provisions of this act shall enter into interagency agreements for the purpose of implementing the State Plan.

C. On or before September 1, 1995, and each September 1 thereafter, a joint funding plan shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by the agencies subject to the provisions of this act. The individual components of the plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes.

Added by Laws 1994, c. 170, § 4, eff. July 1, 1994.

§63-1-239. Repealed by Laws 1998, c. 22, § 2, emerg. eff. April 1, 1998.

§63-1-240. Renumbered as Title 10, § 440 by Laws 2012, c. 253, § 6, eff. Nov. 1, 2012.

§63-1-241. Renumbered as Title 10, § 441 by Laws 2012, c. 253, § 6.

§63-1-242. Short title - Maternal Mortality Review Act.

This act shall be known and may be cited as the "Maternal Mortality Review Act", which shall have as its purpose the coordination, development and enhancement of a system of maternal health services in the state in order to decrease maternal mortality.
Added by Laws 2019, c. 473, § 1, eff. Nov. 1, 2019.

§63-1-242.1. Definitions.

As used in the Maternal Mortality Review Act:

1. "Committee" means the Maternal Mortality Review Committee;
2. "Health care entity" means:
   a. any hospital or related institution offering or providing health care services,
   b. any ambulatory surgical center offering or providing health care services under a license,
   c. the clinical practices of accredited allopathic and osteopathic state medical schools, and
   d. any other entity directly involved in the delivery of health care services;
3. "Pregnancy-related death" means the death of a woman while pregnant or within one (1) year of delivery or the end of pregnancy, regardless of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes; and
4. "Pregnancy-associated death" means the death of a woman, from any cause, while she is pregnant or within one (1) year of termination of pregnancy.

Added by Laws 2019, c. 473, § 2, eff. Nov. 1, 2019.

§63-1-242.2. Maternal Mortality Review Committee.

A. There is hereby created, to continue until November 1, 2029, the Maternal Mortality Review Committee. The Committee shall have the power and duty to:

1. Conduct case reviews of the pregnancy-related and pregnancy-associated maternal deaths of women in Oklahoma;
2. Improve the ability to provide high-quality, evidence-based health care to women and infants in Oklahoma;
3. Identify gaps in the provision of health care services including, but not limited to, quality of care, access to the most appropriate health care, transportation and lack of financial resources;
4. Review probable cause of death and identify contributing factors;

5. Decide if the death was preventable, and if so what actions could have been taken to prevent the death;

6. Identify action items related to issues identified to improve the provision of health care and prevent future maternal deaths;

7. Enter into agreements with other state, local and private entities as necessary to carry out the duties of the Committee; and

8. Recommend rules to be promulgated as needed to and by the State Commissioner of Health.

B. In carrying out its duties and responsibilities the Committee shall:

1. Establish criteria for case review involving pregnancy-related and pregnancy-associated maternal death or near death subject to specific, in-depth review by the Committee;

2. Conduct review for all cases identified as pregnancy-related and pregnancy-associated maternal deaths or near deaths where sufficient information is obtainable to evaluate the case;

3. Establish and maintain statistical information related to the deaths and near deaths necessary to compile data and identify gaps in services or areas subject to improvement in the provision of health care;

4. Establish procedures for obtaining information related to the deaths necessary to accurately determine cause of death, contributing factors, gaps in service and areas subject to improvement in the provision of health care;

5. Contact family members and other affected or involved persons to collect additional relevant data;

6. Request and obtain a copy of all records and reports pertaining to the pregnancy-related and pregnancy-associated maternal mortality or near-death case under review. All case reviews shall remain in the possession of Committee staff and only de-identified information will be presented to the Committee, including but not limited to the following:

a. medical examiner reports,
b. hospital/health care entity records,
c. court records,
d. prosecutorial records,
e. local, state, and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation,
f. fire department records,
g. State Department of Health records, including birth and death certificate records,
h. medical and dental records,
i. Department of Mental Health and Substance Abuse Services and other mental health records,
j. emergency medical service records, and
k. pharmacy records.

Confidential information provided to the Committee shall be maintained by the Committee in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Committee or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to The Governmental Tort Claims Act; and

7. Maintain all confidential information, documents and records in possession of the Committee as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Committee.

C. The review and discussion of individual cases of pregnancy-related and pregnancy-associated maternal death or near death shall be conducted in executive session. Any discussion of individual cases and any writing produced by or created by the Committee as the result of its review shall be privileged and shall not be admissible in evidence in any proceeding. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act.

D. A health care provider, health care facility, pharmacy or any other entity providing access to medical records pursuant to this statute shall not be held liable for civil damages or be subject to any criminal or disciplinary action for good-faith efforts in providing such records.

Added by Laws 2019, c. 473, § 3, eff. Nov. 1, 2019.

§63-1-242.3. Investigation – Subpoena for production of records.

A. In any investigation relating to the functions of the Maternal Mortality Review Committee, the State Commissioner of Health may require production of, by subpoena, any records, including books, papers, documents, and other tangible things which constitute or contain evidence which the Committee finds relevant to the investigation and review, if the Committee has been unable to obtain the necessary information by requesting it. The production of records may be required from any place in the state to be forwarded to the Committee. Reasonable copying fees shall be paid upon request.

B. Compliance with the subpoena may be accomplished by:

1. Producing documents, as requested; or

2. Notifying the Committee, in writing, of refusal to produce documents, within ten (10) days of the date of service.

The subpoena form shall clearly set forth the optional means of compliance including instructions for sending written notice of refusal.

C. A subpoena issued pursuant to this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to the person. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name by delivering the subpoena to an officer, to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

D. In the case of refusal to obey a subpoena issued to any person, the Commissioner of Health may invoke the aid of any district court within the jurisdiction where the investigation is carried out, where the subpoenaed person is an inhabitant, or where such person conducts business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Commissioner of Health to produce records, if so ordered. Any failure to obey the order of the court may be punished by the court as an indirect contempt thereof. All processes in any such case may be served in any judicial district in which such person may be found.

E. The district court of the county wherein the subpoena is served may quash a subpoena issued pursuant to this section upon a motion to quash the subpoena filed with the court by the party to whom the subpoena is issued.

Added by Laws 2019, c. 473, § 4, eff. Nov. 1, 2019.

§63-1-242.4. Composition and structure of Committee.

The Maternal Mortality Review Committee shall be composed of twenty-five (25) members, or their designees, as follows:

1. Eighteen of the members shall be:
    a. the Chief Medical Examiner,
    b. the Chair of the Oklahoma Chapter of the American College of Obstetricians and Gynecologists,
    c. the Chief Medical Officer of the State Department of Health,
    d. the Chief Medical Officer of the Oklahoma Health Care Authority,
    e. the President of the Oklahoma Chapter of the American College of Nurse-Midwives,
    f. the Medical Director for the Oklahoma Perinatal Quality Improvement Collaborative,
    g. the Director of Maternal and Child Health Services of the State Department of Health,
    h. the Commissioner of Mental Health and Substance Abuse Services,

i. the Chair of the Oklahoma Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses,
j. the Director of the Oklahoma State Bureau of Investigation,
k. the Director of Injury Prevention Services of the State Department of Health,
l. the Director of the Family Support and Prevention Service of the State Department of Health,
m. the Executive Director of the Southern Plains Tribal Health Board,
n. the President of the Oklahoma Chapter of the National Association of Social Workers,
o. the Director of the Office of Perinatal Quality Improvement,
p. the Director of the Oklahoma City/County Health Department,
q. the Director of the Tulsa Health Department, and
r. the Maternal and Child Health Service Perinatal and Reproductive Health Division Medical Director; and

2. Seven of the members shall be appointed by the Commissioner of Health to serve for two-year terms and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to maternal mortality and severe maternal morbidity. The members shall be appointed from the following positions:

a. a physician who is a member of the Oklahoma State Medical Association,
b. a physician who is a member of the Oklahoma Osteopathic Association,
c. a current law enforcement officer who is employed by a local or county law enforcement agency,
d. a maternal-fetal medicine physician,
e. an individual who has been affected by pregnancy-related or pregnancy-associated deaths, severe maternal morbidity, and/or lack of access to maternal health care services,
f. an emergency medical technician, and
g. a home-visiting program director.

Every two (2) years the Committee shall elect from among its membership a chair and a vice-chair. The Committee shall meet at least quarterly and may meet more frequently as necessary as determined by the chair.

Added by Laws 2019, c. 473, § 5, eff. Nov. 1, 2019.

§63-1-243. Requirements concerning perinatal mental health disorders.

A. As used in this section:

1. "Hospital" shall have the same meaning as such term is defined in Section 1-701 of Title 63 of the Oklahoma Statutes;

2. "Licensed health care professional" means a licensed allopathic or osteopathic physician, a licensed Advanced Practice Registered Nurse or a licensed physician assistant;

3. "Postnatal care" means an office visit to a licensed health care professional occurring after birth, with reference to the infant or mother;

4. "Prenatal care" means an office visit to a licensed health care professional for pregnancy-related care occurring before birth; and

5. "Questionnaire" means an assessment tool administered by a licensed health care professional to detect perinatal mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire or other validated assessment methods.

B. The State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and the State Board of Nursing may work with hospitals and licensed health care professionals in this state to develop policies, procedures, information and educational materials to meet each of the following requirements concerning perinatal mental health disorders:

1. Licensed health care professionals providing prenatal care to women shall provide education to women and, if possible and with permission, to their families about perinatal mental health disorders in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists;

2. All hospitals that provide labor and delivery services in this state shall provide new mothers, prior to discharge following childbirth, and, if possible, shall provide fathers and other family members with complete information about perinatal mental health disorders, including its symptoms, methods of coping with the illness and treatment resources;

3. Licensed health care professionals providing prenatal care at a prenatal visit shall invite each pregnant patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Assessment for perinatal mental health disorders shall be repeated when, in the professional judgment of the licensed health care professional, a reasonable possibility exists that the woman suffers from perinatal mental health disorders;

4. Licensed health care professionals providing postnatal care to women shall invite each patient to complete a questionnaire and shall review the completed questionnaire in accordance with the

formal opinions and recommendations of the American College of Obstetricians and Gynecologists; and

5. Licensed health care professionals providing pediatric care to an infant shall invite the infant's mother to complete a questionnaire at any well-baby checkup at which the mother is present prior to the infant's first birthday, and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists, in order to ensure that the health and well-being of the infant are not compromised by an undiagnosed perinatal mental health disorder in the mother. In order to share results from an assessment with the mother's primary licensed health care professional, consent should be obtained from the mother in accordance with the Health Insurance Portability and Accountability Act of 1996, 29 U.S.C.A., Section 1181 et seq. If the mother is determined to present an acute danger to herself or someone else, consent is not required.

Added by Laws 2019, c. 181, § 1, eff. Nov. 1, 2019.

NOTE: Editorially renumbered from § 1-242 of this title to avoid duplication in numbering.

§63-1-250. Repealed by Laws 2009, c. 178, § 15.

§63-1-260.1. Short title.

This act shall be known and may be cited as the “Osteoporosis Prevention and Treatment Education Act”.

Added by Laws 1999, c. 198, § 1, eff. Nov. 1, 1999.

§63-1-260.2. Purposes of act – Duties of Board of Health and Department of Health.

A. The purposes of this act are:

1. To design and implement a multigenerational, statewide program of public awareness and knowledge about:

a. the causes of osteoporosis,

b. personal risk factors,

c. the value of prevention and early detection, and

d. the options available for treatment;

2. To facilitate and enhance knowledge and understanding of osteoporosis by disseminating educational materials, information about research results, services, and strategies for prevention and treatment to patients, health professionals, and the public;

3. To utilize educational and training resources and services that have been developed by organizations with appropriate expertise and knowledge of osteoporosis, and to use available technical assistance;

4. To evaluate existing osteoporosis services in the community and assess the need for improving the quality and accessibility of community-based services;

5. To provide easy access to clear, complete, and accurate osteoporosis information and referral services;

6. To educate and train service providers, health professionals, and physicians;

7. To heighten awareness about the prevention, detection, and treatment of osteoporosis among state and local health and human service officials, health educators, and policymakers;

8. To coordinate state programs and services to address the issue of osteoporosis;

9. To promote the development of support groups for osteoporosis patients and their families and caregivers;

10. To adequately fund these programs; and

11. To provide lasting improvements in the delivery of osteoporosis health care that affect the quality of life of osteoporosis patients and that contain health care costs.

B. 1. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall promulgate rules necessary to enact the provisions of the Osteoporosis Prevention and Treatment Education Act.

2. The State Department of Health, as funds are available, shall:

a. provide sufficient staff to implement the Osteoporosis Prevention and Treatment Education Program,

b. provide appropriate training for staff of the Osteoporosis Prevention and Treatment Education Program,

c. identify the appropriate entities to carry out the program,

d. base the program on the most up-to-date scientific information and findings,

e. work to improve the capacity of community-based services available to osteoporosis patients,

f. work with governmental offices, community and business leaders, community organizations, health care and human service providers, and national osteoporosis organizations to coordinate efforts and maximize state resources in the areas of prevention, education, and treatment of osteoporosis, and

g. identify and, when appropriate, replicate or use successful osteoporosis programs and procure related materials and services from organizations with appropriate expertise and knowledge of osteoporosis.

Added by Laws 1999, c. 198, § 2, eff. Nov. 1, 1999. Amended by Laws 2013, c. 229, § 53, eff. Nov. 1, 2013.

§63-1-260.3. Establishment, promotion, and maintenance of osteoporosis prevention and treatment education program - Needs assessment.

The State Department of Health shall establish, promote, and maintain an osteoporosis prevention and treatment education program in order to effectuate the purposes of this act as follows:

1. The Department shall use, but is not limited to, the following strategies for:

a. raising public awareness on the causes and nature of osteoporosis, personal risk factors, value of prevention and early detection, and options for diagnosing and treating the disease:
   (1) an outreach campaign utilizing print, radio, and television public service announcements, advertisements, posters, and other materials,
   (2) community forums,
   (3) health information and risk factor assessment at public events,
   (4) targeting at-risk populations,
   (5) providing reliable information to policymakers, and
   (6) distributing information through county health departments, schools, area agencies on aging, employer wellness programs, physicians, hospitals and health maintenance organizations, women's groups, nonprofit organizations, community-based organizations, and departmental regional offices,

b. educating consumers about risk factors, diet and exercise, diagnostic procedures and their indications for use, risks and benefits of drug therapies currently approved by the U.S Food and Drug Administration, environmental safety and injury prevention, and the availability of diagnostic, treatment, and rehabilitation services:
   (1) identify and obtain educational materials, including brochures and videotapes, which accurately translate the latest scientific information on osteoporosis in easy-to-understand terms,
   (2) build a statewide system of resources to provide information and referral on all aspects of osteoporosis, including educational materials and counseling,

(3) establish state linkage with an existing toll-free hotline for consumers,
(4) facilitate the development and maintenance of osteoporosis support groups, and
(5) conduct workshops and seminars for lay audiences, and

c. educating physicians and health professionals and training community service providers on the most up-to-date, accurate scientific and medical information on osteoporosis prevention, diagnosis, and treatment, therapeutic decision-making, including guidelines for detecting and treating the disease in special populations, risks and benefits of medications, and research advances:
(1) identify and obtain education materials for the health care provider which translates the latest scientific and medical information into clinical applications,
(2) raise awareness among physicians and health and human services professionals as to the importance of osteoporosis prevention, early detection, treatment, and rehabilitation,
(3) identify and use available curricula for training health and human service providers and community leaders on osteoporosis prevention, detection, and treatment,
(4) provide workshops and seminars for in-depth professional development in the field of the care and management of the patient with osteoporosis, and
(5) conduct a statewide conference on osteoporosis at appropriate intervals;

2. a. The Department shall conduct a needs assessment to identify:
(1) research being conducted within the state,
(2) available technical assistance and educational materials and programs nationwide,
(3) the level of public and professional awareness about osteoporosis,
(4) the needs of osteoporosis patients, their families, and caregivers,
(5) needs of health care providers, including physicians, nurses, managed care organizations, and other health care providers,
(6) the service available to the osteoporosis patient,
(7) existence of osteoporosis treatment programs,
(8) existence of osteoporosis support groups,

(9) existence of rehabilitation services, and

(10) number and location of bone density testing equipment.

b. Based on the needs assessment, the Department shall develop and maintain a list of osteoporosis-related services and osteoporosis health care providers with specialization in services to prevent, diagnose, and treat osteoporosis. This list shall be disseminated with a description of diagnostic testing procedures, appropriate indications for their use, drug therapies currently approved by the U.S. Food and Drug Administration, and a cautionary statement about the current status of osteoporosis research, prevention, and treatment. Such cautionary statement shall also indicate that the Department does not license, certify, or in any way approve osteoporosis programs or centers in the state.

Added by Laws 1999, c. 198, § 3, eff. Nov. 1, 1999.

§63-1-260.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013, without reference to the amendment in Laws 2013, c. 229, § 54 which read as follows:

§63-1-260.4. Osteoporosis prevention and awareness.

A. The State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall:

1. Advise regarding coordination of osteoporosis programs conducted by or through the Department;

2. Establish a mechanism for sharing information on osteoporosis among all officials and employees involved in carrying out osteoporosis-related programs;

3. Preview and coordinate the most promising areas of education, prevention, and treatment concerning osteoporosis;

4. Assist other offices in developing plans for education and health promotion on osteoporosis;

5. Establish mechanisms to use the results of research concerning osteoporosis in the development of relevant policies and programs; and

6. Prepare a report that describes educational initiatives on osteoporosis sponsored by the state and makes recommendations for new educational initiatives on osteoporosis. The Council shall transmit the report to the State Board of Health for review and forwarding with any necessary comments or recommendations to the Legislature. The report shall also be available to the public.

B. The Department, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall establish

and coordinate an Advisory Panel on Osteoporosis which will provide nongovernmental input regarding the Osteoporosis Prevention and Treatment Education Program. Membership on the advisory panel shall be voluntary and shall include, but not be limited to, persons with osteoporosis, representatives of women's health organizations, public health education, osteoporosis experts, providers of osteoporosis health care, persons knowledgeable in health promotion and education, and representatives of national osteoporosis organizations or their state or regional affiliates.

§63-1-260.5. Replication and use of successful osteoporosis programs – Contracts with national organizations – Acceptance of grants, services, and property – Federal waivers.

A. The State Department of Health may replicate and use successful osteoporosis programs and enter into contracts and purchase materials or services from organizations with appropriate expertise and knowledge of osteoporosis for such services and materials as, but not limited to, the following:

1. Educational information and materials on the causes, prevention, detection, treatment, and management of osteoporosis;
2. Training of staff;
3. Physicians and health care professional education and training and clinical conferences;
4. Conference organization and staffing;
5. Regional office development and staffing;
6. Nominations for advisory panels;
7. Support group development;
8. Consultation;
9. Resource library facilities;
10. Training home health aides and nursing home personnel; and
11. Training teachers.

B. The Department may contract with a national organization with expertise in osteoporosis to establish and staff an office of such organization in the state to implement parts of the osteoporosis education program.

C. The State Commissioner of Health:

1. May accept grants, services, and property from the federal government, foundations, organizations, medical schools, and other entities as may be available for the purposes of fulfilling the Department’s duties under this program; and
2. Shall seek any federal waiver or waivers that may be necessary to maximize funds from the federal government to implement this program.

Added by Laws 1999, c. 198, § 5, eff. Nov. 1, 1999.

§63-1-270. Plan for statewide coordinated system of care for stroke.

A. As funding permits, the State Department of Health shall foster and coordinate implementation of a plan for a statewide coordinated system of care for stroke, which shall include special focus and attention on evidence-based treatment for stroke. Such system shall include, but shall not be limited to:

1. Recommendations from the Oklahoma Hospital Advisory Council and medical experts in stroke care;

2. Collaboration and partnerships with relevant professional organizations and associations advocating for evidence-based treatment for stroke patients;

3. Measures to raise awareness and promote preventative medical care regarding risk factors for stroke;

4. Utilization of state-recognized stroke hospital classifications; and

5. Protocols for evidence-based pre-hospital and interfacility assessment, treatment, and transport of stroke patients by emergency medical responders and agencies licensed pursuant to the Oklahoma Emergency Response Systems Development Act.

B. The State Board of Health may promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2008, c. 305, § 8, emerg. eff. June 2, 2008. Amended by Laws 2015, c. 257, § 1, eff. Nov. 1, 2015.

§63-1-270.1. Short title.

This act shall be known and may be cited as the "Advancement in Stem Cell Cures and Therapies Act".

Added by Laws 2008, c. 48, § 1, eff. Nov. 1, 2008.

§63-1-270.2. Human embryo – Stem cell research – Reporting system.

A. For the purposes of the Advancement in Stem Cell Cures and Therapies Act, "human embryo" means a living organism of the species Homo sapiens at the earliest stage of development, including the single-cell stage, that is not located in the body of a woman.

B. Research on human tissue regeneration and human diseases using adult stem cells and stem cells obtained from umbilical cord blood and amniotic fluid may be conducted in this state, provided that the research is performed:

1. Safely and ethically;

2. Only on embryonic stem cell lines created prior to August 1, 2001, and in accordance with federal law as it existed on November 1, 2007; and

3. Without the use of a human embryo, including a human embryo produced using cloning technology.

C. When research is performed in accordance with the Advancement in Stem Cell Cures and Therapies Act, a person or governmental body shall not:

1. Restrict public funds designated for the stem cell research; or

2. Obstruct or provide disincentives for the stem cell research.

D. The State Department of Health shall establish a reporting system that collects information regarding all activities carried out in accordance with this section.

E. The Department shall submit a report with all information collected pursuant to subsection D of this section to the Governor, the Speaker of the Oklahoma House of Representatives, and the President Pro Tempore of the State Senate no later than December 31 of each year.

Added by Laws 2008, c. 48, § 2, eff. Nov. 1, 2008.

§63-1-280.1. Sooner Start program treatment of autism spectrum disorders - Funding - Contracts.

A. Funds shall be used by the State Department of Education for specialized training for direct service providers in the Sooner Start program to acquire skills necessary to treat children with autism spectrum disorders.

B. The State Department of Health is authorized to contract with independent third-party providers for services offered by the Sooner Start program.

Added by Laws 2009, c. 127, § 2, eff. Nov. 1, 2009.

§63-1-280.2. Primary care provider evaluation training - Applied behavior analysis treatment pilot project.

A. Funds shall be used by the University Hospitals Authority for primary care provider evaluation training for providers in the Sooner SUCCESS program to acquire skills necessary to evaluate children with autism spectrum disorders.

B. 1. The Developmental Disabilities Services Division of the Department of Human Services shall establish an applied behavior analysis treatment pilot project. The Division shall secure federal matching dollars to implement and maintain the project.

2. The project shall:

a. provide three Board-Certified Behavior Analysts to measure functional outcomes of children with autism, who are approved by the Division to participate in the project, and study the effects of applied behavior analysis in a consultative model that includes a parental training component, and

b. require the participating analysts to provide the necessary supervision to assist supervisees in this state to learn and provide applied behavior analysis and achieve certification by the nationally accredited Behavior Analyst Certification Board.

3. The project shall commence no later than January 1, 2011, and end no later than three (3) years from the date of commencement.

4. The Division shall submit a report to the Legislature and the Governor no later than January 1, 2014, concerning:

a. the effectiveness of the project,

b. the results found when using applied behavior analysis in a consultative model that includes a parental training component to measure functional outcomes of children with autism,

c. the most effective approach and systems to provide applied behavior analysis, and

d. any other findings and recommendations resulting from the project.

5. The Department shall promulgate rules to implement the provisions of this subsection.

Added by Laws 2009, c. 127, § 3, eff. Nov. 1, 2009.

§63-1-280.3. Outreach program providing intensive behavioral intervention for children with autism.

The University Hospitals Authority shall establish a program modeled after Early Foundations, an outreach program that provides early intensive behavioral intervention for children with autism. The program shall be established in a county selected by the University Hospitals Authority where an Early Foundations program does not exist.

Added by Laws 2009, c. 127, § 4, eff. Nov. 1, 2009.

§63-1-290. Short title.

This act shall be known as the "Public Health Delivery Act".

Added by Laws 2012, c. 169, § 1, emerg. eff. May 1, 2012.

§63-1-290.1. Definitions.

As used in the Public Health Delivery Act:

1. "Public health services" means services provided by city-county health departments, county health departments, and the State Department of Health pertaining to chronic disease screening, immunizations, maternal and child health services, prevention and control of communicable, contagious or infectious diseases, and services in cooperation with the federal government or any department or agency thereof, and with other states, on matters pertaining to public health; and

2. "Physician-approved protocol" means a protocol such as standing orders that describe the parameters of specified situations under which a registered nurse may act to deliver public health services for a client who is presenting with symptoms or needs addressed in the protocol.

Added by Laws 2012, c. 169, § 2, emerg. eff. May 1, 2012.

§63-1-290.2. Registered nurses - Physician-approved protocols.

A. Registered nurses are authorized to use physician-approved protocols to provide public health services when performing duties as an employee or as a contractor, as defined in Section 803 of Title 18 of the Oklahoma Statutes, on behalf of the city-county health departments, county health departments, and the State Department of Health.

B. The Department shall have a designated Medical Director responsible for maintaining the protocols to reflect the current standard of care. Protocols shall be consistent with published clinical practice guidelines established or endorsed by nationally recognized professional medical organizations, societies, associations and federal agencies. The physician-approved protocols shall be reviewed annually and updated as needed. Physician-approved protocols shall be approved through Department policy.

C. The establishment of a physician-patient relationship is not necessary for the physician-approved protocol to be implemented by the registered nurse when providing public health services on behalf of a city-county health department, county health department or the Department.

D. The State Department of Health shall promulgate and implement policies and procedures to ensure the registered nurse has proper training, education and supervision prior to and during the provision of public health services.

E. Medical algorithms may be utilized or referenced in the physician-approved protocols to assist in providing the public health services.

F. The registered nurse may dispense prepackaged nonprescription medications and recommend nonprescription medications pursuant to the physician-approved protocols.

G. A registered nurse may orally submit a prescription prescribed by an advanced practice registered nurse with prescriptive authority to a pharmacy of the patient’s choosing.

Added by Laws 2012, c. 169, § 3, emerg. eff. May 1, 2012.

§63-1-290.3. Construction of act - Severability.

Nothing in the Public Health Delivery Act shall be construed as changing the requirements of Sections 1-729a, 1-731 or 1-740.2 of Title 63 of the Oklahoma Statutes. The section is inseverable from Sections 1, 2 and 3 of this act.

Added by Laws 2012, c. 169, § 4, emerg. eff. May 1, 2012.

§63-1-291.1. Short title-Oklahoma Veterans Brain Injury Treatment and Recovery Act of 2014.

This act shall be known as the "Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act of 2014".

Added by Laws 2014, c. 233, § 1, eff. Nov. 1, 2014.

§63-1-291.2. Hyperbaric oxygen treatment defined.

For the purposes of this act, "hyperbaric oxygen treatment" (HBOT) shall mean treatment with a valid prescription from a medical doctor or doctor of osteopathy in either a hyperbaric chamber cleared by the United States Food and Drug Administration (FDA) or a device with an appropriate FDA-approved investigational device exemption, located at a facility in compliance with applicable state fire codes and supervised in accordance with requirements in the Oklahoma Veterans Traumatic Brain Injury Treatment and Recovery Act of 2014. The treatment shall be delivered solely by authorized, licensed or nationally certified health care providers in accordance with federal and state law.

Added by Laws 2014, c. 233, § 2, eff. Nov. 1, 2014.

§63-1-291.3. Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Veterans Affairs to be designated the "Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the Department of Veterans Affairs in the form of donations, appropriations or other monies for such fund. All monies accruing to the credit of the fund are appropriated and may be budgeted and expended by the Department for the purpose of veterans' treatment as provided by law. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2014, c. 233, § 3, eff. Nov. 1, 2014.

§63-1-291.4. Oklahoma State University Center for Aerospace and Hyperbaric Medicine - Jurisdiction over treatment and costs.

For the purposes of this act, the Oklahoma State University Center for Aerospace and Hyperbaric Medicine (OSUCAHM) shall have full statewide jurisdiction over all medical treatments provided and costs allowed to providers who request reimbursement from the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund created in Section 3 of this act.

Prior to the treatment of any veteran for traumatic brain injury (TBI), the OSUCAHM shall develop and publish a standard approved treatment plan for veterans being treated using HBOT for Traumatic Brain Injury (TBI). In the event a medical professional prescribes a treatment under Section 2 of this act that does not comport and comply with the provisions of the standard plan, OSUCAHM shall have

the authority to approve or disapprove the treatment plan for reimbursement under this act.
Added by Laws 2014, c. 233, § 4, eff. Nov. 1, 2014.

§63-1-291.5. Approval of treatment plan and funding - Time limit for treatment and submission of bills.

Any Oklahoma veteran who has been diagnosed with a traumatic brain injury (TBI) and prescribed hyperbaric oxygen treatment (HBOT) by a medical professional authorized under Section 2 of this act may receive HBOT at any facility in the state that has a hyperbaric chamber and provides treatment in accordance with Section 2 of this act.

Prior to receiving treatment, a treatment plan for the TBI by HBOT shall be reviewed and conform to a plan approved by the Oklahoma State University Center for Aerospace and Hyperbaric Medicine. The facility seeking reimbursement from the fund shall request approval for funding from the Director of the Office of Management and Enterprise Services. Upon receipt of an approved request for treatment, the funds for treatment shall be set aside and used to ensure payment in full for the veteran's treatment. If there is not enough money in the fund to set aside for treatment reimbursement, the Director of Office of Management and Enterprise Services shall deny approval of the request.

At the conclusion of six (6) months of no treatment and/or the lack of submission of any bills, the Director of the Office of Management and Enterprise Services shall advise the veteran and the participating facility that the funding reserved for the HBOT shall expire within ninety (90) days if no contact is made by the facility that treatment is scheduled and/or continued. Should the facility fail to contact the Office of Management and Enterprise Services with the information that treatment is scheduled and/or continued, then the monies reserved for treatment of that veteran shall be released and made available to another veteran meeting the requirements of this act.
Added by Laws 2014, c. 233, § 5, eff. Nov. 1, 2014.

§63-1-291.6. Payment of treatment costs.

Subject to the availability of funding, participating facilities who provide HBOT to veterans suffering from TBI shall provide treatment at no cost to the veteran and shall submit a bill for any treatment to the Director of the Office of Management and Enterprise Services. The bill shall be paid from the Veterans Traumatic Brain Injury Treatment and Recovery Revolving Fund to the extent funds are available. Should the costs of the treatment exceed the availability of funds, the veteran treated shall be held harmless from any costs of treatment by the facility and the state shall be under no obligation to make payments beyond the approved amount in the fund

created in Section 3 of this act and set aside for that purpose by the Director of the Office of Management and Enterprise Services.
Added by Laws 2014, c. 233, § 6, eff. Nov. 1, 2014.

§63-1-292. Definitions.

As used in this act:

1. "Administer" means the direct application of an epinephrine auto-injector to an individual;

2. "Authorized entity" means any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present, including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas;

3. "Authorized individual" means an individual operating or participating in any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present, including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks and sports arenas;

4. "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

5. "Licensed practitioner" means an allopathic physician, osteopathic physician, physician assistant or advanced practice registered nurse licensed in this state;

6. "Provide" means the supply of one or more epinephrine auto-injectors to an individual; and

7. "Self-administration" means an individual's discretionary use of an epinephrine auto-injector.

Added by Laws 2015, c. 277, § 2, eff. Nov. 1, 2015. Amended by Laws 2018, c. 24, § 1, eff. Nov. 1, 2018.
NOTE: Editorially renumbered from § 1-291 of this title to avoid duplication in numbering.

§63-1-293. Epinephrine auto-injector prescriptions – Training – Providing and administering auto-injectors – Immunity from liability.

A. A licensed practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity or an authorized individual for use in accordance with this section, and pharmacists and physicians may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity or an authorized individual; provided, however, such prescriptions shall only be filled by pharmacists licensed in this state by the State Board of Pharmacy.

B. An authorized entity or an authorized individual may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine

auto-injector's instructions for use and any additional requirements that may be established by the Board of Pharmacy. An authorized entity shall designate employees or agents who have completed the training required by Section 1-292 et seq. of this title to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

C. An employee or agent of an authorized entity, an authorized individual, or other individual, who has completed the training required by Section 1-292 et seq. of this title may, on the premises of or in connection with the authorized entity or authorized individual, use epinephrine auto-injectors prescribed pursuant to Section 1-292 et seq. of this title to:

1. Provide an epinephrine auto-injector to any individual who the employee, agent or individual believes in good faith is experiencing anaphylaxis for immediate self-administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; and

2. Administer an epinephrine auto-injector to any individual who the employee, agent or individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

D. An employee, agent or individual described in subsection C of this section must complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector pursuant to Section 1-292 et seq. of this title. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other entity or an individual approved by the Board of Pharmacy. The entity conducting training shall issue a certificate to each person who successfully completes the anaphylaxis training program. Training may be conducted online or in person and, at a minimum, shall cover:

1. Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;

2. Standards and procedures for the storage and administration of an epinephrine auto-injector; and

3. Emergency follow-up procedures.

E. An authorized entity or authorized individual that possesses and makes available epinephrine auto-injectors and employees, agents, authorized individuals, and other trained individuals; an individual who uses an epinephrine auto-injector made available pursuant to the provisions of Section 1-292 et seq. of this title; a licensed practitioner that prescribes epinephrine auto-injectors to an authorized entity or authorized individual; and an individual or entity that conducts the training described in subsection D of this section shall not be liable for any injuries or related damages that

result from the administration of, self-administration of or failure to administer an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence.

1. This immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence. The administration of an epinephrine auto-injector in accordance with Section 1-292 et seq. of this title is not the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under the Good Samaritan Act.

2. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent would not have been liable for such injuries or related damages had the provision or administration occurred within this state.

F. The Board of Pharmacy, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners shall promulgate any rules necessary to implement the provisions of Section 1-292 et seq. of this title.

Added by Laws 2015, c. 277, § 3, eff. Nov. 1, 2015. Amended by Laws 2018, c. 24, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 32, emerg. eff. April 4, 2019.

NOTE: Editorially renumbered from § 1-292 of this title to avoid duplication in numbering.

NOTE: Laws 2018, c. 106, § 12 repealed by Laws 2019, c. 25, § 33, emerg. eff. April 4, 2019.

§63-1-301. Definitions.

As used in this article:

1. "Vital statistics" means records of birth, death, fetal death and data related thereto;

2. "System of vital statistics" means the registration, collection, preservation, amendment and certification of vital statistics records, and activities related thereto, including the tabulation, analysis and publication of statistical data derived from such records;

3. "Filing" means the presentation of a certificate, report or other record provided for in this article, of a birth, death, fetal death or adoption, for registration by the State Commissioner of Health;

4. "Registration" means the acceptance by the State Commissioner of Health and the incorporation in his official records of certificates, reports or other records provided for in this article, of births, deaths, fetal deaths or adoptions;

5. "Live birth" means the complete expulsion or extraction from the mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction,

breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

6. "Stillbirth" or "stillborn child" means a fetal death;

7. "Certificate of birth resulting in stillbirth" means a certificate issued to memorialize a stillborn child;

8. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception after the fetus has advanced to or beyond the twelfth week of uterogestation. The death is indicated by the fact that, after such expulsion or extraction, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles;

9. "Dead body" means an individual who is determined to be dead pursuant to the provisions of the Uniform Determination of Death Act;

10. "Final disposition" means the burial, interment, cremation, or other disposition of a dead body or fetus;

11. "Physician" means a person who is a member of the class of persons authorized to use the term "physician" pursuant to Section 725.2 of Title 59 of the Oklahoma Statutes;

12. "Institution" means any establishment, public or private, which provides inpatient medical, surgical or diagnostic care or treatment, or nursing, custodial or domiciliary care, to two or more unrelated individuals, or to which persons are committed by law; and

13. "Disinterment" means the recovery of human remains by exhumation or disentombment. "Disinterment" does not include the raising and lowering of remains to accommodate two interments within a single grave and does not include the repositioning of an outside burial container that encroaches on adjoining burial space.

Added by Laws 1963, c. 325, art. 3, § 301, operative July 1, 1963. Amended by Laws 1975, c. 91, § 1, emerg. eff. April 28, 1975; Laws 1986, c. 262, § 4; Laws 2000, c. 52, § 6, emerg. eff. April 14, 2000; Laws 2008, c. 187, § 1, eff. Nov. 1, 2008; Laws 2011, c. 105, § 4, eff. Nov. 1, 2011; Laws 2015, c. 37, § 2, eff. Nov. 1, 2015.

§63-1-302. Rules and regulations.

The State Board of Health is authorized to adopt, amend and repeal rules and regulations for the purpose of carrying out the provisions of this article.

Laws 1963, c. 325, art. 3, § 302.

§63-1-303. System of vital statistics.

The State Commissioner of Health shall install, maintain and operate a system of vital statistics throughout this state.

Laws 1963, c. 325, art. 3, § 303.

§63-1-304. State Commissioner of Health - Duties.

(a) The State Commissioner of Health shall:

(1) administer and enforce this article and the rules and regulations issued hereunder, and issue instructions for the efficient administration of the statewide system of vital statistics.

(2) direct and supervise the statewide system of vital statistics and be custodian of its records.

(3) prescribe and distribute such forms as are required by this article and the rules and regulations issued hereunder.

(4) prepare and publish reports of vital statistics of this state, and such other reports as may be required by law.

(b) The Commissioner may delegate such functions and duties vested in the Commissioner to employees of the State Department of Health and to the local registrars as the Commissioner deems necessary or expedient.

Added by Laws 1963, c. 325, art. 3, § 304, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 5, eff. Nov. 1, 2011.

§63-1-305. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-306. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-307. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-308. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-309. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-310. Forms of records.

(a) In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports and other returns required by this article, or by regulations adopted hereunder, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval of and modification by the State Commissioner of Health.

(b) Each certificate, report and form required to be filed under this article shall have entered upon its face the date of registration duly attested.

Laws 1963, c. 325, art. 3, § 310.

§63-1-311. Birth certificates - Filing - Contents - Surrogates.

A. A certificate of birth for each live birth which occurs in this state shall be filed with the State Registrar, within seven (7) days after the birth.

B. When a birth occurs in an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and secure the signatures

required by the certificate. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

C. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

1. The physician in attendance at or immediately after the birth;

2. Any other person in attendance at or immediately after the birth; or

3. The father, the mother, or, in the absence or inability of the father or mother, the person in charge of the premises where the birth occurred and present at the birth.

D. 1. If the mother was married at the time of conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction or a husband's denial of paternity form has been filed along with an affidavit acknowledging paternity, in which case the name of the father as determined by the court or affidavit acknowledging paternity shall be entered.

2. If the mother was not married at the time of conception and birth, the name of the father shall be entered on the certificate of birth only if:

a. a determination of paternity has been made by an administrative action through the Department of Human Services or a court of competent jurisdiction, in which case the name of the father shall be entered, or

b. the mother and father have signed an affidavit acknowledging paternity pursuant to Section 1-311.3 of this title, or substantially similar affidavit from another state and filed it with the State Registrar of Vital Statistics.

E. Either of the parents of the child shall sign the certificate of live birth worksheet to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven (7) days prescribed in this section.

F. If the live birth results from a process in which the delivering mother was carrying the child of another woman by way of a prearranged legal contract, the original birth certificate shall be filed with the personal information of the woman who delivered the child. A new birth certificate will be placed on file once the State Registrar receives both a court order and a completed form prescribed by the State Registrar which identifies the various parties and documents the personal information of the intended parents necessary to complete the new birth certificate.

Added by Laws 1963, c. 325, art. 3, § 311, operative July 1, 1963. Amended by Laws 1994, c. 356, § 7, eff. Sept. 1, 1994; Laws 1995, c. 273, § 3, emerg. eff. May 25, 1995; Laws 1996, c. 297, § 25, emerg. eff. June 10, 1996; Laws 1997, c. 402, § 35, eff. July 1, 1997; Laws 1998, c. 323, § 21, eff. Oct. 1, 1998; Laws 2011, c. 105, § 6, eff. Nov. 1, 2011.

§63-1-311.1. Obtaining social security numbers for live births and deaths.

A. The Vital Records Section of the State Department of Health shall obtain and record all social security numbers of the parents for each live birth in this state. The social security numbers are not required to be recorded on the birth certificate of the child.

B. The Vital Records Section of the State Department of Health shall obtain and record the social security number, if any, of any person who has died in this state. The social security number shall be recorded on the death certificate of the deceased.

Added by Laws 1990, c. 309, § 19, eff. Sept. 1, 1990. Amended by Laws 1997, c. 402, § 36, eff. July 1, 1997.

§63-1-311.2. Providing documentation to the Department of Human Services.

The State Registrar of Vital Statistics shall provide to the Department of Human Services the verifications of birth certificates, affidavits acknowledging paternity and such other documents or information necessary to comply with this act.

Added by Laws 1994, c. 356, § 8, eff. Sept. 1, 1994.

§63-1-311.3. Information regarding acknowledgment of paternity to be provided to unmarried mother – Availability of forms – Supplementary birth certificate.

A. Unless an adoption decree has been presented, and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required by Section 1-311 of this title to prepare and file a birth certificate shall:

1. Provide written materials and an oral, audio, or video presentation to the child's mother and/or natural father including an acknowledgment of paternity on a form prescribed by the Department of Human Services. The completed acknowledgment of paternity shall be filed with the State Department of Health, Division of Vital Records;

2. Provide written information, furnished by the Department of Human Services, along with an oral, audio, or video presentation, to the mother and acknowledging father:

a. explaining that the completed acknowledgment of paternity shall be filed with the State Department of Health, Division of Vital Records,

b. regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services,
c. explaining the implications of signing, including parental rights and responsibilities, and
d. explaining the time limitations to rescind and/or challenge the acknowledgment of paternity pursuant to the Uniform Parentage Act; and

3. Provide the original acknowledgment of paternity to the State Department of Health, Division of Vital Records. Failure to provide the original acknowledgment of paternity to the State Department of Health, Division of Vital Records shall not affect the validity of the executed acknowledgment of paternity as provided by the Uniform Parentage Act. Copies of the original acknowledgment of paternity shall be provided to the Department of Human Services, Child Support Enforcement Division, and to the mother and acknowledged father of the child. The Department of Human Services shall provide access to the acknowledgment of paternity via electronic means to the paternity registry created pursuant to Section 7506-1.1 of Title 10 of the Oklahoma Statutes.

B. The Department of Human Services shall make the acknowledgment of paternity, rescission of acknowledgment of paternity, and denial of paternity forms available at each county office of the Department of Human Services and at the State Department of Health, Division of Vital Records.

C. Upon receipt by the State Department of Health, Division of Vital Records of a certified copy of an order or decree of adoption, the State Department of Health, Division of Vital Records shall prepare a supplementary birth certificate as directed by Section 7505-6.6 of Title 10 of the Oklahoma Statutes regardless of whether an acknowledgment of paternity has been prepared or filed with the State Department of Health, Division of Vital Records pursuant to this section.

Added by Laws 1994, c. 356, § 9, eff. Sept. 1, 1994. Amended by Laws 1995, c. 273, § 4, emerg. eff. May 25, 1995; Laws 1996, c. 297, § 26, emerg. eff. June 10, 1996; Laws 1997, c. 402, § 37, eff. July 1, 1997; Laws 1998, c. 415, § 43, emerg. eff. June 11, 1998; Laws 1999, c. 1, § 19, emerg. eff. Feb. 24, 1999; Laws 2006, c. 116, § 60, eff. Nov. 1, 2006.

NOTE: Laws 1998, c. 323, § 22 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§63-1-312. Infant of unknown parentage.

(a) Whoever assumes the custody of a living infant of unknown parentage shall report, on a form and in the manner prescribed by the

State Commissioner of Health within seven (7) days to the State Registrar, the following information:

(1) the date and place of finding.

(2) sex, color or race, and approximate age of child.

(3) name and address of the persons or institution with whom the child has been placed for care.

(4) and other data required by the Commissioner.

(b) The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

(c) A report registered under this section shall constitute the certificate of birth for the infant.

(d) If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction.

Added by Laws 1963, c. 325, art. 3, § 312, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 7, eff. Nov. 1, 2011.

§63-1-313. Delayed birth certificate.

(a) When the birth of a person born in this state has not been registered, a certificate may be filed in accordance with regulations of the State Board of Health. Such certificate shall be registered subject to such evidentiary requirements as the Board shall by regulation prescribe, to substantiate the alleged facts of birth.

(b) Certificates of birth registered one year or more after the date of occurrence shall be marked "delayed" and show on their face the date of the delayed registration.

(c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

(d) When an applicant does not submit the minimum documentation required in the regulations for delayed registration, or when the State Commissioner of Health finds reason to question the validity or adequacy of the documentary evidence, the Commissioner shall not register the delayed certificate and shall advise the applicant of the reasons for his action.

Laws 1963, c. 325, art. 3, § 313.

§63-1-314. Delayed death certificate.

(a) When a death occurring in this state has not been registered, a certificate may be filed in accordance with regulations of the State Board of Health. Such certificate shall be registered subject to such evidentiary requirements as the Board shall by regulation prescribe, to substantiate the alleged facts of death.

(b) Certificates of death registered one year or more after the date of occurrence shall be marked "delayed" and shall show on their face the date of the delayed registration.

Laws 1963, c. 325, art. 3, § 314.

§63-1-315. Judicial proceeding for record of birth.

(a) Any citizen of the United States who has resided in this state for not less than ten (10) years, the last three (3) of which must have been continuous within this state and the last one (1) of which must have been continuous within the county of his application, the birth of whom has not been recorded by the State Commissioner of Health, or his predecessor, may petition the district court of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. He may have the record of such information entered in the following manner: Such applicant may appear before a judge of the district court in the county of which he is a resident and file his verified petition in writing, which petition shall state the time and place of his birth and his parentage and such other facts as he deems pertinent; the petition shall be filed in the office of the court clerk and given a number in the probate files thereof; thereupon the applicant shall produce all the evidence he has in his possession, which may consist of personal testimony, affidavits or records, and shall include a statement from the State Commissioner of Health, or similar official in the state of applicant's birth, to the effect that a birth certificate is not recorded in his office; and if the judge of the district court shall be satisfied with the proof offered, he shall make and enter an order establishing the time and place of birth, the age and the parentage of the applicant, which order shall be final and conclusive of all the facts therein adjudged.

(b) A certified copy of the order shall be filed in the office of the State Commissioner of Health, and a certified copy thereof shall be issued by the Commissioner in the same manner as certificates of birth.

Laws 1963, c. 325, art. 3, § 315.

§63-1-315.1. Verified petition to obtain judicial record of death for a person who died 25 years ago or longer.

A. If a death certificate is required to settle a property or financial interest for a person who has allegedly died in this state twenty-five (25) years ago or longer, and the following determinations have been made:

1. The State Registrar of Vital Statistics for this state has confirmed that a death certificate is not on file with the State Department of Health;

2. The State Registrar of Vital Statistics has determined that all due diligence has been performed and the requirements of Section 1-317 of Title 63 of the Oklahoma Statutes requiring a death certificate to be filed cannot be met; and

3. The State Registrar of Vital Statistics has determined that all due diligence has been performed and the requirements of Section 1-314 of Title 63 of the Oklahoma Statutes for the filing of a delayed death certificate cannot be met; then a verified petition may be filed with the district court of the county where the death allegedly occurred for an order establishing a judicial record of death.

B. The verified petition shall contain the following:

1. The full legal name of the person who is allegedly deceased;

2. The date and place of birth of the decedent;

3. The age of the decedent;

4. The date and place of the death of the decedent;

5. The property or financial interest to be resolved;

6. The determinations of the State Registrar of Vital Statistics as required in paragraphs 2 and 3 of subsection A of this section; and

7. Other facts deemed pertinent, which include, but are not limited to, the parents or spouse of the decedent.

C. Upon the filing of the verified petition, the office of the court clerk for the county where the petition is filed shall give the petition a number in the probate files of the county. Notice of the verified petition shall be made upon the State Department of Health and published once in a newspaper of general circulation in the county where the petition is filed.

D. Based on the verified petition, all the evidence the applicant has in his or her possession such as personal testimony, affidavits or records and determinations of the State Registrar of Vital Statistics as required in paragraphs 2 and 3 of subsection A of this section, the court may enter an order:

1. Establishing the full legal name of the individual who is deceased;

2. The date and place of the birth of the decedent;

3. The age of the decedent;

4. The date and place where the death occurred;

5. The property or financial interest that is resolved; and

6. Other facts deemed pertinent by the court and as set forth in the verified petition.

Said order shall be final and conclusive of all the facts therein adjudged.

E. A certified copy of the order shall be filed with the State Department of Health, and a certified copy thereof shall be issued by the State Department of Health in the same manner as certificates of death.

F. Issuance of a certified copy of the order filed with the State Department of Health pursuant to this section shall satisfy any and all requirements set forth in any statute requiring a death

certificate or order of any court requiring the issuance of a death certificate.
Added by Laws 2019, c. 283, § 1, eff. Nov. 1, 2019.

§63-1-316. New certificate of birth.

A. The State Commissioner of Health shall establish a new certificate of birth for a person born in this state, when the Commissioner receives the following:

1. An adoption certificate as provided in the Oklahoma Adoption Act, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person; and

2. A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person.

B. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth:

1. Thereafter, the original certificate and the evidence of adoption, paternity, or legitimation shall not be amended, nor shall it be subject to inspection except upon order of a court of competent jurisdiction or as otherwise specifically provided by law; and

2. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction. The original certificate shall be restored and may be amended in accordance with Section 1-321 of this title.
Added by Laws 1963, c. 325, art. 3, § 316, operative July 1, 1963.
Amended by Laws 1996, c. 297, § 27, emerg. eff. June 10, 1996; Laws 2011, c. 105, § 8, eff. Nov. 1, 2011.

§63-1-316a. Heirloom birth certificates.

A. The State Department of Health shall provide for the issuance of an heirloom birth certificate. The Department shall design the form of the heirloom birth certificate with the advice and assistance of the Oklahoma Arts Council and may promote and sell copies of the certificate. An heirloom birth certificate shall not be used as evidence of live birth nor identification purposes.

B. The Department shall prescribe a fee for the issuance of an heirloom birth certificate in an amount that does not exceed Thirty-five Dollars ($35.00).

C. Proceeds from the sale of heirloom birth certificates shall be used by the State Department of Health.

Added by Laws 2001, c. 142, § 1, emerg. eff. April 30, 2001. Amended by Laws 2011, c. 105, § 9, eff. Nov. 1, 2011; Laws 2015, c. 276, § 1, eff. Nov. 1, 2015.

§63-1-316b. Short title - Death Certificate Accuracy Act.

This act shall be known and may be cited as the "Death Certificate Accuracy Act".

Added by Laws 2019, c. 305, § 1, eff. Nov. 1, 2019.

§63-1-317. Death certificate - Filing - Contents.

A. A death certificate for each death which occurs in this state shall be filed with the State Department of Health, within three (3) days after such death.

B. The funeral director shall personally sign the death certificate and shall be responsible for filing the death certificate. If the funeral director is not available, the person acting as such who first assumes custody of a dead body in accordance with Section 1158 of Title 21 of the Oklahoma Statutes shall personally sign and file the death certificate. The personal data shall be obtained from the next of kin or the best qualified person or source available. The certificate shall be completed as to personal data and delivered to the attending physician or the medical examiner responsible for completing the medical certification portion of the certificate of death within twenty-four (24) hours after the death. No later than July 1, 2012, the personal data, and no later than July 1, 2017, the medical certificate portion, shall be entered into the prescribed electronic system provided by the State Registrar of Vital Statistics and the information submitted to the State Registrar of Vital Statistics. The resultant certificate produced by the electronic system shall be provided to the physician or medical examiner for medical certification within twenty-four (24) hours after the death.

C. The medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in charge

of the patient's care for the illness or condition which resulted in death, except when inquiry as to the cause of death is required by Section 938 of this title. No later than July 1, 2017, the medical certification portion of certificate data shall be entered into the prescribed electronic system provided by the State Registrar of Vital Statistics and the information submitted to the State Registrar of Vital Statistics.

D. In the event that the physician in charge of the patient's care for the illness or condition which resulted in death is not in attendance at the time of death, the medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in attendance at the time of death, except:

1. When the patient is under hospice care at the time of death, the medical certification may be signed by the hospice's medical director; and

2. When inquiry as to the cause of death is required by Section 938 of this title.

Provided, that such certification, if signed by other than the attending physician, shall note on the face the name of the attending physician and that the information shown is only as reported.

E. A certifier completing cause of death on a certificate of death who knows that a lethal drug, overdose or other means of assisting suicide within the meaning of Sections 3141.2 through 3141.4 of this title caused or contributed to the death shall list that means among the chain of events under cause of death or list it in the box that describes how the injury occurred. If such means is in the chain of events under or in the box that describes how the injury occurred, the certifier shall indicate "suicide" as the manner of death.

Added by Laws 1963, c. 325, art. 3, § 317, operative July 1, 1963. Amended by Laws 1978, c. 110, § 2, operative Oct. 1, 1978; Laws 1979, c. 110, § 1, emerg. eff. April 25, 1979; Laws 2010, c. 374, § 1, eff. Nov. 1, 2010; Laws 2016, c. 70, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 25; Laws 2019, c. 305, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2016, c. 20, § 1, eff. Nov. 1, 2016 repealed by Laws 2017, c. 42, § 26.

§63-1-317a. Electronic capture of death certificate.

A. The State Registrar of Vital Statistics shall make available to all funeral directors and physicians licensed in this state a system to electronically capture the required information and file the prescribed death certificate with the State Department of Health. Access to the prescribed electronic system shall be provided to registered users at no cost.

B. Funeral directors and physicians shall be registered with the State Registrar of Vital Statistics prior to using the prescribed

electronic system. The State Registrar of Vital Statistics shall provide such registration at no cost.

C. Registration shall be updated at least annually to maintain access to the prescribed system and shall include training on any changes or updates to the prescribed system or associated forms. Funeral directors licensed in this state shall be trained on the use of the prescribed electronic system to file personal data on the prescribed death certificate. Physicians licensed in this state shall be trained on the use of the prescribed electronic system to complete, sign, and file the medical certification on the prescribed death certificate. The State Registrar of Vital Statistics shall provide the required training at no cost.

D. No later than July 1, 2012, funeral directors licensed in this state shall be required to sign and file death certificates using the prescribed electronic system.

E. No later than July 1, 2017, physicians licensed in this state shall be required to sign and file death certificates using the prescribed electronic system.

Added by Laws 2010, c. 374, § 2, eff. Nov. 1, 2010. Amended by Laws 2016, c. 70, § 2, eff. Nov. 1, 2016.

§63-1-317b. List of all registered deaths of residents indicated as veterans on death record.

The Commissioner of the State Department of Health shall authorize the regular transmission of a list to the Oklahoma Department of Veterans Affairs of all registered deaths of residents of this state that have occurred within the state and who are indicated to be a veteran on the death record. The Oklahoma Department of Veterans Affairs shall use the transmitted list to identify Oklahoma veterans, as defined in Section 2 of Title 72 of the Oklahoma Statutes, for purposes of populating, updating and maintaining the veterans registry established in Section 421 of Title 72 of the Oklahoma Statutes. The Social Security number of an individual veteran shall not be released as a part of the registry. The State Department of Health shall transmit to the Oklahoma Department of Veterans Affairs the following:

1. Veteran's name;
2. Social Security number;
3. Date of death; and
4. Place of interment, if applicable.

Added by Laws 2019, c. 124, § 2, eff. Nov. 1, 2019.

§63-1-317c. Confidentiality and disclosure – Construction with Section 1-323.

Nothing in the Death Certificate Accuracy Act shall be construed to alter the confidentiality of death certificates or the

prohibitions on disclosure of their contents provided for in Section 1-323 of Title 63 of the Oklahoma Statutes.
Added by Laws 2019, c. 305, § 4, eff. Nov. 1, 2019.
NOTE: Editorially renumbered from § 1-317b of this title to avoid duplication in numbering.

§63-1-318. Fetal death certificate - Filing - Contents.

(a) A fetal death certificate for each fetal death which occurs in this state shall be filed with the State Registrar, within three (3) days after such delivery.

(b) The funeral director or person acting as such who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall complete the certificate as to personal data and deliver the certificate to that person responsible for completing the medical certification of cause of death within twenty-four (24) hours after delivery.

(c) The medical certification shall be completed and signed within forty-eight (48) hours after delivery by the physician in attendance at or after delivery, except when inquiry into the cause of death is required by Section 938 of this title.
Added by Laws 1963, c. 325, art. 3, § 318, operative July 1, 1963.
Amended by Laws 1978, c. 110, § 3, operative Oct. 1, 1978; Laws 2011, c. 105, § 10, eff. Nov. 1, 2011.

§63-1-318.1. MISSing Angels Act – Christopher and Kendall's Law.

This act shall be known and may be cited as the "MISSing Angels Act – Christopher and Kendall's Law".
Added by Laws 2008, c. 187, § 2, eff. Nov. 1, 2008.

§63-1-318.2. Certificate of birth for stillborn child.

The State Registrar of Vital Statistics shall establish a certificate of birth resulting in stillbirth to be offered to the parent or parents of a stillborn child. The medical staff treating the stillbirth shall notify the parent of the ability to request the certificate. The certificate shall be available to any parent of a stillborn child upon proper application. This certificate shall not be used as evidence of live birth or for identification purposes.
Added by Laws 2008, c. 187, § 3, eff. Nov. 1, 2008.

§63-1-319. Disinterment Permit - Notice of Disinterment and Reinterment.

A. A burial transit permit issued under the laws of another state which accompanies a dead body or fetus brought into this state

shall be authority for final disposition of the body or fetus in this state.

B. A disinterment permit shall be required prior to disinterment of a dead body or fetus except as authorized by regulation or otherwise provided by law. Such permit shall be issued by the State Registrar of Vital Records to a licensed funeral director, embalmer, or other person acting as such, upon proper application.

C. Application for a disinterment shall include the consent of the next of kin. The consent of the next of kin shall be completed by the next of kin in order of priority as established in Section 1158 of Title 21 of the Oklahoma Statutes.

D. If the dead body or fetus is to be disinterred and reinterred in the same cemetery, a disinterment permit is not required.

E. If the dead body or fetus is to be disinterred and reinterred in the same cemetery, a notice of disinterment and reinterment shall be completed, signed by the funeral director and the next of kin, and then submitted to the State Registrar of Vital Records at the State Department of Health within five (5) days of such action.

F. The forms for the Disinterment Permit and Notice of Disinterment and Reinterment shall be obtained from the State Registrar of Vital Records.

Added by Laws 1963, c. 325, art. 3, § 319, operative July 1, 1963. Amended by Laws 1988, c. 36, § 2, emerg. eff. March 21, 1988; Laws 2011, c. 105, § 11, eff. Nov. 1, 2011; Laws 2013, c. 63, § 1, eff. Nov. 1, 2013; Laws 2017, c. 179, § 1, eff. Nov. 1, 2017.

§63-1-320. Extension of time to file certificate.

The State Commissioner of Health may extend the periods prescribed in Sections 1-317 and 1-318 for the filing of death certificates, fetal death certificates, and medical certifications of cause of death in cases in which compliance with the applicable prescribed period would result in undue hardship.

Amended by Laws 1988, c. 36, § 3, emerg. eff. March 21, 1988.

§63-1-321. Amendment of certificate or record.

(a) A certificate or record registered under this article may be amended only in accordance with this article and regulations thereunder adopted by the State Board of Health to protect the integrity and accuracy of vital statistics records.

(b) A certificate that is amended under this section shall be marked "amended", except as provided in subsection (d) of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Board shall prescribe by regulation the conditions under which additions or minor corrections shall be made to birth certificates within one (1) year after the date of birth without the certificate being considered as amended.

(c) Upon receipt of a certified copy of a court order, from a court of competent jurisdiction, changing the name of a person born in this state and upon request of such person or his parent, guardian, or legal representative, the State Commissioner of Health shall amend the certificate of birth to reflect the new name.

(d) When a child is born out of wedlock, the Commissioner shall amend a certificate of birth to show paternity, if paternity is not currently shown on the birth certificate, in the following situations:

(1) Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents; or

(2) Upon receipt of a certified copy of a court order establishing paternity.

(e) For a child born out of wedlock, the Commissioner shall also change the surname of the child on the certificate:

(1) To the specified surname upon receipt of acknowledgment of paternity signed by both parents or upon receipt of a certified copy of a court order directing such name be changed. Such certificate amended pursuant to this subsection shall not be marked "amended"; or

(2) To the surname of the mother on the birth certificate in the event the acknowledgment of paternity is rescinded.

(f) The State Board of Health shall have the power and duty to promulgate rules for situations in which the State Registrar of Vital Statistics receives false information regarding the identity of a parent.

(g) If within sixty (60) days of the initial issuance of a certificate of death, a funeral director, or a person acting as such, requests a correction to any portion of the death record except the information relating to the medical certification portion, due to a scrivener's error, misspelling or other correction of information, the Commissioner of Health, through the State Registrar of Vital Statistics, shall amend the record, provided said request is made in writing or through an electronic system and is accompanied by documentation disclosing the correct information or by a sworn statement of the funeral director. The funeral director, or person acting as such, shall be responsible for any and all amendment fees that may be imposed by the Commissioner of Health for said correction. Up to ten certified copies containing the erroneous original information may be exchanged for certified copies containing the corrected information at no additional cost.

Added by Laws 1963, c. 325, art. 3, § 321, operative July 1, 1963. Amended by Laws 1986, c. 82, § 3, emerg. eff. April 3, 1986; Laws 2006, c. 116, § 61, eff. Nov. 1, 2006; Laws 2011, c. 105, § 12, eff. Nov. 1, 2011; Laws 2019, c. 96, § 1, eff. Nov. 1, 2019.

§63-1-322. Copies of records - Certification.

To preserve original documents, the State Commissioner of Health is authorized to prepare typewritten, photographic, or other reproductions of original records and files in his office. Such reproductions when certified by him shall be accepted as the original record.
Laws 1963, c. 325, art. 3, § 322, operative July 1, 1963.

§63-1-323. Vital statistics records confidential – Exceptions – Online public index.

A. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital statistics records, or to copy or issue a copy of all or part of any such record except to:

1. The person who is the subject of the record;

2. A parent named on the record or a person acting with the parent's permission unless that parent is currently incarcerated;

3. Someone acting with permission of the person who is the subject of the record;

4. Someone acting as a legal representative of the estate of the person who is the subject of the record;

5. Someone acting as a legal representative of a person involved in a probate of the estate of the person who is the subject of the record, as demonstrated by affidavit;

6. An attorney licensed to practice in the United States who demonstrates by affidavit that the record is necessary in order to administer a client's estate;

7. Someone in receipt of a court order from a court of competent jurisdiction ordering access to the record;

8. The Attorney General or to any district attorney upon request in the course of a criminal investigation;

9. Only in the case of a death certificate, a funeral director;

10. A representative of the Department of Corrections, when the subject of the record is under supervision of the Department of Corrections; or

11. Any other person working in the best interest of the subject of the record, as determined by regulations of the State Board of Health.

Provided, that death certificates shall be considered publicly available records fifty (50) years after the death and birth certificates shall be considered publicly available records one hundred twenty-five (125) years after the birth.

B. The State Department of Health shall, by July 1, 2017, make available an online public index that includes, as is applicable, the name, gender, date of birth, date of death, county of birth, and county of death of all persons in its records. Birth data shall not

be added to the index until twenty (20) years after the birth. Death data shall not be added to the index until five (5) years after the death. The index shall be made available online at no cost to users.

Private entities may request assistance from the Department in receiving digital files including all or part of the index described in this subsection. Such private entities may be assessed a fee that shall not exceed the cost of creating and transmitting the digital file. The Board may promulgate rules regarding access to such digital files and applicable fees.

C. The Department may grant applications for electronic verification of the existence of birth and death certificates for legal and administrative purposes at any time following the birth or death when such applications are made by:

1. A government agency in conduct of its official business;

2. A benefit-paying party, including but not limited to an annuity company, pension plan or life insurance company in order to determine benefit status;

3. A physician licensed to practice in the United States to determine if a patient has been lost to care; or

4. Other entities for fraud protection, subject to verification of the entity's purpose by the Department.

The recipient of a record verification as provided for in this subsection may not disclose to a party not involved in the issue for which the verification was sought.

The Department of Health may charge up to Four Dollars ($4.00) for each electronic birth or death verification, although such fee may be waived when such request is received by an Oklahoma state or local government agency. The recipient of a record verification as provided for in this subsection may also be subject to fees levied by a contractor retained by the Board to provide such service.

The Board may promulgate rules necessary to implement the provisions of this subsection.

D. The State Commissioner of Health may authorize the disclosure of data contained in vital statistics records for public health surveillance or research purposes.

E. The State Department of Health shall transmit to the Department of Public Safety:

1. At the end of each quarter year, a list of all registered deaths which have occurred during such period of time. Upon receipt of such list the Department of Public Safety shall use such list solely to update Department of Public Safety records and to cancel the driver license for those deceased individuals with a valid Oklahoma driver license at the time of death;

2. At the end of each month, a report of all registered deaths that resulted from a motor vehicle collision which have occurred during such period of time. The report shall be used by the

Department solely for the purpose of statistical analysis and reporting; and

3. Upon written request from the Department, a death certificate. The certificate shall be used solely by the Fatality Analysis Reporting System (FARS) Analyst of the Oklahoma Highway Safety Office to populate the federal FARS database.

F. Each month, the Commissioner shall authorize the transmission to the Oklahoma Health Care Authority of a certified list of all registered deaths of residents of this state that have occurred within the state for the immediately preceding month. The Oklahoma Health Care Authority shall use the transmitted list to ascertain the names of those individuals participating in the state Medicaid program who are deceased, and shall thereafter terminate such deceased person's enrollment in the state Medicaid program.

G. For the purpose of assisting in the location and recovery of missing children, information pertaining to birth certificates and requests for copies of birth certificates shall be provided to the Oklahoma State Bureau of Investigation pursuant to the provisions of Section 1-323.1 of this title and Section 150.12A of Title 74 of the Oklahoma Statutes.

H. The Commissioner shall authorize the transmission of death certificates to the Department of Labor for the purpose of the Department of Labor conducting a census of total occupational injuries and illnesses. The Department shall transmit to the Department of Labor statistics of fatal occupational injuries that shall include the following:

1. Name of the deceased;
2. Date of death;
3. Sex;
4. Race;
5. Age;
6. Birth date;
7. Social Security number;
8. Whether an autopsy was conducted;
9. Month of the accident; and
10. Whether decedent was of Hispanic origin.

I. The Department of Labor shall be required to protect the integrity of the vital statistics records to the same extent required of the Department pursuant to this section.

Added by Laws 1963, c. 325, art. 3, § 323, operative July 1, 1963. Amended by Laws 1968, c. 44, § 1, emerg. eff. March 7, 1968; Laws 1975, c. 35, § 1; Laws 1985, c. 86, § 1, operative July 1, 1985; Laws 1992, c. 305, § 8, emerg. eff. May 27, 1992; Laws 1995, c. 330, § 3, emerg. eff. June 8, 1995; Laws 2003, c. 392, § 19, eff. July 1, 2003; Laws 2010, c. 226, § 8, eff. Nov. 1, 2010; Laws 2011, c. 105, § 13, eff. Nov. 1, 2011; Laws 2014, c. 211, § 1, eff. Nov. 1, 2014; Laws

2016, c. 352, § 1, eff. Nov. 1, 2016; Laws 2019, c. 108, § 1, eff. Nov. 1, 2019.

§63-1-323.1. Notification system for identifying missing children.

A. The State Commissioner of Health shall establish a system for receiving notification from the Oklahoma State Bureau of Investigation that a person born in the State of Oklahoma and under eighteen (18) years of age has been reported missing, for identifying the birth certificate of such person, and for immediately notifying the Oklahoma State Bureau of Investigation whenever a request for a copy of the birth certificate of such person is made. The notification to the Oklahoma State Bureau of Investigation required by this section shall include but not be limited to the name and address of the person requesting a copy of the birth certificate and the name and address of the person to whom the copy is to be mailed if that person is someone other than the requester.

B. The State Commissioner of Health and the Director of the Oklahoma State Bureau of Investigation shall jointly establish the procedures and forms necessary for the transmittal of information between the State Department of Health and the Oklahoma State Bureau of Investigation required pursuant to the provisions of this act. Added by Laws 1985, c. 86, § 2, operative July 1, 1985.

§63-1-324. Certified copies of records - Evidentiary value.

Unless otherwise provided in this article:

(a) The State Commissioner of Health shall, upon request, issue a certified copy of any certificate or record in his custody or of a part thereof. Each copy issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(b) A copy of a certificate or any part thereof issued in accordance with subsection (a) of this section, certified to by the State Commissioner of Health or by a person designated by him for such purpose, shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one (1) year after the event or a record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence. Such certification by the Commissioner or his designee, and seal accompanying the same, may be accomplished by facsimile process.

(c) The National Vital Statistics Division may be furnished such copies or data as it may require for national statistics; provided, that the State Department of Health shall be reimbursed for the cost of furnishing such data; and provided, further, that such data shall not be used for other than statistical purposes by the National Vital

Statistics Division unless so authorized by the State Commissioner of Health.

(d) Federal, state, local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes, upon such terms or conditions as may be prescribed by the Commissioner.

(e) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, or fetal death, except as authorized in this article, or regulations adopted hereunder.

Laws 1963, c. 325, art. 3, § 324.

§63-1-324.1. See the following versions:

OS 63-1-324.1v1 (SB 448, Laws 2019, c. 184, § 2).

OS 63-1-324.1v2 (SB 108, Laws 2019, c. 305, § 3).

§63-1-324.1v1. Birth, death or stillbirth certificates - Prohibited acts - Penalties.

A. It shall be unlawful for any person to commit any of the following specified acts in relation to birth, death or stillbirth certificates issued by this state:

1. Create, issue, present or possess a fictitious birth, death or stillbirth certificate;

2. Apply for a birth, death or stillbirth certificate under false pretenses;

3. Alter information contained on a birth, death or stillbirth certificate;

4. Obtain, display or represent a birth certificate of any person as one's own by any person, other than the person named on the birth certificate;

5. Obtain, display or represent a fictitious death or stillbirth certificate for the purpose of fraud;

6. Make a false statement or knowingly conceal a material fact or otherwise commit fraud in an application for a birth, death or stillbirth certificate; or

7. Knowingly presenting a false or forged certificate for filing.

B. Except as otherwise provided in subsection D of this section, it is a felony for any employee or person authorized to issue or create a birth, death or stillbirth certificate or related record under this title to knowingly issue such certificate or related record to a person not entitled thereto, or to knowingly create or record such certificate bearing erroneous information thereon.

C. A violation of any of the provisions of this section shall constitute a felony.

D. Notwithstanding any provision of this section, the State Commissioner of Health or a designated agent, upon the request of a

chief administrator of a health or law enforcement agency, may authorize the issuance, display or possession of a birth, death or stillbirth certificate, which would otherwise be in violation of this section, for the sole purpose of education with regard to public health or safety; provided, however, any materials used for such purposes shall be marked "void".

E. The provisions of this section shall not apply to any request made to the State Department of Health pursuant to subsection E of Section 1550.41 of Title 21 of the Oklahoma Statutes.

Added by Laws 2003, c. 384, § 1, eff. Nov. 1, 2003. Amended by Laws 2011, c. 105, § 14, eff. Nov. 1, 2011; Laws 2019, c. 184, § 2, eff. Nov. 1, 2019.

§63-1-324.1v2. Birth, death or stillbirth certificates - Prohibited acts - Penalties.

A. It shall be unlawful for any person to commit any of the following specified acts in relation to birth, death or stillbirth certificates issued by this state:

1. Create, issue, present or possess a fictitious birth, death or stillbirth certificate;

2. Apply for a birth, death or stillbirth certificate under false pretenses;

3. Alter information contained on a birth, death or stillbirth certificate;

4. Obtain, display or represent a birth certificate of any person as one's own by any person, other than the person named on the birth certificate;

5. Obtain, display or represent a fictitious death or stillbirth certificate for the purpose of fraud;

6. Make a false statement or knowingly conceal a material fact or otherwise commit fraud in an application for a birth, death or stillbirth certificate; or

7. Knowingly present a false or forged certificate for filing.

B. Except as otherwise provided in this subsection, it is a felony for any employee or person authorized to issue or create a birth, death or stillbirth certificate or related record under this title to knowingly issue such certificate or related record to a person not entitled thereto, or to knowingly create or record such certificate bearing erroneous information thereon. A certifier who knowingly omits to list a lethal agent or improperly states manner of death in violation of subsection E of Section 1-317 of this title shall be deemed to have engaged in unprofessional conduct as described in paragraph 8 of Section 509 of Title 59 of the Oklahoma Statutes.

C. Except as otherwise provided in subsection B of this section, a violation of any of the provisions of this section shall constitute a felony.

D. Notwithstanding any provision of this section, the State Commissioner of Health or a designated agent, upon the request of a chief administrator of a health or law enforcement agency, may authorize the issuance, display or possession of a birth, death or stillbirth certificate, which would otherwise be in violation of this section, for the sole purpose of education with regard to public health or safety; provided, however, any materials used for such purposes shall be marked "void".
Added by Laws 2003, c. 384, § 1, eff. Nov. 1, 2003. Amended by Laws 2011, c. 105, § 14, eff. Nov. 1, 2011; Laws 2019, c. 305, § 3, eff. Nov. 1, 2019.

§63-1-324.2. Unlawful acts - Penalties.

A. It shall be unlawful for any person to commit any of the following specified acts in relation to disinterment permits issued by this state:

1. Create, issue, or present a fictitious disinterment permit;
2. Apply for a disinterment permit under false pretenses;
3. Alter information contained on a disinterment permit;
4. Obtain, display or represent a disinterment permit for the purpose of fraud;
5. Make a false statement or knowingly conceal a material fact or otherwise commit fraud in an application for a disinterment permit; or
6. Reinter the remains in a location other than that specified on the permit.

B. A violation of any of the provisions of this section shall constitute a misdemeanor for a first offense and, upon conviction, shall be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00). Any second or subsequent offense shall constitute a felony and, upon conviction, shall be punishable by a fine of up to Ten Thousand Dollars ($10,000.00) or imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or both.
Added by Laws 2011, c. 105, § 15, eff. Nov. 1, 2011.

§63-1-325. Fees for certified copies of records - Noncollectible drafts - Enlistees.

The State Board of Health shall prescribe the fees to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made.

The collection of such fees may be accomplished by acceptance of cash, money orders, credit cards, organization or personal checks; in the event money orders or checks are proved to be noncollectible, neither the Board of Health, the Commissioner of Health, nor any of the employees of the Department of Health will be held responsible and personally liable; it is further required that no additional

certified copies of records may be delivered to persons on whom noncollectible drafts remain outstanding.

A search and a verification of birth facts shall be furnished free of charge to any person volunteering for enlistment into a branch of the Armed Forces of the United States, upon written request therefor by an officer of the Armed Forces representing the interests of such person who shall be volunteering for service.

Added by Laws 1963, c. 325, art. 3, § 325, operative July 1, 1963. Amended by Laws 1968, c. 184, § 1; Laws 1970, c. 67, § 1, emerg. eff. March 17, 1970; Laws 2011, c. 105, § 16, eff. Nov. 1, 2011.

§63-1-326. Inmates of institutions - Records - Deaths.

(a) Every person in charge of an institution as defined in this article shall keep a record of personal particulars and data concerning each person admitted or confined to such institution. The record shall include such information as required by the standard certificate of birth, death, and fetal death forms issued under the provisions of this article. The record shall be made at the time of admission from information provided by such person, but when it cannot be so obtained, the same shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

(b) When a dead human body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or, if finally disposed of by the institution, the date, place, and manner of disposition shall be recorded.

(c) A funeral director, embalmer, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this article, shall keep a record which shall identify the body, and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations adopted by the State Board of Health.

(d) Records maintained under this section shall be retained for a period of not less than two (2) years, and thereafter may be kept in a form authorized by 12 O.S.1961, Sec. 522, and shall be made available for inspection by the State Commissioner of Health or his representative upon demand.

Laws 1963, c. 325, art. 3, § 326, operative July 1, 1963.

§63-1-327. Information concerning birth or death.

Any person having knowledge of the facts may furnish such information as he shall possess regarding any birth, death, or fetal death, upon request of the State Commissioner of Health.

Laws 1963, c. 325, art. 3, § 327, operative July 1, 1963.

§63-1-328. Renumbered as § 396.29 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§63-1-329.1. Cremation - Burial at sea - Bodies for pathologic study - Disposal permits.

Until a permit for disposal has been issued in accordance with this section, no dead human body whose death occurred within the State of Oklahoma shall be cremated, buried at sea, or made unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains.

When the person legally responsible for disposition of a dead human body, whose death occurred or was pronounced within this state, desires that the body be cremated, buried at sea, or made unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains, that person shall complete an application-permit form for such procedure provided by the Office of the Chief Medical Examiner. The Office of the Chief Medical Examiner, in accordance with Section 948.1 of this title, shall charge a fee for each cremation permit issued. The Medical Examiner shall be notified, as required in Section 938 of this title. He or she shall perform the required investigation and shall issue a valid death certificate as required by Section 947 of this title and execute the permit in accordance with rules established by the Office of the Chief Medical Examiner. In order to be valid, each permit must contain an individual number assigned to the particular permit by the Office of the Chief Medical Examiner. A copy of the application-permit form and the original death certificate shall be filed with the State Registrar. The original application-permit form shall be filed by the funeral director with the Office of the Chief Medical Examiner. Such filing shall occur or be postmarked within forty-eight (48) hours of the death.

If death occurred or was pronounced outside the geographic limits of the State of Oklahoma and the body is brought into this state for such disposal, a transit permit or a permit for removal, issued in accordance with the laws and regulations in force where the death occurred shall authorize the transportation of the body into or through this state and shall be accepted in lieu of a certificate of death as required above. A valid permit issued for disposal of such body in accordance with the laws in the jurisdiction where the body died or death was pronounced shall be authority for cremation or burial at sea or to make the body otherwise unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains.

Added by Laws 1978, c. 114, § 2, eff. Jan. 1, 1979. Amended by Laws 1993, c. 269, § 18, eff. Sept. 1, 1993; Laws 2011, c. 105, § 17, eff. Nov. 1, 2011; Laws 2017, c. 385, § 2, eff. Nov. 1, 2017.

§63-1-330. Repealed by Laws 2003, c. 57, § 30, emerg. eff. April 10, 2003.

§63-1-331. Renumbered as § 396.30 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§63-1-331.1. Renumbered as § 396.31 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§63-1-332. Renumbered as § 396.32 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§63-1-333. Renumbered as § 396.33 of Title 59 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§63-1-334. Marriage and divorce – Nonidentifiable aggregate data.

Not later than November 1, 2002, the State Department of Health and the Administrative Office of the Courts shall begin discussions regarding the identification, collection and analysis of nonidentifiable aggregate data related to marriage and divorce in this state and shall make recommendations regarding alternatives to the establishment of such statistical reports to the Governor and the Legislature on or before February 1, 2003.

Added by Laws 2002, c. 377, § 1, eff. July 1, 2002.

§63-1-401. Definitions.

As used in this article:

1. "Tuberculosis disease" means disease caused by Mycobacterium tuberculosis complex;

2. "Active tuberculosis disease" means a stage of tuberculosis in which compatible pathologic changes are present as demonstrated by clinical, bacteriologic, or radiographic evidence, and/or other diagnostic procedures. Persons diagnosed with tuberculosis are considered to have active tuberculosis disease until they have completed a full course of antituberculosis treatment as prescribed or approved by the State Commissioner of Health; and

3. "Tuberculosis infection" means a stage of tuberculosis characterized by having a positive or a history of a positive response to a tuberculin skin test or other laboratory test for tuberculosis infection, but not having clinical, radiographic or other evidence of disease.

Added by Laws 1963, c. 325, art. 4, § 401, operative July 1, 1963.
Amended by Laws 2008, c. 393, § 1, eff. Nov. 1, 2008.

§63-1-402. Examinations for tuberculosis.

When any local health officer shall have reasonable grounds to believe that any person has active tuberculosis disease, but will not voluntarily seek a medical examination, then it shall be the duty of the local health officer to order such person in writing to undergo an examination by a physician approved by the State Commissioner of Health for such examinations. It shall be the duty of the suspected person to submit to examination at such time and place as ordered by the local health officer. The examination shall include an X-ray of the chest, examinations of sputum, and such other forms and types of examinations as shall be approved by the Commissioner. If, upon examination, it is determined that the person has active or suspected active tuberculosis disease, then it shall be the duty of such person to comply with the orders of the Commissioner.
Added by Laws 1963, c. 325, art. 4, § 402, operative July 1, 1963.
Amended by Laws 2008, c. 393, § 2, eff. Nov. 1, 2008.

§63-1-403. Exposure to tuberculosis.

Whenever it has been determined that any person has active tuberculosis disease, it shall be the duty of the local health officer to instruct such person as to the precautions necessary to protect the members of the person's household or the community from becoming infected with tuberculosis communicated by such person. It shall be the duty of such person to live in such a manner as not to expose members of the person’s family or household, or any other person with whom the person may be associated, to danger of infection. The local health officer shall investigate periodically for the purpose of determining if the instructions are being carried out in a reasonable and acceptable manner.
Added by Laws 1963, c. 325, art. 4, § 403, operative July 1, 1963.
Amended by Laws 2008, c. 393, § 3, eff. Nov. 1, 2008.

§63-1-405. Freedom to choose treatment.

Nothing in this article shall be construed or operate to empower or authorize the State Commissioner of Health, or any local health officer, or his representative, to restrict in any manner the individual's right to select the mode of treatment of his choice nor to require any physical examination of a patient who in good faith relies upon spiritual means or prayer for healing.
Laws 1963, c. 325, art. 4, § 405.

§63-1-409. Reciprocal agreements.

The State Commissioner of Health may, on behalf of the State of Oklahoma, enter into a reciprocal agreement with another state providing for care and treatment of persons having active tuberculosis disease who are residents of the other state, or for the transportation or return of any such nonresident person from one of the states to the other state of which such person is a resident.

Added by Laws 1963, c. 325, art. 4, § 409, operative July 1, 1963. Amended by Laws 2008, c. 393, § 4, eff. Nov. 1, 2008.

§63-1-410. Hospitalization and treatment.

When the State Commissioner of Health shall have reasonable grounds to believe that any person has active tuberculosis disease, the Commissioner may require isolation, hospitalization or other confinement for treatment of such person. The State Commissioner of Health is hereby authorized to contract with any hospital and/or physician to provide such hospitalization or treatment as required and shall be exempt from the provisions of the Oklahoma Central Purchasing Act in contracting for such hospitalization and treatment, as specified in Section 85.4 of Title 74 of the Oklahoma Statutes. If any person shall be convicted for a violation of any of the provisions of Sections 1-402 and 1-403 of this title, then such person shall be committed by the judge of the district court for isolation or confinement and treatment in such institution or at such location or facility as designated by the State Commissioner of Health.

Added by Laws 1975, c. 351, § 19, emerg. eff. June 12, 1975. Amended by Laws 2008, c. 393, § 5, eff. Nov. 1, 2008.

§63-1-450. Oklahoma Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act.

A. This act shall be known and may be cited as the "Oklahoma Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act".

B. The State Department of Health shall create a comprehensive chronic obstructive pulmonary disease (COPD) state plan that outlines sustainable solutions for reducing the burden of COPD in Oklahoma through the coordinated implementation of multiple strategies. The Department may utilize existing plans developed by advocacy organizations as a cost-saving means of developing such strategies. These strategies shall include, without limitation, recommendations for:

1. The prevention and early detection of COPD to reduce the incidence of disease;

2. The treatment and management of COPD to ensure that health care providers offer state-of-the-art care;

3. Increasing public awareness, patient education and proper medical management of COPD among the general public and those living with COPD; and

4. Improving COPD outcomes in Oklahoma through increases in COPD funding and resources as well as ongoing effective advocacy by government leaders and people with COPD.

Added by Laws 2010, c. 388, § 1, emerg. eff. June 7, 2010.

§63-1-501. Definitions.

For the purposes of this article:

(a) The term "disease" means the disturbances of the normal functions or alterations of the state of the human body resulting in physical or mental ill health and/or disability.

(b) The term "prevention" means any and all conditions that may preclude or reduce the possibility of the onset or beginning of disease.

(c) The term "control" means any and all procedures which modify, or may modify, favorably the course of disease.

(d) The term "communicable disease" means an illness due to a specific infectious agent or its toxic products, arising through transmission of that agent or its products from reservoir to susceptible host, either directly as from an infected person or animal, or indirectly through the agent of an intermediate plant or animal host, a vector, or the inanimate environment. It also means an infestation by an ectoparasite and similar species.

Laws 1963, c. 325, art. 5, § 501, operative July 1, 1963.

§63-1-502. Rules and regulations.

(a) The State Board of Health shall have authority to adopt such rules and regulations, not inconsistent with law, as it deems necessary to aid in the prevention and control of communicable disease, which may be on the following matters: Recommended immunization procedures; quarantine measures; exclusion of children from school; regulation of public meetings and gatherings in epidemic situations; regulation of vectors; control of vehicles capable of transmitting a communicable disease; detection and diagnosis of communicable disease; carriers of disease; disposal of infected body wastes and other materials; fumigation, cleaning and sterilization, and disinfection; and other necessary measures to prevent and control communicable disease.

(b) The State Board of Health is authorized to establish preventive programs for noncommunicable diseases and to promulgate rules and regulations for the control of causative or toxic substances which can or may cause disease.

Added by Laws 1963, c. 325, art. 5, § 502, operative July 1, 1963.

§63-1-502.1. Communicable diseases - Universal precautions - Rules and regulations - Risk exposure.

A. All agencies and organizations that regularly employ emergency medical technicians, paramedics, firefighters, peace officers, as defined in Section 648 of Title 21 of the Oklahoma Statutes, correctional officers and employees, or health care workers, all mental health or intellectual disability treatment or evaluation programs that employ persons involved with providing care for patients, the J.D. McCarty Center for Children with Developmental

Disabilities, and all juvenile institutions of the Department of Human Services shall implement the universal precautions for the prevention of the transmission of communicable diseases published by the Centers for Disease Control, U.S. Public Health Service, in the Morbidity and Mortality Weekly Report, Volume 36, Number 2S or as subsequently amended.

B. The State Commissioner of Health shall promulgate rules and guidelines that will implement a system of notification of emergency medical technicians, paramedics, firefighters, health care workers, funeral directors, peace officers, and any person who in good faith renders aid in accordance with the Good Samaritan Act relating to risk exposures during health care activities, emergency response activities or funeral preparations. Risk exposure shall be defined by the State Commissioner of Health to be exposure that is epidemiologically demonstrated to have the potential for transmitting a communicable disease.

C. The Board of Mental Health and Substance Abuse Services, Department of Human Services, Oklahoma Cerebral Palsy Commission, and State Board of Corrections shall each promulgate rules, guidelines or policies to provide for such notification of risk exposures to persons employed by such agencies.

Added by Laws 1988, c. 153, § 1, eff. Jan. 1, 1989. Amended by Laws 1992, c. 307, § 14, eff. July 1, 1992; Laws 2013, c. 246, § 1, eff. Nov. 1, 2013; Laws 2019, c. 475, § 52, eff. Nov. 1, 2019.

§63-1-502.2. Certain information to be confidential - Circumstances under which release permissible - Written consent defined - Multidisciplinary advisory committee on HIV/HBV-infected health care workers - Wrongful disclosure of certain information.

A. Unless otherwise provided by law, all information and records concerning any person who has participated in a public health investigation or who may have any communicable or noncommunicable disease which is required to be reported pursuant to Sections 1-501 through 1-532.1 of this title or information and records of any disease which are held or maintained by any state agency, health care provider or facility, physician, health professional, laboratory, clinic, blood bank, funeral director, third party payor, or any other agency, person, or organization in the state shall be confidential. Any information obtained pursuant to the requirements of Sections 1-501 through 1-532.1 of this title shall not be required to be produced pursuant to the Oklahoma Open Records Act. Any information authorized to be released pursuant to paragraphs 1 through 8 of this subsection shall be released in such a way that no person can be identified unless otherwise provided for in such paragraph or by law. Such information shall not be released except under the following circumstances:

1. Release is made upon court order;

2. Release is made in writing, by or with the written consent of the person whose information is being kept confidential or with the written consent of the legal guardian or legal custodian of such person, or if such person is a minor, with the written consent of the parent or legal guardian of such minor;

3. Release is necessary as determined by the State Department of Health to protect the health and well-being of the general public. Any such order for release by the Department and any review of such order shall be in accordance with the procedures specified in Sections 309 through 323 of Title 75 of the Oklahoma Statutes. Only the initials of the person whose information is being kept confidential shall be on public record for such proceedings unless the order by the Department specifies the release of the name of such person and such order is not appealed by such person or such order is upheld by the reviewing court;

4. Release is made of medical or epidemiological information to those persons who have had risk exposures pursuant to Section 1-502.1 of this title;

5. Release is made of medical or epidemiological information to health professionals, appropriate state agencies, or district courts to enforce the provisions of Sections 1-501 through 1-532.1 of this title and related rules and regulations concerning the control and treatment of communicable or noncommunicable diseases;

6. Release is made of specific medical or epidemiological information for statistical purposes whether within the State of Oklahoma or throughout the United States, in such a way that no person can be identified;

7. Release is made of medical information among health care providers, their agents or employees, within the continuum of care for the purpose of diagnosis and treatment of the person whose information is released whether within the State of Oklahoma or throughout the United States; or

8. When the patient is an inmate in the custody of the Department of Corrections or a private prison or facility under contract with the Department of Corrections, and the release of the information is necessary:

a. to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and it is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat, or

b. for law enforcement authorities to identify or apprehend an individual where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody.

B. For the purposes of this section only, “written consent” means that the person whose information is required to be kept

confidential by this section or the person legally authorized to consent to release by this section has been informed of all persons or organizations to whom such information may be released or disclosed by the specific release granted. Consent obtained for release of information, pursuant to paragraph 2 of subsection A of this section, shall not be considered valid unless, prior to consent, the person consenting to the release was given notice of the provisions for release of confidential information pursuant to this section. The provisions of this subsection shall not apply to written authorizations to disclose information to the Social Security Administration.

C. 1. The State Department of Health may convene a confidential meeting of a multidisciplinary team for recommendation on school placement of a student who is infected with the human immunodeficiency virus. The multidisciplinary team shall include, but not be limited to, the following:

a. the parent, parents, legal representative, or legal guardian or legal custodian of the student;
b. the physician of the student;
c. a representative from the superintendent's office of the affected school district;
d. a representative from the State Department of Education; and
e. a representative from the State Department of Health.

Each member of the team shall be responsible for protecting the confidentiality of the student and any information made available to such person as a member of the team. The multidisciplinary team shall be exempt from the requirements of Sections 301 through 314 of Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19 of Title 51 of the Oklahoma Statutes.

2. Each member of the local school board having jurisdiction over the student shall also be responsible for protecting the confidentiality of the student and any information made available to such person as a school board member.

D. The State Department of Health may convene a confidential meeting of a multidisciplinary advisory committee to make recommendations regarding the practice of health care workers who are infected with the human immunodeficiency virus (HIV) or hepatitis B (HBV), who may be performing exposure-prone procedures. The membership of the multidisciplinary advisory committee shall include, but not be limited to, the following:

1. The State Commissioner of Health or designee;
2. Legal counsel to the State Commissioner of Health;
3. The state epidemiologist or designee;
4. An infectious disease specialist with expertise in HIV/HBV infection; and

5. Two practicing health care workers from the same discipline as the HIV/HBV-infected health care worker.

In addition, the health care worker being discussed, and/or an advocate, and the personal physician of the health care worker being discussed shall be invited to the multidisciplinary advisory committee meeting. Discussion of the case shall be made without using the actual name of the health care worker. Each member of the multidisciplinary advisory committee shall be responsible for protecting the confidentiality of the HIV/HBV-infected health care worker and the confidentiality of any information made available to such person as a member of the multidisciplinary advisory committee. The multidisciplinary advisory committee shall be exempt from the requirements of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

E. Upon advice of the multidisciplinary advisory committee, the State Commissioner of Health or designee may notify an appropriate official at the health care facility where the HIV/HBV-infected health care worker practices that the health care worker is seropositive for HIV and/or HBV. Notification shall be made only when necessary to monitor the ability of the HIV/HBV-infected health care worker to comply with universal precautions and appropriate infection control practices, and/or to monitor the ongoing functional capacity of the health care worker to perform his or her duties. Notification shall occur through one of the following officials:

1. The facility administrator;
2. The hospital epidemiologist;
3. The chair of the infection control committee of the facility; or
4. The medical chief of staff of the facility.

F. If the HIV/HBV-infected health care worker fails or refuses to comply with the recommendations of the multidisciplinary advisory committee, the State Commissioner of Health or designee may take such actions as may be required to perform the duties imposed by the laws of the State of Oklahoma, and may advise the appropriate licensing board.

G. Any person who negligently, knowingly or intentionally discloses or fails to protect medical or epidemiological information classified as confidential pursuant to this section, upon conviction, shall be guilty of a misdemeanor punishable by the imposition of a fine of not less than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person who negligently, knowingly or intentionally discloses or fails to protect medical or epidemiological information classified as confidential pursuant to this section shall be civilly liable to the person who is the subject of the disclosure for court costs, attorney fees, exemplary damages and all actual damages,

including damages for economic, bodily or psychological harm which is proximately caused by the disclosure.
Added by Laws 1988, c. 153, § 2, eff. July 1, 1988. Amended by Laws 1990, c. 27, § 3, emerg. eff. April 3, 1990; Laws 1991, c. 200, § 4, eff. Sept. 1, 1991; Laws 1992, c. 144, § 1, eff. Sept. 1, 1992; Laws 2004, c. 168, § 15, emerg. eff. April 27, 2004; Laws 2007, c. 153, § 1, eff. Nov. 1, 2007; Laws 2008, c. 393, § 6, eff. Nov. 1, 2008; Laws 2011, c. 105, § 18, eff. Nov. 1, 2011.

§63-1-502.3. Person withdrawing or testing blood for human immunodeficiency virus (HIV) - Civil and criminal liability - Definitions.

A. No person who withdraws or tests blood for human immunodeficiency virus or employer of such person nor any hospital or health care facility where blood is withdrawn or tested for human immunodeficiency virus shall incur any civil or criminal liability as a result of the proper withdrawal of blood or testing for human immunodeficiency virus when acting in compliance with the provisions of this section. The withdrawal or testing shall be performed in a reasonable manner, according to generally accepted clinical practice. The person, employer or facility shall be presented with:

1. A written statement by the person whose blood is to be withdrawn and tested; or

2. A written statement from a health care or emergency care worker verifying that the health care or emergency care worker in an occupational setting has been exposed to the bodily fluids of the person whose blood is to be withdrawn and tested, which exposure placed the health care or emergency care worker at risk for transfer of the bodily fluids; or

3. An order from a court of competent jurisdiction that blood be withdrawn and tested.

When presented with such a statement or court order, the person authorized to withdraw the blood, the employer and the hospital or other health care facility where the withdrawal or testing occurs may rely on such statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not be required to obtain any additional consent, acknowledgement or waiver form. In such case, the person authorized to perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

B. No person specified in this section shall incur any civil or criminal liability for:

1. Providing results of the testing to:

a. the person whose blood was tested,

b. the person incurring the exposure, or

c. the State Department of Health or such agency it may designate;

2. Not providing the results of the testing to any other person; or

3. Failing to diagnose or falsely diagnosing the presence of the human immunodeficiency virus where the procedure was performed in a reasonable manner according to generally accepted clinical practice.

C. For the purposes of this section:

1. "Bodily fluids" means fluids which have been medically proven and medically accepted as transmitters or conductors of human immunodeficiency virus; and

2. "Health care worker" or "emergency care worker" means one of the persons specified in subsection A of Section 1-502.1 of this title.

Added by Laws 1991, c. 200, § 6, eff. Sept. 1, 1991. Amended by Laws 1992, c. 144, § 2, eff. Sept. 1, 1992.

§63-1-503. Reports of disease.

(A) The State Board of Health shall promulgate rules and regulations establishing a system of reporting of cases of diseases diagnosed or detected by practicing physicians and/or clinical laboratories which come within the purview of this article. A reporting system established by the Board shall be applicable to penal and eleemosynary institutions. Failure or refusal to report diseases as required by the Board shall constitute a misdemeanor.

(b) It shall be the duty of each local health officer to report the existence of disease in his jurisdiction, as may be required by rules and regulations of the State Board of Health.

Laws 1963, c. 325, art. 5, § 503.

§63-1-504. Quarantine - Violation of quarantine unlawful - Injunctive relief.

A. Whenever a local health officer determines or suspects that a person has been exposed to and may be incubating a communicable disease of public health concern, the local health officer may impose a quarantine upon such person and require such person to remain out of public contact and in the place or premises where such person usually stays. Notice thereof shall be given in accordance with the rules and regulations of the State Board of Health. It shall be unlawful for such person, or any other person, to violate the terms or conditions of the quarantine.

B. Whenever a local health officer determines or suspects that a person has a communicable disease of public health concern, the local health officer may impose isolation upon such person and require such person to remain out of public contact and in an adequate treatment facility or in the place or premises where such person usually stays. Notice thereof shall be given in accordance with the rules and

regulations of the State Board of Health. It shall be unlawful for such person, or any other person, to violate the terms or conditions of the isolation.

C. District courts shall be authorized to grant injunctive relief, including temporary injunctions and temporary restraining orders, to compel compliance with a quarantine or isolation order issued by a local health officer pursuant to this section.

Added by Laws 1963, c. 325, art. 5, § 504, operative July 1, 1963.
Amended by Laws 2008, c. 393, § 7, eff. Nov. 1, 2008.

§63-1-505. Removal of diseased persons authorized.

A local health officer may cause any person in his jurisdiction, found to be infected with a communicable disease, to be removed to a hospital or other place for the reception of infected persons, unless such person be sick in his own place of residence or cannot be moved without danger to his life.

Laws 1963, c. 325, art. 5, § 505, operative July 1, 1963.

§63-1-506. Permission for removal of diseased persons.

No person having a communicable disease shall be removed from the place where he is sick, to any other place, except in accordance with rules and regulations of the State Board of Health.

Laws 1963, c. 325, art. 5, § 506, operative July 1, 1963.

§63-1-507. Schools - Attendance of diseased pupils

No person having a communicable disease shall be permitted to attend a private or public school, and it shall be the duty of the parent or guardian of any such person, and the teacher of such person, to exclude from the school such person until the expiration of the period of isolation or quarantine ordered for the case, or until permission to do so shall have been given by the local health officer.

Laws 1963, c. 325, art. 5, § 507, operative July 1, 1963.

§63-1-508. Animals - Quarantine.

A. 1. The State Board of Health may adopt such rules as it deems necessary for the quarantine, isolation, impounding, immunization and disposal of an animal to prevent and control any zoonotic disease. Rules of the Board shall consider, but not be limited to:

a. prior rabies vaccinations,
b. the degree of exposure to rabies,
c. the history and prior behavior of the animal prior to exposure, and
d. the willingness of the individual so exposed to submit to post-exposure antirabies immunization.

2. The President of the State Board of Agriculture and the Director of Wildlife Conservation shall be requested to make recommendations on pertinent phases affecting their official duties before such rules are promulgated by the State Board of Health.

B. 1. Whenever the State Commissioner of Health or a designee determines that any zoonotic disease exists in any area or that a person has suffered an exposure to any such disease, the Commissioner shall have authority to issue an order declaring a quarantine, isolation, impounding, immunization or disposal of any animal determined to be the source of such disease or exposure according to rules promulgated by the State Board of Health. The Commissioner shall, assisted by the State Board of Agriculture and the Director of Wildlife Conservation, cause such quarantine, isolation, impounding, immunization or disposal to be enforced.

2. Public officers and employees acting within the scope of their authority in implementing or enforcing any such order, or rules promulgated for the control of zoonotic disease, shall not be held liable for damages resulting from their official acts.

C. It shall be unlawful for any person to willfully fail or refuse to comply with a lawful order of the State Commissioner of Health declaring a quarantine, isolation, impounding, immunization or disposal. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and may be punished by a fine of not more than One Hundred Dollars ($100.00), by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

D. District courts shall be authorized to grant injunctive relief, including temporary injunctions and temporary restraining orders, to compel compliance with a quarantine, isolation, impounding, immunization or disposal order issued by the Commissioner pursuant to this section.

Added by Laws 1963, c. 325, art. 5, § 508. Amended by Laws 1991, c. 12, § 1, emerg. eff. March 25, 1991; Laws 1996, c. 124, § 1, eff. Nov. 1, 1996.

§63-1-509. Inflammation of eyes of newborn infants.

Any inflammation, swelling or unusual redness in either one or both eyes of any infant, together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within four (4) weeks after the birth of such infant, shall be known as "inflammation of the eyes of the newborn" (ophthalmia neonatorum).

Laws 1963, c. 325, art. 5, § 509.

§63-1-510. Required eye treatment of infant - Exemption.

A. It shall be the duty of any physician, midwife, or other person attendant upon the birth of a newborn infant to ensure

treatment of the eyes of the infant with a prophylactic ophthalmic agent as recommended by the Centers for Disease Control and Prevention as prophylaxis against ophthalmia neonatorum.

B. Nothing in this section shall be construed to prohibit a parent or legal guardian of a newborn infant from refusing prophylactic treatment on religious grounds or when such person deems that it is in the best interest of the child. If the parent or legal guardian of the newborn infant refuses the prophylactic treatment, the health care provider shall document the refusal in the medical file of the newborn infant.

C. The State Board of Health shall promulgate rules as necessary to implement the provisions of this section.

Added by Laws 1963, c. 325, Art. 5, § 510. Amended by Laws 2010, c. 196, § 1, eff. Nov. 1, 2010.

§63-1-511. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010.

§63-1-512. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010.

§63-1-513. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010.

§63-1-514. Repealed by Laws 2010, c. 196, § 2, eff. Nov. 1, 2010.

§63-1-515. Pregnant women - Tests for syphilis.

Every physician attending a pregnant woman in Oklahoma during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women in the state but not permitted by law to take blood tests shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician, licensed to practice in the State of Oklahoma, and submitted to an approved laboratory for a standard serological test for syphilis. The term "approved laboratory" shall mean a laboratory approved for the purposes of this section by the State Commissioner of Health. A standard serological test for syphilis shall be one recognized as such by the Commissioner. Such laboratory tests shall be made, on request, without charge by the State Department of Health.

Laws 1963, c. 325, art. 5, § 515, operative July 1, 1963.

§63-1-515.1. Physicians attending upon pregnant females – Blood sample.

A. Every physician or any other person permitted by law to attend upon pregnant females in this state, at the time of delivery and only if the pregnant female has had no prenatal care, shall:

1. Take, or cause to be taken under the order of a physician licensed to practice in this state, a sample of blood from the pregnant female; and

2. Submit the sample to an approved laboratory for a standard serological test for the human immunodeficiency virus.

B. The term "approved laboratory" shall mean a laboratory approved for the purposes of this section by the State Commissioner of Health. A standard serological test for the human immunodeficiency virus shall be one recognized as such by the Commissioner. Such laboratory tests shall be made, on request, without charge by the State Department of Health.

Added by Laws 2011, c. 88, § 2, emerg. eff. April 20, 2011.

§63-1-516. Reports - Blood tests for syphilis.

In reporting every birth and stillbirth, physicians, and others permitted to attend pregnancy cases and required to report births and stillbirths, shall state on the birth certificate or stillbirth certificate, as the case may be, whether a blood test for syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and, if made, the date when such test was made, and, if not made, the reason why such test was not made. In no event shall the birth certificate state the result of the test.

Laws 1963, c. 325, art. 5, § 516, operative July 1, 1963.

§63-1-516.1. Exemption.

None of the provisions of this act shall apply to any person who, as an exercise of religious freedom, administers to or treats the sick or suffering by spiritual means or prayer, nor to any person who, because of religious belief, in good faith selects and depends upon such spiritual means or prayer for the treatment or cure of disease.

Laws 1963, c. 325, art. 5, § 516.1, operative July 1, 1963.

§63-1-517. Definitions.

For the purposes of the following sections of this article:

(a) The term "sexually transmitted infection (STI)" means syphilis, gonorrhea, chlamydia, human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS), and any other disease which may be transmitted from any person to any other person through or by means of any form of sexual contact.

(b) The term "infected person" means any individual, either sex, who may be carrying the organism or is afflicted with any STI.

(c) The term "dealer" means any person who may handle, for sale, any medicinal remedies or supposed remedies for an STI, and the agents, clerks and employees of any such person; and any person who may profess or claim to treat or cure, by the use of medicine or

otherwise, any sexually transmitted infection (STI), and the agents, clerks and employees.

(d) The term "physician" shall include reputable physicians who have complied with all the requirements of law regulating the practice of their respective schools of medicine, and duly licensed by such law to practice medicine in their respective schools, or surgery, or both, and no other person.

Added by Laws 1963, c. 325, art. 5, § 517, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 19, eff. Nov. 1, 2011.

§63-1-518. Report and treatment of disease.

It shall be unlawful for any person, being an infected person, to refuse, fail or neglect to report such fact to, and submit to examination and treatment by, a physician.

Added by Laws 1963, c. 325, art. 5, § 518, operative July 1, 1963.

§63-1-519. Repealed by Laws 2011, c. 105, § 38, eff. Nov. 1, 2011.

§63-1-520. False discharge from treatment - Penalty.

Any physician who shall, after having knowledge or information that any person is or may be an infected person, sell, give or furnish to such infected person, or to any other person for such infected person, a discharge from treatment, or written instrument or statement pronouncing such infected person cured, before such infected person is actually cured of such sexually transmitted infection (STI), shall be guilty of a misdemeanor. Provided, however, that no person who is infected with an STI but who has received treatment adequate to render the person noninfectious shall be denied a permit to work, because of the infection, in those categories of employment where permits to work are required by state law or local ordinance.

Added by Laws 1963, c. 325, art. 5, § 520, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 20, eff. Nov. 1, 2011.

§63-1-521. Treatment by person not a physician.

It shall be unlawful for any person who is not a physician to undertake to treat or cure any infected person for pay, whether in money, property or obligation of any kind, unless acting under the direction and control of a physician.

Laws 1963, c. 325, art. 5, § 521, operative July 1, 1963.

§63-1-522. Treatment without prescription.

It shall be unlawful for any dealer to treat or offer to treat any infected person, or to sell, furnish or give to any infected person, or to any other person whomsoever, any medicines of any kind that may be advertised or used for treatment of (STI), before requiring such person to produce and file with such dealer a proper

prescription for such medicine, issued and signed by a physician, which prescription shall be by the dealer kept on file for a period of one (1) year from the date of the person receiving the same, and subject, at all reasonable hours, to the inspection of the State Commissioner of Health or local health officer.
Added by Laws 1963, c. 325, art. 5, § 522, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 21, eff. Nov. 1, 2011.

§63-1-523. Institutions - Treatment of infected inmates - Notice to persons in contact with infected inmates - Testing of inmates.

A. 1. Any and all institutions in this state, whether penal or eleemosynary, public or private, and free or for pay, shall make, and preserve for a period of at least one (1) year, a record showing the name, age, sex, race, nationality and place of residence of any infected inmate of such institution who may come to their knowledge.

2. The institution shall make available such record at all reasonable hours for inspection by the State Commissioner of Health or the local health officer.

3. Such institutions shall further furnish a physician and all proper medicines, instruments and apparatus for the proper treatment of such infected inmate.

B. Each institution and each Department of Corrections district office, and each county or municipal jail shall notify their correctional officers, probation and parole officers, and any jailor, or other employee or any employee of the Pardon and Parole Board, who has or will have direct contact with an inmate, when such inmate is infected with the human immunodeficiency virus (HIV) or has the Acquired Immune Deficiency Syndrome (AIDS) disease.

C. 1. If an officer or employee of the State of Oklahoma, or any other person comes into contact with the bodily fluids of an inmate in a state correctional facility, the Director of the Department of Corrections or designee, under such rules as the Director shall promulgate to carry out the provisions of this section, shall cause such inmate to be tested for such disease, if no prior record of the existence of such disease exists. If an officer or employee of a county jail, or any other person, comes into contact with the bodily fluids of an inmate in a county jail, the sheriff or designee, under policies the sheriff shall promulgate to carry out the provisions of this section, shall cause the inmate to be tested for such disease, if no prior record of the existence of such disease exists.

2. The Director or designee shall promptly communicate in writing the results of the test to the person so exposed and refer the employee to the Department of Correction's Employee Assistance Program for appropriate referrals for counseling, health care, and support services for the person so exposed. If the exposure occurs within a county jail, the sheriff or designee shall promptly

communicate in writing the results of the test to the person so exposed and refer the employee to the employee assistance program of the county for appropriate referrals for counseling, health care, and support services for the person so exposed.

3. As used in this section, the term "serious transmissible disease" means the Human Immunodeficiency Virus (HIV) and hepatitis. Added by Laws 1963, c. 325, art. 5, § 523, operative July 1, 1963. Amended by Laws 1992, c. 45, § 1, emerg. eff. April 3, 1992; Laws 1994, c. 58, § 1, emerg. eff. April 15, 1994; Laws 1998, c. 148, § 1, emerg. eff. April 22, 1998; Laws 2008, c. 366, § 9, emerg. eff. June 3, 2008.

§63-1-524. Prisoners - Examinations - Testing certain persons for sexually transmitted infection (STI) or human immunodeficiency virus (HIV) - Treatment - Quarantine.

A. The keeper of any prison or penal institution in this state shall cause to be examined every person confined in such prison or penal institution, to determine whether such person is an infected person.

B. Any licensed physician may examine persons who are arrested by lawful warrant for prostitution, or other sex crimes not specified in Section 1-524.1 of this title, for the purpose of determining if they are infected with a sexually transmitted infection (STI) or a communicable disease including, but not limited to, the human immunodeficiency virus (HIV). For purposes of expediting such examination, in counties with a population of greater than four hundred thousand (400,000), the county sheriff or the chief of police of any municipality with a population of greater than two hundred thousand (200,000) that is located within such county and that has a municipal court of record shall notify the city-county health department serving the county of any person who has been arrested by county or city officers for prostitution. Any such examination shall be made subsequent to arrest and if the examination is for the human immunodeficiency virus, upon order of the court issued at the initial appearance of the arrested person. Every person shall submit to the examination and shall permit specimens to be taken for laboratory examinations. Such person may be detained until the results of the examination are known. The examination shall be made by a licensed physician. A determination as to whether or not the person is infected shall not be based on any prior examination. Any person found to be infected with a sexually transmitted infection (STI) shall be treated by the State Commissioner of Health or local health officer, or a physician of such person's own choice, until such person is noninfectious or dismissed by the Commissioner or local health officer or physician. In the event a person infected with a sexually transmitted infection (STI) refuses or fails to submit to

treatment, then such person may be quarantined for the purpose of treatment, and a report thereof shall be made to the Commissioner.

C. For purposes of this section, the term "initial appearance" shall refer to the first court appearance of an individual, in person or by closed circuit television, before a magistrate on a presentment, indictment or preliminary information on a felony offense.

Added by Laws 1963, c. 325, art. 5, § 524, operative July 1, 1963. Amended by Laws 1991, c. 200, § 5, eff. Sept. 1, 1991; Laws 1998, c. 117, § 1, eff. July 1, 1998; Laws 2002, c. 348, § 4, emerg. eff. May 30, 2002; Laws 2003, c. 346, § 1, emerg. eff. May 29, 2003; Laws 2011, c. 105, § 22, eff. Nov. 1, 2011.

§63-1-524.1. Examination of certain arrested persons for a sexually transmitted infection (STI) including human immunodeficiency virus (HIV) - Court order - Required provisions - Notification concerning results to victim's designated professional - Treatment - Responsibility for costs.

A. A licensed physician shall examine persons who are arrested by lawful warrant for the offense of first or second degree rape, forcible sodomy or the intentional infection or attempt to intentionally infect a person with the human immunodeficiency virus for the purpose of determining if the person is infected with a sexually transmitted infection (STI), including, but not limited to, the human immunodeficiency virus (HIV). For purposes of expediting such examination, in counties with a population of greater than four hundred thousand (400,000), the county sheriff or the chief of police of any municipality with a population of greater than two hundred thousand (200,000) that is located within such county and that has a municipal court of record shall notify the city-county health department serving the county of any person who has been arrested by county or city officers for such offense. Any such examination shall be made subsequent to arrest as provided in this section. Every person shall submit to the examination and shall permit specimens to be taken for laboratory examinations. Such person may be detained until the results of the examination are known. A determination as to whether or not the person is infected shall not be based on any prior examination. Any person found to be infected with a sexually transmitted infection (STI) shall be treated by a physician of such person's own choice, until such person is noninfectious or dismissed by the Commissioner or local health officer or physician. The costs of such treatment shall be the responsibility of the person who is examined and tested and the court shall order the person to pay such costs. In the event a person infected with a sexually transmitted infection (STI) refuses or fails to submit to treatment, then such person may be quarantined for the purpose of treatment, and a report thereof shall be made to the Commissioner.

B. The district attorney shall file a motion for a court-ordered examination and testing of the person arrested for the offenses specified in subsection A of this section at the time the criminal charges are filed or the court may provide a standing order for such examination and testing which shall issue automatically at the time of arrest for the offenses specified in subsection A of this section.

C. Any peace officer in this state upon the arrest of a person within six (6) hours or less of the actual offense of first or second degree rape, forcible sodomy or intentional infection or attempt to intentionally infect a person with the human immunodeficiency virus shall immediately deliver and submit the person for a rapid test for human immunodeficiency virus (HIV) without a court order, if a rapid test site is available. If the rapid HIV test results are positive the physician examining the victim of such offense shall be immediately notified and the physician shall immediately provide the victim with preventive treatment, if the victim can be treated within the medically proscribed period for preventive measures.

D. The examination and testing required by this section shall not be for evidentiary purposes and shall be expedited and conducted solely to screen for and identify the need for the victim's treatment due to potential exposure to sexually transmitted infections (STIs). A confirmation examination and test may be conducted following any examination or test yielding a positive result that is not conclusive of the presence of the human immunodeficiency virus (HIV) or other sexually transmitted infection (STI).

E. The court shall include the following provisions in its order and shall not include the name or address of the alleged victim:

1. A list of specific examinations and tests, including, but not limited to: blood tests for human immunodeficiency virus (HIV), hepatitis B, hepatitis C, syphilis, gonorrhea, chlamydia, and visual examinations for evidence of genital herpes and genital warts for which examinations and tests are available;

2. A provision requiring the physician, clinic or hospital which provides the examination and testing to immediately notify the district attorney's office, through the Victim Witness Coordinator, when the test and examination results have been completed;

3. A provision requiring copies of the examination report and test results be forwarded by the physician, clinic or hospital that conducted such examination and tests to the designated physician or counseling site as made known to the Victim Witness Coordinator by the victim, or if not specified by the victim then copies of the reports and results shall be forwarded to the Victim Witness Coordinator. Results of examinations and tests shall be forwarded within three (3) days of completion of the examination or testing;

4. A provision that the victim be notified within three (3) days of the receipt of the examination report and test results by the designated physician or counseling site as designated by the victim

or the Victim Witness Coordinator, if no designation has been made by the victim;

5. A provision directing the offender and victim to be treated for infection as indicated in any positive examination and test result; and

6. A provision directing the facility having custody of the arrested person to be responsible for the costs of examination and tests; provided, however, that the court may order reimbursement of such costs at the time of sentencing.

F. Upon notification that the results of the examination and tests are completed, the Victim Witness Coordinator shall instruct the physician, clinical laboratory or hospital that completed such results to forward copies of the results according to the victim's designation or, if no designation has been made, forward copies to the Victim Witness Coordinator's office. The Victim Witness Coordinator shall notify the victim's designated professional that the results are being forwarded and instruct the victim to set a time to receive the results in person.

G. When the examination and test results indicate infection of any sexually transmitted infection (STI), the victim shall be treated by the State Commissioner of Health or local health officer, or a physician of the victim's own choice, until noninfectious or dismissed by the Commissioner, local health officer or physician.

H. All examinations and testing shall be performed by a licensed physician and/or clinical laboratory or hospital. The test forms shall include the words "Sex Crime" to expedite handling and shall include a criminal case number, if known.

I. If the arrested person refuses to be examined and tested upon arrest, the court shall issue an order for such examination and test at the initial appearance of the person arrested.

J. The cost of examination and testing authorized by this section shall be the responsibility of the facility having custody of the person at the time of arrest. The court shall order the defendant to reimburse such facility at the time of sentencing for all actual costs associated with examination and testing required by this section. No cost of any kind shall be incurred by any victim of such crimes for testing, obtaining the results of tests, or for treatment required by a victim due to a positive result for a test for a sexually transmitted infection (STI) resulting from an offense specified in this section.

K. For purposes of this section, the term "initial appearance" shall refer to the first court appearance of an individual, in person or by closed circuit television, before a magistrate on a presentment, indictment or preliminary information on a felony offense.

Added by Laws 2003, c. 346, § 2, emerg. eff. May 29, 2003. Amended by Laws 2011, c. 105, § 23, eff. Nov. 1, 2011.

§63-1-525. Exposure of prescriptions and records - Disclosure of results of examinations of persons arrested for certain sex offenses and offenses involving human immunodeficiency virus (HIV) - Testing and counseling services - Rules and regulations.

A. Except as otherwise provided by law, the prescription and records required by the foregoing provisions to be filed and kept shall not be exposed to any person other than the State Commissioner of Health or local health officer, or when properly ordered by a court of competent jurisdiction to be used as evidence in such court, and no information whatever shall be given to any person concerning any infected person except to appropriate persons for use in the proper courts of this state. Provided, that records of diagnosis and treatment may be transmitted to physicians and to health authorities in this and other states upon written request of the person affected. Provided further, results of examinations conducted on persons arrested by lawful warrant for the offense of first or second degree rape, forcible sodomy, or intentional infection or attempted infection of a person with the human immunodeficiency virus, shall be provided to the alleged victim of the crime upon the request of the victim, the parent of the victim if the victim is a minor, or upon request of the legal guardian or custodian of the victim. The name of the arrested and examined person shall not be disclosed on the transmitted record. The State Department of Health shall provide to the victims the positive test results. The Department shall provide free testing to the alleged victim for any sexually transmitted infection (STI) or communicable disease for which the arrestee tests positive, as indicated in the transmitted record of diagnosis. Such testing shall be accompanied with pretest and post-test counseling. Such counseling shall include the provision of information to the victim or the parent, legal guardian or custodian of the victim concerning the venereal or communicable disease indicated in the transmitted record and the location of public and private facilities in the vicinity offering tests and counseling for persons who have the sexually transmitted infection (STI) or communicable disease.

B. The State Board of Health shall promulgate rules and regulations for the examination authorized or required by Section 1-524 of this title and for the release of records containing results of examinations authorized by subsection A of this section. The rules and regulations shall establish procedural guidelines which respect the rights of the person arrested for the alleged offense and the victim of the alleged offense.

Added by Laws 1963, c. 325, art. 5, § 525, operative July 1, 1963. Amended by Laws 1991, c. 200, § 7, eff. Sept. 1, 1991; Laws 1991, c. 307, § 6, eff. Sept. 1, 1991; Laws 2011, c. 105, § 24, eff. Nov. 1, 2011.

§63-1-526. Rules and regulations.

The State Board of Health shall make all rules and regulations for the prevention and cure, and to prevent the spread, of sexually transmitted infections (STIs), which it deems necessary for the control of STIs.

Added by Laws 1963, c. 325, art. 5, § 526, operative July 1, 1963. Amended by Laws 2011, c. 105, § 25, eff. Nov. 1, 2011.

§63-1-527. Reports of a sexually transmitted infection.

A. Any physician who makes a diagnosis or treats a case of a sexually transmitted infection (STI), and every superintendent or manager of a hospital, dispensary or charitable or penal institution in which there is a case of an STI, shall report such case immediately, in writing or electronically:

1. To the director or designee of the city-county health department, if in Oklahoma County or Tulsa County, who shall, in turn, report such case to the State Commissioner of Health; or

2. Directly to the State Commissioner of Health, if not in Oklahoma County or Tulsa County, in the same manner as other communicable diseases are reported, in forms to be prescribed and furnished by the Commissioner.

B. This act shall remain in effect until such time as the State Department of Health has in place a disease-reporting process that provides for a direct report from a lab or physician's office to the local health department and is capable of connecting a lab or physician's office with local health department systems for timely data delivery and start of the disease investigation process.

Added by Laws 1963, c. 325, art. 5, § 527, operative July 1, 1963. Amended by Laws 2011, c. 105, § 26, eff. Nov. 1, 2011; Laws 2019, c. 394, § 1, eff. Nov. 1, 2019.

§63-1-528. Sexually transmitted infection cases - Instructions - Notification.

(a) It shall be the duty of every physician who examines or treats a person having a sexually transmitted infection (STI) to instruct that person in measures preventing the spread of such disease and of the necessity for treatment until cured.

(b) If an attending physician or other person knows or has good reason to suspect that a person having a sexually transmitted infection (STI) is so conducting as to expose other persons to infection, or is about to so conduct, the person shall notify the local health officer of the name and address of the diseased person and the essential facts in the case.

Added by Laws 1963, c. 325, art. 5, § 528, operative July 1, 1963. Amended by Laws 2011, c. 105, § 27, eff. Nov. 1, 2011.

§63-1-529. Investigations by health officers.

All local health officers shall use every available means to ascertain the existence of, and to investigate all cases of, sexually transmitted infection (STI) within their respective jurisdictions, and to ascertain the sources of such infections; and shall make examination of any person reported two or more times as a suspected source of an STI.
Added by Laws 1963, c. 325, art. 5, § 529, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 28, eff. Nov. 1, 2011.

§63-1-530. Protection against spread of infection.

(a) Upon receipt of a report of a case of sexually transmitted infection (STI), the local health officer shall institute measures, which may include quarantine, for protection of other persons from infection by a person infected with an STI.

(b) The State Board of Health shall adopt rules and regulations for the quarantine of persons infected with a sexually transmitted infection (STI), to prevent the spread of sexually transmitted infection (STI).

(c) Boards of county commissioners and governing boards of all incorporated towns and cities may provide suitable places for the detention of persons who may be subject to quarantine and who should be segregated.
Added by Laws 1963, c. 325, art. 5, § 530, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 29, eff. Nov. 1, 2011.

§63-1-531. Certificates of freedom from infection.

It shall be unlawful for physicians, health officers, and other persons to issue certificates of freedom from sexually transmitted infection (STI), except as authorized by law and the rules and regulations of the State Board of Health.
Added by Laws 1963, c. 325, art. 5, § 531, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 30, eff. Nov. 1, 2011.

§63-1-532. Publicity of information and reports.

All information and reports concerning persons infected with sexually transmitted infections (STIs) shall be inaccessible to the public, except insofar as publicity may attend the performance of duties imposed by the laws of the state.
Added by Laws 1963, c. 325, art. 5, § 532, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 31, eff. Nov. 1, 2011.

§63-1-532.1. Minor's consent to examination and treatment for sexually transmitted infections.

Any person, regardless of age, has the capacity to consent to examination and treatment by a licensed physician for any sexually transmitted infection (STI).

Added by Laws 1971, c. 18, § 1, emerg. eff. March 16, 1971. Amended by Laws 2011, c. 105, § 32, eff. Nov. 1, 2011.

§63-1-533. Phenylketonuria, related inborn metabolic disorders and other genetic or biochemical disorders - Educational and newborn screening programs.

A. The State Commissioner of Health shall provide, pursuant to the provisions of Section 1-534 of this title, as technologies and funds become available, an intensive educational and newborn screening program among physicians, hospitals, public health nurses, and the public concerning phenylketonuria, related inborn metabolic disorders, and other genetic or biochemical disorders for which:

1. Newborn screening will provide early treatment and management opportunities that might not be available without screening; and

2. Treatment and management will prevent intellectual disabilities and/or reduce infant morbidity and mortality.

B. This educational and newborn screening program shall include information about:

1. The nature of the diseases;

2. Examinations for the detection of the diseases in infancy; and

3. Follow-up measures to prevent the morbidity and mortality resulting from these diseases.

C. For purposes of this section, "phenylketonuria" means an inborn error of metabolism attributable to a deficiency of or a defect in phenylalanine hydroxylase, the enzyme that catalyzes the conversion of phenylalanine to tyrosine. The deficiency permits the accumulation of phenylalanine and its metabolic products in the body fluids. The deficiency can result in intellectual disabilities (phenylpyruvic oligophrenia), neurologic manifestations (including hyperkinesia, epilepsy, and microcephaly), light pigmentation, and eczema. The disorder is transmitted as an autosomal recessive trait and can be treated by administration of a diet low in phenylalanine.

D. The Commissioner shall promulgate any rules necessary to effectuate the provision of this section.

Added by Laws 1965, c. 252, § 1. Amended by Laws 2002, c. 463, § 1, eff. Nov. 1, 2002; Laws 2005, c. 452, § 1, eff. Nov. 1, 2005; Laws 2019, c. 475, § 53, eff. Nov. 1, 2019.

§63-1-534. Tests.

The State Board of Health shall make such rules and regulations pertaining to such tests as accepted medical practice shall indicate, and is authorized to make such testing mandatory if sufficient evidence exists that the public has been negligent in accepting such practice and if the Board considers it in the public interest to do so. The State Board of Health is hereby authorized to set up laboratory facilities and use existing facilities for the performance

of examinations and tests for the detection of these diseases and make a reasonable charge therefor; provided, however, that no child shall be denied such laboratory work or tests because of the inability of its parents or guardian to pay therefor. Provided, further, that the State Board of Health may approve other laboratories for the performance of such tests; provided that the provisions of this section shall not apply to any infant whose parents object thereto on the grounds that such examination conflicts with their religious tenets and practices.
Laws 1965, c. 252, § 2.

§63-1-534.1. State Plan for the Prevention and Treatment of AIDS - Lead agency - Submission to Legislature - Preparation.

A. The State Department of Health shall be the lead agency for the coordination of programs and services related to the Human Immunodeficiency Virus (HIV).

B. On or before January 1, 1994, the State Department of Health shall submit a State Plan for the Prevention and Treatment of Acquired Immune Deficiency Syndrome (AIDS) to the Governor, the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives, the chairmen of the appropriate committees of the Senate and the House of Representatives, and the chief executive officer and members of the governing bodies of each agency affected by the State Plan. Copies of the State Plan for the Prevention and Treatment of AIDS shall be available to members of the Oklahoma Legislature and the general public upon request.

C. The State Plan for the Prevention and Treatment of AIDS shall be prepared jointly by the State Department of Health, the Department of Human Services, the State Department of Education, and the Department of Mental Health and Substance Abuse Services in collaboration with other appropriate public and private agencies and organizations.
Added by Laws 1993, c. 201, § 1, eff. Sept. 1, 1993. Amended by Laws 2011, c. 105, § 33, eff. Nov. 1, 2011.

§63-1-534.2. State Plan for the Prevention and Treatment of AIDS - Contents.

The State Plan for the Prevention and Treatment of AIDS shall include, but not be limited to:

1. Coordinated or joint recommendations for funding, legislation and other appropriate action for the prevention and control of the spread of the Human Immunodeficiency Virus and AIDS, the provision of necessary treatment and other services to persons infected with the virus, and the protection of human and civil rights and the health of the citizens of this state;

2. Education and information programs about the Human Immunodeficiency Virus and AIDS which are intended for the general public, health care professionals and other professionals, and specialized education and information efforts, as appropriate, for the effective prevention and control of the spread of the Human Immunodeficiency Virus and AIDS. The programs shall include, but not be limited to, instruction indicating that:

a. engaging in any promiscuous homosexual, bisexual or heterosexual activity or intravenous chemical substance use, or contact with contaminated blood products is now known to be the primary method of transmission of the Human Immunodeficiency Virus and AIDS,

b. avoiding the activities specified in subparagraph a of this paragraph is the only known method of preventing the spread of the Human Immunodeficiency Virus and AIDS,

c. sexual intercourse, with or without condoms, with any person testing positive for Human Immunodeficiency Virus (HIV) antibodies, or any other person infected with HIV, places an individual in a high-risk category for contracting AIDS,

d. abstinence from sexual activity is the only certain means of preventing the spread or contraction of the Human Immunodeficiency Virus or AIDS through sexual contact, and

e. the use of artificial means of birth control is not a guaranteed method of preventing the spread of the Human Immunodeficiency Virus or AIDS, and reliance on such a method places a person at risk for exposure to the disease;

3. An appropriate array of Human Immunodeficiency Virus testing and counseling programs and services, and Human Immunodeficiency Virus prevalence surveillance and monitoring activities, including reporting and notification of contacts, as prudent and necessary for the protection of the public health and safety;

4. Testing and education programs and services designed to prevent and control the spread of the Human Immunodeficiency Virus and AIDS among intravenous chemical substance users; and

5. Case management and other programs that ensure access to needed health care and that reduce the cost of treatment for persons with AIDS.

Added by Laws 1993, c. 201, § 2, eff. Sept. 1, 1993.

§63-1-539.1. Short title - Definitions.

A. This act shall be known and may be cited as the "Needlestick Injury Prevention Act".

B. For purposes of the Needlestick Injury Prevention Act:

1. “Ambulance” means any ground, air or water vehicle approved by the State Commissioner of Health pursuant to the Oklahoma Emergency Response Systems Development Act and rules promulgated by the State Board of Health pursuant thereto when used to provide appropriate on-scene and enroute stabilization and emergency medical care;

2. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and that can cause disease in humans including, but not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV);

3. "Committee" means the Needlestick Injury Prevention Committee;

4. “Department” means the State Department of Health;

5. "Engineered sharps injury protection" means:

a. a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, which effectively reduces the risk of an exposure incident through the use of mechanisms such as barrier creation, blunting, encapsulation, withdrawal, retraction, or other effective mechanisms, or

b. a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident;

6. “First responder” means an individual who performs emergency medical services on scene in accordance with the Oklahoma Emergency Response Systems Development Act and rules of the State Board of Health promulgated thereto;

7. “High exposure area” means an operating room, an ambulatory surgical center, an emergency room, an intensive care unit, an ambulance or an area or scene at which a first responder performs or provides emergency medical services;

8. "Needleless systems" means devices that do not utilize needles for:

a. the withdrawal of body fluids after initial venous or arterial access is established,

b. the administration of medication or fluids, and

c. any other procedure involving the potential for an exposure incident;

9. "Needlestick injury" means the parenteral introduction into the body of a health care worker of blood or other potentially infectious material by a hollow-bore needle or sharp instrument, including, but not limited to, needles, lancets, scalpels, or contaminated broken glass, during the performance of duties of such worker; and

10. "Sharps" means any objects used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin

or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.
Added by Laws 2000, c. 297, § 1, emerg. eff. June 5, 2000.

§63-1-539.2. Needlestick Injury Prevention Committee – Appointments – Powers and duties.

A. By August 1, 2000, each of the following agencies and associations shall appoint a member to the Needlestick Injury Prevention Committee:

1. The State Department of Health;
2. The State Department of Labor;
3. The Oklahoma Board of Nursing;
4. The Oklahoma State Medical Association;
5. The Oklahoma Osteopathic Association;
6. The Oklahoma Hospital Association;
7. The Oklahoma Nurses Association;
8. The Pharmaceutical Research and Manufacturers of America;
9. The Professional Firefighters of Oklahoma Association;
10. The Oklahoma Emergency Medical Technicians Association; and
11. The Oklahoma Municipal League.

B. Upon appointment of a member, each agency and entity specified by subsection A of this section shall submit the name, address and telephone number of the member so appointed to the State Commissioner of Health.

C. The State Commissioner of Health shall convene the first meeting of the Committee on or before October 1, 2000.

D. 1. The Committee shall elect a chair and vice-chair from among its members. The Committee shall meet as often as necessary to develop guidelines for the use of needleless systems and engineered sharps injury protection and to comply with the provisions of the Needlestick Injury Prevention Act. A majority of the members shall constitute a quorum for the transaction of business.

2. The Committee is authorized to utilize the conference rooms of the State Department of Health and to obtain staff assistance from the Department as needed.

3. The members of the Committee shall be reimbursed expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act. Members appointed by any state agency shall be reimbursed for any authorized expense incurred in the performance of such members' duties for the Committee, as provided in the State Travel Reimbursement Act. For members who are not state employees, the State Department of Health shall be responsible for the processing and payment of any authorized expense incurred in the performance of such members' duties for the Committee, as provided in the State Travel Reimbursement Act.

E. Before developing any guidelines for the development of uniform rules, the Committee shall give public notice, offer opportunity for public comment and conduct statewide public meetings.

F. The Committee shall have the power and duty to:

1. Evaluate needleless systems and sharps with engineered sharps injury protection in high exposure areas;

2. Compile a list of existing needleless systems and sharps with engineered sharps injury protection to assist employers;

3. Develop guidelines for uniform administrative rules related to the use of needleless systems and engineered sharps injury protection in high exposure areas;

4. Develop compliance thresholds for needleless systems in high exposure areas;

5. Assess the rate of use of needleless systems in high exposure areas;

6. Utilize the latest version of a directive published by the Occupational Safety and Health Administration, United States Department of Labor entitled "Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens" for the reporting mechanism for needlestick injuries in high exposure areas;

7. Prior to March 1, 2004, and annually thereafter determine whether there is sufficient utilization of sharps prevention technology in the state in high risk areas. If the Committee determines that there is a sufficient use of sharps prevention technology in the state, prior to the promulgation of rules pursuant to Section 3 of this act, the Committee shall recommend to the rule-making agencies that the proposed rules not be promulgated. If such determination is made after the rules have been promulgated pursuant to Section 3 of this act, the Committee shall recommend to the rule-making agencies that such promulgated rules be rescinded; and

8. Evaluate and consider such other data and information necessary to perform its duties and responsibilities pursuant to the provisions of the Needlestick Injury Prevention Act.

G. In exercising such powers and duties the Committee shall:

1. Consider training and education requirements and increased use of personal protective equipment in high exposure areas;

2. Consider the cost, cost benefit analysis and the availability of a needleless system; and

3. Consider information contained in the Center for Disease Prevention and Control's publication on universal precautions.

H. 1. On or before May 1, 2003, the Committee shall establish guidelines for the development of uniform administrative rules by the agencies specified in Section 3 of this act related to the use of needleless systems and engineered sharps injury protection. Guidelines established by the Needlestick Injury Prevention Committee and rules promulgated by the state agencies specified in Section 3 of this act shall in no way prohibit or otherwise limit the use of:

a. a prefilled syringe that is approved by the federal Food and Drug Administration; provided, however, this exemption shall expire on June 1, 2004, and

b. prefilled syringes purchased or in stock prior to June 1, 2004.

2. Before developing such guidelines the Committee shall provide an opportunity for public comment through a series of statewide public hearings. The Committee shall give advance public notice of such hearings.

3. On or before August 1, 2003, the agencies listed in Section 3 of this act shall submit copies of proposed rules to the Committee for review.

4. On or before September 1, 2003, the Committee shall review the proposed rules prepared by such agencies for uniformity and compliance with the guidelines established by the Committee. The Committee shall forward copies of the proposed rules to the Hospital Advisory Council for review.

5. Beginning November 1, 2003, the Hospital Advisory Council shall forward to the Committee for review copies of any proposed amendments to the rules promulgated pursuant to the Needlestick Injury Prevention Act. The Committee shall consider such comments and recommendations in making its recommendations to such agencies for modifications to the proposed rules, as necessary to ensure uniformity and compliance with the established guidelines.

6. On or before July 1, 2003, the Committee shall develop and maintain a list of existing needleless systems and engineered sharps injury protections. This list shall be available to assist employers in complying with the requirement of the standards, adopted in accordance with the Needlestick Injury Prevention Act.

7. Beginning March 1, 2004, the Committee shall meet not less than annually and more often as necessary, as determined by the chair of the Committee, for the purpose of reviewing proposed or necessary amendments to the rules promulgated pursuant to the Needlestick Injury Prevention Act, in order to ensure the continuing consistency and uniformity of the rules to provide for necessary revisions of the list.

I. Each state agency listed in Section 3 of this act shall provide information and staff assistance as necessary to prepare the rules, procedures, forms and lists required by the Needlestick Injury Prevention Act.

J. The Committee shall terminate on July 1, 2006.

Added by Laws 2000, c. 297, § 2, emerg. eff. June 5, 2000.

§63-1-539.3. Uniform rules to be promulgated by certain state agencies.

A. By March 1, 2004, each of the state agencies specified in subsection C of this section shall have promulgated uniform emergency

rules and shall have submitted proposed permanent uniform rules to the Governor and Legislature pursuant to the Administrative Procedures Act for the use of needleless systems and engineered sharps injury protection in this state. Specifically the uniform rules shall require:

1. That each public or private health care facility or location have a written exposure control plan for risk exposure to bloodborne pathogens;

2. That sharps prevention technology be included as engineering or work practice controls in high exposure areas, except in cases where the employer or other appropriate party can demonstrate circumstances in which the technology does not promote employee or patient safety or interferes with a medical procedure. Those circumstances shall be specified in the control plan, and shall include, but not be limited to, circumstances where the technology is medically contraindicated or not more effective than alternative measures used by the employer to prevent exposure incidents in high exposure areas;

3. That the written exposure control plans include an effective procedure for identifying and selecting existing sharps prevention technology in high exposure areas;

4. That a written exposure control plan be updated when necessary to reflect progress in implementing the sharps prevention technology specified by the Committee and promulgated by rule of the regulating agency;

5. That information concerning exposure incidents be recorded in a sharps injury log, including, but not limited to, the type and brand of device involved in the incident; and

6. Such other requirements deemed necessary by the Needlestick Injury Prevention Committee.

B. The failure of any agency to promulgate rules consistent with the provisions of the Needlestick Injury Prevention Act shall be reported by the Committee in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

C. Each of the following agencies shall promulgate uniform rules and procedures for the use of needleless systems and engineered sharps injury protection in compliance with the provisions of the Needlestick Injury Prevention Act:

1. The State Department of Health; and

2. The State Department of Labor.

D. Upon notification by the Committee that the use of sharps prevention technology is adequate, the rule-making agency shall rescind rules promulgated pursuant to the provisions of the Needlestick Injury Prevention Act.

Added by Laws 2000, c. 297, § 3, emerg. eff. June 5, 2000.

§63-1-540. Information campaign on DES.

The State Commissioner of Health shall establish special programs with regard todiethylstilbestrol, hereinafter referred to as DES, which shall:

1. Inform the public as to the potential hazards and afflictions which may be related to exposure to DES and the symptoms and prevention of associated malignancies, through the establishment of a public information campaign on DES to identify and encourage persons exposed to the drug to seek medical care for the prevention or treatment of any malignant condition; and

2. Include programs for DES-exposed persons in existing comprehensive screening units.

Laws 1980, c. 73, § 1, emerg. eff. April 14, 1980.

§63-1-541. Registry of persons who took DES.

The State Commissioner of Health shall maintain a confidential registry of women who took DES during pregnancy and their offspring who were exposed to DES prenatally, for the purpose of follow-up care and treatment of long-term problems associated with DES exposure. Enrollment in the registry shall be upon a voluntary basis.

Laws 1980, c. 73, § 2, emerg. eff. April 14, 1980.

§63-1-542. Report of findings and recommendations.

The State Commissioner of Health shall make an annual report to the Legislature of findings and recommendations concerning the effectiveness, impact and benefits derived from the special programs created herein, and any recommendations for legislative changes deemed necessary.

Laws 1980, c. 73, § 3, emerg. eff. April 14, 1980.

§63-1-543. Short title - Screening for detection of congenital or acquired hearing loss.

A. This act shall be known and may be cited as the “Newborn Infant Hearing Screening Act”.

B. Every infant born in this state shall be screened for the detection of congenital or acquired hearing loss prior to discharge from the facility where the infant was born. A physician, audiologist or other qualified person shall administer such screening procedure in accordance with accepted medical practices and in the manner prescribed by the State Board of Health. If an infant requires emergency transfer to another facility for neonatal care, such screening procedure shall be administered by the receiving facility prior to discharge of the infant.

C. The State Board of Health shall promulgate rules necessary to enact the provisions of this act. The State Commissioner of Health shall develop procedures and guidelines for screening for the detection of congenital or acquired hearing loss.

D. Any durable medical equipment purchased or supplied by the State Department of Health for the purpose of being permanently or temporarily fitted for use by a specific child shall not be deemed or considered to be a “tangible asset” as that term is defined in Section 110.1 of Title 74 of the Oklahoma Statutes and, once fitted to a specific child, shall be deemed thereafter to have minimal or no value to the Department for purposes of further disposition pursuant to the Oklahoma Central Purchasing Act.
Added by Laws 1982, c. 141, § 1, emerg. eff. April 9, 1982. Amended by Laws 2000, c. 204, § 1, eff. Nov. 1, 2000; Laws 2006, c. 273, § 1, emerg. eff. June 7, 2006.

§63-1-543.3. Grand funding for sickle cell disease.

A. The Secretary of Health and Human Services shall, pursuant to the Public Health Service Act, P.L. 78-410, apply for grant funding from the United States Department of Health and Human Services for the purposes of:

1. Identifying health disparities related to sickle cell disease;

2. Assessing the utilization of therapies and strategies to prevent complications related to sickle cell disease; and

3. Other purposes permitted by federal laws and regulations.

B. The State Board of Health shall promulgate rules to implement the provisions of this section.
Added by Laws 2017, c. 207, § 1, eff. Nov. 1, 2017.

§63-1-544. Report of results.

The results of the screening procedures, conducted pursuant to Section 1 of this act, shall be reported to the State Department of Health in accordance with procedures adopted by the State Board of Health.
Added by Laws 1982, c. 141, § 2, emerg. eff. April 9, 1982.

§63-1-545. Publication of results - Release of information.

The State Commissioner of Health shall compile and publish annually the results of the infant screening procedures using the information reported to the Department. The Commissioner may authorize the release of information concerning children who are found to have hearing impairments to the appropriate agencies and departments so that such children may receive the necessary care and education.
Added by Laws 1982, c. 141, § 3, emerg. eff. April 9, 1982.

§63-1-546.1. Short title – Legislative findings.

A. Sections 1 through 5 of this act shall be known and may be cited as the "Oklahoma Prenatal Addiction Act."

B. It is the finding of the Oklahoma Legislature that the state has a substantial interest in protecting children from the harm that results from the abuse of drugs or alcohol by their mothers during pregnancy, both for the sake of the child and because of the potential cost to the state in providing medical and other care to such children. The Legislature recognizes that the preferable and most effective means of preventing birth defects and health problems due to substance abuse by pregnant women is to provide readily available and accessible prenatal care and appropriate substance abuse treatment services, but further recognizes that in some instances it may be necessary to use the authority of the state to intervene for the purpose of preserving and protecting the health and well-being of the child.
Added by Laws 2000, c. 301, § 1, emerg. eff. June 5, 2000.

§63-1-546.2. Repealed by Laws 2004, c. 92, § 5, eff. July 1, 2004.

§63-1-546.3. Repealed by Laws 2004, c. 92, § 5, eff. July 1, 2004.

§63-1-546.4. Duties of Department of Health and Department of Mental Health and Substance Abuse Services.

A. The Department of Mental Health and Substance Abuse Services shall:

1. Prohibit all substance abuse treatment services administered by or contracted for by the Department from refusing to treat pregnant women if space and staff expertise is available;

2. Require all such programs and services to give priority to accepting pregnant women for treatment and services if space and staff expertise is available; and

3. Assist such programs to develop and implement treatment modalities and services appropriate for pregnant women.

B. The Department of Mental Health and Substance Abuse Services and the State Department of Health may implement, with available funds, a pilot project recommended by the Joint Legislative Task Force on Prenatal Addiction and Treatment. With the consent of the court having jurisdiction and the district attorney, the program may include a program similar to the program established by the Drug Court Act.
Added by Laws 2000, c. 301, § 4, emerg. eff. June 5, 2000. Amended by Laws 2001, c. 434, § 15, emerg. eff. June 8, 2001.

§63-1-546.5. District attorney multidisciplinary teams - Appropriate dispositions.

A district attorney may convene a multidisciplinary team to assist in making a determination of the appropriate disposition of a case of a pregnant woman who is abusing or is addicted to drugs or alcohol to the extent that the unborn child is at risk of harm. The

multidisciplinary team shall include at least one person with training and experience in the treatment of addiction. As used in this section, an appropriate disposition may include but shall not be limited to filing a petition for involuntary commitment as provided by Section 5-410 et seq. of Title 43A of the Oklahoma Statutes to a public facility or a private facility willing to accept the pregnant woman for treatment.
Added by Laws 2000, c. 301, § 5, emerg. eff. June 5, 2000.

§63-1-550.1. Definitions.

As used in this act:

1. "Birth defect" means any physical or chemical abnormality present at birth;

2. "Commissioner" means the Commissioner of Health;

3. "Department" means the Oklahoma State Department of Health;

4. "ICD diagnostic code categories" means the International Classification of Diseases which assigns numbers to each of the congenital anomalies and poor reproductive outcomes; and

5. "Poor reproductive outcomes" includes but is not limited to stillbirths and miscarriages.

Added by Laws 1987, c. 199, § 1, eff. Nov. 1, 1987. Amended by Laws 2019, c. 155, § 1, eff. Nov. 1, 2019.

§63-1-550.2. Birth defects surveillance program.

A. It is hereby found that the occurrence of a birth defect is a tragedy for the child, the family and the community, and a matter of vital concern to the public health. A system to obtain more information about these conditions could result in their prevention, treatment and management. Therefore, it is the intent of the Oklahoma State Legislature, in enacting this section, to:

1. Obtain information on the incidence and trends of birth defects and poor reproductive outcomes;

2. Obtain information to determine whether environmental hazards are associated with birth defects and poor reproductive outcomes;

3. Obtain information as to other possible causes of birth defects and poor reproductive outcomes; and

4. Develop prevention strategies for reducing the incidence of birth defects and poor reproductive outcomes.

B. The Commissioner of Health may establish a system for the collection and verification of information concerning birth defects and other poor reproductive outcomes. In establishing the system, the Commissioner may require general acute care hospitals to maintain a list of patients up to six (6) years of age who have been diagnosed with birth defects incorporated within the newest version of the ICD diagnostic code categories or such other information as the Commissioner deems appropriate, and all women discharged with a diagnosis of stillbirth, miscarriage or poor reproductive outcomes.

The list shall be made available to the Commissioner upon request and shall be used solely for purposes provided in this section.

C. The Commissioner may require general acute care hospitals, and other sources as deemed necessary, to make available to the State Department of Health the medical records of those patients who have been diagnosed with birth defects or poor reproductive outcomes as required in this section.

D. The Commissioner may require general acute care hospitals, and other sources as deemed necessary, to make electronic medical records of those patients who have been diagnosed with birth defects or poor reproductive outcomes, as required in this section, available to the State Department of Health through remote computer access, provided the hospital and/or other source has established remote computer access capabilities.

E. The system shall be implemented statewide.

F. The Commissioner may use the information collected pursuant to subsection B of this section and information available from other reporting systems and health providers to conduct studies to:

1. Investigate the causes of birth defects and poor reproductive outcomes;

2. Determine and evaluate measures designed to prevent their occurrences; and

3. Where possible, ensure delivery of services for children identified with birth defects. The Department's investigation of poor reproductive outcomes shall include geographic, time-related or occupational associations, as well as investigations of past exposure to potentially harmful substances.

G. All information collected and analyzed pursuant to this section shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purpose provided in this section. Access to such information shall be limited to the State Department of Health; provided, that the Commissioner may provide access to those scientists who are engaged in demographic, epidemiological or other similar studies related to health, and who agree, in writing as nonstate employees, to be identified and coded while maintaining confidentiality as described herein.

H. The Department shall maintain an accurate record of all persons who are given access to the information in the system. The record shall include:

1. The name of the persons authorizing access;

2. The name, title and organizational affiliation of persons given access;

3. The dates of access;

4. The specific purpose for which the information is to be used; and

5. The results of the independent research.

I. Nothing in this section shall prohibit the publishing of statistical compilations relating to birth defects or poor reproductive outcomes which do not in any way identify individual cases or individual sources of information.

J. Any person who, in violation of a written agreement to maintain confidentiality, willfully discloses any information provided pursuant to this section shall be denied further access to any confidential information maintained by the Department. That person shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Two Hundred Dollars ($200.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

K. The State Board of Health is authorized to adopt, amend and repeal rules and regulations for the purpose of carrying out the provisions of this section.

Added by Laws 1987, c. 199, § 2, eff. Nov. 1, 1987. Amended by Laws 1992, c. 123, § 1, emerg. eff. April 23, 1992; Laws 2019, c. 155, § 2, eff. Nov. 1, 2019.

§63-1-550.3. Record of Infants Born Exposed to Alcohol and Other Harmful Substances.

A. The Department of Human Services shall establish and maintain an up-to-date Record of Infants Born Exposed to Alcohol and Other Harmful Substances. Such record shall include data necessary for surveys and scientific research, and other data which is necessary and proper to further the recognition, prevention and treatment of infants born addicted to or prenatally exposed to harmful substances and shall be based upon information collected by the Department as a result of investigations made pursuant to Section 7103 of Title 10 of the Oklahoma Statutes. For purposes of this section, "harmful substances" means an intoxicating liquor or a controlled dangerous substance.

B. The Record of Infants Born Exposed to Alcohol and Other Harmful Substances shall include, but not be limited to, the following information:

1. The classification of the birth hospital, whether it is public or private;

2. Results of the toxicology report on an infant and its mother and, if positive, the type of drug or drugs involved;

3. The date of birth, birth weight, gestational age and race of the infant;

4. The county of residence;

5. The date and county of report;

6. Demographic information on the mother including, but not limited to, age, race, education level, marital status, income level, whether prenatal care was received and the type of prenatal care

received, whether it was private, public health clinic or hospital clinic;

7. Type of treatment, whether the mother was referred for inpatient or outpatient; and

8. Whether the child was recommended for removal from custody of the parent.

C. Nothing in this section shall be construed to compel any infant or mother reported pursuant to the provisions of this act to submit to any medical examination, treatment or supervision of any kind.

D. The Commission for Human Services shall promulgate rules to carry out the provisions of this section and the Department of Human Services shall adopt agency policy directing employees of the Child Welfare Division within the Department of Human Services to collect and compile any and all data and information gathered from investigations made pursuant to Section 7103 of Title 10 of the Oklahoma Statutes necessary for the purposes of this section.

E. The Department of Human Services shall compile and evaluate information received from the reports required pursuant to this section into a report to be distributed on or before January 1 of each year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and such other persons as the Department deems advisable or necessary.

Added by Laws 1994, c. 327, § 4, eff. Sept. 1, 1994. Amended by Laws 1998, c. 22, § 1, emerg. eff. April 1, 1998.

§63-1-550.4. Short title – Fayelen's Law.

This section shall be known and may be cited as "Fayelen's Law".

Added by Laws 2013, c. 60, § 1, eff. July 1, 2013.

§63-1-550.5. Birthing facility – Pulse oximetry screening.

A. As used in this section, "birthing facility" means an inpatient or ambulatory health care facility licensed by the State Department of Health that provides birthing and newborn care services.

B. The State Department of Health shall require each birthing facility to perform a pulse oximetry screening on every newborn in its care prior to discharge from the birthing facility.

C. The State Board of Health shall promulgate rules necessary to carry out the purposes of this act.

Added by Laws 2013, c. 60, § 2, eff. July 1, 2013.

§63-1-551.1. Tumor registry.

A. The State Commissioner of Health shall establish and maintain an up-to-date tumor registry to ensure an accurate and continuing source of data concerning such cancerous, precancerous and tumorous diseases as the State Board of Health may by rule specify. Such

registry may include data necessary for epidemiological surveys and scientific research, and other data which is necessary and proper to further the recognition, prevention, control, treatment and cure of cancer, precancerous and tumorous diseases.

B. The Commissioner, pursuant to rules of the State Board of Health, shall require any hospital, clinic, laboratory, pathologist, physician or dentist, or any facility which provides diagnostic or treatment services for cancerous diseases and precancerous conditions, to report any or all data and information necessary for the purposes of this act which may include the following:

1. Patient name, address, age, race, sex, Social Security number and hospital identifier or other identifier;

2. Patient's residential, family, environmental, occupational and medical histories; and

3. Physician's name, diagnosis, stage of the disease, method of treatment and the name and address of any facility providing treatment.

C. The provisions of subsection B of this section shall not apply to ambulatory surgical centers, as defined by Section 2657 of this title, upon submission of a signed affidavit that the ambulatory surgical center utilizes a sole source pathology laboratory to report any or all data and information necessary for the purposes of this act.

D. The Commissioner shall protect the identity of the patient and physician involved in any report required by this act, and may not release their identity without written consent, except that:

1. The Commissioner may grant any person involved in a legitimate research activity access to confidential information obtained by the Department concerning individual patients if:

a. the research activity is determined to be in the interest of the public health and welfare,

b. the person conducting the research provides written information about the purpose of the research project, the nature of the data to be collected and how the researcher intends to analyze it, the records the researcher wishes to review, and the safeguards the researcher will take to protect the identity of the patients whose records the researcher will be reviewing,

c. the proposed safeguards are adequate to protect the identity of each patient whose records will be reviewed, and

d. an agreement is executed between the Commissioner of Health and the researcher that specifies the researcher's use of the records and that prohibits the publication or release of the names of individual

cancer patients or any facts tending to lead to the identification of individual cancer patients;

2. Researchers may, with the approval of the Commissioner, use the names of individual patients when requesting additional information for research purposes or soliciting an individual patient's participation in a research project. However, if a researcher requests additional information or an individual patient's participation in a research project, the researcher must first obtain the written consent of the patient's attending physician. If the consent of the patient's attending physician is obtained, the researcher must then obtain the individual cancer patient's written consent by having the patient complete a release of confidential medical information form;

3. Data on patients may be shared with other registries, private or governmental, within or without the state, provided that a reciprocal data-sharing agreement, approved by the Commissioner, is implemented with that registry. Such agreements must include patient identification confidentiality requirements; and

4. Provided further, that any confidential information released by the Commissioner under this act shall be deemed to be a confidential communication within the meaning of the physician-patient and the psychotherapist-patient privilege.

E. Nothing in this act shall be construed to compel any individual to submit to any medical examination, treatment or supervision of any kind; nor shall anyone providing information in accordance with this act be deemed to be, or held liable for, divulging confidential information. An individual shall have the right to deny registration on religious grounds.

F. The State Board of Health is empowered to adopt reasonable regulations to carry out the provisions of this act.

G. Any person who, in violation of a written agreement to maintain confidentiality, willfully discloses any information provided pursuant to this section shall be denied further access to any confidential information maintained by the Department. That person shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Two Hundred Dollars ($200.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Added by Laws 1987, c. 197, § 1, eff. Nov. 1, 1987. Amended by Laws 2013, c. 235, § 1, eff. Nov. 1, 2013; Laws 2014, c. 235, § 1, eff. Nov. 1, 2014; Laws 2018, c. 99, § 1, eff. Nov. 1, 2018.

§63-1-552. Investigations and other actions - Compilation and evaluation of information.

A. The State Department of Health shall make such investigations concerning birth defects and cancer, the prevention and treatment of said diseases or impairments and the mortality resulting from them,

and take such action to assist in reducing said mortality as it deems necessary and appropriate.

B. The State Department of Health shall compile and evaluate information received from the reports required pursuant to Sections 1 and 2 of this act and subsection A of this section in a report to be distributed on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to such other person as the Commissioner deems advisable or necessary. Copies of such report shall also be made available to the federal government, and to members of the public upon written request.

Added by Laws 1985, c. 60, § 3, eff. Nov. 1, 1985.

§63-1-553. Bone marrow donation program.

A. If funds are available, the Oklahoma Medical Center shall design and implement a statewide general public education program concerning:

1. The need for bone marrow donors;

2. The procedures required to become registered as a potential bone marrow donor, including procedures for determining the tissue type of a person; and

3. The medical procedures a donor must undergo to donate bone marrow or other sources of blood stem cells.

B. If funds are available, the Oklahoma Medical Center shall make special efforts to educate and recruit citizens of this state with a special emphasis on minority populations to volunteer as potential bone marrow donors. Means of communication may include, but not be limited to, use of newspapers, radio and television, and placement of educational materials in appropriate health care facilities, blood banks and agencies of the state and political subdivisions of the state. If funds are available, educational materials shall be provided by the Oklahoma Medical Center to all places where driver's licenses and licenses for identification only are issued or renewed.

Added by Laws 1992, c. 213, § 1, eff. Sept. 1, 1992.

§63-1-553.1. Mammography reports – Breast density classification.

A. All health care facilities that perform mammography examinations shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the Breast Imaging Reporting and Data System established by the American College of Radiology. If the patient elects to receive the summary of the mammography report by electronic mail and provides an electronic mail address, the summary shall be sent by electronic mail. If the facility determines that a patient has heterogeneously

or extremely dense breast tissue, the summary of the mammography report shall include the following notice:

"Your mammogram indicates that you have dense breast tissue. Dense breast tissue is common and is found in more than fifty percent (50%) of women and is not abnormal. However, dense breast tissue may make it more difficult to detect breast cancer and may be associated with an increased risk of breast cancer. This information is being provided to raise your awareness and to encourage you and your health care provider to discuss this and other breast cancer risk factors. Together, you and your health care provider can decide if additional screening options may be right for you. A report of your results was sent to your health care provider."

B. Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density available on the American College of Radiology's website. Patients and health care providers can be further informed by material from the American Cancer Society or Mammography Saves Lives organizations.

C. Nothing in this section shall be deemed to create a duty of care or other legal obligation beyond the duty to provide notice as set forth in subsection A of this section. Nothing in this section shall be deemed to require a notice that is inconsistent with the provisions of the federal Mammography Quality Standards Act or any regulations promulgated pursuant thereto.

Added by Laws 2016, c. 131, § 1, eff. Nov. 1, 2016. Amended by Laws 2019, c. 319, § 2, eff. Nov. 1, 2019.

§63-1-554. Oklahoma Breast and Cervical Cancer Act.

Sections 1-554 through 1-558 of this title shall be known and may be cited as the “Oklahoma Breast and Cervical Cancer Act”.

Added by Laws 1994, c. 288, § 2, eff. July 1, 1994. Renumbered from § 3315 of this title by Laws 1996, c. 143, § 4, emerg. eff. May 7, 1996. Amended by Laws 1998, c. 210, § 2, eff. July 1, 1998. Renumbered from § 5060.9a-1 of Title 74 by Laws 1998, c. 210, § 9, eff. July 1, 1998. Amended by Laws 2004, c. 219, § 1, emerg. eff. May 4, 2004.

§63-1-555. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-556. Contract review and recommendation.

A. The State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall be responsible for evaluating and reporting to the Governor and the State Commissioner of Health regarding contracting for statewide services or issues related to breast cancer including, but not limited to:

1. Mammography and pap smear screening of women for breast and cervical cancer as an early detection health care measure, provided by facilities which are accredited by national organizations that have formed coalitions to issue national cancer screening guidelines;

2. Medical referral of screened persons with abnormal breast findings and, to the extent practical, for additional services or assistance for such persons;

3. Education and training programs for health care professionals to improve methods for the detection and control of breast and cervical cancer, and to improve communication with breast and cervical cancer patients after diagnosis;

4. Annual public education and awareness campaigns to improve the knowledge and health care practices of all Oklahomans with respect to breast and cervical cancer;

5. Epidemiological trend studies utilizing the data from the Oklahoma Central Cancer Registry for incidence, prevalence and survival of breast and cervical cancer victims; and

6. Outreach to groups with high proportions of uninsured and underinsured women.

B. The evaluative efforts of the Advisory Committee with respect to contracts for services specified in subsection A of this section shall provide appropriate oversight and requirements that result in:

1. Enhanced quality control standards within facilities which perform diagnostic cancer screening for breast and cervical cancer; and

2. Establishment of a fee schedule for breast and cervical cancer screening and diagnosis that complies with accepted Medicare/Medicaid rates and that incorporates a sliding fee payment system to encourage self-responsibility.

C. The State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall report annually to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Health by October 1 of each year, activities completed pursuant to the Oklahoma Breast and Cervical Cancer Act during the prior fiscal year, including a report of the funding for related activities. The report shall identify populations at highest risk for breast or cervical cancer, priority strategies, and emerging technologies, including newly introduced therapies and preventive vaccines that are effective in preventing and controlling the risk of breast and cervical cancer, and any recommendations for additional funding, if necessary, to provide screenings and treatment for breast and cervical cancer for uninsured and underinsured women. The report shall further recommend strategies or actions to reduce the costs of breast and cervical cancer in the State of Oklahoma.

D. The Advancement of Wellness Advisory Council shall evaluate the prospective termination or continuation of its ongoing duties on October 1, 2008. Such evaluation shall be made based on the successful implementation of breast and cervical cancer reduction plans and/or achievement of significant reductions in breast and cervical cancer morbidity and mortality in the State of Oklahoma.
Added by Laws 1994, c. 288, § 4, eff. July 1, 1994. Amended by Laws 1996, c. 143, § 1, emerg. eff. May 7, 1996; Laws 1998, c. 210, § 4, eff. July 1, 1998. Renumbered from § 5060.9c of Title 74 by Laws 1998, c. 210, § 9, eff. July 1, 1998. Amended by Laws 2001, c. 411, § 2, eff. Nov. 1, 2001; Laws 2004, c. 219, § 3, emerg. eff. May 4, 2004; Laws 2013, c. 229, § 55, eff. Nov. 1, 2013.

§63-1-557. Breast and Cervical Cancer Act Revolving Fund.

A. 1. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Breast and Cervical Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the fund and gifts or donations to the fund.

2. All monies donated or accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purposes specified in and associated with implementation of the Oklahoma Breast and Cervical Cancer Act.

3. Monies from the fund may be transferred to the Breast and Cervical Cancer Prevention and Treatment Account and shall be used to carry out the purposes specified in Section 1-556 of this title.

4. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Monies in the Breast and Cervical Cancer Act Revolving Fund may be expended by the State Department of Health for promotional activities to encourage donations to the Breast and Cervical Cancer Act Revolving Fund by individuals and private businesses or foundations.
Added by Laws 1998, c. 210, § 5, eff. July 1, 1998. Amended by Laws 2001, c. 411, § 3, eff. Nov. 1, 2001; Laws 2004, c. 219, § 4, emerg. eff. May 4, 2004; Laws 2012, c. 304, § 480; Laws 2013, c. 229, § 56, eff. Nov. 1, 2013.

§63-1-558. State income tax return check-off.

A. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after January 1, 2004, and each state corporate tax return form for tax years beginning after January 1, 2004, an opportunity for the

taxpayer to donate from a tax refund for the benefit of the Oklahoma Breast and Cervical Cancer Act.

B. The monies generated from donations made pursuant to subsection A of this section shall be used by the State Department of Health for the purposes specified in the Oklahoma Breast and Cervical Cancer Act.

C. All monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Breast and Cervical Cancer Act Revolving Fund.

Added by Laws 1995, c. 245, § 2, eff. Nov. 1, 1995. Amended by Laws 1998, c. 210, § 6, eff. July 1, 1998. Renumbered from § 5060.9e of Title 74 by Laws 1998, c. 210, § 9, eff. July 1, 1998. Amended by Laws 2001, c. 358, § 26, eff. July 1, 2001; Laws 2004, c. 219, § 5, emerg. eff. May 4, 2004.

§63-1-559. Belle Maxine Hilliard Breast and Cervical Cancer Treatment Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Belle Maxine Hilliard Breast and Cervical Cancer Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Health Care Authority from appropriations, gifts or donations.

B. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority for the purpose specified and associated with the Oklahoma Breast Cancer Act.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 297, § 1, eff. Nov. 1, 2004. Amended by Laws 2012, c. 304, § 481.

§63-1-559.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017.

§63-1-559.2a. Quality Afterschool Opportunities Act to Reduce Childhood Obesity and Improve Academic Performance.

This act shall be known and may be cited as the “Quality Afterschool Opportunities Act to Reduce Childhood Obesity and Improve Academic Performance”.

Added by Laws 2008, c. 133, § 1, eff. Nov. 1, 2008.

§63-1-559.2b. Legislative findings.

A. The Legislature recognizes that:

1. Childhood obesity poses a major risk to the health and future of Oklahoma's children, and this challenge must be addressed through a comprehensive approach that includes parents, schools, child care providers, community- and faith-based organizations, health care professionals, civic leaders and many others; and

2. Evidence-based nutrition education and increased physical activity are well-established means of addressing the problem, but not all Oklahoma families are able to take advantage of opportunities to provide these benefits for their children.

B. It is the intent of the State Legislature that support shall be provided to established afterschool programs to fully integrate evidence-based obesity prevention and reduction curriculum that includes structured opportunities for increasing physical activity and promoting healthy eating and nutrition habits.

C. A successful Quality Afterschool Opportunities Initiative will require the resources, expertise and collaboration of a variety of state agencies, including the State Department of Health, the State Department of Education and the Department of Human Services, with advice and guidance from a statewide nonprofit afterschool network.

Added by Laws 2008, c. 133, § 2, eff. Nov. 1, 2008.

§63-1-559.2c. Obesity reduction programs - Department duties - Rules.

A. In order to combat the increasing rate of childhood obesity in the state, the State Department of Health shall create the Quality Afterschool Opportunities Initiative to Reduce Childhood Obesity and Improve Academic Performance. This initiative shall establish and maintain a program to award grants, should funds become available, to comprehensive, community-based afterschool programs that include evidence-based obesity reduction components.

B. The Department shall, at a minimum:

1. Develop an application process;

2. Determine minimum eligibility requirements for applicants;

3. Develop procedures and criteria for awarding grants; and

4. Determine the minimum and maximum amounts to be awarded.

C. The State Board of Health shall promulgate rules as necessary to implement the provisions of this act.

Added by Laws 2008, c. 133, § 3, eff. Nov. 1, 2008.

§63-1-560.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017.

§63-1-561. Short title.

This act shall be known and may be cited as the "Genetic Counseling Licensure Act".

Added by Laws 2006, c. 174, § 1, eff. Nov. 1, 2006.

§63-1-562. Definitions.

As used in the Genetic Counseling Licensure Act:

1. "ABGC" means the American Board of Genetic Counseling;

2. "ABMG" means the American Board of Medical Genetics;

3. "General supervision" means the process of a supervisor, whether licensed as a genetic counselor or a physician, having overall responsibility to assess the work of a supervisee, including regular meetings and chart reviews. An annual supervision contract signed by the supervisor and supervisee shall be on file with both parties; and

4. "Genetic counseling" means a communication process, conducted by one or more appropriately trained individuals, that includes:

a. estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. Such assessment may involve:

(1) obtaining and analyzing a complete health history of an individual and the individual's family,

(2) review of pertinent medical records,

(3) evaluation of the risks from exposure to possible mutagens or teratogens, or

(4) discussion of genetic testing or other valuations to diagnose a condition or determine the carrier status of one or more family members,

b. helping an individual, the individual's family, a health care provider, or the public to:

(1) appreciate the medical, psychological and social implications of a disorder including its features, variability, usual course, and management options,

(2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members,

(3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition,

(4) select the most appropriate, accurate and cost-effective methods of diagnosis, or

(5) understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret genetic test results, and

c. facilitating an individual's or family's:

(1) exploration of the perception of risk and burden associated with a disorder,

(2) decision-making regarding testing or medical interventions consistent with the individual's or family's beliefs, goals, needs, resources, culture and ethical or moral views, or

(3) adjustment and adaptation to the condition or the individual's or family's genetic risk by addressing needs for psychological, social and medical support.

Added by Laws 2006, c. 174, § 2, eff. Nov. 1, 2006.

§63-1-563. Genetic counselors - License required.

A. Except as provided in subsection C of this section, any person engaging in the practice of genetic counseling shall obtain a license to do so as hereinafter provided. A license to practice genetic counseling shall be issued to any person who qualifies pursuant to the provisions of this act.

B. Any person who does not have a valid license or temporary license as a genetic counselor shall not use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate", or any words, letters, abbreviations or insignia indicating or implying that a person has met the qualifications for or has the license issued pursuant to the provisions of this act.

C. The provisions of this section shall not apply to a person engaging in the practice of genetic counseling prior to the effective date of this act.

Added by Laws 2006, c. 174, § 3, eff. Nov. 1, 2006.

§63-1-564. Requirements for licensure - Issuance of temporary license.

A. An applicant for licensure as a genetic counselor shall:

1. Submit an application on forms provided by the State Department of Health;

2. Pay a fee, not to exceed Three Hundred Dollars ($300.00), as determined by the State Board of Health;

3. Provide satisfactory evidence of having earned:

a. a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity as determined by the ABGC, or

b. a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or an equivalent as determined by the ABMG; and

4. Meet the examination requirement for certification as:

a. a genetic counselor by the ABGC or the ABMG, or

b. a medical geneticist by the ABMG.

B. A temporary license may be issued to an applicant who meets all of the requirements for licensure except the examination provided for in paragraph 4 of subsection A of this section.

Added by Laws 2006, c. 174, § 4, eff. Nov. 1, 2006. Amended by Laws 2013, c. 229, § 58, eff. Nov. 1, 2013.

§63-1-565. Requirements for temporary licensure - Term of license.

The requirements for temporary licensure shall provide that:

1. An applicant shall meet all of the qualifications for licensure as established in the Genetic Counseling Licensure Act with the exception of certification by the American Board of Medical Genetics or the American Board of Genetic Counseling, and have active candidate status conferred by the ABMG or ABGC;

2. An individual practicing under the authority of a temporary license must practice under the general supervision of a licensed genetic counselor, or a physician licensed to practice in this state, with current ABMG certification in clinical genetics;

3. A temporary licensee shall apply for and take the next available examination. If an applicant fails the first sitting of the ABGC or ABMG certification examination, the applicant may reapply for a second temporary license;

4. A temporary license shall not be issued to an applicant who has failed the ABGC or ABMG certification examination more than once; and

5. A temporary license shall expire upon the earliest of the following:

a. issuance of full licensure,

b. thirty (30) days after failing the certification examination, or

c. the date printed on the temporary license.

Added by Laws 2006, c. 174, § 5, eff. Nov. 1, 2006.

§63-1-566. Exceptions to licensure requirement.

The following persons may engage in the practice of genetic counseling, subject to the stated circumstances and limitations, without being licensed under the provisions of this act:

1. Professionals licensed, certified or registered in this state other than as a genetic counselor who engage in the competent practice of that occupation or profession without additional licensure under this title. The individual may not use the title "genetic counselor" or any other title tending to indicate that the individual is a genetic counselor unless licensed as such in this state; provided, however, this provision shall not apply to physicians licensed in this state who have appropriate training in medical genetics;

2. A student or intern from a recognized school, engaged in activities constituting the practice of a regulated occupation or profession; provided, however, such activities shall be a defined part of a supervised training program;

3. An individual trained as a genetic counselor, who is reapplying for the American Board of Genetic Counseling certification examination and gathering logbook cases under supervision in an approved genetic counseling training site;

4. An individual trained as a Ph.D. medical geneticist, who is reapplying for the American Board of Medical Genetics certification examination and is gathering logbook cases under a supervisor identified in the training program's ABMG accreditation documents as a member of the training faculty; and

5. A consultant, including activities and services of visiting ABGC- or ABMG-certified genetic counselors from outside this state, or the use of occasional services of organizations from outside the state employing ABGC- or ABMG-certified genetic counselors.

Added by Laws 2006, c. 174, § 6, eff. Nov. 1, 2006.

§63-1-567. Continuing education requirements.

A. The State Board of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, shall establish continuing education requirements for genetic counselors as a condition of renewal or reinstatement of a license.

B. A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four (4) years after close of the two-year period to which the records pertain. It shall be the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate that it meets the requirements under this section.

C. A licensee who documents that he or she is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section may apply to be excused from the requirement for a period of up to five (5) years. It shall be the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

Added by Laws 2006, c. 174, § 7, eff. Nov. 1, 2006. Amended by Laws 2013, c. 229, § 59, eff. Nov. 1, 2013.

§63-1-568. Licensure, accreditation, certification not contingent upon acceptance of abortion as treatment option.

A. Nothing in the Genetic Counseling Licensure Act may be construed to require any genetic counselor or other person to mention, discuss, suggest, propose, recommend, or refer for, abortion, or to agree or indicate a willingness to do so, nor shall licensing of any genetic counselor be contingent upon acceptance of abortion as a treatment option for any genetic or other prenatal disease, anomaly, or disability.

B. If the State Board of Health determines that accreditation of genetic counseling training programs by the American Board of Genetic Counseling or of medical genetics training programs by the American Board of Medical Genetics is dependent on criteria, or applied in a manner, incompatible with the provisions of subsection A of this section, it shall establish or recognize and apply criteria for accreditation of alternative genetic counseling training programs or medical genetics training programs compatible with the provisions of subsection A of this section and any genetic counseling training programs or medical genetics training programs accredited thereunder shall be deemed accredited for the purposes of paragraph 3 of subsection A of Section 4 of this act.

C. If the State Board of Health determines that the examination required for certification as a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics or as a medical geneticist by the American Board of Medical Genetics is incompatible with the provisions of subsection A of this section, it shall establish or recognize an alternative examination compatible with the provisions of that subsection and an individual who passes such an examination shall be deemed to meet the relevant requirements of paragraph 4 of subsection A of Section 4 of this act.

D. The State Board of Health shall by rule waive such other provisions of the Genetic Counseling Licensure Act and provide for appropriate substitute requirements as it determines necessary to ensure compliance with subsection A of this section.

E. There shall be no cause of action against any person for failure to mention, discuss, suggest, propose, recommend, or refer for, abortion, unless the abortion is necessary to prevent the death of the mother.

F. This section shall not be severable from the Genetic Counseling Licensure Act.

Added by Laws 2006, c. 174, § 8, eff. Nov. 1, 2006.

§63-1-569. Licensure requirements - Rules.

The State Board of Health shall promulgate rules, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, establishing licensure requirements for genetic counselors. Such rules shall include, but not be limited to:

1. Policy and budgetary matters related to licensure;

2. Applicant screening, licensing, renewal licensing, license reinstatement and relicensure;

3. Standards for supervision of students or persons training to become qualified to obtain a license in genetic counseling;

4. Requirements for maintaining and renewal of a license; and

5. Procedures for reviewing cases of individuals found to be in violation of the provisions of the Genetic Counseling Licensure Act, including disciplinary actions when necessary.
Added by Laws 2006, c. 174, § 9, eff. Nov. 1, 2006. Amended by Laws 2013, c. 229, § 60, eff. Nov. 1, 2013.

§63-1-570. Genetic Counseling Licensure Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Genetic Counseling Licensure Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies that may be directed thereto by the State Board of Health, and all other monies including gifts, grants and other funds that may be directed thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of licensure of genetic counselors and for other purposes specifically authorized by this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The fund shall be administered by the State Department of Health.

C. Monies from the fund shall not be used to engage in any political activities or lobbying including, but not limited to, support of or opposition to candidates, ballot initiatives, referenda or other similar activities.
Added by Laws 2006, c. 174, § 10, eff. Nov. 1, 2006. Amended by Laws 2012, c. 304, § 482.

§63-1-604. Transfer of General Hospital to City of Clinton.

The Oklahoma General Hospital located at Clinton, Oklahoma, shall be transferred at the close of regular business hours on June 30, 1973, to the City of Clinton, Oklahoma. Included within such transfer shall be the physical plant, all equipment and supplies, and the following described land:

Lots 13 to 24, inclusive, Block 2, Shoeboy Addition, City of Clinton, County of Custer, State of Oklahoma.
The Director of the Office of Management and Enterprise Services is hereby authorized and directed to execute and deliver, on behalf of this state, instruments conveying title to said real and personal property to the City of Clinton, Oklahoma.

There shall also be transferred to the City of Clinton all accounts receivable including revolving funds of the Oklahoma General Hospital. Any outstanding obligations of the Oklahoma General Hospital shall be assumed by the City of Clinton.

Added by Laws 1973, c. 16, § 1, emerg. eff. March 16, 1973. Amended by Laws 1983, c. 304, § 62, eff. July 1, 1983; Laws 2012, c. 304, § 483.

§63-1-605. Unexpended appropriations - Continuance.

Any unexpended appropriations to or for the use of the Oklahoma General Hospital remaining after the transfer provided by Section 1 of this act shall remain available for the assistance of indigents at the hospital on a contract basis between the State of Oklahoma and the City of Clinton. All such expenditures shall be subject to the approval of the Department of Institutions, Social and Rehabilitative Services.

Added by Laws 1973, c. 16, § 2, emerg. eff. March 16, 1973.

§63-1-606. Successor owners as eligible employers for participation in Public Employees Retirement System.

The successor public owners of Oklahoma General Hospital, or its successor hospitals, shall be considered "eligible employers" for the purpose of participation in the Oklahoma Public Employees Retirement System in the same manner as county hospitals.

Added by Laws 1973, c. 16, § 3, emerg. eff. March 16, 1973.

§63-1-701. Definitions.

For the purposes of this article:

1. "Hospital" means any institution, place, building or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted for overnight stay or longer in order to obtain medical care, surgical care, obstetrical care, or nursing care for illness, disease, injury, infirmity, or deformity. Except as otherwise provided by paragraph 5 of this subsection, places where pregnant females are admitted and receive care incident to pregnancy, abortion or delivery shall be considered to be a "hospital" within the meaning of this article, regardless of the number of patients received or the duration of their stay. The term "hospital" includes general medical surgical hospitals, specialized hospitals, critical access and emergency hospitals, and birthing centers;

2. "General medical surgical hospital" means a hospital maintained for the purpose of providing hospital care in a broad category of illness and injury;

3. "Specialized hospital" means a hospital maintained for the purpose of providing hospital care in a certain category, or categories, of illness and injury;

4. "Critical access hospital” means a hospital determined by the State Department of Health to be a necessary provider of health care services to residents of a rural community;

5. “Emergency hospital” means a hospital that provides emergency treatment and stabilization services on a 24-hour basis that has the ability to admit and treat patients for short periods of time;

6. "Birthing center" means any facility, place or institution, which is maintained or established primarily for the purpose of providing services of a certified midwife or licensed medical doctor to assist or attend a woman in delivery and birth, and where a woman is scheduled in advance to give birth following a normal, uncomplicated, low-risk pregnancy. Provided, however, licensure for a birthing center shall not be compulsory; and

7. "Day treatment program" means nonresidential, partial hospitalization programs, day treatment programs, and day hospital programs as defined by subsection A of Section 175.20 of Title 10 of the Oklahoma Statutes.

Added by Laws 1963, c. 325, art. 7, § 701, operative July 1, 1963. Amended by Laws 1978, c. 207, § 1, eff. Oct. 1, 1978; Laws 1991, c. 306, § 7, emerg. eff. June 4, 1991; Laws 1995, c. 231, § 5, eff. Nov. 1, 1995; Laws 1999, c. 93, § 1, eff. Nov. 1, 1999.

§63-1-702. Licenses required - Practice of healing arts or medicine

A. It shall be unlawful for any person to establish, operate or maintain in the State of Oklahoma a hospital without first obtaining a license therefor in the manner hereinafter provided. Hospitals operated by the federal government, the Department of Corrections, state mental hospitals, and community-based structured crisis centers as defined in Section 3-317 of Title 43A of the Oklahoma Statutes, shall be exempt from the provisions of this article.

B. A hospital may be licensed as a general medical surgical hospital with one or more specialty services or combination of specialty services in a single license.

C. Nothing in this article shall authorize any person to engage, in any manner, in the practice of the healing arts.

Added by Laws 1963, c. 325, art. 7, § 702, operative July 1, 1963. Amended by Laws 1996, c. 354, § 49, eff. Nov. 1, 1996; Laws 1999, c. 93, § 2, eff. Nov. 1, 1999; Laws 2016, c. 95, § 1, eff. Nov. 1, 2016.

§63-1-702a. Voluntary licensing of birthing centers - Standards for day treatment programs - Rules and regulations.

A. By January 1, 1992, the State Board of Health shall promulgate and adopt rules for the voluntary licensing of birthing centers.

B. The State Board of Health shall promulgate rules establishing standards for day treatment programs other than those operated by community mental health centers.

Added by Laws 1991, c. 306, § 8, emerg. eff. June 4, 1991. Amended by Laws 1995, c. 231, § 6, eff. Nov. 1, 1995.

§63-1-702b. Repealed by Laws 2006, c. 315, § 18, emerg. eff. June 9, 2006.

§63-1-702c. Enhanced reimbursement program for services provided to Medicare beneficiaries.

With available funds, the State Department of Health shall apply to the Secretary for the federal Department of Health and Human Services for any and all waivers, grants, or other assistance that would allow or facilitate the establishment of a program of enhanced reimbursement for services provided to Medicare beneficiaries in emergency hospitals in rural areas of the state.

Added by Laws 2001, c. 317, § 1, eff. Nov. 1, 2001.

§63-1-702d. Repealed by Laws 2006, c. 315, § 19, emerg. eff. June 9, 2006.

§63-1-702e. Uncompensated Care Equalization Revolving Fund.

There is hereby created in the State Treasury a revolving fund to be designated the "Uncompensated Care Equalization Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies available to the State Department of Health pursuant to Section 1-702b of Title 63 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health as authorized by law. The Department shall ensure that all monies deposited into the fund are matched with federal dollars whenever possible.

Added by Laws 2004, c. 431, § 3, emerg. eff. June 4, 2004.

§63-1-703. Licenses - Application - Evidence of qualifications.

Before a license shall be issued under this article, the person applying, if an individual, shall submit evidence satisfactory to the State Commissioner of Health that he is not less than twenty-one (21) years of age, of reputable and responsible character, and in sound physical and mental health. In the event the applicant is an association, corporation or governmental unit, like information shall be submitted as to the members of the governing board thereof. Every applicant shall also submit satisfactory evidence of his ability to comply with minimum standards and with all rules and regulations adopted by the State Board of Health. The application shall be on a form prescribed by the Commissioner, shall be verified, and shall show the type of institution to be operated and the location thereof, the name of the person in charge of the institution, and such other information as the Commissioner may require. An application on behalf of a corporation, association or governmental unit shall be made by any two officers thereof, or by its managing agent, and shall furnish like information.

Laws
Laws 1963, c. 325, art. 7, § 703.

§63-1-704. Licenses - Fees - Duration - Posting.

A. 1. The application by any person for a license to operate a hospital within the meaning of this article shall be accompanied by a fee to be determined by the number of beds available for patients, to be established by the State Board of Health, but not to exceed Ten Dollars ($10.00) for each bed included in the maximum bed capacity at such facility.

2. For the purpose of determining the fee, the total number of beds shall include cribs and bassinets.

B. No such fee shall be refunded unless licensure is refused. All licenses shall be for a period of twelve (12) months from the date of issue. Provided that licenses may be issued for a period of more than twelve (12) months, but not more than twenty-four (24) months, for the license period immediately following the enactment of this provision in order to permit an equitable distribution of license expiration dates to all months of the year.

C. Fees for such extended licensure period shall be prorated according to the total months to be licensed, with such amounts to be calculated to the nearest dollar.

D. All licenses:

1. Shall be on a form prescribed by the State Commissioner of Health and shall not be transferable or assignable;

2. Shall be issued only for the premises named in the application;

3. Shall be posted in a conspicuous place on the licensed premises; and

4. May be renewed for twelve-month periods upon application, investigation and payment of license fee, as in the case of procurement of an original license.

Added by Laws 1963, c. 325, art. 7, § 704, operative July 1, 1963. Amended by Laws 1978, c. 286, § 1, eff. Jan. 1, 1979; Laws 1993, c. 269, § 13, eff. Sept. 1, 1993; Laws 1999, c. 93, § 3, eff. Nov. 1, 1999.

§63-1-705. Rules and standards - Inspection - Application of other laws - Community-based programs and services to be provided.

A. The State Board of Health, upon recommendation of the State Commissioner of Health and with the advice of the Oklahoma Hospital Advisory Council hereinafter provided for, shall promulgate rules and standards for the construction and operation of hospitals, for which licenses are required by the terms of this article, to provide for the proper care of patients. The promulgation of rules shall be subject to and be governed by the provisions of the Administrative Procedures Act.

B. Every hospital shall be periodically inspected by an authorized representative of the Commissioner. Reports of such inspections shall be on forms prescribed by the Commissioner, who shall, after receipt of such reports, take such action as deemed necessary by the Commission to have corrected any deficiencies or violations of the rules and standards of the Board shown in such reports.

C. Hospitals licensed pursuant to the provisions of this article shall not be exempt from being inspected or licensed under laws relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment.

D. 1. Every hospital that offers or provides inpatient psychiatric or chemical dependency treatment services to persons eighteen (18) years of age or younger shall offer, provide or otherwise make available community-based programs and services and may make such programs and services available directly, through contract, or other appropriate means as determined by the State Department of Health.

2. For the purposes of this subsection the term "community-based services" shall have the same meaning as such term is defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes.

Added by Laws 1963, c. 325, art. 7, § 705, operative July 1, 1963. Amended by Laws 1989, c. 345, § 1, eff. Oct. 1, 1989; Laws 1999, c. 93, § 4, eff. Nov. 1, 1999; Laws 2009, c. 234, § 151, emerg. eff. May 21, 2009.

§63-1-706. Licenses - Issuance, suspension and revocation.

A. The State Commissioner of Health shall issue licenses for the operation of hospitals found to comply with the provisions of this article and rules and standards of the State Board of Health.

B. The Commissioner may suspend or revoke any such license on any of the following grounds:

1. Violation of any of the provisions of this article, or rules or standards promulgated pursuant thereto;

2. Permitting, aiding or abetting the commission of any illegal act in the licensed hospital or institution; or

3. Conduct or practices deemed by the Commissioner to be detrimental to the welfare of the patients of the hospital or institution.

C. If a license is revoked, a new application for license shall be considered by the Commissioner on receipt of evidence that the conditions upon which revocation was based have been corrected. A new license may then be granted after proper inspection has been made and all provisions of this article and rules and standards of the State Board of Health have been satisfied.

Added by Laws 1963, c. 325, art. 7, § 706, operative July 1, 1963. Amended by Laws 1999, c. 93, § 5, eff. Nov. 1, 1999.

§63-1-706.1. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-706.2. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-706.3. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-706.4. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-706.5. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-706.10. Short title.

This act shall be known and may be cited as the "Emergency Medical Services for Children Resource Center Act".

Added by Laws 1995, c. 194, § 1, eff. Nov. 1, 1995.

§63-1-706.11. Recognition of Center as resource to state's emergency medical services system.

A. The Oklahoma Emergency Medical Services for Children Resource Center, operated within the Department of Pediatrics through its Section of General Pediatrics and within the University of Oklahoma College of Medicine, shall be recognized by the State Department of Health as a resource to the state's overall emergency medical services system, thus ensuring that children have access to quality pediatric emergency medical services, including, but not limited to, prehospital and hospital care.

B. As funds are available, the State Department of Health may contract with the Center for the implementation of this act.

Added by Laws 1995, c. 194, § 2, eff. Nov. 1, 1995.

§63-1-706.12. Purposes of Center.

The purposes of the Emergency Medical Services for Children Resource Center shall be to:

1. Maximize pediatric emergency care in Oklahoma through expert leadership, education, research and advocacy;

2. Develop guidelines for approval of emergency medical service facilities as Emergency Departments Approved for Pediatrics (EDA-P) and for rating the ability of a facility to provide pediatric emergency medical services;

3. Develop guidelines for equipment and its use for prehospital and hospital pediatric emergency care;

4. Develop guidelines and protocols for prehospital and hospital facilities which encompass all levels of pediatric emergency medical services, including, but not limited to, stabilization, treatment, transfers and referrals;

5. Provide initial and continuing professional education programs and guidelines on pediatric emergency medical care for emergency medical services personnel and other health care providers;

6. Conduct public education concerning pediatric emergency medical services including, but not limited to, prevention and access to pediatric emergency services;

7. Collect and analyze existing data from prehospital and hospital emergency medical systems related to pediatric emergency and critical care for the purpose of quality improvement;

8. Consult with and advise public and private organizations, including the Emergency Medical Services Division and the Trauma Systems Development Section of the Injury Prevention Service within the State Department of Health, the Oklahoma Highway Safety Office, law enforcement, fire service, ambulance services, educational institutions, professional organizations, business organizations, hospital organizations and any other federally funded projects in pediatric emergency and critical care medical services;

9. Provide other services and activities deemed necessary to maximize pediatric emergency care in the State of Oklahoma; and

10. Solicit and accept funds from the federal government and other public and private sources.

Added by Laws 1995, c. 194, § 3, eff. Nov. 1, 1995. Amended by Laws 2013, c. 229, § 61, eff. Nov. 1, 2013.

§63-1-707. Rules and standards – Oklahoma Hospital Advisory Council.

A. The State Commissioner of Health, with the advice of the Oklahoma Hospital Advisory Council, shall promulgate rules and standards as the Commissioner deems to be in the public interest for hospitals, on the following:

1. Construction plans and location, including fees not to exceed Two Thousand Dollars ($2,000.00) for submission or resubmission of architectural and building plans, and procedures to ensure the timely review of such plans by the State Department of Health. The assessed fee shall be used solely for the purposes of processing approval of construction plans and location by the State Department of Health;

2. Physical plant and facilities;

3. Fire protection and safety;

4. Food service;

5. Reports and records;

6. Staffing and personal service;

7. Surgical facilities and equipment;

8. Maternity facilities and equipment;

9. Control of communicable disease;

10. Sanitation;

11. Laboratory services;

12. Nursing facilities and equipment; and

13. Other items as may be deemed necessary to carry out the purposes of this article.

B. 1. The State Commissioner of Health, with the advice of the Oklahoma Hospital Advisory Council and the State Board of Pharmacy, shall promulgate rules and standards as the Commissioner deems to be in the public interest with respect to the storage and dispensing of drugs and medications for hospital patients.

2. The State Board of Pharmacy shall be empowered to inspect drug facilities in licensed hospitals and shall report violations of applicable statutes and rules to the State Department of Health for action and reply.

C. 1. The Commissioner shall appoint an Oklahoma Hospital Advisory Council to advise the Department regarding hospital operations and to recommend actions to improve patient care.

2. The Advisory Council shall have the duty and authority to:

a. review and approve in its advisory capacity rules and standards for hospital licensure,

b. evaluate, review and make recommendations regarding Department licensure activities; provided however, the Advisory Council shall not make recommendations regarding scope of practice for any health care providers or practitioners regulated pursuant to Title 59 of the Oklahoma Statutes, and

c. recommend and approve:

(1) quality indicators and data submission requirements for hospitals, and

(2) the indicators and data to be used by the Department to monitor compliance with licensure requirements.

D. 1. The Advisory Council shall be composed of nine (9) members appointed by the Commissioner. The membership of the Advisory Council shall be as follows:

a. two members shall be hospital administrators of licensed hospitals,

b. two members shall be licensed physicians or practitioners who have current privileges to provide services in hospitals,

c. two members shall be hospital employees, and

d. three members shall be citizens representing the public who:

(1) are not hospital employees,

(2) do not hold hospital staff appointments, and

(3) are not members of hospital governing boards.

2. a. Advisory Council members shall be appointed for three-year terms except the initial terms after November 1, 1999, of one hospital administrator, one licensed physician or practitioner, one hospital employee, and

one public member shall be one (1) year. The initial terms after the effective date of this act of one hospital administrator, one licensed physician or practitioner, one hospital employee, and one public member shall be two (2) years. The initial terms of all other members shall be three (3) years. After initial appointments to the Council, members shall be appointed to three-year terms.

b. Members of the Advisory Council may be removed by the Commissioner for cause.

E. The Advisory Council shall meet on a quarterly basis and shall annually elect from among its members a chairperson. Members of the Council shall serve without compensation but shall be reimbursed by the Department for travel expenses related to their service as authorized by the State Travel Reimbursement Act.

Added by Laws 1963, c. 325, art. 7, § 707, operative July 1, 1963. Amended by Laws 1968, c. 86, § 1, emerg. eff. April 1, 1968; Laws 1999, c. 93, § 6, eff. Nov. 1, 1999; Laws 1999, c. 213, § 2, eff. July 1, 1999; Laws 2006, c. 315, § 16, emerg. eff. June 9, 2006; Laws 2019, c. 153, § 1, eff. Nov. 1, 2019.

§63-1-707a. Staff privileges - Applications - Psychologists.

A. The administrator in charge of each hospital licensed by the State Commissioner of Health shall accept for consideration each application for professional staff privileges submitted by a person licensed to practice:

1. Medicine by the State Board of Medical Licensure and Supervision;

2. Osteopathy by the State Board of Osteopathy;

3. Podiatry by the State Board of Podiatry; or

4. As a health service psychologist by the Oklahoma State Board of Examiners of Psychologists.

B. The application shall be acted upon by the governing board of the hospital within a reasonable time. A written report of such action shall be furnished to the applicant thereafter.

C. If a hospital grants staff privileges to a psychologist, at the time of admission of a patient of the psychologist to the hospital, the psychologist or the hospital shall identify a psychiatrist, a medical doctor, or a doctor of osteopathy who shall be responsible for the medical evaluation and medical management of the patient.

Added by Laws 1977, c. 180, § 1. Amended by Laws 1979, c. 142, § 1; Laws 1987, c. 118, § 53, operative July 1, 1987; Laws 1995, c. 134, § 1, eff. Nov. 1, 1995; Laws 1999, c. 93, § 7, eff. Nov. 1, 1999.

§63-1-707b. Granting of staff privileges - Criteria.

A. The administrator in charge of or the governing board of each hospital licensed by the State Commissioner of Health shall adopt written criteria for use in determining which licensed medical doctors, doctors of osteopathy, doctors of podiatry, and health service psychologists shall be granted professional and/or medical staff privileges by the hospital. A licensed hospital shall not deny an application based solely on the applicant's license, as long as the applicant is licensed to practice:

1. Medicine by the State Board of Medical Licensure and Supervision;

2. Osteopathy by the State Board of Osteopathy;

3. Podiatry by the State Board of Podiatry; or

4. As a health service psychologist by the Oklahoma State Board of Examiners of Psychologists.

B. The accordance and delineation of medical staff membership or clinical privileges shall be determined on an individual basis commensurate with an applicant's education, training, experience and demonstrated clinical competence.

C. When medical education training and specialty board certification are considerations in the credentialing and recredentialing of physicians, hospitals and health plans shall give equal recognition to those bodies recognized by the federal government for the training and certification of such physicians. Hospitals and health plans shall not discriminate, on the basis of education, against eligible physicians who have:

1. Graduated from medical schools and postdoctoral programs approved by either the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

2. Been awarded board eligibility or board certification by specialty boards recognized by either the American Osteopathic Association or the American Board of Medical Specialties.

Added by Laws 1977, c. 180, § 2. Amended by Laws 1979, c. 142, § 2; Laws 1995, c. 134, § 2, eff. Nov. 1, 1995; Laws 1995, c. 358, § 6, eff. Nov. 1, 1995; Laws 1999, c. 93, § 8, eff. Nov. 1, 1999; Laws 2002, c. 156, § 2, eff. Nov. 1, 2002.

NOTE: Laws 1995, c. 107, § 1 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995.

§63-1-709. Information confidential.

Information received by the State Commissioner of Health through inspection or otherwise, authorized under the foregoing sections of this article, shall be confidential and shall not be disclosed publicly except in a proceeding involving the question of licensure or revocation or suspension of license.

Laws 1963, c. 325, art. 7, § 709.

§63-1-710. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-711. Survey and inventory of hospitals and health centers.

The State Commissioner of Health shall conduct and make a survey and inventory of the location, size, and character of all existing public and private (proprietary as well as nonprofit) hospitals, community mental health facilities, health centers, and related health facilities within the State of Oklahoma; evaluate the sufficiency of such hospitals, community mental health facilities, health centers, and related health facilities to supply the necessary physical facilities for furnishing adequate hospital, clinical, and similar services to all people of the state; and compile data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services.

Laws 1963, c. 325, art. 7, § 711, operative July 1, 1963; Laws 1965, c. 36, § 2, emerg. eff. March 8, 1965.

§63-1-712. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-713. Standards of United States Surgeon General to be followed - Reports.

The State Commissioner of Health, in making the survey and inventory of existing hospitals, health centers, community mental health facilities, and related health facilities, and in developing programs for the construction of public and other nonprofit health facilities, shall carry out such purposes in accordance with standards prescribed by the Surgeon General of the United States Public Health Service with the approval of the Federal Hospital Advisory Council. The Commissioner shall make such reports, in such form and containing such information, as the Surgeon General of the United States Public Health Service may from time to time require, and shall comply with requirements of the Surgeon General as will assure the correctness and the verification of such reports.

Laws 1963, c. 325, art. 7, § 713; Laws 1965, c. 36, § 4, emerg. eff. March 8, 1965.

§63-1-713.1. Federally Qualified Health Centers - Compliance with federal law - Subject to Open Meeting Act - Investigation of and sanctions for noncompliance - Board member training and certification.

A. The Legislature finds that:

1. As providers of health care to medically underserved populations, Federally Qualified Health Centers are extremely beneficial to the citizens of Oklahoma;

2. The primary source of funding for Federally Qualified Health Centers is through grants of funds by the Bureau of Primary Health

Care (BPHC) under Section 330 of the Public Health Service Act as amended by the Health Centers Consolidation Act of 1996;

3. The receipt of federal grants is dependent upon compliance with federal statutes, regulations and policies regarding the mission, programs, governance, management and financial responsibilities of such entities; and

4. In addition to federal grant monies, Federally Qualified Health Centers in Oklahoma receive additional monies through the appropriation of state funds.

B. In an effort to maintain the presence of Federally Qualified Health Centers in Oklahoma and minimize the possibility of jeopardizing federal funding for such entities, all Federally Qualified Health Centers in Oklahoma that receive grants under Section 330 of the Public Health Service Act shall:

1. Remain in compliance at all times with the federal statutes, regulations and polices governing their existence at 42 U.S.C. 254b, 42 CFR 51c.303, 51c.304 and 51c.305, and BPHC Policy Information Notice 98-23; and

2. Adhere to bylaws adopted in compliance with the federal statutes, regulations and polices including, but not limited to, provisions regarding the composition, functions and responsibilities of boards of directors of Federally Qualified Health Centers.

C. Further, the board of directors of a Federally Qualified Health Center shall be considered a public body for purposes of the Oklahoma Open Meeting Act and shall be subject to the provisions of that act, including criminal penalties provided therein for violations of that act.

D. Any Federally Qualified Health Center in Oklahoma that fails to comply with federal statutes, regulations and policies governing its existence shall be ineligible for state reimbursement for uncompensated care. Further, the entity shall be ineligible to receive such state reimbursement if the board of directors fails to remove, for cause, any board member convicted of a misdemeanor for violating the provisions of the Oklahoma Open Meeting Act, or any board member against whom a civil judgment is rendered relating to that member's service on the board.

E. The State Department of Health shall investigate reported violations of this act and, notwithstanding any other provision, shall enforce this act by not contracting to reimburse the uncompensated care costs of any Federally Qualified Health Center found to be in violation of the provisions of this act. The Department shall further report any violations of federal statutes, regulations and policies related to this act to the Bureau of Primary Health Care or other appropriate federal funding agency, and shall report violations of the Oklahoma Open Meeting Act to the district attorney in the jurisdiction where the entity is located.

F. In order to ensure that Federally Qualified Health Centers in Oklahoma remain eligible to receive state reimbursement for uncompensated care under the provisions of this act, the State Board of Health shall adopt rules, as it deems necessary and appropriate, requiring board members of such entities to receive board member training and establishing certification for entities to provide such training.
Added by Laws 2005, c. 41, § 1, emerg. eff. April 12, 2005.

§63-1-714. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-715. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-716. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-717. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-718. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-719. Bonds of counties, cities and towns.
Any county, city, or town is hereby authorized to issue bonds for constructing and equipping a hospital, community mental health facility, public health center, or related health facility, to be owned and operated by such county, city, or town in accordance with standards approved by the State Commissioner of Health; provided, that such bonds may be issued to construct a jointly owned and operated hospital, community mental health facility, public health center, or related health facility, by two or more counties, or by one or more counties and a city or cities, or by two or more cities. Such bonds shall be issued upon the assent thereto of three-fifths (3/5) of the voters of the subdivision issuing the bonds, voting at an election held for that purpose. The proposition voted on shall state specifically the type of hospital facility to be constructed. Such election shall be called by the governing board or managing body of such subdivision. Notice of the election shall be published for two (2) successive weeks in a weekly or daily newspaper, having a general circulation in the subdivision. The bonds shall be made to mature serially as now provided by law, and shall be sold at an advertised sale under existing laws. The rate of interest shall not exceed eight percent (8%) per annum. The bonds shall be submitted to the Attorney General for his approval as ex officio Bond Commissioner of the state.
Laws 1963, c. 325, art. 7, § 719; Laws 1965, c. 36, § 9; Laws 1970, c. 286, § 10, emerg. eff. April 27, 1970.

§63-1-720. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-721. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-1-722. Electronic- or computer-generated signatures of physician.

Electronic- or computer-generated signatures of a physician are acceptable as authentication and may be used in any place in the medical record where a physician's signature is required, including, but not limited to, all medical orders, if the signature is generated by a confidential code which only the user possesses and the following safeguards are adhered to:

1. The physician signs and then files a statement in the hospital administrator's office which states that:
   a. the physician will use an electronic- or computer-generated signature to authenticate his entries in the medical record,
   b. the signature will be generated by a confidential code which only the physician possesses, and
   c. no person other than the physician will be permitted to use the signature;

2. The physician's use of an electronic- or computer-generated signature is approved in writing by the hospital's administrator and medical record committee;

3. The electronic- or computer-generated signature is the full, legal name of the physician and includes the physician's professional title; and

4. Rules and regulations pertaining to electronic-generated signatures as provided in this act shall be promulgated by the State Board of Health.

Added by Laws 1993, c. 124, § 1, eff. Sept. 1, 1993.

§63-1-723. Primary Health Care Development Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Primary Health Care Development Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriations, grants, gifts and other money obtained pursuant to this act.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the enhancement and establishment of federally qualified health centers or federally qualified look-alike community health centers, as defined by 42 U.S.C., Section 13986d(1)(2)(B).

C. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2005, c. 253, § 1, eff. July 1, 2005. Amended by Laws 2012, c. 304, § 484.

§63-1-723.2. Discount program for qualified self-pay patients - Defense in collection action.

A. Each hospital in this state shall establish a discount program for hospital charges for qualified self-pay patients who have household incomes of up to three hundred percent (300%) of the federal poverty guidelines. This discount program shall not be required for patients who are eligible for or enrolled in private or public insurance plans providing hospital coverage, including indemnity plans.

B. While a hospital may set uniform prices for its services, products, and fees, qualified self-pay patients shall be eligible for minimum discounts from the hospital so that the hospital charge after the discount shall not exceed the greater of the amount Medicare would pay for the same services, or the cost of services as determined by multiplying the hospital's whole cost-to-charge ratio by the billed charges.

C. It shall be the responsibility of the patient to establish their eligibility for the discount.

D. The provisions of this section do not apply to procedures that are not medically necessary as determined by the treating physician.

E. In a collection action brought by the hospital, a patient may assert the provisions of this section as a defense to the action. To be available as a defense, the patient must establish eligibility for the discount by proving:

1. The household income of the patient is below three hundred percent (300%) of the federal poverty guidelines; and

2. The patient is not eligible or enrolled in private or public insurance plans providing hospital coverage.

If the elements are established, the hospital is limited in its collection efforts to the greater of the amount Medicare would pay for the same services, or the cost of services as determined by multiplying the hospital's whole cost-to-charge ratio by the billed charges.

Added by Laws 2006, c. 315, § 11, eff. July 1, 2007.

§63-1-724. Health centers – Contracts, donations, and grants.

A. The State Department of Health is authorized to enter into contracts, based on the availability of funding, to promote the establishment of new facilities in Oklahoma which will qualify as federally qualified health centers (FQHC) or federally qualified look-alike community health centers, as defined by 42 U.S.C., Section 13986d(1)(2)(B) including:

1. Contracts to provide for community planning and development;

2. Contracts to provide for grants or grant writing to apply for federal 330 FQHC funding; and

3. Contracts for transitional operating support.

B. The State Department of Health is authorized to accept donations of land, property, buildings, equipment and gifts of money or other objects of value for the purpose of establishing or expanding federally qualified health centers.

C. The State Department of Health is authorized to utilize grant funds, donations and other funds made available to the Department for the purpose of establishing or expanding federally qualified health centers, to the extent funds are available.

D. The State Department of Health may enter into agreements with public or private entities as necessary for the purpose of establishing new federally qualified health centers.

Added by Laws 2005, c. 253, § 3, eff. July 1, 2005.

§63-1-727. Human cloning.

A. As used in this section, the term:

1. "Human cloning" means human asexual reproduction, accomplished by introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism (at any stage of development) with a human genetic constitution;

2. "Somatic cell" means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development;

3. "Nucleus" means the cell structure that houses the chromosomes, and thus the genes; and

4. "Oocyte" means the female germ cell, the egg.

B. It shall be unlawful for any person or entity, public or private, to:

1. Perform or attempt to perform human cloning;

2. Participate in an attempt to perform human cloning;

3. Ship, transfer, or receive the product of human cloning for any purpose; or

4. Import the product of human cloning for any purpose.

C. Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

D. Any person or entity that is convicted of violating any provision of this section shall be guilty of a misdemeanor.

Added by Laws 2009, c. 223, § 1, eff. Nov. 1, 2009.

§63-1-728. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728.1. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728.2. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728.3. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728.4. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728.5. Repealed by Laws 2010, c. 47, § 7, emerg. eff. April 2, 2010.

§63-1-728a. Short title.

This act shall be known and may be cited as the "Freedom of Conscience Act".

Added by Laws 2010, c. 47, § 1, emerg. eff. April 2, 2010.

§63-1-728b. Definitions.

As used in the Freedom of Conscience Act:

1. “Health care facility” means any public or private organization, corporation, authority, partnership, sole proprietorship, association, agency, network, joint venture, or other entity that is involved in providing health care services, including a hospital, clinic, medical center, ambulatory surgical center, private physician’s office, pharmacy, nursing home, university hospital, medical school, nursing school, medical training facility, inpatient health care facility, or other place where health care services are provided;

2. “Human embryo” means a human organism that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells;

3. “In vitro human embryo” means a human embryo, whether cryopreserved or not, living outside of a woman’s body;

4. “Participate in” means to perform, practice, engage in, assist in, recommend, counsel in favor of, make referrals for, prescribe, dispense, or administer drugs or devices or otherwise promote or encourage; and

5. “Person” means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, federal, state or local governmental instrumentality, agency or body or any other legal entity however organized.

Added by Laws 2010, c. 47, § 2, emerg. eff. April 2, 2010.

§63-1-728c. Prohibits employer discrimination - Applicable circumstances.

An employer shall not discriminate against an employee or prospective employee by refusing to reasonably accommodate the religious observance or practice of the employee or prospective employee, unless the employer can demonstrate that the accommodation would pose an undue hardship on the program, enterprise, or business of the employer, in the following circumstances:

1. An abortion as defined in Section 1-730 of Title 63 of the Oklahoma Statutes. The provisions of this section shall not apply if the pregnant woman suffers from a physical disorder, physical injury, or physical illness which, as certified by a physician, causes the woman to be in imminent danger of death unless an abortion is immediately performed or induced and there are no other competent personnel available to attend to the woman. As used in this act, the term "abortion" shall not include the prescription of contraceptives;

2. An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo;

3. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo;

4. An experiment or medical procedure on a developing child in an artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child;

5. A procedure, including a transplant procedure, that uses fetal tissue or organs that come from a source other than a stillbirth or miscarriage; or

6. An act that intentionally causes or assists in causing the death of an individual by assisted suicide, euthanasia, or mercy killing.

Added by Laws 2010, c. 47, § 3, emerg. eff. April 2, 2010.

§63-1-728d. No requirement to admit patients - Employee refusal to participate and immunity.

A. No health care facility is required to admit any patient or to allow the use of the health care facility for the purpose of performing any of the acts specified in Section 3 of this act.

B. A physician, physician's assistant, registered nurse, practical nurse, pharmacist, or any employee thereof, or any other person who is an employee of, member of, or associated with the staff of a health care facility in which the performance of an activity specified in Section 3 of this act has been authorized, who in writing, refuses or states an intention to refuse to participate in the activity on moral or religious grounds shall not be required to participate in the activity and shall not be disciplined by the respective licensing board or authorized regulatory department for

refusing or stating an intention to refuse to participate in the practice with respect to the activity.

C. A physician, physician's assistant, registered nurse, practical nurse, pharmacist, or any employee thereof, or any other person who is an employee of, member of, or associated with the staff of a health care facility is immune from liability for any damage caused by the refusal of the person to participate in an activity specified in Section 3 of this act on moral or religious grounds.

Added by Laws 2010, c. 47, § 4, emerg. eff. April 2, 2010.

§63-1-728e. Discrimination - Circumstances - Prohibitions.

A. No health care facility, school, or employer shall discriminate against any person with regard to admission, hiring or firing, tenure, term, condition, or privilege of employment, student status, or staff status on the ground that the person refuses or states an intention to refuse, whether or not in writing, to participate in an activity specified in Section 3 of this act, if the refusal is based on religious or moral precepts.

B. No person shall be required to:

1. Participate in an activity specified in Section 3 of this act if the individual's participation in the activity is contrary to the person's religious beliefs or moral convictions;

2. Make facilities available for an individual to participate in an activity specified in Section 3 of this act if the person prohibits the activity from taking place in the facilities on the basis of religious beliefs or moral convictions; or

3. Provide any personnel to participate in an activity specified in Section 3 of this act if the activity is contrary to the religious beliefs or moral convictions of the personnel.

Added by Laws 2010, c. 47, § 5, emerg. eff. April 2, 2010.

§63-1-728f. Ability to sue - Damages.

A. For the purposes of this section, "damages" do not include noneconomic damages, as defined in Section 1-1708.1C of Title 63 of the Oklahoma Statutes.

B. A person who is adversely affected by conduct that is in violation of the Freedom of Conscience Act may bring a civil action for equitable relief, including reinstatement or damages, or both reinstatement and damages. An action under this subsection may be commenced against the state and any office, department, independent agency, authority, institution, association, or other body in state government created or authorized to be created by the state constitution or any law. In an action under this subsection, the court shall award reasonable attorney fees to a person who obtains equitable relief, damages, or both. An action under this subsection shall be commenced within one (1) year after the cause of action accrues or be barred.

Added by Laws 2010, c. 47, § 6, emerg. eff. April 2, 2010.

§63-1-729. Repealed by Laws 2010, c. 48, § 2, emerg. eff. April 2, 2010.

§63-1-729.1. Physician presence for abortion-inducing drugs.

When RU-486 (mifepristone) or any other drug or chemical is used for the purpose of performing or inducing an abortion, the physician who is prescribing, dispensing, or otherwise providing the drug or chemical shall be physically present, in person, in the same room as the patient when the drug or chemical is first provided to the patient.

Added by Laws 2012, c. 170, § 1, eff. Nov. 1, 2012.

§63-1-729.2. Violation of act - Penalties.

Any person who knowingly or recklessly violates this act shall be guilty of a felony. No penalty may be assessed against the female upon whom the abortion is performed or induced or attempted to be performed or induced.

Added by Laws 2012, c. 170, § 2, eff. Nov. 1, 2012.

§63-1-729.3. Civil actions - Damages and injunctive relief - Civil contempt.

A. Any person who knowingly or recklessly violates a provision of this act shall be liable for damages as provided in this section and may be enjoined from such acts in accordance with this section in an appropriate court.

B. Any female upon whom an abortion has been performed or induced, the father of the unborn child who was the subject of the abortion if the father was married to the woman who received the abortion at the time the abortion was performed or induced, or a maternal grandparent of the unborn child may maintain an action against the person who performed or induced the abortion in knowing or reckless violation of this act for actual and punitive damages. Any female upon whom an abortion has been attempted to be performed or induced in knowing or reckless violation of this act may maintain an action against the person who attempted to perform or induce the abortion for actual and punitive damages.

C. If a judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If a judgment is rendered in favor of the defendant and the court finds that the plaintiff’s suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

D. A cause of action for injunctive relief against any person who has knowingly or recklessly violated this act may be maintained by:

1. The female upon whom an abortion was performed or induced or attempted to be performed or induced in violation of this act;

2. Any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, the female upon whom an abortion has been performed or induced or attempted to be performed or induced in violation of this act;

3. A district attorney with appropriate jurisdiction; or

4. The Attorney General.

The injunction shall prevent the abortion provider from performing or inducing further abortions in violation of this act in the State of Oklahoma.

E. Any person who knowingly or recklessly violates the terms of an injunction issued in accordance with this act shall be subject to civil contempt, and shall be fined Ten Thousand Dollars ($10,000.00) for the first violation, Fifty Thousand Dollars ($50,000.00) for the second violation, One Hundred Thousand Dollars ($100,000.00) for the third violation and for each succeeding violation an amount in excess of One Hundred Thousand Dollars ($100,000.00) sufficient to deter future violations. The fines shall be the exclusive penalties for such contempt. Each performance or induction or attempted performance or induction of an abortion in violation of the terms of an injunction is a separate violation. These fines shall be cumulative. However, no fine may be assessed against the woman on whom an abortion was performed or induced or was attempted to be performed or induced.

F. A physician who performed or induced an abortion or attempted to perform or induce an abortion in violation of this act shall be considered to have engaged in unprofessional conduct for which his or her license to practice medicine in the State of Oklahoma may be suspended or revoked by the State Medical Board of Licensure and Supervision or the State Board of Osteophathic Examiners.

Added by Laws 2012, c. 170, § 3, eff. Nov. 1, 2012.

§63-1-729.4. Anonymity of woman upon whom abortion is performed.

In every proceeding or action brought under this act, the anonymity of any woman upon whom an abortion is performed or induced or attempted to be performed or induced shall be preserved from public disclosure unless she gives her consent to such disclosure. The court, upon motion or sua sponte, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. In the absence of written consent of the woman upon whom an abortion has been performed or induced or has been attempted to be

performed or induced, anyone who brings an action under Section 3 of this act shall do so under a pseudonym.
Added by Laws 2012, c. 170, § 4, eff. Nov. 1, 2012.

§63-1-729.5. Immunity from civil action.

No pregnant female who obtains or possesses RU-486 (mifepristone) or any other drug or chemical for the purpose of performing or inducing an abortion to terminate her own pregnancy shall be subject to any action brought under Section 3 of this act.
Added by Laws 2012, c. 170, § 5, eff. Nov. 1, 2012.

§63-1-729.6. Interpretation of act.

Nothing in this act shall be construed as creating or recognizing a right to abortion.
Added by Laws 2012, c. 170, § 6, eff. Nov. 1, 2012.

§63-1-729.7. Severability of act.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application hereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.
Added by Laws 2012, c. 170, § 7, eff. Nov. 1, 2012.

§63-1-729a. Sale or distribution of RU-486.

A. The Legislature finds that:

1. The U.S. Food and Drug Administration (FDA) approved the drug mifepristone (brand name "Mifeprex"), a first-generation [selective] progesterone receptor modulator ([S]PRM), as an abortion-inducing drug with a specific gestation, dosage, and administration protocol;

2. The FDA approved mifepristone (brand name Mifeprex) under the rubric of 21 C.F.R., Section 314.520, also referred to as "Subpart H", which is the only FDA approval process that allows for postmarketing restrictions. Specifically, the Code of Federal Regulations (CFR) provides for accelerated approval of certain drugs that are shown to be effective but "can be safely used only if distribution or use is restricted";

3. The FDA does not treat Subpart H drugs in the same manner as drugs which undergo the typical approval process;

4. As approved by the FDA, and as outlined in the Mifeprex final printed labeling (FPL), an abortion by mifepristone consists of three two-hundred-milligram tablets of mifepristone taken orally, followed

by two two-hundred-microgram tablets of misoprostol taken orally, through forty-nine (49) days LMP (a gestational measurement using the first day of the woman's "last menstrual period" as a marker). The patient is to return for a follow-up visit in order to confirm that the abortion has been completed. This FDA-approved protocol is referred to as the "Mifeprex regimen" or the "RU-486 regimen";

5. The aforementioned procedure requires three office visits by the patient, and the dosages may only be administered in a clinic, medical office, or hospital and under supervision of a physician;

6. The Mifeprex final printed labeling (FPL) outlines the FDA-approved dosage and administration of both drugs in the Mifeprex regimen, namely mifepristone and misoprostol;

7. When the FDA approved the Mifeprex regimen under Subpart H, it did so with certain restrictions. For example, the distribution and use of the Mifeprex regimen must be under the supervision of a physician who has the ability to assess the duration of pregnancy, diagnose ectopic pregnancies, and provide surgical intervention (or has made plans to provide surgical intervention through other qualified physicians);

8. One of the restrictions imposed by the FDA as part of its Subpart H approval is a written agreement that must be signed by both the physician and patient. In that agreement, the woman attests to the following, among other statements:

a. "I believe I am no more than 49 days (7 weeks) pregnant",

b. "I understand that I will take misoprostol in my provider's office two days after I take Mifeprex (Day 3)", and

c. "I will do the following: return to my provider's office in two days (Day 3) to check if my pregnancy has ended. My provider will give me misoprostol if I am still pregnant";

9. The FDA concluded that available medical data did not support the safety of home use of misoprostol, and it specifically rejected information in the Mifeprex final printed labeling (FPL) on self-administering misoprostol at home;

10. The use of abortion-inducing drugs presents significant medical risks to women, including but not limited to abdominal pain, cramping, vomiting, headache, fatigue, uterine hemorrhage, viral infections, and pelvic inflammatory disease;

11. Abortion-inducing drugs are associated with an increased risk of complications relative to surgical abortion. The risk of complications increases with advancing gestational age, and, in the instance of the Mifeprex regimen, with failure to complete the two-step dosage process;

12. In July 2011, the FDA reported 2,207 adverse events in the United States after women used abortion-inducing drugs. Among those

were 14 deaths, 612 hospitalizations, 339 blood transfusions, and 256 infections (including 48 "severe infections");

13. "Off-label" or so-called "evidence-based" use of abortion-inducing drugs may be deadly. To date, fourteen women have reportedly died after administering abortion-inducing drugs, with eight deaths attributed to severe bacterial infection. All eight of those women administered the drugs in an "off-label" or "evidence-based" manner advocated by many abortion providers. The FDA has received no reports of women dying from bacterial infection following administration according to the FDA-approved protocol for the Mifeprex regimen. The FDA has not been able to conclude one way or another whether off-label use led to the eight deaths;

14. Medical evidence demonstrates that women who utilize abortion-inducing drugs incur more complications than those who have surgical abortions;

15. Based on the foregoing findings, it is the purpose of this act to:

a. protect women from the dangerous and potentially deadly off-label use of abortion-inducing drugs, and

b. ensure that physicians abide by the protocol approved by the FDA for the administration of abortion-inducing drugs, as outlined in the drugs' final printed labeling (FPL); and

16. In response to the Oklahoma Supreme Court's decision in Cline v. Oklahoma Coalition for Reproductive Justice (No. 111,939), in which the Oklahoma Supreme Court determined, in contravention of this Legislature's intent, that this act prohibits all uses of misoprostol for chemical abortion and prohibits the use of methotrexate in treating ectopic pregnancies, it is also the purpose of this act to legislatively overrule the decision of the Oklahoma Supreme Court and ensure that should such questions be presented before that Court in the future it will reach the proper result that this act does not ban use of misoprostol in chemical abortion (and allows it as part of the FDA-approved Mifeprex regimen) nor prevent the off-label use of drugs for the treatment of ectopic pregnancy.

B. As used in this section:

1. "Abortion-inducing drug" means a medicine, drug, or any other substance prescribed or dispensed with the intent of inducing an abortion. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications, such as chemotherapeutic agents or diagnostic drugs, or for treatment of an ectopic pregnancy;

2. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to

terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous miscarriage, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

3. "Drug label" or "drug's label" means the pamphlet accompanying an abortion-inducing drug which outlines the protocol authorized by the U.S. Food and Drug Administration (FDA) and agreed upon by the drug company applying for FDA authorization of that drug. Also known as "final printed labeling (FPL)" or referred to as the "FDA-approved label", it is the FDA-approved document which delineates how a drug is to be used according to the FDA approval;

4. "Mifeprex regimen" means the abortion-inducing drug regimen that is described in the FDA-approved Mifeprex final printed labeling, and which involves administration of mifepristone (brand name "Mifeprex") and misoprostol. It is the only abortion-inducing drug regimen approved by the FDA, and it does not include any dosage or administration not explicitly approved in Mifeprex final printed labeling. It is also commonly referred to as the "RU-486 regimen" or simply "RU-486";

5. "Mifepristone" means the first drug used in the Mifeprex regimen;

6. "Misoprostol" means the second drug used in the Mifeprex regimen;

7. "Personal identifying information" means any information designed to identify a person and any information commonly used or capable of being used alone or in conjunction with any other information to identify a person; and

8. "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine in the state.

C. No person shall knowingly or recklessly give, sell, dispense, administer, prescribe, or otherwise provide an abortion-inducing drug, including the Mifeprex regimen, unless the person who gives, sells, dispenses, administers, prescribes, or otherwise provides the abortion-inducing drug is a physician who:

1. Has the ability to assess the duration of the pregnancy accurately;

2. Has the ability to diagnose ectopic pregnancies;

3. Has the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding, or has made and documented in the patient's medical record plans to provide such care through other qualified physicians; and

4. Is able to assure patient access to medical facilities equipped to provide blood transfusions and resuscitation, if necessary.

D. No physician who provides an abortion-inducing drug, including the Mifeprex regimen, shall knowingly or recklessly fail to provide or prescribe the drug according to the protocol authorized by the U.S. Food and Drug Administration and as outlined in the FDA-approved label. In the specific case of the Mifeprex regimen, the Mifeprex label includes the FDA-approved dosage and administration instructions for both mifepristone (brand name Mifeprex) and misoprostol, and any provision accomplished according to that labeling is not prohibited.

E. No physician who provides an abortion-inducing drug, including the Mifeprex regimen, shall knowingly or recklessly fail to:

1. Provide each patient with a copy of the drug manufacturer's medication guide and drug label for the drug(s) being used; when the Mifeprex regimen is being utilized, this requirement is satisfied so long as the patient is provided the FDA-approved Mifeprex medication guide and final printed labeling;

2. Fully explain the procedure to the patient, including, but not limited to, explaining that the drug is being used in accordance with the protocol authorized by the U.S. Food and Drug Administration and as outlined in the drug label for the abortion-inducing drug;

3. Provide the female with a copy of the drug manufacturer's patient agreement and obtain the patient's signature on the patient agreement;

4. Sign the patient agreement; and

5. Record the drug manufacturer's package serial number in the patient's medical record.

F. Because the failure and complications rates from abortion-inducing drugs increase with increasing gestational age, and because the physical symptoms of an abortion induced by drugs can be identical to the symptoms of ectopic pregnancy, thereby increasing the risk of ruptured ectopic pregnancy, the physician giving, selling, dispensing, administering, or otherwise providing or prescribing the abortion-inducing drug shall first examine the woman and document, in the woman's medical chart, gestational age and intrauterine location of the pregnancy prior to giving, selling, dispensing, administering, or otherwise providing or prescribing the abortion-inducing drug.

G. An abortion-inducing drug must be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug to the patient. The physician inducing the abortion, or a person acting on behalf of the physician inducing the abortion, shall schedule the patient for a follow-up appointment and make all reasonable efforts to ensure that the patient returns twelve (12) to eighteen (18) days after the administration or use of the abortion-inducing drug for a follow-up visit so that the physician can confirm that the pregnancy has been

terminated and assess the patient's medical condition. A brief description of the efforts made to comply with this subsection, including the date, time, and identification by name of the person making such efforts, shall be included in the patient's medical record.

H. 1. If a physician provides an abortion-inducing drug and knows that the female who uses the abortion-inducing drug experiences within one (1) year after the use of the abortion-inducing drug an incomplete abortion, severe bleeding, or an adverse reaction to the abortion-inducing drug or is hospitalized, receives a transfusion, or experiences any other serious event, the physician shall, as soon as is practicable, but in no case more than sixty (60) days after the physician learns of the adverse reaction or serious event, provide a written report of the incomplete abortion, severe bleeding, adverse reaction, hospitalization, transfusion, or serious event to the drug manufacturer. If the physician is a doctor of medicine, the physician shall simultaneously provide a copy of the report to the State Board of Medical Licensure and Supervision. If the physician is a doctor of osteopathy, the physician shall simultaneously provide a copy of the report to the State Board of Osteopathic Examiners. The relevant Board shall compile and retain all reports it receives pursuant to this subsection. All reports the relevant Board receives under this subsection are public records open to inspection pursuant to the Oklahoma Open Records Act; however, absent an order by a court of competent jurisdiction, neither the drug manufacturer nor the relevant Board shall release the name or any other personal identifying information regarding a person who uses or provides the abortion-inducing drug for the purpose of inducing an abortion and who is the subject of a report the drug manufacturer or the relevant Board receives under this subsection.

2. No physician who provides an abortion-inducing drug to a pregnant female shall knowingly or recklessly fail to file a report required under paragraph 1 of this subsection. Knowing or reckless failure to comply with this subsection shall subject the physician to sanctioning by the licensing board having administrative authority over such physician.

I. Any female upon whom an abortion has been performed, the father of the unborn child who was the subject of the abortion if the father was married to the woman who received the abortion at the time the abortion was performed, or a maternal grandparent of the unborn child may maintain an action against the person who performed the abortion in knowing or reckless violation of this section for actual and punitive damages. Any female upon whom an abortion has been attempted in knowing or reckless violation of this section may maintain an action against the person who attempted to perform the abortion for actual and punitive damages.

J. If a judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If a judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

K. No pregnant female who obtains or possesses an abortion-inducing drug to terminate her own pregnancy shall be subject to any action brought under subsection I of this section.

L. If some or all of the language in this section is ever temporarily or permanently restrained or enjoined by judicial order, then this section shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Added by Laws 2010, c. 48, § 1, emerg. eff. April 2, 2010. Amended by Laws 2011, c. 216, § 1, eff. Nov. 1, 2011; Laws 2014, c. 121, § 1, eff. Nov. 1, 2014.

§63-1-730. Definitions.

A. As used in this article:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous miscarriage, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

2. “Attempt to perform an abortion” means an act, or an omission of a statutorily required act, that under the circumstances as the actor believes them to be constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion;

3. “Certified technician” means a Registered Diagnostic Medical Sonographer who is certified in obstetrics and gynecology by the American Registry for Diagnostic Medical Sonography (ARDMS) or a Nurse Midwife or Advance Practice Nurse Practitioner in Obstetrics with certification in obstetrical ultrasonography;

4. "Unborn child" means the unborn offspring of human beings from the moment of conception, through pregnancy, and until live birth including the human conceptus, zygote, morula, blastocyst, embryo and fetus;

5. "Unemancipated minor" means any person less than eighteen (18) years of age who is not or has not been married or who is under

the care, custody, and control of the person's parent or parents, guardian, or juvenile court of competent jurisdiction;

6. "Viable" means potentially able to live outside of the womb of the mother upon premature birth, whether resulting from natural causes or an abortion;

7. "Conception" means the fertilization of the ovum of a female individual by the sperm of a male individual;

8. "Health" means physical or mental health;

9. "Department" means the State Department of Health; and

10. "Inducing an abortion" means the administration by any person, including the pregnant woman, of any substance designed or intended to cause an expulsion of the unborn child, effecting an abortion as defined above.

B. Nothing contained herein shall be construed in any manner to include any birth control device or medication or sterilization procedure.

Added by Laws 1978, c. 207, § 2, eff. Oct. 1, 1978. Amended by Laws 2007, c. 161, § 1, eff. Nov. 1, 2007; Laws 2009, c. 227, § 1, eff. Nov. 1, 2009.

§63-1-731. Persons who may perform abortions - Violations.

A. No person shall perform or induce an abortion upon a pregnant woman unless that person is a physician licensed to practice medicine in the State of Oklahoma. Any person violating this section shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years in the State Penitentiary.

B. No person shall perform or induce an abortion upon a pregnant woman subsequent to the end of the first trimester of her pregnancy, unless such abortion is performed or induced in a general hospital.

Added by Laws 1978, c. 207, § 3, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 523, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 379, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 523 from July 1, 1998, to July 1, 1999.

§63-1-731.1. Repealed by Laws 2010, c. 46, § 2, emerg. eff. April 2, 2010.

§63-1-731.2. Prohibiting certain abortions - Penalties.

A. As used in this section:

1. "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that under the circumstances as the actor believes them to be constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion; and

2. "Unemancipated minor" means any person less than eighteen (18) years of age who is not or has not been married or who is under

the care, custody, and control of the person's parent or parents, guardian, or juvenile court of competent jurisdiction.

B. No person shall knowingly or recklessly perform or attempt to perform an abortion with knowledge that the pregnant female is seeking the abortion solely on account of the sex of the unborn child. Nothing in this section shall be construed to proscribe the performance of an abortion because the unborn child has a genetic disorder that is sex-linked.

C. Any person who knowingly or recklessly violates a provision of this section shall be liable for damages as provided in this subsection and may be enjoined from such acts in accordance with this section in an appropriate court.

1. A cause of action for injunctive relief against any person who has knowingly or recklessly violated a provision of this section may be maintained by:

a. the female upon whom an abortion was performed or attempted to be performed in violation of this section,

b. any person who is the spouse, parent, sibling, or guardian of, or current or former licensed health care provider of, the female upon whom an abortion has been performed in violation of this section,

c. a district attorney with appropriate jurisdiction, or

d. the Attorney General.

2. The injunction shall prevent the abortion provider from performing further abortions in violation of this section in this state.

3. Any person who knowingly violates the terms of an injunction issued in accordance with this section shall be subject to civil contempt and shall be fined Ten Thousand Dollars ($10,000.00) for the first violation, Fifty Thousand Dollars ($50,000.00) for the second violation, and One Hundred Thousand Dollars ($100,000.00) for the third violation and for each succeeding violation. The fines shall be the exclusive penalties for civil contempt pursuant to this paragraph. Each performance or attempted performance of an abortion in violation of the terms of an injunction is a separate violation. These fines shall be cumulative. No fine shall be assessed against the female upon whom an abortion is performed or attempted.

4. A pregnant female upon whom an abortion has been performed in violation of this section, or the parent or legal guardian of the female if she is an unemancipated minor, may commence a civil action against the abortion provider for any knowing or reckless violation of this section for actual and punitive damages.

D. An abortion provider who knowingly or recklessly performed an abortion in violation of this section shall be considered to have engaged in unprofessional conduct for which the certificate or license of the provider to provide health care services in this state

shall be suspended or revoked by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners.

E. In every proceeding or action brought under this section, the anonymity of any female upon whom an abortion is performed or attempted shall be preserved unless she gives her consent to such disclosure. The court, upon motion or sua sponte, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the female's identity from public disclosure. In the absence of written consent of the female upon whom an abortion has been performed or attempted, anyone who brings an action under subsection B of this section shall do so under a pseudonym.

Added by Laws 2010, c. 46, § 1, emerg. eff. April 2, 2010.

§63-1-732. Viable fetus - Grounds to abort - Procedure.

A. No person shall perform or induce an abortion upon a pregnant woman after such time as her unborn child has become viable unless such abortion is necessary to prevent the death of the pregnant woman or to prevent impairment to her health.

B. An unborn child shall be presumed to be viable if more than twenty-four (24) weeks have elapsed since the probable beginning of the last menstrual period of the pregnant woman, based upon either information provided by her or by an examination by her attending physician. If it is the judgment of the attending physician that a particular unborn child is not viable where the presumption of viability exists as to that particular unborn child, then he shall certify in writing the precise medical criteria upon which he has determined that the particular unborn child is not viable before an abortion may be performed or induced.

C. No abortion of a viable unborn child shall be performed or induced except after written certification by the attending physician that in his best medical judgment the abortion is necessary to prevent the death of the pregnant woman or to prevent an impairment to her health. The physician shall further certify in writing the medical indications for such abortion and the probable health consequences if the abortion is not performed or induced.

D. The physician who shall perform or induce an abortion upon a pregnant woman after such time as her unborn child has become viable shall utilize the available method or technique of abortion most likely to preserve the life and health of the unborn child, unless he shall first certify in writing that in his best medical judgment such method or technique shall present a significantly greater danger to the life or health of the pregnant woman than another available method or technique.

E. An abortion of a viable unborn child shall be performed or induced only when there is in attendance a physician other than the

physician performing or inducing the abortion who shall take control of and provide immediate medical care for the child. During the performance or inducing of the abortion, the physician performing it, and subsequent to it, the physician required by this section to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the child, in the same manner as if the child had been born naturally or spontaneously. The requirement of the attendance of a second physician may be waived when in the best judgment of the attending physician a medical emergency exists and further delay would result in a serious threat to the life or physical health of the pregnant woman. Provided that, under such emergency circumstances and waiver, the attending physician shall have the duty to take all reasonable steps to preserve the life and health of the child before, during and after the abortion procedure, unless such steps shall, in the best medical judgment of the physician, present a significantly greater danger to the life or health of the pregnant woman.

F. Any person violating subsection A of this section shall be guilty of homicide.

Added by Laws 1978, c. 207, § 4, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 524, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 524 from July 1, 1998, to July 1, 1999.

§63-1-733. Self-induced abortions.

No woman shall perform or induce an abortion upon herself, except under the supervision of a duly licensed physician. Any physician who supervises a woman in performing or inducing an abortion upon herself shall fulfill all the requirements of this article which apply to a physician performing or inducing an abortion.

Added by Laws 1978, c. 207, § 5, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 525, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 525 from July 1, 1998, to July 1, 1999.

§63-1-734. Live-born fetus - Care and treatment.

A. No person shall purposely take the life of a child born as a result of an abortion or attempted abortion which is alive when partially or totally removed from the uterus of the pregnant woman.

B. No person shall purposely take the life of a viable child who is alive while inside the uterus of the pregnant woman and may be removed alive therefrom without creating any significant danger to her life or health.

C. Any person who performs, induces, or participates in the performance or inducing of an abortion shall take all reasonable measures to preserve the life of a child who is alive when partially

or totally removed from the uterus of the pregnant woman, so long as the measures do not create any significant danger to her life or health.

D. Any person violating this section shall be guilty of homicide.

Added by Laws 1978, c. 207, § 6, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 526, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 526 from July 1, 1998, to July 1, 1999.

§63-1-735. Sale of child, unborn child or remains of child - Experiments.

A. No person shall sell a child, an unborn child or the remains of a child or an unborn child resulting from an abortion. No person shall experiment upon a child or an unborn child resulting from an abortion or which is intended to be aborted unless the experimentation is therapeutic to the child or unborn child.

B. No person shall experiment upon the remains of a child or an unborn child resulting from an abortion. The term "experiment" does not include autopsies performed according to law.

Added by Laws 1978, c. 207, § 7, eff. Oct. 1, 1978.

§63-1-736. Hospitals - Advertising of counseling to pregnant women.

Section 1-736. No hospital in which abortions are performed or induced shall advertise or hold itself out as also providing counseling to pregnant women, unless:

1. The counseling is done by a licensed physician, a licensed registered nurse or by a person holding at least a bachelor's degree from an accredited college or university in psychology or some similarly appropriate field;

2. The counseling includes factual information, including explicit discussion of the development of the unborn child; and

3. The counseling includes a thorough discussion of the alternatives to abortion and the availability of agencies and services to assist her if she chooses not to have an abortion.

Laws 1978, c. 207, § 8, eff. Oct. 1, 1978.

§63-1-737. Hospitals which may perform abortions.

An abortion otherwise permitted by law shall be performed only in a hospital, as defined in this article, which meets standards set by the Department. The Department shall develop and promulgate reasonable standards relating to abortions.

Added by Laws 1978, c. 207, § 9, eff. Oct. 1, 1978.

§63-1-737.1. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010.

§63-1-737.2. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010.

§63-1-737.3. Repealed by Laws 2010, c. 163, § 4, emerg. eff. April 22, 2010.

§63-1-737.4. Required signage in abortion facilities.

A. Any private office, freestanding outpatient clinic, or other facility or clinic in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed, induced, prescribed for, or where the means for an abortion are provided shall conspicuously post a sign in a location defined in subsection C of this section so as to be clearly visible to patients, which reads:

> Notice: It is against the law for anyone, regardless of his or her relationship to you, to force you to have an abortion. By law, we cannot perform, induce, prescribe for, or provide you with the means for an abortion unless we have your freely given and voluntary consent. It is against the law to perform, induce, prescribe for, or provide you with the means for an abortion against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence.
>
> There are public and private agencies willing and able to help you carry your child to term, have a healthy pregnancy and a healthy baby and assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The State of Oklahoma strongly encourages you to contact them if you are pregnant.

B. The sign required pursuant to subsection A of this section shall be printed with lettering that is legible and shall be at least three-quarters-of-an-inch boldfaced type.

C. A facility in which abortions are performed, induced, prescribed for, or where the means for an abortion are provided that is a private office or a freestanding outpatient clinic shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed, induced, prescribed for, or who are provided with the means for an abortion. A hospital or any other facility in which abortions are performed, induced, prescribed for, or where the means for an abortion are provided that is not a private office or freestanding outpatient clinic shall post the required sign in each patient admission area used by patients on whom abortions are performed, induced, prescribed for, or by patients who are provided with the means for an abortion.

Added by Laws 2010, c. 163, § 1, emerg. eff. April 22, 2010. Amended by Laws 2017, c. 123, § 1, eff. July 1, 2017.

§63-1-737.5. Failure to post signage in abortion facilities – Fine – Cause of action.

A. Any private office, freestanding outpatient clinic or other facility or clinic that fails to post a required sign in knowing, reckless, or negligent violation of this act shall be assessed an administrative fine of Ten Thousand Dollars ($10,000.00). Each day on which an abortion, other than an abortion necessary to prevent the death of the pregnant female, is performed, induced, prescribed for, or where the means for an abortion are provided in a private office, freestanding outpatient clinic or other facility or clinic in which the required sign is not posted during any portion of business hours when patients or prospective patients are present is a separate violation.

B. An action may be brought by or on behalf of an individual injured by the failure to post the required sign. A plaintiff in an action under this subsection may recover damages for emotional distress and any other damages allowed by law.

C. The sanctions and actions provided in this section shall not displace any sanction applicable under other law.

Added by Laws 2010, c. 163, § 2, emerg. eff. April 22, 2010.

§63-1-737.6. Orally inform minors in abortion facilities – Minor certification.

A. If the pregnant female is a minor, the attending physician shall orally inform the female that no one can force her to have an abortion and that an abortion cannot be performed, induced, prescribed for, or that the means for an abortion cannot be provided unless she provides her freely given, voluntary, and informed consent.

B. The minor female shall certify in writing, prior to the performance of, induction of, receiving the prescription for, or provision of the means for the abortion, that she was informed by the attending physician of the required information in subsection A of this section. A copy of the written certification shall be placed in the minor’s file and kept for at least seven (7) years or for five (5) years after the minor reaches the age of majority, whichever is greater.

Added by Laws 2010, c. 163, § 3, emerg. eff. April 22, 2010.

§63-1-737.7. Short title - Oklahoma Unborn Child Protection from Dismemberment Abortion Act.

This act shall be known and may be cited as the "Oklahoma Unborn Child Protection from Dismemberment Abortion Act".

Added by Laws 2015, c. 59, § 1, eff. Nov. 1, 2015.

§63-1-737.8. Definitions.

For the purposes of the Oklahoma Unborn Child Protection from Dismemberment Abortion Act:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device:
    a. to purposely kill the unborn child of a woman known to be pregnant, or
    b. to purposely terminate the pregnancy of a woman known to be pregnant, with a purpose other than:
        (1) after viability to produce a live birth and preserve the life and health of the child born alive, or
        (2) to remove a dead unborn child;

2. "Attempt to perform an abortion" means to do or omit to do anything that, under the circumstances as the actor believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in the actor performing an abortion. Such substantial steps include, but are not limited to:
    a. agreeing with an individual to perform an abortion on that individual or on some other person, whether or not the term "abortion" is used in the agreement, and whether or not the agreement is contingent on another factor such as receipt of payment or a determination of pregnancy, or
    b. scheduling or planning a time to perform an abortion on an individual, whether or not the term "abortion" is used, and whether or not the performance is contingent on another factor such as receipt of payment or a determination of pregnancy.

This definition shall not be construed to require that an abortion procedure actually must be initiated for an attempt to occur;

3. "Dismemberment abortion" means, with the purpose of causing the death of an unborn child, purposely to dismember a living unborn child and extract him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors or similar instruments that, through the convergence of two rigid levers, slice, crush, and/or grasp a portion of the unborn child's body to cut or rip it off. This definition does not include an abortion which uses suction to dismember the body of the developing unborn child by sucking fetal parts into a collection container;

4. "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise legally authorized to perform an abortion;

5. "Purposely" means the following: A person acts purposely with respect to a material element of an offense when:
    a. if the element involves the nature of his or her conduct or a result thereof, it is his or her conscious

objective to engage in conduct of that nature or to cause such a result, and

b. if the element involves the attendant circumstances, he or she is aware of the existence of such circumstances or he or she believes or hopes that they exist;

6. "Serious health risk to the unborn child's mother" means that in reasonable medical judgment she has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition may be determined to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function; and

7. "Woman" means a female human being whether or not she has reached the age of majority.

Added by Laws 2015, c. 59, § 2, eff. Nov. 1, 2015.

§63-1-737.9. Unlawful dismemberment abortions - Exceptions.

A. Notwithstanding any other provision of law, it shall be unlawful for any person to purposely perform or attempt to perform a dismemberment abortion and thereby kill an unborn child unless necessary to prevent serious health risk to the unborn child's mother.

B. A person accused in any proceeding of unlawful conduct under subsection A of this section may seek a hearing before the State Board of Medical Licensure and Supervision on whether the dismemberment abortion was necessary to prevent serious health risk to the unborn child's mother. The Board's findings are admissible on that issue at any trial in which such unlawful conduct is alleged. Upon a motion of the person accused, the court shall delay the beginning of the trial for not more than thirty (30) days to permit such a hearing to take place.

C. No woman upon whom an abortion is performed or attempted to be performed shall be thereby liable for performing or attempting to perform a dismemberment abortion. No nurse, technician, secretary, receptionist or other employee or agent who is not a physician but who acts at the direction of a physician and no pharmacist or other individual who is not a physician but who fills a prescription or provides instruments or materials used in an abortion at the direction of or to a physician shall be thereby liable for performing or attempting to perform a dismemberment abortion.

Added by Laws 2015, c. 59, § 3, eff. Nov. 1, 2015.

§63-1-737.10. Injunctive relief.

A. A cause of action for injunctive relief against a person who has performed or attempted to perform a dismemberment abortion in violation of Section 3 of this act may be maintained by:

1. A woman upon whom such a dismemberment abortion was performed or attempted to be performed;

2. A person who is the spouse, parent or guardian of, or a current or former licensed health care provider of, a woman upon whom such a dismemberment abortion was performed or attempted to be performed; or

3. A prosecuting attorney with appropriate jurisdiction.

B. The injunction shall prevent the defendant from performing or attempting to perform further dismemberment abortions in violation of Section 3 of this act.

Added by Laws 2015, c. 59, § 4, eff. Nov. 1, 2015.

§63-1-737.11. Civil damages action.

A. A cause of action for civil damages against a person who has performed a dismemberment abortion in violation of Section 3 of this act may be maintained by:

1. Any woman upon whom a dismemberment abortion has been performed in violation of Section 3 of this act; or

2. If the woman had not attained the age of eighteen (18) years at the time of the dismemberment abortion or has died as a result of the abortion, the maternal grandparents of the unborn child.

B. No damages may be awarded a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

C. Damages awarded in such an action shall include:

1. Money damages for all injuries, psychological and physical, occasioned by the dismemberment abortion; and

2. Statutory damages equal to three times the cost of the dismemberment abortion.

Added by Laws 2015, c. 59, § 5, eff. Nov. 1, 2015.

§63-1-737.12. Attorney fees.

A. If judgment is rendered in favor of the plaintiff in an action described in Section 4 or 5 of this act, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant.

B. If judgment is rendered in favor of the defendant in an action described in Section 4 or 5 of this act and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

C. No attorney fee may be assessed against the woman upon whom an abortion was performed or attempted to be performed except in accordance with subsection B of this section.

Added by Laws 2015, c. 59, § 6, eff. Nov. 1, 2015.

§63-1-737.13. Penalties.

Whoever violates Section 3 of this act shall be fined Ten Thousand Dollars ($10,000.00) or imprisoned for not more than two (2) years or both.

Added by Laws 2015, c. 59, § 7, eff. Nov. 1, 2015.

§63-1-737.14. Disclosure of identity.

In every civil, criminal, or administrative proceeding or action brought under the Oklahoma Unborn Child Protection from Dismemberment Abortion Act, the court shall rule whether the identity of any woman upon whom an abortion has been performed or attempted to be performed shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less-restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted to be performed, anyone other than a public official who brings an action under Section 4 or 5 of this act shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Added by Laws 2015, c. 59, § 8, eff. Nov. 1, 2015.

§63-1-737.15. Limitations of act.

Nothing in the Oklahoma Unborn Child Protection from Dismemberment Abortion Act shall be construed as creating or recognizing a right to abortion, nor a right to a particular method of abortion.

Added by Laws 2015, c. 59, § 9, eff. Nov. 1, 2015.

§63-1-737.16. Severability.

If any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word

thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.
Added by Laws 2015, c. 59, § 10, eff. Nov. 1, 2015.

§63-1-738. Repealed by Laws 2009, c. 227, § 12, eff. Nov. 1, 2009.

§63-1-738.1. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010.

§63-1-738.1A. Definitions.

As used in this section and Sections 1-738.2 through 1-738.5 of Title 63 of the Oklahoma Statutes:

1. "Abortion" means the term as defined in Section 1-730 of Title 63 of the Oklahoma Statutes;

2. "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in this state in violation of this act;

3. "Board" means the State Board of Medical Licensure and Supervision;

4. "Certified technician" means a Registered Diagnostic Medical Sonographer who is certified in obstetrics and gynecology by the American Registry for Diagnostic Medical Sonography (ARDMS), or a nurse midwife or Advance Practice Nurse Practitioner in obstetrics with certification in obstetrical ultrasonography;

5. "Medical emergency" means the existence of any physical condition, not including any emotional, psychological, or mental condition, which a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine necessitates the immediate abortion of the pregnancy of the female to avert her death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy;

6. "Physician" means a person licensed to practice medicine in this state pursuant to Sections 495 and 633 of Title 59 of the Oklahoma Statutes;

7. "Probable gestational age of the unborn child" means what, in the judgment of the physician, will with reasonable probability be the gestational age of the unborn child at the time the abortion is planned to be performed;

8. "Stable Internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the State Board of Medical Licensure and Supervision;

9. "Unborn child" means the term as is defined in Section 1-730 of Title 63 of the Oklahoma Statutes; and

10. "Woman" means a female human being whether or not she has reached the age of majority.

Added by Laws 2010, c. 173, § 1, emerg. eff. April 27, 2010.

§63-1-738.2. Voluntary and informed consent - Compliance by physicians - Confirmation of receipt of medical risk information.

A. No abortion shall be performed in this state except with the voluntary and informed consent of the woman upon whom the abortion is to be performed.

B. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

1. a. not less than seventy-two (72) hours prior to the performance of the abortion, the woman is told the following, by telephone or in person, by the physician who is to perform the abortion, or by a referring physician, or by an agent of either physician:
   (1) the name of the physician who will perform the abortion,
   (2) the medical risks associated with the particular abortion procedure to be employed,
   (3) the probable gestational age of the unborn child at the time the abortion is to be performed,
   (4) the medical risks associated with carrying her child to term, and
   (5) that ultrasound imaging and heart tone monitoring that enable the pregnant woman to view her unborn child or listen to the heartbeat of the unborn child are available to the pregnant woman. The physician or agent of the physician shall inform the pregnant woman that the website and printed materials described in Section 1-738.3 of this title, contain phone numbers and addresses for facilities that offer such services at no cost,

   b. the information required by this paragraph may be provided by telephone without conducting a physical examination or tests of the woman. If the information is supplied by telephone, the information shall be based on facts supplied to the physician,

   c. the information required by this paragraph shall not be provided by a tape recording, but shall be provided during a consultation in which the physician is able to ask questions of the woman and the woman is able to ask questions of the physician,

   d. if a physical examination, tests, or other new information subsequently indicates, in the medical

judgment of the physician, the need for a revision of the information previously supplied to the woman, that revised information may be communicated to the woman at any time prior to the performance of the abortion, and

e. nothing in subparagraph a of this paragraph may be construed to preclude provision of the required information in a language understood by the woman through a translator;

2. Not less than seventy-two (72) hours prior to the abortion, the woman is informed, by telephone or in person, by the physician who is to perform the abortion, by a referring physician, or by an agent of either physician:

a. that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care,

b. that the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion,

c. that:

(1) she has the option to review the printed materials described in Section 1-738.3 of this title,

(2) those materials have been provided by the State Board of Medical Licensure and Supervision, and

(3) they describe the unborn child and list agencies that offer alternatives to abortion, and

d. (1) if the woman chooses to exercise her option to view the materials in a printed form, they shall be mailed to her, by a method chosen by the woman, or

(2) if the woman chooses to exercise her option to view the materials via the Internet, the woman shall be informed at least seventy-two (72) hours before the abortion of the specific address of the Internet website where the material can be accessed.

The information required by this paragraph may be provided by a tape recording if provision is made to record or otherwise register specifically whether the woman does or does not choose to review the printed materials;

3. The woman certifies in writing, prior to the abortion, that she has been told the information described in subparagraph a of paragraph 1 of this subsection and in subparagraphs a, b and c of paragraph 2 of this subsection and that she has been informed of her option to review or reject the printed information described in Section 1-738.3 of this title; and

4. Prior to the abortion, the physician who is to perform the abortion or the agent of the physician receives a copy of the written certification prescribed by paragraph 3 of this subsection.

C. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall promulgate rules to ensure that physicians who perform abortions and referring physicians or agents of either physician comply with all the requirements of this section.

D. Before the abortion procedure is performed, the physician shall confirm with the patient that she has received information regarding:

1. The medical risks associated with the particular abortion procedure to be employed;

2. The probable gestational age of the unborn child at the time the abortion is to be performed; and

3. The medical risks associated with carrying the unborn child to term.

Added by Laws 2005, c. 200, § 7, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 3, eff. Nov. 1, 2006; Laws 2015, c. 255, § 1, eff. Nov. 1, 2015.

§63-1-738.3. Print and online information - Requirements.

A. Within one hundred twenty (120) days of the effective date of this act, the State Board of Medical Licensure and Supervision shall cause to be published, in English and in Spanish, and shall update on an annual basis, the following printed materials in such a way as to ensure that the information is easily comprehensible:

1. a. geographically indexed materials designed to inform the woman of public and private agencies, including adoption agencies and services that are available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including:
   (1) a comprehensive list of the agencies available,
   (2) a description of the services they offer, including which agencies offer, at no cost to the pregnant woman, ultrasound imaging that enables a pregnant woman to view the unborn child or heart tone monitoring that enables the pregnant woman to listen to the heartbeat of the unborn child, and
   (3) a description of the manner, including telephone numbers, in which they might be contacted, or

   b. at the option of the Board a toll-free, twenty-four-hour-a-day telephone number which may be called to obtain, in a mechanical, automated, or auditory format, a list and description of agencies in the locality of the caller and of the services they offer; and

2. a. materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from

the time when a woman can be known to be pregnant to full term, including:

(1) any relevant information on the possibility of the survival of the unborn child, and

(2) pictures or drawings representing the development of unborn children at two-week gestational increments, provided that the pictures or drawings shall describe the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted,

b. the materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages, and

c. the material shall also contain objective information describing:

(1) the methods of abortion procedures commonly employed,

(2) the medical risks commonly associated with each of those procedures,

(3) the possible detrimental psychological effects of abortion and of carrying a child to term, and

(4) the medical risks commonly associated with carrying a child to term, and

d. the material shall contain the statement "Abortion shall terminate the life of a whole, separate, unique, living human being."

B. 1. The materials referred to in subsection A of this section shall be printed in a typeface large enough to be clearly legible.

2. The materials required under this section shall be available at no cost from the State Board of Medical Licensure and Supervision and shall be distributed upon request in appropriate numbers to any person, facility, or hospital.

C. 1. The Board shall provide on its stable Internet website the information described under subsection A of this section.

2. The website provided for in this subsection shall be maintained at a minimum resolution of 72 PPI.

D. Any facility performing abortions that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the Board's website, *www.awomansright.org*, that provides informed consent materials under the Woman's Right-to-Know Act. Such link shall read: "The State Board of Medical Licensure and Supervision maintains a website containing information about the development of the unborn child, as well as video of ultrasound images of the unborn child at various stages of development. The Board's website can be reached by clicking here: *www.awomansright.org*."

Added by Laws 2005, c. 200, § 8, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 4, eff. Nov. 1, 2006; Laws 2015, c. 255, § 2, eff. Nov. 1, 2015.

§63-1-738.3a. Form tracking voluntary and informed consent - Contents of form - Submission - Late fee.

A. By February 1, 2008, the State Department of Health shall prepare and make available on its stable Internet website the form described in subsection B of this section. A copy of this act shall be posted on the website. Physicians performing abortions shall complete and electronically submit the required forms to the Department no later than April 1 for the previous calendar year. Nothing in the report shall contain the name, address, or any other identifying information of any patient.

B. The form for physicians shall contain a listing for the following information:

1. The number of females to whom the physician, or an agent of the physician, provided the information described in Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that number, the number provided the information by telephone and the number provided the information in person; and of each of those numbers, the number provided the information in the capacity of a referring physician and the number provided the information in the capacity of a physician who is to perform the abortion; and of each of those numbers, the number provided the information by the physician and the number provided the information by an agent of the physician;

2. The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Section 1-738.3 of Title 63 of the Oklahoma Statutes other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the information and belief of the reporting physician, went on to obtain the abortion; and

3. The number of abortions performed by the physician in which information otherwise required to be provided at least seventy-two (72) hours before the abortion was not so provided because an immediate abortion was necessary to avert the death of the female, and the number of abortions in which the information was not so provided because a delay would cause substantial and irreversible impairment of a major bodily function.

C. The State Department of Health shall ensure that the reporting forms described in subsection B of this section are posted, on its stable Internet website, within one hundred twenty (120) days after the effective date of this act. The State Department of Health shall notify the following of the requirements of this act:

1. By March 1, 2008, all physicians licensed to practice in this state;

2. Each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

3. By December 1 of each year, other than the calendar year in which forms are first made available to all physicians licensed to practice in this state.

D. By February 28 of each year following a calendar year in any part of which this section was in effect, each physician who provided, or whose agent provided, information to one or more females in accordance with Section 1-738.2 of Title 63 of the Oklahoma Statutes during the previous calendar year shall electronically submit to the State Department of Health the form described in subsection B of this section, with the requested data entered accurately and completely.

E. Reports that are not electronically submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not completed and electronically submitted a report, or has electronically submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the State Department of Health, be directed by a court of competent jurisdiction to electronically submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

F. By June 30 of each year, the State Department of Health shall prepare and make available on its stable Internet website a public report providing statistics for the previous calendar year compiled from all items listed in subsection B of this section. Each report shall also provide statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The State Department of Health shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual providing or provided information in accordance with subsection B of this section.

G. The State Department of Health may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by this section or consolidate the form or report described in this section with other forms or reports to achieve administrative convenience, fiscal savings or to reduce the burden of reporting requirements, as long as reporting forms are made available, on its stable Internet website to all licensed physicians in the state, and the report described in this section is issued at least once every year.

Added by Laws 2007, c. 161, § 3, eff. Nov. 1, 2007. Amended by Laws 2015, c. 255, § 3, eff. Nov. 1, 2015.

§63-1-738.3b. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010.

§63-1-738.3c. Repealed by Laws 2010, c. 173, § 4, emerg. eff. April 27, 2010.

§63-1-738.3d. Ultrasound required prior to procedure - Written certification - Medical emergency exception.

A. Any abortion provider who knowingly performs any abortion shall comply with the requirements of this section.

B. In order for the woman to make an informed decision, at least one (1) hour prior to a woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the woman, the physician who is to perform or induce the abortion, or the certified technician working in conjunction with the physician, shall:

1. Perform an obstetric ultrasound on the pregnant woman, using either a vaginal transducer or an abdominal transducer, whichever would display the embryo or fetus more clearly;

2. Provide a simultaneous explanation of what the ultrasound is depicting;

3. Display the ultrasound images so that the pregnant woman may view them;

4. Provide a medical description of the ultrasound images, which shall include the dimensions of the embryo or fetus, the presence of cardiac activity, if present and viewable, and the presence of external members and internal organs, if present and viewable; and

5. Obtain a written certification from the woman, prior to the abortion, that the requirements of this subsection have been complied with; and

6. Retain a copy of the written certification prescribed by paragraph 5 of this subsection. The certification shall be placed in the medical file of the woman and shall be kept by the abortion provider for a period of not less than seven (7) years. If the woman is a minor, then the certification shall be placed in the medical file of the minor and kept for at least seven (7) years or for five (5) years after the minor reaches the age of majority, whichever is greater.

C. Nothing in this section shall be construed to prevent a pregnant woman from averting her eyes from the ultrasound images required to be provided to and reviewed with her. Neither the physician nor the pregnant woman shall be subject to any penalty if she refuses to look at the presented ultrasound images.

D. Upon a determination by an abortion provider that a medical emergency, as defined in Section 1 of this act, exists with respect

to a pregnant woman, subsection B of this section shall not apply and the provider shall certify in writing the specific medical conditions that constitute the emergency. The certification shall be placed in the medical file of the woman and shall be kept by the abortion provider for a period of not less than seven (7) years. If the woman is a minor, then the certification shall be placed in the medical file of the minor and kept for at least seven (7) years or for five (5) years after the minor reaches the age of majority, whichever is greater.

E. An abortion provider who willfully falsifies a certification under subsection D of this section shall be subject to all penalties provided for under Section 3 of this act.

Added by Laws 2010, c. 173, § 2, emerg. eff. April 27, 2010.

§63-1-738.3e. Violation of ultrasound requirement - Injunctive relief - Action for damages - License suspension.

A. An abortion provider who knowingly violates a provision of Section 2 of this act shall be liable for damages as provided in this section and may be enjoined from such acts in accordance with this section in an appropriate court.

B. A cause of action for injunctive relief against any person who has knowingly violated a provision of Section 2 of this act may be maintained by the woman upon whom an abortion was performed or attempted to be performed in violation of this act; any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, the female upon whom an abortion has been performed or attempted to be performed in violation of this act; by a district attorney with appropriate jurisdiction; or by the Attorney General. The injunction shall prevent the abortion provider from performing further abortions in violation of this act in the State of Oklahoma.

C. Any person who knowingly violates the terms of an injunction issued in accordance with this section shall be subject to civil contempt, and shall be fined Ten Thousand Dollars ($10,000.00) for the first violation, Fifty Thousand Dollars ($50,000.00) for the second violation, One Hundred Thousand Dollars ($100,000.00) for the third violation, and for each succeeding violation an amount in excess of One Hundred Thousand Dollars ($100,000.00) that is sufficient to deter future violations. The fines shall be the exclusive penalties for such contempt. Each performance or attempted performance of an abortion in violation of the terms of an injunction is a separate violation. These fines shall be cumulative. No fine shall be assessed against the woman on whom an abortion is performed or attempted.

D. A pregnant woman upon whom an abortion has been performed in violation of Section 2 of this act, or the parent or legal guardian of the woman if she is an unemancipated minor, as defined in Section

1-740.1 of Title 63 of the Oklahoma Statutes, may commence a civil action against the abortion provider for any knowing or reckless violation of this act for actual and punitive damages.

E. An abortion provider who performed an abortion in violation of Section 2 of this act shall be considered to have engaged in unprofessional conduct for which the provider's certificate or license to provide health care services in this state may be suspended or revoked by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners.

Added by Laws 2010, c. 173, § 3, emerg. eff. April 27, 2010.

§63-1-738.3f. Civil actions - Damages.

A woman upon whom an abortion has been performed in negligent violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes, or the parent or legal guardian of the woman if she is an unemancipated minor, as defined in Section 1-740.1 of Title 63 of the Oklahoma Statutes, may commence a civil action against the abortion provider, against the prescriber of any drug or chemical intended to induce abortion, and against any person or entity which referred the woman to the abortion provider or prescriber and which knew or reasonably should have known that the abortion provider or prescriber had acted in violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes for actual damages and, in cases of gross negligence, for punitive damages. The measure of damages shall include damages for the mental anguish and emotional distress of the plaintiff, in addition to all damages available for the wrongful death of the child whose life was aborted in negligent violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes, notwithstanding any exception for abortion provided in Section 1053 of Title 12 of the Oklahoma Statutes. Whether the individual or entity committed an abortion in negligent violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes shall be determined by the trier of fact in the civil action by the greater weight of the evidence. Unless the defendant can prove to the trier of fact by the greater weight of the evidence that the abortion was performed on a child who was already dead from natural causes before the abortion, and that the defendant informed the plaintiff that the child was already dead at the time of the abortion, it shall be a rebuttable presumption that if an abortion was performed, that the child whose life was aborted was alive until the abortion was performed, and was capable eventually of living a normal human lifespan had the abortion not occurred.

Added by Laws 2012, c. 198, § 1, eff. Sept. 1, 2012.

§63-1-738.3g. Reasonable costs and attorney fees.

If judgment is rendered in favor of the plaintiff in any action pursuant to Section 1 of this act, the court shall also render judgment for costs including reasonable expert witness fees and for a reasonable attorney fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous, unreasonable or without foundation, the court shall also render judgment for costs including reasonable expert witness fees and for a reasonable attorney fee in favor of the defendant against the plaintiff.
Added by Laws 2012, c. 198, § 2, eff. Sept. 1, 2012.

§63-1-738.3h. Identity of woman upon whom abortion performed - Disclosure.

In every action brought under this act, the court shall rule whether the anonymity of any female upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the female should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the female upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under this act shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.
Added by Laws 2012, c. 198, § 3, eff. Sept. 1, 2012.

§63-1-738.3i. Statute of limitations.

An action pursuant to this act shall be brought within two (2) years of the date the woman upon whom an abortion has been performed in negligent violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes, or the parent or legal guardian of the woman if she is an unemancipated minor, as defined in Section 1-740.1 of Title 63 of the Oklahoma Statutes, knew or reasonably should have known of any information not provided by the defendant in negligent violation of Section 1-738.2, 1-738.3d, 1-738.8, 1-740.2 or 1-740.4b of Title 63 of the Oklahoma Statutes. If any defendant disputes whether the action was brought within the time specified in this section, the question of whether the action was

brought within the time specified in this section shall be determined by the trier of fact by the greater weight of the evidence.
Added by Laws 2012, c. 198, § 4, eff. Sept. 1, 2012.

§63-1-738.3j. Interpretation of act.

A. Nothing in this act shall be construed as creating or recognizing a right to abortion.

B. Nothing in this act shall apply to a hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes which has a dedicated emergency department as defined in 42 CFR 489.24b.
Added by Laws 2012, c. 198, § 5, eff. Sept. 1, 2012.

§63-1-738.3k. Severability of act.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.
Added by Laws 2012, c. 198, § 6, eff. Sept. 1, 2012.

§63-1-738.4. Medical emergency abortions – Physician's judgment – Patient's right to information.

When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a delay will create serious risk of substantial and irreversible impairment of a major bodily function.
Added by Laws 2005, c. 200, § 9, emerg. eff. May 20, 2005.

§63-1-738.5. Disciplinary action.

A. Any physician who knowingly or recklessly performs or attempts to perform an abortion in violation of the provisions of this act shall be subject to disciplinary action by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners.

B. No penalty may be assessed against the woman upon whom the abortion is performed or attempted to be performed.

C. No penalty or civil liability may be assessed for failure to comply with Section 1-738.2 of this title unless the State Board of

Medical Licensure and Supervision has made the printed materials available at the time the physician or the agent of the physician is required to inform the woman of her right to review them.

D. Any person who knowingly or recklessly performs or attempts to perform an abortion in violation of this act shall be guilty of a felony.

Added by Laws 2005, c. 200, § 10, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 5, eff. Nov. 1, 2006.

§63-1-738.5a. Severability.

If some or all of the newly amended provisions of 63 O.S. 2011, Section 1-738.2, 63 O.S. 2011, Section 1-738.3; 63 O.S. 2011, Section 1-738.3a; 63 O.S. 2011, Section 1-738.8; 63 O.S. 2011, Section 1-738.13; 63 O.S. 2011, Section 1-738m, as amended by Section 2, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2014, Section 1-738m); Section 2, Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-746.2); or Section 6, Chapter 175, O.S.L. 2013 (63 O.S. Supp. 2014, Section 1-746.6), resulting from the actions taken by the 2015 session of the Oklahoma legislature are ever temporarily or permanently restrained or enjoined by judicial order, these sections shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Added by Laws 2015, c. 255, § 9, eff. Nov. 1, 2015.

§63-1-738.6. Short title.

This act shall be known and may be cited as the "Unborn Child Pain Awareness/Prevention Act".

Added by Laws 2006, c. 185, § 6, eff. Nov. 1, 2006.

§63-1-738.7. Definitions.

As used in the Unborn Child Pain Awareness/Prevention Act:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy, or to remove a dead fetus who dies as the result of a spontaneous miscarriage, accidental trauma or a criminal assault on the pregnant female or her unborn child;

2. "Attempt to perform an abortion" means an act, or an omission of a statutorily required act that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in

Oklahoma in violation of the Unborn Child Pain Awareness/Prevention Act;

3. "Unborn child" means a member of the species homo sapiens from fertilization until birth;

4. "Medical emergency" means the existence of any physical condition, not including any emotional, psychological, or mental condition, which a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine necessitates the immediate abortion of the pregnancy of the female to avert her death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy;

5. "Physician" means a person licensed to practice medicine in this state pursuant to Sections 495 and 633 of Title 59 of the Oklahoma Statutes; and

6. "Probable gestational age" means the gestational age of the unborn child at the time the abortion is planned to be performed, as determined by the physician using reasonable probability.

Added by Laws 2006, c. 185, § 7, eff. Nov. 1, 2006. Amended by Laws 2007, c. 161, § 4, eff. Nov. 1, 2007.

§63-1-738.8. Review of materials, notice in cases of twenty-plus weeks' gestation - Certification, furnishing of information.

A. Except in the case of a medical emergency, at least seventy-two (72) hours prior to an abortion being performed on an unborn child whose probable gestational age is twenty (20) weeks or more, the physician performing the abortion or the agent of the physician shall inform the pregnant female, by telephone or in person, of the right to review the printed materials described in Section 1-738.10 of this title, that these materials are available on a state-sponsored website, and the web address of that website. The physician or the agent of the physician shall orally inform the female that the materials have been provided by the State of Oklahoma and that the materials contain information on pain and the unborn child. If the female chooses to view the materials other than on the website, the materials shall either be given to the female at least seventy-two (72) hours before the abortion, or received by the female at least seventy-two (72) hours before the abortion by certified mail, restricted delivery to the addressee. The information required by this subsection may be provided by a tape recording if provision is made to record or otherwise register specifically whether the female does or does not choose to receive the printed materials given or mailed.

B. The female shall certify in writing, prior to the abortion, that the information described in subsection A of this section has been furnished to the female and that the female has been informed of the opportunity to review the printed materials described in Section

1-738.10 of this title. Prior to the performance of the abortion, the physician who is to perform the abortion or the agent of the physician shall obtain a copy of the written certification and retain the copy on file with the medical record of the female for at least three (3) years following the date of receipt.
Added by Laws 2006, c. 185, § 8, eff. Nov. 1, 2006. Amended by Laws 2015, c. 255, § 4, eff. Nov. 1, 2015.

§63-1-738.9. Use of anesthetic or analgesic to eliminate or alleviate pain - Notice.

Except in the case of a medical emergency, before an abortion is performed on an unborn child who is twenty (20) weeks gestational age or more, the physician performing the abortion or the agent of the physician shall inform the female if an anesthetic or analgesic would eliminate or alleviate organic pain to the unborn child caused by the particular method of abortion to be employed and inform the female of the particular medical risks associated with the particular anesthetic or analgesic. With the consent of the female, the physician shall administer the anesthetic or analgesic.
Added by Laws 2006, c. 185, § 9, eff. Nov. 1, 2006.

§63-1-738.10. Publication of materials on twenty-week gestation - Legibility - Availability at no cost.

A. Within ninety (90) days after the Unborn Child Pain Awareness/Prevention Act becomes law, the State Board of Medical Licensure and Supervision shall cause to be published, in English and in each language which is the primary language of two percent (2%) or more of the population of the state, and shall cause to be available on the state web site provided for in Section 11 of this act, printed materials with the following statement concerning unborn children of twenty (20) weeks gestational age: "By twenty (20) weeks gestation, the unborn child has the physical structures necessary to experience pain. There is evidence that by twenty (20) weeks gestation unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are twenty (20) weeks gestational age or older who undergo prenatal surgery."

The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the human fetus at the various gestational ages.

B. The materials referred to in subsection A of this section shall be printed in a typeface large enough to be clearly legible. The web site provided for in Section 11 of this act shall be maintained at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on this web site shall be a minimum of 200x300 pixels. All letters on the web site shall be a minimum of 11 point

font. All information and pictures shall be accessible with an industry standard browser requiring no additional plug-ins.

C. The materials required under this section shall be available at no cost from the State Board of Medical Licensure and Supervision upon request and in appropriate number to any person, facility, or hospital.

Added by Laws 2006, c. 185, § 10, eff. Nov. 1, 2006.

§63-1-738.11. Web site, development and maintenance.

The State Board of Medical Licensure and Supervision shall develop and maintain a stable Internet web site to provide the information described under Section 10 of this act. No information regarding who uses the web site shall be collected or maintained. The State Board of Medical Licensure and Supervision shall monitor the web site on a daily basis to prevent and correct tampering.

Added by Laws 2006, c. 185, § 11, eff. Nov. 1, 2006.

§63-1-738.12. Medical emergency abortion - Notice of medical indications.

When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the judgment of the physician that an abortion is necessary to avert the death of the female or that a twenty-four-hour delay will create serious risk of substantial and irreversible impairment of a major bodily function.

Added by Laws 2006, c. 185, § 12, eff. Nov. 1, 2006.

§63-1-738.13. Reporting forms - Submission of copies - Late fees - Public report - Alteration of dates.

A. Within ninety (90) days after the Unborn Child Pain Awareness/Prevention Act becomes law, the State Department of Health shall prepare a reporting form for physicians containing a reprint of the Unborn Child Pain Awareness/Prevention Act and listing:

1. The number of females to whom the physician or an agent of the physician provided the information described in subsection A of Section 1-738.8 of this title; of that number, the number provided by telephone and the number provided in person; and of each of those numbers, the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion or agent of such a physician;

2. The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Section 1-738.10 of this title other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the information and belief of the reporting physician, went on to obtain the abortion; and

3. The number of abortions performed by the physician in which information otherwise required to be provided at least seventy-two (72) hours before the abortion was not so provided because an immediate abortion was necessary to avert the death of the female, and the number of abortions in which such information was not so provided because a delay would create serious risk of substantial and irreversible impairment of a major bodily function.

B. The Department shall ensure that copies of the reporting forms described in subsection A of this section are provided:

1. Within one hundred twenty (120) days after the Unborn Child Pain Awareness/Prevention Act becomes law, to all physicians licensed to practice in this state;

2. To each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

3. By December 1 of each year, other than the calendar year in which forms are distributed in accordance with paragraph 1 of this subsection, to all physicians licensed to practice in this state.

C. By February 28 of each year following a calendar year in any part of which the Unborn Child Pain Awareness/Prevention Act was in effect, each physician who provided, or whose agent provided, information to one or more females in accordance with Section 1-738.8 of this title during the previous calendar year shall submit to the Department a copy of the form described in subsection A of this section, with the requested data entered accurately and completely.

D. Reports that are not submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not submitted a report, or has submitted only an incomplete report, more than one (1) year following the due date may, in an action brought by the State Board of Medical Licensure and Supervision, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

E. By June 30 of each year, the Department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. Each such report shall also provide the statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The Department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual providing or provided information in accordance with subsection A or B of Section 1-738.8 of this title.

F. The Department, by rule promulgated in accordance with the Administrative Procedures Act, may alter the dates established by paragraph 3 of subsection B, subsection C, or subsection E of this section or consolidate the forms or reports described in this section with other forms or reports to achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements, so long as reporting forms are sent to all licensed physicians in the state at least once every year and the report described in subsection E of this section is issued at least once every year.
Added by Laws 2006, c. 185, § 13, eff. Nov. 1, 2006. Amended by Laws 2015, c. 255, § 5, eff. Nov. 1, 2015.

§63-1-738.14. Violation of Act - Penalties.

Any person who knowingly or recklessly performs or attempts to perform an abortion in violation of the Unborn Child Pain Awareness/Prevention Act shall be guilty of a felony. Any physician who knowingly or recklessly submits a false report under subsection C of Section 13 of this act shall be guilty of a misdemeanor. No penalty may be assessed against the female upon whom the abortion is performed or attempted to be performed. No penalty or civil liability may be assessed for failure to comply with Section 8 of this act requiring a written certification that the female has been informed of the opportunity to review the information referred to in Section 8 of this act unless the State Department of Health has made the printed materials available at the time the physician or the agent of the physician is required to inform the female of the right to review the materials.
Added by Laws 2006, c. 185, § 14, eff. Nov. 1, 2006.

§63-1-738.15. Failure to comply with Act or issue public report - Civil liability.

A. Any person upon whom an abortion has been performed without the Unborn Child Pain Awareness/Prevention Act having been complied with, the father of the unborn child who was the subject of such an abortion, or the grandparent of such an unborn child may maintain an action against the person who performed the abortion in knowing or reckless violation of the Unborn Child Pain Awareness/Prevention Act for actual and punitive damages. Any person upon whom an abortion has been attempted without the Unborn Child Pain Awareness/Prevention Act having been complied with may maintain an action against the person who attempted to perform the abortion in knowing or reckless violation of the Unborn Child Pain Awareness/Prevention Act for actual and punitive damages.

B. If the Department fails to issue the public report required by the Statistical Reporting of Abortion Act of Oklahoma, an action pursuant to Title 12 of the Oklahoma Statutes may be initiated.
Added by Laws 2006, c. 185, § 15, eff. Nov. 1, 2006.

§63-1-738.16. Civil or criminal actions - Anonymity of person upon whom abortion has been performed or attempted.

In every civil or criminal proceeding or action brought under the Unborn Child Pain Awareness/Prevention Act, the court shall rule whether the anonymity of any female upon whom an abortion has been performed or attempted shall be preserved from public disclosure if the female does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the anonymity of the female should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the identity of the female from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the female should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the female upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under subsection A of Section 15 of this act shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.
Added by Laws 2006, c. 185, § 16, eff. Nov. 1, 2006.

§63-1-738.17. Severability of provisions.

If any one or more provision, section, subsection, sentence, clause, phrase or word of the Unborn Child Pain Awareness/Prevention Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of the Unborn Child Pain Awareness/Prevention Act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed the Unborn Child Pain Awareness/Prevention Act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.
Added by Laws 2006, c. 185, § 17, eff. Nov. 1, 2006.

§63-1-738a. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738b. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738c. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738d. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738e. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738f. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738g. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738h. Repealed by Laws 2010, c. 276, § 9, eff. Nov. 1, 2010.

§63-1-738i. Statistical Abortion Reporting Act.

This act shall be known and may be cited as the "Statistical Abortion Reporting Act".

Added by Laws 2010, c. 276, § 1, eff. Nov. 1, 2010.

§63-1-738j. Individual Abortion Form - Submission of abortion statistics.

A. As used in the Statistical Abortion Reporting Act:

1. "Abortion" means the term as defined in Section 1-730 of Title 63 of the Oklahoma Statutes;

2. "Complication" means any adverse physical or psychological condition arising from the performance of an abortion, which includes but is not limited to: uterine perforation, cervical perforation, infection, bleeding, hemorrhage, blood clots, failure to actually terminate the pregnancy, incomplete abortion (retained tissue), pelvic inflammatory disease, endometritis, missed ectopic pregnancy, cardiac arrest, respiratory arrest, renal failure, metabolic disorder, shock, embolism, coma, placenta previa, preterm delivery in subsequent pregnancies, free fluid in abdomen, adverse reaction to anesthesia and other drugs, and mental and psychological complications such as depression, anxiety, sleeping disorders, psychiatric hospitalization, and emotional problems; and

3. "Stable Internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the State Department of Health.

B. By March 1, 2012, the State Department of Health shall make available, on its stable Internet website, an Individual Abortion Form as required by Section 3 of this act, and a form for a Complications of Induced Abortion Report as required by Section 4 of this act.

C. As required by Section 5 of this act, information from a completed Individual Abortion Form or a completed Complications of Induced Abortion Report shall be combined with information from all other such completed forms and reports submitted for the year. An Annual Abortion Report providing statistics for the previous calendar year compiled from all of that year's completed forms and reports submitted in accordance with the Statistical Abortion Reporting Act

shall be published annually by the Department on its stable Internet website.

D. No Individual Abortion Forms or Complications of Induced Abortion Reports that have been completed and submitted to the Department by any physician pursuant to subsection B of Section 3 of this act or subsection C of Section 4 of this act shall be posted online.

E. By March 1, 2012, the State Department of Health shall, on its stable Internet website, provide the language of all Oklahoma Statutes and regulations directly relating to abortion, and shall promptly update its website to reflect subsequent statutory and regulatory changes. The Department shall also, by March 1, 2012, provide, on its stable Internet website, the means by which physicians may electronically submit the reports required by the Statistical Abortion Reporting Act. The Department shall include instructions on its stable Internet website regarding electronic submission. The Department shall take all necessary precautions to ensure the security of the electronically submitted reports so that the submitted data is able to be accessed only by specially authorized departmental personnel during and following the process of transmission.

Added by Laws 2010, c. 276, § 2, eff. Nov. 1, 2010.

§63-1-738k. Posting of Individual Abortion Form - Notice - Sample form.

A. Subsections B and C of this section shall become operative on the later of:

1. April 1, 2012; or

2. Thirty (30) calendar days following the date on which the State Department of Health posts on its website the Individual Abortion Form and instructions concerning its electronic submission referenced in this section.

B. The Department shall post the Individual Abortion Form and instructions concerning its electronic submission on its stable Internet website. Nothing in the Individual Abortion Form shall contain the name, address, hometown, county of residence, or any other information specifically identifying any patient. The Department's Individual Abortion Form shall be substantially similar to, but need not be in the specific format, provided in subsection F of this section.

C. Any physician performing abortions shall fully complete and submit, electronically, an Individual Abortion Form to the State Department of Health by the last business day of the calendar month following the month in which the physician performs an abortion, for each abortion the physician performs.

D. In cases in which a physician or the agent of a physician:

1. Mails the printed materials described in Section 1-738.3 of this title to a female specifically to comply with division (1) of subparagraph d of paragraph 2 of subsection B of Section 1-738.2 of this title;

2. Gives or mails the printed materials described in Section 1-738.10 of this title to a female specifically to comply with subsection A of Section 1-738.8 of this title; or

3. Provides notice to a parent in compliance with Section 1-740.2 of this title,

but does not subsequently perform an abortion on the female or minor, the physician shall electronically submit a completed Individual Abortion Form to the State Department of Health, and shall mark as "not applicable" those items of information that may accurately be provided only when an abortion is performed. The physician shall not submit such a form if the physician knows that an abortion was subsequently performed on the female or minor by another physician. Individual Abortion Forms required by this subsection shall be submitted by the last business day of the second calendar month following the calendar month in which the physician mails the printed materials or provides notice to a parent.

E. The Individual Abortion Form shall contain a notice containing an assurance that, in accordance with subsection F of Section 1-738m of this title, public reports based on the form submitted will not contain the name, address, hometown, county of residence, or any other identifying information of any individual female, that the State Department of Health will take care to ensure that none of the information included in its public reports could reasonably lead to the identification of any individual female about whom information is reported in accordance with the Statistical Abortion Reporting Act or of any physician providing information in accordance with the Statistical Abortion Reporting Act, and that such information is not subject to the Oklahoma Open Records Act.

F. Individual Abortion Form. The Department's Individual Abortion Form shall be substantially similar to, but need not be in the specific format of, the following form:

Individual Abortion Form

(TO BE COMPLETED FOR EACH ABORTION PERFORMED)

1. Date of abortion: _____

2. County in which the abortion was performed: _____

3. Age of mother: _____

4. Marital status of mother: _____

(specify married, divorced, separated, widowed, or never married)

5. Race of mother: _____

6. Years of education of mother: _____

(specify highest year completed)

7. State or foreign country of residence of mother:_____

8. Total number of previous pregnancies of the mother:_____

Live Births: _____

Miscarriages: _____

Induced Abortions: _____

9. Approximate gestational age in weeks, as measured from the last menstrual period of the mother, of the unborn child subject to abortion: _____

10. Method of abortion used:

Suction Aspiration: _____

Dilation and Curettage: _____

RU 486: _____

Methotrexate: _____

Other drug/chemical/medicine (specify): _____

Dilation and Evacuation: _____

Saline: _____

Urea: _____

Prostaglandins: _____

Partial Birth Abortion: _____

Hysterotomy: _____

Other (specify): _____

11. Was there an infant born alive as a result of the abortion? _____

If yes:

Were life-sustaining measures undertaken? _____

How long did the infant survive? _____

12. Was anesthesia administered to mother? _____

If yes, what type? _____

13. Was anesthesia administered to the fetus? _____

If yes:

What type? _____

How was it administered? _____

14. Method of fetal tissue disposal: _____

15. Unless a medical emergency, as defined in Section 1-738.1A, or as applicable, Section 1-745.2 of Title 63 of the Oklahoma Statutes, exists, the abortion provider or agent shall ask the pregnant female to provide, orally or in writing, the reason(s) she is seeking the abortion. If such a medical emergency exists, the abortion provider or agent shall specify on the form the condition which necessitated the immediate abortion: _____

REASON GIVEN FOR ABORTION (check all applicable):

Having a baby:

Would dramatically change the life of the mother: _____

Would interfere with the education of the mother: _____

Would interfere with the job/employment/career of the mother: _____

Mother has other children or dependents: _____

Mother cannot afford the child: _____
Mother is unmarried: _____
Mother is a student or planning to be a student: _____
Mother cannot afford child care: _____
Mother cannot afford the basic needs of life: _____
Mother is unemployed: _____
Mother cannot leave job to care for a baby: _____
Mother would have to find a new place to live: _____
Mother does not have enough support from a husband or partner: _____
Husband or partner is unemployed: _____
Mother is currently or temporarily on welfare or public assistance: _____
Mother does not want to be a single mother: _____
Mother is having relationship problems: _____
Mother is not certain of relationship with the father of the child: _____
Partner and mother are unable to or do not want to get married: _____
Mother is not currently in a relationship: _____
The relationship or marriage of the mother may soon break up: _____
Husband or partner is abusive to the mother or her children: _____
Mother has completed her childbearing: _____
Mother is not ready for a, or another, child: _____
Mother does not want people to know that she had sex or became pregnant: _____
Mother does not feel mature enough to raise a, or another, child: _____
Husband or partner wants mother to have an abortion: _____
There may be possible problem affecting the health of the fetus: _____
Physical health of the mother is at risk: _____
Parents want mother to have an abortion: _____
Emotional health of the mother is at risk: _____
Mother suffered from a medical emergency as defined in Section 1-738.1A of Title 63 of the Oklahoma Statutes: _____
Mother suffered from a medical emergency as defined in Section 1-745.2 of Title 63 of the Oklahoma Statutes: _____
Mother wanted a child of a different sex: _____
Abortion is necessary to avert the death of the mother: _____
Pregnancy was a result of forcible rape: _____
Pregnancy was a result of incest: _____
Other (specify): _____
Patient was asked why she is seeking an abortion, but she declined to give a reason: _____

16. Method of payment (check one):
Private insurance: _____
Public health plan: _____
Medicaid: _____
Private pay: _____
Other (specify): _____
17. Type of private medical health insurance coverage, if any (check one):
Fee-for-service insurance company: _____
Managed care company: _____
Other (specify): _____
18. Sum of fee(s) collected: _____
19. Time of fee collection (check one):
Full fee for abortion collected prior to or at the time the patient was provided the information required under subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____
Partial fee for abortion collected prior to or at the time the patient was provided the information required under subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____
Full fee for abortion collected at time the abortion was performed: _____
Other (specify): _____
20. Specialty area of medicine of the physician: _____
At which hospital(s) did the physician have hospital privileges at the time of the abortion?
_____
21. Was ultrasound equipment used before, during, or after the performance of this abortion?
Before? _____ Vaginal, abdominal, or both? _____
How long prior to the abortion was the ultrasound performed? _____
Was the mother under the effect of anesthesia at the time of the ultrasound? _____
During? _____ Vaginal, abdominal, or both? _____
After? _____ Vaginal, abdominal, or both? _____
If an ultrasound was performed, what was the gestational age of the fetus at the time of the abortion, as determined by the ultrasound? _____
Attach to this form a copy or screenshot of the ultrasound, intact with the date on which the ultrasound was performed, and with the name of the mother redacted; provided, however, such ultrasound shall not be subject to an open records request and shall be subject to HIPAA regulations governing confidentiality and release of private medical records.
21A. If an ultrasound was not performed prior to the abortion, was the reason for not performing an ultrasound a medical emergency necessitating an immediate abortion:

To avert death: _____

To avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy: _____

Other reason: _____

22. If ultrasound equipment was used, was the ultrasound performed by:

The physician performing the abortion: _____

A physician other than the physician performing the abortion: _____

Other (specify): _____

23. Was the information required by paragraph 1 of subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes provided to the mother? _____

a. If yes, was it provided:

In person: _____

By telephone: _____

b. Was it provided by:

A referring physician: _____

The physician performing the abortion: _____

An agent of a referring physician: _____

An agent of the physician performing the abortion: _____

24. Was the information required by paragraph 2 of subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes provided to the mother? _____

a. If yes, was it provided:

In person: _____

By telephone: _____

b. Was it provided by:

A referring physician: _____

An agent of a referring physician: _____

The physician performing the abortion: _____

An agent of the physician performing the abortion: _____

25. Did the mother avail herself of the opportunity to have the printed materials described in Section 1-738.3 of Title 63 of the Oklahoma Statutes mailed to her? _____

26. Were the informed consent requirements of subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes dispensed with because of a medical emergency necessitating an immediate abortion:

To avert death: _____

To avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy: _____

27. Was a determination of probable postfertilization age made as required by Section 1-745.5 of Title 63 of the Oklahoma Statutes? _____

a. If no, was the determination of probable postfertilization age dispensed with:

To avert death: _____

To avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy: _____

b. If yes, what was the probable postfertilization age? _____

What was the method and basis of the determination? _____

What was the basis for the determination to perform the abortion:

To avert death: _____

To avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy: _____

Was the method of abortion used one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive? _____

If yes, was there an infant born alive as a result of the abortion? _____

If no, what was the basis of the determination? _____

28. Was the abortion performed within the scope of employment of an Oklahoma state employee or an employee of an agency or political subdivision of the state? _____

29. Was the abortion performed with the use of any public institution, public facility, public equipment, or other physical asset owned, leased, or controlled by this state, its agencies, or political subdivisions? _____

30. If the answer to question 28 or 29 is yes:

a. Was the abortion necessary to save the life of the mother? _____

If yes, what was the life-endangering condition? _____

b. Did the pregnancy result from an act of forcible rape? _____

If yes, list the law enforcement authority to which the rape was reported: _____

List the date of the report: _____

c. Did the pregnancy result from an act of incest committed against a minor? _____

If yes, list the law enforcement authority to which the perpetrator was reported: _____

List the date of the report: _____

THIS PORTION TO BE COMPLETED IN CASE OF MINOR

31. Minor's age at the time the abortion was performed: _____

32. Was a parent of the minor provided notice prior to the abortion as described in Section 1-740.2 of Title 63 of the Oklahoma Statutes? _____

a. If yes, how was the notice provided?
In person: _____
By mail: _____

b. If yes, to the best of the reporting physician's knowledge and belief, did the minor go on to obtain the abortion? _____

33. Was informed written consent of one parent obtained as described in Section 1-740.2 of Title 63 of the Oklahoma Statutes? _____

If yes, how was it secured?
In person: _____
Other (specify): _____

34. If no notice was provided nor consent obtained, indicate which of the following apply:

Minor was emancipated: _____

Abortion was necessary to prevent the death of the minor: _____

Medical emergency, as defined in Section 1-738.1A of Title 63 of the Oklahoma Statutes, existed: _____

Minor received judicial authorization to obtain abortion without parental notice or consent: _____

35. If no notice was provided nor consent obtained because a medical emergency existed, indicate:

Whether parent was subsequently notified (state period of time elapsed before notice was given): _____

Whether judicial waiver of notice requirement was obtained: _____

36. If the minor received judicial authorization to obtain an abortion without parental notice or consent, indicate which of the following applies:

Judge ruled that minor was mature enough to give informed consent on her own: _____

Judge ruled that abortion was in the best interest of the minor: _____

37. If the female was a minor at the time of conception, indicate the age of the father of the unborn child at the time of conception: _____

38. If at the time of conception the ages of the mother and father were such that a violation of Section 1111, 1112, 1114 or 1123 of Title 21 or Section 843.5 of Title 21 of the Oklahoma Statutes occurred, was the rape or abuse reported to the proper authorities? _____

39. Were the remains of the fetus after the abortion examined to ensure that all such remains were evacuated from the mother's body? _____

If the remains of the fetus were examined after the abortion, what was the sex of the child, as determined from such examination? _____

Was the sex of the child determined prior to the abortion? _____

If so, by whom? _____

If so, by what method? _____

If the sex of the child was determined prior to the abortion, was the mother given information of the child's sex prior to the abortion? _____

40. If the abortion was performed without surgery but rather as the result of the administration of chemicals, was the physician present in the same room as the woman to whom the chemicals were administered at the time any such chemicals were first administered? _____

41. Prior to the pregnant woman giving informed consent to having any part of the abortion performed or induced, if the pregnancy was at least eight (8) weeks after fertilization, was the pregnant woman told that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear? _____

Was the pregnant woman asked if she would like to hear the heartbeat? _____

Was the embryonic or fetal heartbeat of the unborn child made audible for the pregnant woman to hear, using a Doppler fetal heart rate monitor? _____

If the response to any of the questions in this paragraph was anything other than an unqualified YES, how was the abortion performed in compliance with Sections 1-745.12 through 1-745.19 of Title 63 of the Oklahoma Statutes? _____

Filed this ____ day of _____, _____, by:

_____

(Name of physician)

_____

(Physician's license number)

NOTICE: In accordance with subsection F of Section 1-738m of Title 63 of the Oklahoma Statutes, public reports based on this form will not contain the name, address, hometown, county of residence, or any other identifying information of any individual female. The State Department of Health shall take care to ensure that none of the information included in its public reports could reasonably lead to the identification of any individual female about whom information is reported or of any physician providing information in accordance with the Statistical Abortion Reporting Act. Such information is not subject to the Oklahoma Open Records Act.

Be advised that any complication(s) shall be detailed in a "Complications of Induced Abortion Report" and submitted to the Department as soon as is practicable after the encounter with the induced-abortion-related illness or injury, but in no case more than sixty (60) days after such an encounter.

Added by Laws 2010, c. 276, § 3, eff. Nov. 1, 2010. Amended by Laws 2013, c. 303, § 1, eff. Nov. 1, 2013.

§63-1-738*l*. Complications of Induced Abortion Report - Sample form.

A. Complications of Induced Abortion Report. By March 1, 2012, the State Department of Health shall prepare and make available, on its stable Internet website, a Complications of Induced Abortion Report for all physicians licensed and practicing in the State of Oklahoma.

B. Subsection C of this section shall become operative on the later of:

1. April 1, 2012; or

2. Thirty (30) calendar days following the date on which the State Department of Health posts on its stable Internet website the Individual Abortion Form and instructions concerning its electronic submission referenced in Section 3 of this act.

C. Any physician practicing in Oklahoma who encounters an illness or injury that a reasonably knowledgeable physician would judge is related to an induced abortion shall complete and submit, electronically or by regular mail, a Complications of Induced Abortion Report to the Department as soon as is practicable after the encounter with the induced-abortion-related illness or injury, but in no case more than sixty (60) days after such an encounter. Nothing in the Complications of Induced Abortion Report shall contain the name, address, hometown, county of residence, or any other information specifically identifying any patient. Knowing or reckless unreasonable delay or failure to submit a Complications of Induced Abortion Report shall be sanctioned according to the provisions of the Statistical Abortion Reporting Act.

D. The Complications of Induced Abortion Report shall contain a notice containing an assurance that in accordance with subsection F of Section 5 of this act, public reports based on the form submitted will not contain the name, address, hometown, county of residence, or any other identifying information of any individual female, that the State Department of Health will take care to ensure that none of the information included in its public reports could reasonably lead to the identification of any individual female about whom information is reported in accordance with the Statistical Abortion Reporting Act, or of any physician providing information in accordance with the Statistical Abortion Reporting Act, and that such information is not subject to the Oklahoma Open Records Act.

E. Complication(s) of Induced Abortion Report. The Complications of Induced Abortion Report shall be substantially similar to, but need not be in the specific format of, the following form:

Complications of Induced Abortion Report

1. Name and specialty field of medical practice of the physician filing the report: _____

2. Did the physician filing the report perform or induce the abortion? _____

3. Name, address, and telephone number of the health care facility where the induced abortion complication was discovered or treated: _____

4. Date on which the complication was discovered: _____

5. Date on which, and location of the facility where, the abortion was performed, if known: _____

6. Age of the patient experiencing the complication: _____

7. Describe the complication(s) resulting from the induced abortion: _____

8. Circle all that apply:

a. Death

b. Cervical laceration requiring suture or repair

c. Heavy bleeding/hemorrhage with estimated blood loss of greater than or equal to 500cc

d. Uterine Perforation

e. Infection

f. Failed termination of pregnancy (continued viable pregnancy)

g. Incomplete termination of pregnancy (Retained parts of fetus requiring re-evacuation)

h. Other (May include psychological complications, future reproductive complications, or other illnesses or injuries that in the physician's medical judgment occurred as a result of an induced abortion. Specify diagnosis.): _____

9. Type of follow-up care, if any, recommended: _____

10. Will the physician filing the Complications of Induced Abortion Report be providing such follow-up care (if not, the name of the medical professional who will, if known)? _____

11. Name and license number of physician filing the Complications of Induced Abortion Report: _____

Added by Laws 2010, c. 276, § 4, eff. Nov. 1, 2010.

§63-1-738m. Annual Abortion Report - Annual Judicial Bypass of Abortion Parental Consent Summary Report.

A. Beginning in 2013, by June 1 of each year, the Department shall issue, on its stable Internet website, a public Annual Abortion Report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with the Statistical Abortion Reporting Act.

B. The Department's public report shall also provide statistics for all previous calendar years for which abortion-reporting requirements have been in effect, adjusted to reflect any additional information from late or corrected reports.

C. The Annual Abortion Report shall include, but not be limited to, the following information:

1. The number of induced abortions performed in the previous calendar year, broken down by month and county in which the abortion was performed;

2. The number of abortions classified by:

a. the state or foreign country of residence of the mother,

b. the age, marital status, and race of the mother, and

c. the number of years of education of the mother;

3. The number of abortions classified by:

a. the number of previous pregnancies of the mother,

b. previous live births to the mother,

c. previous miscarriages, and

d. previous induced abortions;

4. The number of abortions by week of gestational age;

5. The number of abortions performed by each reported method;

6. The number of abortions resulting in an infant born alive; of these, the number of cases in which life-sustaining measures were taken; and a statistical summary of the length of survival of such infants;

7. The number of cases in which anesthesia was administered to the mother and the number of each type of anesthesia;

8. The number of cases in which anesthesia was administered to the unborn child, and the number of each type of anesthesia and of each method of administration;

9. The number of each reported method of fetal disposal;

10. The reasons reported for the abortions, and the number of times each reported reason was cited;

11. The number of abortions paid for by:

a. private insurance,

b. public health plan,

c. Medicaid,

d. private pay, or

e. other;

12. The number of abortions in which medical health insurance coverage was under:

a. a fee-for-service insurance company,

b. a managed care company, or

c. other;

13. A statistical summary of the fees collected;

14. Specialty area of medicine of the physician;

15. The number of abortions in which ultrasound equipment was used before, during, or after the abortion, and the number of times vaginal ultrasound, abdominal ultrasound, or both were used in each of the three circumstances;

16. The number of abortions before which an ultrasound was performed by:

a. the physician performing the abortion,

b. a physician other than the physician performing the abortion, or

c. other;

17. The number of abortions resulting in reported complications, and of those, how many were reported by the physician who performed the abortion, and how many were reported by another physician, the types of reported complications, and the number of each type based on data which shall be compiled and transmitted to the State Department of Health by the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners;

18. The number of abortions resulting in the reported death of the mother;

19. The number of females to whom the physician provided the information in subparagraph a of paragraph 1 of subsection B of Section 1-738.2 of this title; of that number, the number provided by telephone and the number provided in person; and of each of those numbers, the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion;

20. The number of females to whom physicians or agents of physicians provided the information in paragraph 2 of subsection B of Section 1-738.2 of this title; of that number, the number provided by telephone and the number provided in person; of each of those numbers, the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion; and of each of those numbers, the number provided by the physician and the number provided by an agent of the physician;

21. The number of females who availed themselves of the opportunity to have a copy of the printed information described in Section 1-738.3 of this title mailed to them; and of that number, the number who, based on the submitted reports, did and did not obtain an abortion;

22. The number of abortions performed by the physician in which information otherwise required to be provided at least seventy-two (72) hours before the abortion was not so provided because an immediate abortion was necessary to avert the death of the female, and the number of abortions in which such information was not so provided because a delay would create serious risk of substantial and irreversible impairment of a major bodily function;

23. The number of females to whom physicians or their agents provided the information described in subsection A of Section 1-738.8 of this title; of that number:

a. the number provided by telephone and the number provided in person; and of each of those numbers, the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion, or by the agent of such physician, and

b. the number of females who availed themselves of the opportunity to be given or mailed the materials described in Section 1-738.10 of this title, and the number who did not; and of each of those numbers, the number who, to the best of the information and belief of the reporting physician, went on to obtain the abortion;

24. The number of females to whom the information described in subsection A of Section 1-738.8 of this title would have had to be provided but for a medical emergency determination; of that number, the number for whom an immediate abortion was necessary to avert the death of the female, and the number for whom a delay would have created serious risk of substantial and irreversible impairment of a major bodily function;

25. The number of abortions performed within the scope of employment of Oklahoma state employees and employees of an agency or political subdivision of the state, the number of abortions performed with the use of public institutions, facilities, equipment, or other physical assets owned, leased, or controlled by this state, its agencies, or political subdivisions, and for each category:

a. the number of abortions reported as necessary to save the life of the mother, the life-endangering conditions identified, and the number of each such condition reported,

b. the number of abortions reported from pregnancies resulting from forcible rape, the number of such rapes reported to law enforcement authorities, general categories of law enforcement authorities to whom reports were made and the number made to each category, and a statistical summary of the length of time between the dates of reporting to law enforcement authorities and the dates of the abortions, and

c. the number of abortions reported from pregnancies resulting from incest committed against a minor, the number of perpetrators of incest in such cases reported to law enforcement authorities, general categories of law enforcement authorities to whom reports were made and the number made to each category, and a statistical

summary of the length of time between the dates of reporting to law enforcement authorities and the dates of the abortions;

26. The number of females to a parent of whom the physician provided notice as required by Section 1-740.2 of this title; of that number, the number provided personally as described in that section, and the number provided by mail as described in that section, and of each of those numbers, the number of females who, to the best of the information and belief of the reporting physician, went on to obtain the abortion;

27. The number of females upon whom the physician performed an abortion without the notice to or consent of the parent of the minor required by Section 1-740.2 of this title; of that number, the number who were emancipated minors and the number who suffered from a medical emergency, and of the latter, the number of cases in which a parent was notified subsequently and the number of cases in which a judicial waiver was obtained. In the case of medical emergencies in which a parent was informed subsequently, a statistical summary of the period of time elapsed before notification;

28. The number of abortions performed after receiving judicial authorization to do so without parental notice and consent;

29. The number of abortions performed on minors after judicial authorizations were granted because of a finding that the minor girl was mature and capable of giving informed consent;

30. The number of abortions performed on minors after judicial authorizations were granted because of a finding that the performance of the abortion without parental notification and consent was in the best interest of the minor;

31. The number of abortions performed after which the remains of the fetus after the abortion were examined to ensure that all such remains were evacuated from the mother's body;

32. The number of male children aborted and female children aborted, as determined from the examination of fetal remains after abortion;

33. The number of male children aborted and female children aborted, as determined by any method other than those reported in paragraph 32 of this subsection;

34. The number of instances in which the mother was informed prior to the abortion that the child to be aborted was a female;

35. The number of abortions performed without surgery but rather as the result of the administration of chemicals;

36. The number of abortions performed as reported in paragraph 35 of this subsection, in which the physician was present in the same room as the woman to whom the chemicals were administered at the time any such chemicals were first administered;

37. The number of abortions performed for each hospital at which the abortionist had hospital privileges at the time of the abortion;

38. The number of abortions performed at which ultrasound equipment was used before the abortion;

39. The number of abortions reported in paragraph 38 of this subsection, during which the mother was under the effect of anesthesia at the time of the ultrasound;

40. The number of abortions performed at which ultrasound equipment was used during the abortion;

41. The number of abortions reported in paragraph 40 of this subsection, during which the mother was under the effect of anesthesia at the time of the ultrasound;

42. The number of abortions performed at which ultrasound equipment was used after the abortion;

43. The number of abortions reported in paragraph 42 of this subsection, during which the mother was under the effect of anesthesia at the time of the ultrasound;

44. The mean gestational age of the fetus at the time of the abortion, as determined by ultrasounds reported;

45. The number of abortions for which no determination of probable postfertilization age was made as required by Section 1-745.5 of this title; and

46. The number of abortions in which the pregnant woman was told that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear; the number of abortions in which the pregnant woman was asked if she would like to hear the heartbeat; and the number of abortions in which the embryonic or fetal heartbeat of the unborn child was made audible for the pregnant woman to hear, using a Doppler fetal heart rate monitor.

D. Beginning in 2013, by June 1 of each year, the State Department of Health shall post, on its stable Internet website, a public Annual Judicial Bypass of Abortion Parental Consent Summary Report providing statistics which shall be compiled and supplied to the Department by the Administrative Office of the Courts giving the total number of petitions or motions filed under Section 1-740.3 of this title and of that number, the number in which:

1. The court appointed a guardian ad litem;

2. The court appointed counsel;

3. The judge issued an order authorizing an abortion without parental notification or consent, and of those:

   a. the number authorized due to a determination by the judge that the minor was mature and capable of giving consent to the proposed abortion, and

   b. the number authorized due to a determination by the judge that an abortion was in the best interest of the minor; and

4. The judge denied such an order, and of this, the number of:

   a. denials from which an appeal was filed,

b. the appeals that resulted in the denial being affirmed, and

c. appeals that resulted in reversals of the denials.

E. Each Annual Judicial Bypass of Abortion Parental Consent Summary Report shall also provide the statistics for all previous calendar years for which the public statistical report was required to be issued, adjusted to reflect any additional information from late or corrected reports.

F. The Department's public reports shall not contain the name, address, hometown, county of residence, or any other identifying information of any individual female, and shall take care to ensure that none of the information included in its public reports could reasonably lead to the identification of any individual female about whom information is reported in accordance with the Statistical Abortion Reporting Act or of any physician providing information in accordance with the Statistical Abortion Reporting Act. Nor shall the information described in the preceding sentence be subject to the Oklahoma Open Records Act.

Added by Laws 2010, c. 276, § 5, eff. Nov. 1, 2010. Amended by Laws 2013, c. 303, § 2, eff. Nov. 1, 2013; Laws 2015, c. 255, § 6, eff. Nov. 1, 2015.

§63-1-738n. Notification of physicians - Late fee - Promulgation of rules – Claims brought by taxpayers.

A. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall notify, by March 1, 2012, all physicians licensed to practice in this state over whom they have licensure authority of the requirements of the Statistical Abortion Reporting Act and of the addresses of the pages on the State Department of Health's secure Internet website providing access to the forms it requires and instructions for their electronic submission. The respective Board shall also notify each physician who subsequently becomes newly licensed to practice in this state, at the same time as an official notification to that physician, that the physician is so licensed.

B. Individual Abortion Forms or Complications of Induced Abortion Reports that are not submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period the forms or reports are overdue. Any monies collected under this subsection shall be deposited into an account created within the Department, which shall be used for the administration of the Statistical Abortion Reporting Act. Any physician required to report in accordance with the Statistical Abortion Reporting Act who has not completed and electronically submitted a form or report, or has submitted only an incomplete form or report, more than one (1) year following the due date shall be precluded from renewing his or her

license until such fines are paid in full and outstanding forms or reports are submitted, and may, in an action brought by the State Department of Health, be directed by a court of competent jurisdiction to electronically submit completed forms or reports within a period stated by court order or be subject to sanctions for civil contempt.

C. Anyone who knowingly or recklessly fails to submit an Individual Abortion Form or Complications of Induced Abortion Report, or submits false information under the Statistical Abortion Reporting Act, shall be guilty of a misdemeanor.

D. The Department, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall ensure compliance with the Statistical Abortion Reporting Act and shall verify the data provided by periodic inspections of places where the Department, the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners know or have reason to believe abortions are performed.

E. The Department may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by the Statistical Abortion Reporting Act to achieve administrative convenience, fiscal savings, or to reduce the burden of reporting requirements, so long as the forms and reports are made available, on its stable Internet website, to all licensed physicians in this state, and the public reports described in Section 1-738m of this title are issued at least once every year.

F. If the Department fails to issue the public reports described in Section 1-738m of this title, an action pursuant to Chapter 26 of Title 12 of the Oklahoma Statutes may be initiated. If judgment is rendered in favor of the plaintiff in any action described in this subsection, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

G. If an abortion provider fails to submit any report required pursuant to Section 1-738k of this title, upon the refusal, failure or neglect of the State Commissioner of Health, within twenty (20) days after written demand signed, verified and served upon the State Department of Health by at least ten registered voters of the state, to institute or diligently prosecute proper proceedings at law or in equity to compel an abortion provider to submit any report required pursuant to Section 1-738k of this title but not yet submitted to the State Department of Health, any resident taxpayer of the state after serving the notice aforesaid may in the name of the State of Oklahoma as plaintiff, institute and maintain any proper action which the State Department of Health might institute and maintain to compel the

abortion provider to file such report. If a court of competent jurisdiction determines the claims to be meritorious, the abortionist shall be compelled to file the report and to pay the fee(s) prescribed in subsection B of this section, with costs and reasonable attorney fees. If all claims stated by the resident taxpayers in the written demand are determined in a court of competent jurisdiction to be frivolous and brought in bad faith, the resident taxpayers who signed such demand and who are parties to the lawsuit in which such claims are determined to be frivolous and brought in bad faith shall be jointly and severally liable for all reasonable attorney fees and court costs incurred by the abortionist.
Added by Laws 2010, c. 276, § 6, eff. Nov. 1, 2010. Amended by Laws 2013, c. 303, § 3, eff. Nov. 1, 2013.

§63-1-738o. Authority to intervene by right.

The Oklahoma Legislature, by joint resolution, may appoint one or more of its members who sponsored or cosponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged.
Added by Laws 2010, c. 276, § 7, eff. Nov. 1, 2010.

§63-1-738p. Judicial order restraining or enjoining Statistical Abortion Reporting Act.

A. Sections 1-738.3a, 1-738.13 and 1-740.4a of Title 63 of the Oklahoma Statutes shall become ineffective and of no binding force on the date specified in subsection B of this section, but if the Statistical Abortion Reporting Act is ever temporarily or permanently restrained or enjoined by judicial order, these sections shall become effective and enforceable; provided, however, that if such temporary or permanent restraining order or injunction is ever stayed or dissolved, or otherwise ceases to have effect, these sections shall again become ineffective and of no binding force until or unless an injunction or restraining order against the Statistical Abortion Reporting Act is again in effect. If and to the extent the Statistical Abortion Reporting Act is restrained or enjoined in part, then only those provisions of these sections that neither conflict with nor substantively duplicate the provisions of the Statistical Abortion Reporting Act that are not enjoined shall have effect. As promptly as feasible following the issuance of any restraining order or injunction that enjoins part but not all of the Statistical Abortion Reporting Act, the Attorney General shall issue an opinion specifically identifying those provisions of these sections that are effective and enforceable in accordance with the preceding sentence.

B. The date specified in this subsection is the later of:

1. April 1, 2012; or

2. Thirty (30) calendar days following the date on which the State Department of Health posts on its secure Internet website the

Individual Abortion Form and instructions concerning its electronic submission referenced in Section 3 of this act.
Added by Laws 2010, c. 276, § 8, eff. Nov. 1, 2010.

§63-1-738q. Injucntion or restraining orders – Enforcement of provisions.

If some or all of the provisions of Sections 1-738k, 1-738m and 1-738n of Title 63 of the Oklahoma Statutes, as amended by Sections 1, 2 and 3 of this act, are ever temporarily or permanently restrained or enjoined by judicial order, these sections shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.
Added by Laws 2013, c. 303, § 4, eff. Nov. 1, 2013.

§63-1-739. Records.

All hospitals shall keep records, including admission and discharge notes, histories, results of tests and examinations, nurses worksheets, social service records and progress notes of patients. All abortion facilities and hospitals in which abortions are performed shall also keep certifications of medical necessity, certifications of nonviability, certifications of nonavailability, abortion reports and complication reports as required in this act. Such records shall be maintained in the permanent files of the hospital for a period of not less than seven (7) years.
Added by Laws 1978, c. 207, § 11, eff. Oct. 1, 1978.

§63-1-740. Abortion on minor without parental consent or knowledge - Liability.

Any person who performs an abortion on a minor without parental consent or knowledge shall be liable for the cost of any subsequent medical treatment such minor might require because of the abortion.
Added by Laws 2001, c. 379, § 2, emerg. eff. June 4, 2001.
NOTE: Editorially renumbered from § 1-738 of this title to avoid duplication in numbering.

§63-1-740.1. Definitions.

As used in Sections 1-740.1 through 1-740.5 of this title:

1. “Abortion” means the term as is defined in Section 1-730 of this title;

2. “Medical emergency” means the existence of any physical condition, not including any emotional, psychological, or mental condition, which a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical

conditions involved, would determine necessitates the immediate abortion of the pregnancy of the minor in order to avert her death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy, and there is insufficient time to provide the required notice and obtain the written informed consent of one parent;

3. "Parent" means one parent of the pregnant unemancipated minor or guardian if the pregnant unemancipated minor has one; and

4. "Unemancipated minor" means any person less than eighteen (18) years of age who is not or has not been married or who is under the care, custody and control of the person's parent or parents, guardian or juvenile court of competent jurisdiction.

Added by Laws 2005, c. 200, § 11, emerg. eff. May 20, 2005. Amended by Laws 2007, c. 161, § 5, eff. Nov. 1, 2007.

§63-1-740.2. Consent of parent - Requirements - Exceptions - Forms.

A. Except in the case of a medical emergency, a physician may not perform an abortion on a pregnant female unless the physician has:

1. Obtained proof of age demonstrating that the female is not a minor;

2. Obtained proof that the female, although a minor, is emancipated; or

3. Complied with Section 1-740.3 of this title.

B. No abortion shall be performed upon an unemancipated minor or upon a female for whom a guardian has been appointed pursuant to Section 1-113 of Title 30 of the Oklahoma Statutes because of a finding of incompetency, except in a medical emergency or where a judicial waiver was obtained pursuant to Section 1-740.3 of this title, until at least forty-eight (48) hours after the request for written informed consent for the pending abortion has been delivered in the manner specified in this subsection and the attending physician has secured proof of identification and the written informed consent of one parent.

1. The request for written informed consent of one parent shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent.

2. In lieu of the delivery required by paragraph 1 of this subsection, the request for written informed consent of one parent shall be made by certified mail addressed to the parent at the usual place of abode of the parent with return-receipt requested and restricted delivery to the addressee, which means a postal employee can only deliver the mail to the authorized addressee. Time of delivery shall be deemed to occur at 12 noon on the third day on which regular mail delivery takes place, subsequent to mailing. The information concerning the address of the parent shall be that which a reasonable and prudent person, under similar circumstances, would

have relied upon as sufficient evidence that the parent resides at that address.

3. a. The parent who provides consent shall provide to the physician a copy of a government-issued proof of identification and written documentation that establishes that he or she is the lawful parent of the pregnant female. The parent shall certify in a signed, dated, notarized statement, initialed on each page, that he or she consents to the abortion. The signed, dated, and notarized statement shall include: "I certify that I, (insert name of parent), am the parent of (insert name of minor daughter) and give consent for (insert name of physician) to perform an abortion on my daughter. I understand that any person who knowingly makes a fraudulent statement in this regard commits a felony."

   b. The physician shall keep a copy of the proof of identification of the parent and the certified statement in the medical file of the minor for five (5) years past the majority of the minor, but in no event less than seven (7) years.

   c. A physician receiving parental consent under this section shall execute for inclusion in the medical record of the minor an affidavit stating: "I, (insert name of physician), certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent as sufficient evidence of identity."

C. No request for written informed consent of one parent shall be required under this section if the attending physician certifies in the medical records of the pregnant unemancipated minor that a medical emergency exists; provided, however, that the attending physician or an agent shall, within twenty-four (24) hours after completion of the abortion, notify one of the parents of the minor in the manner provided in this section that an emergency abortion was performed on the minor and of the circumstances that warranted invocation of this subsection.

D. The attending physician, or the agent of the physician, shall verbally inform the parent of the minor within twenty-four (24) hours after the performance of a medical emergency abortion or an abortion that was performed to prevent her death that an abortion was performed on the unemancipated minor. The attending physician, or the agent of the attending physician, shall also inform the parent of the basis for the certification of the physician required under subsection C of this section. The attending physician, or the agent of the attending physician, shall also send a written notice of the

performed abortion via the United States Post Office to the last-known address of the parent, restricted delivery, return receipt requested. The information concerning the address of the parent shall be that which a reasonable and prudent person, under similar circumstances, would have relied upon as sufficient evidence that the parent resides at that address.

E. The State Board of Health shall adopt the forms necessary for physicians to obtain the certifications required by this section.
Added by Laws 2005, c. 200, § 12, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 18, eff. Nov. 1, 2006; Laws 2007, c. 161, § 6, eff. Nov. 1, 2007; Laws 2009, c. 234, § 152, emerg. eff. May 21, 2009; Laws 2013, c. 268, § 1, eff. Nov. 1, 2013; Laws 2013, c. 320, § 2, eff. Nov. 1, 2013.

§63-1-740.2A. Evaluation and counseling session.

A. Prior to the court hearing for judicial waiver pursuant to Section 1-740.3 of Title 63 of the Oklahoma Statutes, the court may require the pregnant unemancipated minor to participate in an evaluation and counseling session with a mental health professional from the State Department of Health. Such evaluation shall be confidential and scheduled expeditiously.

B. Such evaluation and counseling session shall be for the purpose of developing trustworthy and reliable expert opinion concerning the pregnant unemancipated minor's sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion decision in order to aid the court in its decision and to make the resources of the state available to the court for this purpose. Persons conducting such sessions may employ the information and printed materials referred to in Sections 1-738.2 and 1-738.3 of Title 63 of the Oklahoma Statutes in examining how well the pregnant unemancipated minor is informed about pregnancy, fetal development, abortion risks and consequences, and abortion alternatives, and should also endeavor to verify that the pregnant unemancipated minor is seeking an abortion of her own free will and is not acting under coercion, intimidation, threats, abuse, undue pressure, or extortion by any other persons.

C. The results of such evaluation and counseling shall be reported to the court by the most expeditious means, commensurate with security and confidentiality, to assure receipt by the court prior to a hearing on the petition of the pregnant unemancipated minor.
Added by Laws 2013, c. 268, § 2, eff. Nov. 1, 2013.

§63-1-740.3. Judicial authorization prior to abortion - Court proceedings - Confidentiality - Appeal.

A. If a pregnant unemancipated minor elects not to allow the request for written informed consent of her parent, any judge of a

district court in the county in which the pregnant unemancipated minor resides shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines, by clear and convincing evidence, that the pregnant unemancipated minor is mature and capable of giving informed consent to the proposed abortion based upon her experience level, perspective, and judgment. If the judge determines that the pregnant unemancipated minor is not mature, or if the pregnant unemancipated minor does not claim to be mature, the judge shall determine, by clear and convincing evidence, whether the performance of an abortion upon her without written informed consent of her parent would be in her best interest and shall authorize a physician to perform the abortion without written informed consent if the judge concludes that the best interests of the pregnant unemancipated minor would be served thereby.

In assessing the experience level of the pregnant unemancipated minor, the court may consider, among other relevant factors, the age of the pregnant unemancipated minor and experiences working outside the home, living away from home, traveling on her own, handling personal finances, and making other significant decisions. In assessing the perspective of the pregnant unemancipated minor, the court may consider, among other relevant factors, what steps the pregnant unemancipated minor took to explore her options and the extent to which she considered and weighed the potential consequences of each option. In assessing the judgment of the pregnant unemancipated minor, the court may consider, among other relevant factors, the conduct of the pregnant unemancipated minor since learning of her pregnancy and her intellectual ability to understand her options and to make an informed decision. In assessing whether, by clear and convincing evidence, obtaining the written informed consent of the parent of the pregnant unemancipated minor is not in her best interest, a court may not consider the potential financial impact on the pregnant unemancipated minor or the family of the pregnant unemancipated minor if she does not have an abortion.

B. A pregnant unemancipated minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise the pregnant unemancipated minor that she has a right to court-appointed counsel and, upon her request, shall provide her with counsel.

C. Proceedings in the court under this section shall be confidential and shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant unemancipated minor. A judge of the court who conducts proceedings under this section shall make, in writing, specific factual findings and legal conclusions supporting the decision and shall order a record of the

evidence to be maintained, including the findings and conclusions of the court.

D. An expedited confidential appeal shall be available to any pregnant unemancipated minor for whom the court denies an order authorizing an abortion without written informed consent of one parent. An order authorizing an abortion without written informed consent of one parent shall not be subject to appeal. No filing fees shall be required of any pregnant unemancipated minor at either the trial or the appellate level. Access to the trial court for the purpose of a petition or motion, and access to the appellate courts for the purpose of making an appeal from the denial of same, shall be afforded a pregnant unemancipated minor twenty-four (24) hours a day, seven (7) days a week.

Added by Laws 2005, c. 200, § 13, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 19, eff. Nov. 1, 2006; Laws 2007, c. 161, § 7, eff. Nov. 1, 2007; Laws 2013, c. 268, § 3, eff. Nov. 1, 2013; Laws 2013, c. 320, § 3, eff. Nov. 1, 2013.

§63-1-740.4. Illegal abortion on unemancipated minor - Criminal and civil liability.

Performance of an abortion in knowing or reckless violation of Sections 1-740.1 through 1-740.5 of this title shall be a misdemeanor. Performance of an abortion in violation of Sections 1-740.1 through 1-740.5 of this title shall be grounds for actual and punitive damages in a civil action pursuant to Sections 1-738.3f through 1-738.3k of this title.

Added by Laws 2005, c. 200, § 14, emerg. eff. May 20, 2005. Amended by Laws 2006, c. 185, § 20, eff. Nov. 1, 2006; Laws 2013, c. 320, § 4, eff. Nov. 1, 2013.

§63-1-740.4a. Report of procedure - Contents - Submission - Late fee - Public report - Rules - Failure to post public report - Attorneys fees.

A. Any physician performing an abortion upon an unemancipated minor shall complete and electronically transmit to the State Department of Health a report of the procedure within thirty (30) days after having performed the abortion. Within ninety (90) days after this act becomes law, the State Department of Health shall prepare and make available on its stable Internet web site the reporting forms for this purpose to all physicians required to be licensed in this state and health facilities licensed in accordance with Section 1-702 of Title 63 of the Oklahoma Statutes. The reporting form regarding the minor receiving the abortion shall include, but not be limited to:

1. Age;
2. Educational level;
3. Number of previous pregnancies;

4. Number of previous live births;
5. Number of previous abortions;
6. Complications, if any, of the abortion being reported;
7. The city and county in which the abortion was performed;
8. Whether a parent gave consent to the physician, or an agent of the physician, pursuant to Section 1-740.2 of Title 63 of the Oklahoma Statutes; or
9. Whether the physician performed the abortion without first obtaining the consent of the parent of the minor as described in Section 1-740.2 of Title 63 of the Oklahoma Statutes; if so:
   a. whether the minor was emancipated,
   b. whether the abortion was performed because of a medical emergency,
   c. whether the abortion was performed to prevent the death of the minor,
   d. whether the parent was notified after the performance of a medical emergency abortion, and
   e. whether the parent was notified after the performance of an abortion to prevent the death of the minor;
10. Whether a judicial waiver was obtained after the performance of a medical emergency abortion; and
11. Whether a judicial waiver was obtained after the performance of an abortion to prevent the death of the minor.

B. The State Department of Health shall ensure that the reporting forms described in this section, together with a reprint of this act, are posted on its stable Internet web site, within one hundred twenty (120) days after the effective date of this act. The State Department of Health shall notify:

1. Each physician who subsequently becomes newly licensed to practice in this state, simultaneously with the receipt of official notification to that physician that the physician is so licensed, of the requirements of this act; and
2. By December 1 of every year, other than the calendar year in which forms are made available in accordance with subsection A of this section, all physicians licensed to practice in this state.

C. By February 28 of each year following a calendar year in any part of which this act was in effect, each physician, or agent of a physician, who obtained the consent described in Section 1-740.2 of Title 63 of the Oklahoma Statutes, and any physician who knowingly performed an abortion upon a pregnant minor or upon a female for whom a guardian or conservator had been appointed pursuant to applicable federal law or as provided by Section 1-113 of Title 30 of the Oklahoma Statutes because of incompetency during the previous calendar year shall complete and electronically submit to the State Department of Health the form described in subsection A of this section, with the requested data entered accurately and completely. Any such report shall not contain the name, address, or other

information by which the minor receiving the abortion may be identified.

D. Reports that are not submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not electronically submitted a report, or has electronically submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the State Department of Health, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

E. By June 30 of each year, the State Department of Health shall post, on its stable Internet web site, a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. The report shall also include statistics giving the total number of petitions or motions filed under Section 1-740.3 of Title 63 of the Oklahoma Statutes and of that number:

1. The number in which the court appointed a guardian ad litem;
2. The number in which the court appointed counsel;
3. The number in which the judge issued an order authorizing an abortion without notification; and
4. The number in which the judge denied such an order, and of this:
    a. the number of denials from which an appeal was filed,
    b. the number of the appeals that resulted in the denial being affirmed, and
    c. the number of appeals that resulted in reversals of the denials.

Each report shall also provide the statistics for all previous calendar years for which the public statistical report was required to be issued, adjusted to reflect any additional information from late or corrected reports. The State Department of Health shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual female.

F. The State Department of Health may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by this section or consolidate the forms or reports to achieve administrative convenience, fiscal savings, or to reduce the burden of reporting requirements, as long as reporting forms are made available on its web site, to all licensed physicians in the state at least once every year and the report described in subsection E of this section is posted at least once every year.

G. If the State Department of Health fails to post the public report required by subsection E of this section, an action may be initiated pursuant to Title 12 of the Oklahoma Statutes.

H. If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

Added by Laws 2007, c. 161, § 8, eff. Nov. 1, 2007.

§63-1-740.4b. Unlawful acts - Defense - Civil action - Consent.

A. A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of this title or intentionally causes, aids, abets or assists an unemancipated minor to obtain an abortion without the consent required by Section 1-740.2 of this title commits a felony.

B. A physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this title commits a felony.

C. 1. It is a defense to prosecution under subsection B of this section if the person falsely representing himself or herself as the parent or guardian of the minor displayed an apparently valid governmental record of identification such that a reasonable person, under similar circumstances, would have relied on the representation.

2. The defense does not apply if the physician, or agent of the physician, failed to use due diligence in determining the age of the minor or the identity of the person represented as the parent or guardian of the minor.

D. A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of this title or intentionally causes, aids, abets or assists an unemancipated minor to obtain an abortion without the consent required by Section 1-740.2 of this title or any physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this title shall be civilly liable to the minor and to the person or persons required to give consent pursuant to the provisions of Section 1-740.2 of this title. A court may award damages to the person or persons adversely affected by a violation of this section including compensation for emotional injury without the need for

personal presence at the act or event, and the court may further award attorney fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sexual act with a minor, which results in the minor's pregnancy, shall not be awarded damages under this section.

E. A court of competent jurisdiction may enjoin conduct that would be in violation of this section upon petition by the Attorney General, a district attorney or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:

1. Is reasonably anticipated to occur in the future; or

2. Has occurred in the past, whether with the same minor or others, and that it is reasonably expected to be repeated.

F. It is not a defense to a claim brought pursuant to this section that the minor gave informed and voluntary consent.

G. An unemancipated minor does not have the capacity to consent to any action that violates this title.

Added by Laws 2007, c. 161, § 9, eff. Nov. 1, 2007. Amended by Laws 2015, c. 386, § 1, eff. Nov. 1, 2015.

§63-1-740.5. Severability.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.

Added by Laws 2005, c. 200, § 15, emerg. eff. May 20, 2005.

§63-1-740.6. Enjoinder, suspension, or delay of act.

If any court of law enjoins, suspends, or delays the implementation of the provisions of this act, the provisions of Sections 1-730, 1-738.1, 1-738.7, 1-740.1, 1-740.2 and 1-740.3 of Title 63 of the Oklahoma Statutes, as of December 31, 2006, are effective during the injunction, suspension, or delayed implementation.

Added by Laws 2007, c. 161, § 10, eff. Nov. 1, 2007.

§63-1-740.11. Nongovernmental entities providing alternatives-to-abortion services, funding - Annual reports - Contracts for services - Rules.

A. Before July 1, 2007, the State Department of Health shall establish and implement a program to facilitate funding to nongovernmental entities that provide alternatives-to-abortion

services. The services must be outcome-based with positive outcome-based results.

B. During the 2006 interim, the State Department of Health shall make annual reports to the Speaker of the House of Representatives and the President Pro Tempore of the Senate regarding the status of the alternatives-to-abortion services funding, the first of which must be made by December 1, 2006.

C. The Department may contract with nongovernmental health care and special service organizations to provide services offered under the program. The services must be outcome-based with positive outcome-based results. The Department may not contract with a provider of adoption services not licensed by the state.

D. The State Department of Health shall promulgate rules necessary to implement the provisions of this act.

E. As used in this section, "alternatives-to-abortion services" means those services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.

The information, counseling and services provided under this program may include, but are not limited to:

1. Medical care;
2. Nutritional services;
3. Housing assistance;
4. Adoption services;
5. Educational and employment assistance, including services that support the continuation and completion of high school;
6. Child care assistance; and
7. Parenting education and support services.

Added by Laws 2006, c. 185, § 21, eff. Nov. 1, 2006.

§63-1-740.12. Alternatives-to-Abortion Services Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Alternatives-to-Abortion Services Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health as provided in subsection A of Section 1-740.11 of this title. The fund shall not be available to any organization or affiliate of an organization which provides or promotes abortions or directly refers for abortion; provided, however, any nondirective counseling relating to the pregnancy shall not disqualify an organization from receiving these funds. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against

claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 185, § 22, eff. Nov. 1, 2006. Amended by Laws 2012, c. 304, § 485.

§63-1-740.13. Consent form.

A. A form created by the State Department of Health shall be used by physicians to obtain the consent required prior to performing an abortion on a minor who is not emancipated.

B. A form is not valid, and therefore consent is not sufficient, unless:

1. A parent or legal guardian initials each page of the form, indicating that he or she has read and understands the information included on that page;

2. A parent or legal guardian signs the last page of the form in front of a person who is a notary public;

3. The minor initials each list of risks and hazards listed in subsection C of this section;

4. The minor signs a consent statement described in subsection C of this section; and

5. The physician signs the declaration described in subsection C of this section.

C. The form shall include, but not be limited to, the following:

1. A description of the minor's rights, including her right to informed consent;

2. A description of the parent or legal guardian's rights pursuant to Oklahoma law;

3. A detailed description of the surgical and medical procedures that are planned to be performed on the minor;

4. A detailed list of the risks and hazards related to the surgical and medical procedures planned for the minor, including but not limited to:

a. risks and hazards that may occur in connection with any surgical, medical, or diagnostic procedure, including but not limited to infection, blood clots in veins and lungs, hemorrhage, allergic reactions, and death,

b. risks and hazards that may occur with surgical abortion, including but not limited to hemorrhage, uterine perforation, sterility, injuries to the bowel and bladder, hysterectomy as a result of complication or injury during the procedure, and failure to remove all products of conception that may result in an additional procedure,

c. risks and hazards that may occur with a medical or nonsurgical abortion, including but not limited to hemorrhage, failure to remove all products of

conception that may result in an additional procedure, sterility, and possible continuation of pregnancy, and

d. risks and hazards of the particular procedure planned for the minor, including but not limited to cramping of the uterus, pelvic pain, infection of the uterus, tubes, and ovaries, cervical laceration, incompetent cervix, and emergency treatment for any of the above named complications;

5. A description of additional information that must be provided by the physician to the minor pursuant to the provisions of Section 1-730 et seq. of this title;

6. A consent statement which must be signed by the minor. The consent statement must include, but not be limited to, the following requirements, which must each be individually initialed by the minor:

a. that the minor understands that the doctor is going to perform an abortion on her which will end her pregnancy and result in the death of her unborn child,

b. that the minor is not being forced to have an abortion and that she has the choice not to have the abortion and may withdraw consent prior to the abortion,

c. that the minor gives permission for the procedure,

d. that the minor understands that there are risks and hazards that could affect the minor if she has the surgical or medical procedures planned for her,

e. that the minor has been given the opportunity to ask questions about her condition, alternative forms of treatment, risks of not receiving treatment, the procedures to be used, and the risks and hazards involved,

f. that the minor has been given information required by Section 1-730 et seq. of this title, and

g. that the minor has sufficient information to give informed consent;

7. A physician declaration, which must be signed by the physician, stating that the physician or his or her assistant has explained the procedure and the contents of this form to the minor and her parent or legal guardian, as required, and has answered all questions. Further, to the best of the physician's knowledge, the patient and her parent or legal guardian have been adequately informed and have consented to the procedure;

8. A parental consent statement stating that the signing parent or legal guardian:

a. understands that the doctor signing the physician declaration is going to perform an abortion on the minor which will end her pregnancy and result in the death of her unborn child,

b. that the parent or legal guardian had the opportunity to read this form or have it read to him or her and has initialed each page,

c. that the parent or legal guardian had the opportunity to ask questions to the physician or the physician's assistant about the information in this form and the surgical and medical procedures to be performed on the minor,

d. that the parent or legal guardian believes he or she has sufficient information to give informed consent, and

e. that by the parent or legal guardian's signature, the parent or legal guardian affirms that he or she is the minor's parent or legal guardian;

9. A page for the parent or legal guardian's signature that must be notarized by a notary public; and

10. Any additional information that must be provided pursuant to applicable laws of this state.

Added by Laws 2013, c. 268, § 4, eff. Nov. 1, 2013.

§63-1-740.14. Injunctions or restraining orders – Enforcement of provisions.

If some or all of the provisions of Sections 1-740.2 and 1-740.3 of Title 63 of the Oklahoma Statutes, as amended by Sections 1 and 3 of this act, are ever temporarily or permanently restrained or enjoined by judicial order, these sections shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Added by Laws 2013, c. 268, § 5, eff. Nov. 1, 2013.

§63-1-740.15. Short title - Choosing Childbirth Act.

This act shall be known and may be cited as the "Choosing Childbirth Act".

Added by Laws 2017, c. 308, § 1, eff. Nov. 1, 2017.

§63-1-740.16. Definitions.

As used in the Choosing Childbirth Act:

1. "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to intentionally:

a. kill the unborn child of a woman known to be pregnant, or

b. terminate the pregnancy of a woman known to be pregnant, with an intention other than:

(1) after viability of the unborn child, to produce a live birth and preserve the life and health of the child born alive, or
(2) to remove a dead unborn child;

2. "Unborn child" means an individual organism of the species Homo sapiens from fertilization until birth; and

3. "Grant-supervising entity" means a private entity which approves all grants provided under the Choosing Childbirth Act and which:

a. is organized as a not-for-profit corporation in Oklahoma and as a 501(c)3 entity under the federal Internal Revenue Code, and

b. does not encourage or counsel any woman to have an abortion not necessary to prevent her death, to provide her such an abortion or to refer her for such an abortion, and does not accept funds or services knowingly from any entity which performs abortions or receives money for abortions.

Added by Laws 2017, c. 308, § 2, eff. Nov. 1, 2017.

§63-1-740.17. Department of Health grants to private organizations for services.

A. The State Department of Health shall make grants, from funds appropriated by the Legislature specifically for this purpose, to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the reasonable expenses of programs providing the following services:

1. Providing information on, referral to, and assistance in securing the services of relevant existing programs or agencies that assist women in Oklahoma to carry their children to term, and/or providing services that assist women to carry their children to term, including, but not limited to, agencies and programs that will provide medical attention for the pregnant woman for the duration of her pregnancy, nutritional support services, housing assistance, adoption services, education and employment assistance and parenting education and support services; and

2. Providing women in Oklahoma, in person and through community outreach, information and/or services that encourage and assist them to carry their children to term.

B. To be eligible for a service grant, an organization shall:

1. Be registered with the Oklahoma Secretary of State as a not-for-profit corporation located in Oklahoma;

2. Have the grant amount approved by a grant-supervising entity;

3. Provide each pregnant woman counseled with accurate information on the developmental characteristics of unborn children, including offering the printed information described in Section 1-738.3 of Title 63 of the Oklahoma Statutes;

4. Assure that the grant's sole purposes are to assist and encourage women to carry their children to term and to maximize their potentials thereafter; and

5. Assure that none of the funds provided pursuant to the Choosing Childbirth Act, nor any other funds or services provided by the organization, are used to encourage or counsel a woman to have an abortion not necessary to prevent her death, to provide her such an abortion or to refer her for such an abortion.

Added by Laws 2017, c. 308, § 3, eff. Nov. 1, 2017.

§63-1-740.18. Grant supervising entity.

The State Department of Health shall make grants to a grant-supervising entity under the Choosing Childbirth Act from funds appropriated by the Legislature specifically for this purpose. The State Department of Health shall annually monitor and review the grant-supervising entity to assure that the grant-supervising entity carefully adheres to the purposes and requirements of the Choosing Childbirth Act, and it shall cease funding a grant-supervising entity that fails to do so if the Department proves specific findings of noncompliance, subject to judicial review.

Added by Laws 2017, c. 308, § 4, eff. Nov. 1, 2017.

§63-1-740.19. Severability.

If any provision, word, phrase or clause of the Choosing Childbirth Act or the application thereof to any person or circumstance is held invalid, such invalidity shall make the entire Act invalid and to this end, the provisions, works, phrases and clauses of the Choosing Childbirth Act are declared to be inseverable.

Added by Laws 2017, c. 308, § 5, eff. Nov. 1, 2017.

§63-1-741. Abortions - Refusal to perform or participate - Exemptions.

A. No private hospital, hospital director or governing board of a private hospital in Oklahoma, is required to permit abortions to be performed or induced in such hospital. Refusal to permit an abortion, in accordance with a standard policy, is not grounds for civil liability nor a basis for disciplinary or other recriminatory action.

B. No person may be required to perform, induce or participate in medical procedures which result in an abortion which are in preparation for an abortion or which involve aftercare of an abortion patient, except when the aftercare involves emergency medical procedures which are necessary to protect the life of the patient, and refusal to perform or participate in such medical procedures is not grounds for civil liability nor a basis for disciplinary or other recriminatory action.

C. The rights and immunities granted by this section shall not include medical procedures in which a woman is in the process of the spontaneous, inevitable abortion of an unborn child, the death of the child is imminent, and the procedures are necessary to prevent the death of the mother.
Laws 1978, c. 158, § 1.

§63-1-741.1. Performance or assisting performance of abortion by state employee or agency prohibited - Exceptions - Use of public funds to encourage abortions prohibited.

A. It shall be unlawful for any person employed by this state or any agency or political subdivision thereof, within the scope of the person's employment, to perform or assist an abortion not necessary to save the life of the mother except when the pregnancy resulted from an act of forcible rape which was reported to the proper law enforcement authorities or when the pregnancy resulted from an act of incest committed against a minor and the perpetrator has been reported to the proper law enforcement authorities. It shall be unlawful for any public institution, public facility, public equipment, or other physical asset owned, leased or controlled by this state or any agency or political subdivisions thereof to be used for the purpose of performing or assisting an abortion not necessary to save the life of the mother except when the pregnancy resulted from an act of forcible rape which was reported to the proper law enforcement authorities or when the pregnancy resulted from an act of incest committed against a minor and the perpetrator has been reported to the proper law enforcement authorities. This subsection shall not be construed to prohibit use by private entities of public utilities or the services of firefighters or police.

B. It shall be unlawful for any funds received or controlled by this state or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants, federal grants or payments, or intergovernmental transfers, to be used to encourage a woman to have an abortion not necessary to save her life, except to the extent required for continued participation in a federal program. Nothing in this subsection shall be construed to prohibit a physician from discussing options with a patient through nondirective counseling.
Added by Laws 2007, c. 161, § 11, eff. Nov. 1, 2007.

§63-1-741.2. Repealed by Laws 2011, c. 92, § 2, eff. Nov. 1, 2011.

§63-1-741.3. Patient Protection and Affordable Care Act - Qualified insurance plans - Elective abortion prohibited.

A. Pursuant to the Patient Protection and Affordable Care Act, P.L. 111-148, all qualified health plans offered through an Exchange established in the state are prohibited from including elective

abortion coverage. Nothing in this section shall be construed as preventing anyone from purchasing optional supplemental coverage for elective abortions for which there must be paid a separate premium in accordance with subsection D of this section in the health insurance market outside of the Exchange.

B. No health plan, including health insurance contracts, plans or policies, offered outside of an Exchange, but within the state, shall provide coverage for elective abortions except by optional separate supplemental coverage for abortion for which there must be paid a separate premium in accordance with subsection D of this section.

C. For purposes of this section, "elective abortion" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, however, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

D. The issuer of any health plan providing elective abortion coverage shall:

1. Calculate the premium for such coverage so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis. In calculating such premium, the issuer of the plan shall not take into account any cost reduction in any health plan covering an enrollee estimated to result from the provision of abortion coverage, including prenatal care, delivery or postnatal care;

2. If the enrollee is enrolling in a health plan providing any other coverage at the same time as the enrollee is enrolling in a plan providing elective abortion coverage, require a separate signature, distinct from that to enroll in the health plan providing other coverage, in order to enroll in the separate supplemental plan providing elective abortion coverage; and

3. Provide a notice to enrollees at the time of enrollment that:

   a. specifically states the cost of the separate premium for coverage of elective abortions distinct and apart from the cost of the premium for any health plan providing any other coverage in any health plan covering an enrollee,

   b. states that enrollment in elective abortion coverage is optional, and

   c. if the enrollee is enrolling in a health plan providing any other coverage at the same time as the enrollee is enrolling in a plan providing elective abortion coverage, states that the enrollee may choose to enroll in the plan providing other coverage without enrolling in the plan providing elective abortion coverage.

E. The issuer of any health plan providing any coverage other than elective abortion shall not discount or reduce the premium for such coverage on the basis that an enrollee has elective abortion coverage.

F. Any employer who offers employees a health plan providing elective abortion coverage shall, at the time of beginning employment and at least once in each calendar year thereafter, provide each employee the option to choose or reject the separate supplemental elective abortion coverage.

G. Any entity offering a group health plan providing separate supplemental elective abortion coverage, other than employers offering such a plan to their employees, shall, at the time each group member begins coverage and at least once in each calendar year thereafter, provide each group member the option to choose or reject the separate supplemental elective abortion coverage.

H. Nothing in this section shall be construed to apply in circumstances in which federal law preempts state health insurance regulation.

Added by Laws 2011, c. 92, § 1, eff. Nov. 1, 2011.

§63-1-741.11. Repealed by Laws 2010, c. 171, § 2, emerg. eff. April 27, 2010.

§63-1-741.12. Wrongful life or wrongful birth action - Damages.

A. It is the intent of the Legislature that the birth of a child does not constitute a legally recognizable injury and that it is contrary to public policy to award damages because of the birth of a child or for the rearing of that child.

B. For the purposes of this section:

1. "Abortion" means the term as is defined in Section 1-730 of Title 63 of the Oklahoma Statutes;

2. "Wrongful life action" means a cause of action that is brought by or on behalf of a child, which seeks economic or noneconomic damages for the child because of a condition of the child that existed at the time of the child's birth, and which is based on a claim that a person's act or omission contributed to the mother's not having obtained an abortion; and

3. "Wrongful birth action" means a cause of action that is brought by a parent or other person who is legally required to provide for the support of a child, which seeks economic or noneconomic damages because of a condition of the child that existed at the time of the child's birth, and which is based on a claim that a person's act or omission contributed to the mother's not having obtained an abortion.

C. In a wrongful life action or a wrongful birth action, no damages may be recovered for any condition that existed at the time

of a child's birth if the claim is that the defendant's act or omission contributed to the mother's not having obtained an abortion.

D. This section shall not preclude causes of action based on claims that, but for a wrongful act or omission, maternal death or injury would not have occurred, or handicap, disease, or disability of an individual prior to birth would have been prevented, cured, or ameliorated in a manner that preserved the health and life of the affected individual.

Added by Laws 2010, c. 171, § 1, emerg. eff. April 27, 2010.

§63-1-742. Payment for securing or soliciting patients for hospital or other entity - Penalties - Construction of act - Exceptions.

A. 1. Any person who intentionally or knowingly pays to or accepts anything of value from any person, firm, association of persons, partnership or corporation for securing or soliciting patients for any health care professional, health care provider or other entity providing health care services in this state, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) and not more than Two Thousand Dollars ($2,000.00).

2. In addition to any other penalties or remedies provided by law:

a. a violation of this section by a health care professional or health care provider shall be grounds for disciplinary action by the state agency licensing, certifying or registering such professional or provider, and

b. the state agency licensing, certifying or registering such professional or provider may institute an action to enjoin violation or potential violation of this section.

B. This section shall not be construed to prohibit:

1. Advertising, except that advertising which:

a. is false, misleading or deceptive,

b. advertises professional superiority or the performance of a professional service in a superior manner, and

c. is not readily subject to verification;

2. Remuneration for advertising, marketing or other services that are provided for the purpose of securing or soliciting patients, provided the remuneration is:

a. set in advance,

b. consistent with the fair market value of the services, and

c. not based on the volume or value of any patient referrals or business otherwise generated between the parties; and

3. Any payment, business arrangements or payments practice not prohibited by 42 U.S.C., Section 1320a-7b(b), or any regulations promulgated pursuant thereto.

C. This section shall not apply to licensed insurers, including but not limited to, group hospital service corporations or health maintenance organizations which reimburse, provide, offer to provide or administer hospital, medical, dental or other health-related benefits under a health benefits plan for which it is the payor when it is providing those services under a health benefits plan.

D. For purposes of this section:

1. "Health care professional" means any person who offers or provides counseling or health or mental health care under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes; and

2. "Health care provider" means any hospital or related institution offering or providing health care services licensed pursuant to Section 1-702 of this title.

Added by Laws 1993, c. 165, § 3, eff. Sept. 1, 1993. Amended by Laws 1998, c. 344, § 2, eff. Nov. 1, 1998.

§63-1-743. Advertisement of mammography services - Disclosure of cost - Penalty.

Any entity advertising mammography services must include in its advertising the total cost of the procedure. Any entity who has been determined to be in violation of this section by the State Board of Health, after notice and hearing by the Board, shall be subject to a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00) for each violation.

Added by Laws 1993, c. 165, § 4, eff. Sept. 1, 1993.

§63-1-744. Short title - Parental Notification for Abortion Act.

This act shall be known and may be cited as the "Parental Notification for Abortion Act".

Added by Laws 2013, c. 320, § 1, eff. Nov. 1, 2013.

§63-1-744.1. Definitions.

As used in the Parental Notification for Abortion Act:

1. "Parent" means one parent of the pregnant minor, or the guardian or conservator if the pregnant female has one;

2. "Abortion" means the use of any means intentionally to terminate the pregnancy of a female known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus;

3. "Fetus" means any individual human organism from fertilization to birth;

4. "Medical emergency" means the existence of any physical condition, not including any emotional, psychological, or mental

condition, which a reasonably prudent physician would determine necessitates the immediate abortion of the female's pregnancy to avert her death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy;

5. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved; and

6. "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state.

Added by Laws 2013, c. 320, § 5, eff. Nov. 1, 2013.

§63-1-744.2. Notice – Waiting period.

No abortion shall be performed or induced upon an unemancipated minor or upon a female for whom a guardian or conservator has been appointed pursuant to the Oklahoma Guardianship and Conservatorship Act because of a finding of incompetency, until at least forty-eight (48) hours after written notice of the pending abortion has been delivered in the manner specified in Sections 7 through 9 of this act to one of the parents of the minor upon whom the abortion is contemplated or to the guardian or conservator of the female upon whom the abortion is contemplated.

1. The notice shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent.

2. In lieu of the delivery required by paragraph 1 of this section, notice shall be made by certified mail addressed to the parent at the usual place of abode of the parent with return receipt requested and restricted delivery to the addressee, which means a postal employee can deliver the mail only to the authorized addressee. Time of delivery shall be deemed to occur at noon on the third day on which regular mail delivery takes place, subsequent to mailing. The information concerning the address of the parent shall be that which a reasonable and prudent person, under similar circumstances, would have relied upon as sufficient evidence that the parent resides at that address.

Added by Laws 2013, c. 320, § 6, eff. Nov. 1, 2013.

§63-1-744.3. Medical emergency – Notice requirement.

Immediate notice shall not be required if the attending physician certifies in the pregnant female's record that, in reasonable medical judgment, a medical emergency exists and there is insufficient time to provide the prior notification required by Section 6 of this act. The attending physician or the physician's agent shall verbally inform the parent within twenty-four (24) hours after the performance of a medical emergency abortion, that a medical emergency abortion was performed on the unemancipated minor or on the female for whom a

guardian or conservator has been appointed and shall also send a written notice within twenty-four (24) hours after the performance of a medical emergency abortion to the last-known address of the parent, of the performed medical emergency abortion. The written notice shall follow the requirements in paragraph 2 of Section 6 of this act.
Added by Laws 2013, c. 320, § 7, eff. Nov. 1, 2013.

§63-1-744.4. Exceptions to notice requirement.

No notice shall be required under this act if:

1. The person who is entitled to notice states in notarized writing that he or she has been notified and the statement is placed in the female's medical record; or

2. The pregnant female declares that she is a victim of sexual or physical abuse by her parent as defined in Section 1111 et seq. of Title 21 of the Oklahoma Statutes and the attending physician has notified child abuse authorities about the alleged parental sexual or physical abuse. In such circumstances, the physician shall notify child abuse authorities of the name and address of the abusing parent so that they can investigate. The child abuse authorities shall maintain the confidentiality of the fact that the minor has sought or obtained an abortion and shall take all necessary steps to ensure that this information is not revealed to the female's parents or guardians.
Added by Laws 2013, c. 320, § 8, eff. Nov. 1, 2013.

§63-1-744.5. Criminal and civil liability.

Performance of an abortion in knowing or reckless violation of this act shall be a misdemeanor. Performance of an abortion in violation of this act shall be grounds for a civil action pursuant to Sections 1-738.3f through 1-738.3k of Title 63 of the Oklahoma Statutes.
Added by Laws 2013, c. 320, § 9, eff. Nov. 1, 2013.

§63-1-744.6. Injunction or restraining orders – Enforcement of provisions.

If some or all of the provisions of Sections 1-740.2, 1-740.3 and 1-740.4 of Title 63 of the Oklahoma Statutes, as amended by Sections 2, 3 and 4 of this act, are ever temporarily or permanently restrained or enjoined by judicial order, these sections shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.
Added by Laws 2013, c. 320, § 10, eff. Nov. 1, 2013.

§63-1-745.1. Pain-Capable Unborn Child Protection Act.

This act shall be known and may be cited as the "Pain-Capable Unborn Child Protection Act".

Added by Laws 2011, c. 89, § 1, eff. Nov. 1, 2011.

§63-1-745.2. Definitions.

As used in the Pain-Capable Unborn Child Protection Act only:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy;

2. "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of the Pain-Capable Unborn Child Protection Act;

3. "Postfertilization age" means the age of the unborn child as calculated from the fertilization of the human ovum;

4. "Fertilization" means the fusion of a human spermatozoon with a human ovum;

5. "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining postfertilization age to avert her death or for which the delay necessary to determine postfertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function;

6. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

7. "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state;

8. "Probable postfertilization age of the unborn child" means what, in reasonable medical judgment, will with reasonable

probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced;

9. "Unborn child" or "fetus" each means an individual organism of the species homo sapiens from fertilization until live birth; and

10. "Woman" means a female human being whether or not she has reached the age of majority.

Added by Laws 2011, c. 89, § 2, eff. Nov. 1, 2011.

§63-1-745.3. Legislative findings.

The Legislature of the State of Oklahoma finds that:

1. Pain receptors (nociceptors) are present throughout the unborn child's entire body by no later than sixteen (16) weeks after fertilization and nerves link these receptors to the brain's thalamus and subcortical plate by no later than twenty (20) weeks;

2. By eight (8) weeks after fertilization, the unborn child reacts to touch. After twenty (20) weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example by recoiling;

3. In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response;

4. Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life;

5. For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia;

6. The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty (20) weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain;

7. Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain;

8. In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does;

9. Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during

development, such as the subcortical plate, to fulfill the role of pain processing;

10. The position, asserted by some, that the unborn child remains in a coma-like sleep state that precludes the unborn child from experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery;

11. Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty (20) weeks after fertilization;

12. It is the purpose of the State of Oklahoma to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain; and

13. Oklahoma's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of Oklahoma's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

Added by Laws 2011, c. 89, § 3, eff. Nov. 1, 2011.

§63-1-745.4. Abortion requirements – Determination of probable postfertilization age of unborn child.

A. Except in the case of a medical emergency, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

B. Knowing or reckless failure by any physician to conform to any requirement of this section constitutes "unprofessional conduct".

Added by Laws 2011, c. 89, § 4, eff. Nov. 1, 2011.

§63-1-745.5. Abortions prohibited when probable postfertilization age of unborn child is 20 or more weeks – Exceptions – Procedure for abortion.

A. No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the

physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty (20) or more weeks, unless, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

B. When an abortion upon a woman whose unborn child has been determined to have a probable postfertilization age of twenty (20) or more weeks is not prohibited by this section, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.
Added by Laws 2011, c. 89, § 5, eff. Nov. 1, 2011.

§63-1-745.6. Abortion – Report to State Department of Health – Public statistical report – Late fee.

A. Any physician who performs or induces or attempts to perform or induce an abortion shall report to the State Department of Health, on a schedule and in accordance with forms and rules and regulations adopted and promulgated by the State Board of Health that include:

1. If a determination of probable postfertilization age was made, the probable postfertilization age determined and the method and basis of the determination;

2. If a determination of probable postfertilization age was not made, the basis of the determination that a medical emergency existed;

3. If the probable postfertilization age was determined to be twenty (20) or more weeks, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible

physical impairment of a major bodily function, not including psychological or emotional conditions; and

4. The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be twenty (20) or more weeks:

a. whether the method used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive, or

b. if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

B. By June 30 of each year, the State Department of Health shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. Each such report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The State Department of Health shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

C. Any physician who fails to submit a report by the end of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any physician required to report in accordance with this act who has not submitted a report, or has submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the State Department of Health or by the State Board of Medical Licensure and Supervision, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Knowing or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes "unprofessional conduct" pursuant to Section 509 of Title 59 of the Oklahoma Statutes. Knowing or reckless failure by any physician to submit a complete report in accordance with a court order constitutes "unprofessional conduct" pursuant to Section 509 of Title 59 of the Oklahoma Statutes. Knowing or reckless falsification of any report required under this section is a misdemeanor.

D. By February 1, 2012, the State Board of Health shall adopt and promulgate rules and regulations to assist in compliance with this section. Subsection A of this section shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.
Added by Laws 2011, c. 89, § 6, eff. Nov. 1, 2011.

§63-1-745.7. Violations of act.

Any person who knowingly or recklessly performs or induces or attempts to perform or induce an abortion in violation of the Pain-Capable Unborn Child Protection Act shall be guilty of a felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced.
Added by Laws 2011, c. 89, § 7, eff. Nov. 1, 2011.

§63-1-745.8. Suits upon violation of act – Injunctive relief – Attorney fees.

A. Any woman upon whom an abortion has been performed in violation of the Pain-Capable Unborn Child Protection Act, or the father of the unborn child who was the subject of such an abortion, may maintain an action against the person who performed or induced the abortion in knowing or reckless violation of the Pain-Capable Unborn Child Protection Act for actual and punitive damages. Any woman upon whom an abortion has been attempted in violation of the Pain-Capable Unborn Child Protection Act may maintain an action against the person who attempted to perform or induce the abortion in knowing or reckless violation of the Pain-Capable Unborn Child Protection Act for actual and punitive damages.

B. A cause of action for injunctive relief against any person who has knowingly or recklessly violated the Pain-Capable Unborn Child Protection Act may be maintained by the woman upon whom an abortion was performed or induced or attempted to be performed or induced in violation of the Pain-Capable Unborn Child Protection Act; by any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or induced or attempted to be performed or induced in violation of the Pain-Capable Unborn Child Protection Act; by a district attorney with appropriate jurisdiction; or by the Attorney General. The injunction shall prevent the abortion provider from performing or inducing or attempting to perform or induce further abortions in violation of the Pain-Capable Unborn Child Protection Act in the State of Oklahoma.

C. If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant.

D. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

E. No damages or attorney fee may be assessed against the woman upon whom an abortion was performed or attempted to be performed except in accordance with subsection D of this section.

Added by Laws 2011, c. 89, § 8, eff. Nov. 1, 2011.

§63-1-745.9. Public disclosure of woman's identity whom an abortion was performed on.

In every civil or criminal proceeding or action brought under the Pain-Capable Unborn Child Protection Act, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or induced or attempted to be performed or induced shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced or attempted to be performed or induced, anyone, other than a public official, who brings an action under subsections A or B of Section 8 of this act shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Added by Laws 2011, c. 89, § 9, eff. Nov. 1, 2011.

§63-1-745.10. Severability.

A. If any one or more provisions, sections, subsections, sentences, clauses, phrases or words of the Pain-Capable Unborn Child Protection Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of the Pain-Capable Unborn Child Protection Act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed the Pain-Capable Unborn Child Protection Act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of the

Pain-Capable Unborn Child Protection Act, or the application of the Pain-Capable Unborn Child Protection Act, would be declared unconstitutional.

B. The Pain-Capable Unborn Child Protection Act shall not be construed to repeal, by implication or otherwise, Section 1-732 of Title 63 of the Oklahoma Statutes, or any otherwise applicable provision of Oklahoma's laws regulating or restricting abortion. An abortion that complies with this act but violates the provisions of Section 1-732 of Title 63 of the Oklahoma Statutes, or any otherwise applicable provision of Oklahoma's laws shall be deemed unlawful as provided in such provision. An abortion that complies with the provisions of Section 1-732 of Title 63 of the Oklahoma Statutes, or any otherwise applicable provision of Oklahoma's laws regulating or restricting abortion but violates this act shall be deemed unlawful as provided in this act.

Added by Laws 2011, c. 89, § 10, eff. Nov. 1, 2011.

§63-1-745.11. Construction of act.

Nothing in the Pain-Capable Unborn Child Protection Act shall be construed as creating or recognizing a right to abortion.

Added by Laws 2011, c. 89, § 11, eff. Nov. 1, 2011.

§63-1-745.12. Heartbeat Informed Consent Act.

This act shall be known and may be cited as the "Heartbeat Informed Consent Act".

Added by Laws 2012, c. 159, § 1, eff. Nov. 1, 2012.

§63-1-745.13. Definitions.

As used in the Heartbeat Informed Consent Act:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to cause the premature termination of the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child;

2. "Abortion provider" means any person legally qualified to perform an abortion under state law;

3. "Embryonic or fetal heartbeat" means embryonic or fetal cardiac activity or the steady and repetitive rhythmic contraction of the embryonic or fetal heart;

4. "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death or for which the delay will create serious risk of substantial and irreversible physical impairment of a

major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function;

5. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician;

6. "Unborn child" means a member of the species Homo sapiens from fertilization until live birth; and

7. "Woman" means a female human being, whether or not she has reached the age of majority.

Added by Laws 2012, c. 159, § 3, eff. Nov. 1, 2012.

§63-1-745.14. Making heartbeat audible before abortion.

A. Any abortion provider who knowingly performs or induces any abortion shall comply with the requirements of the Heartbeat Informed Consent Act.

B. Prior to a woman giving informed consent to having any part of an abortion performed or induced, if the pregnancy is at least eight (8) weeks after fertilization, the abortion provider who is to perform or induce the abortion or an agent of the abortion provider shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, the abortion provider shall, using a Doppler fetal heart rate monitor, make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear. An abortion provider or an agent of the abortion provider shall not be in violation of the requirements of this subsection if:

1. The provider or agent has attempted, consistent with standard medical practice, to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear using a Doppler fetal heart rate monitor;

2. That attempt does not result in the heartbeat being made audible; and

3. The provider has offered to attempt to make the heartbeat audible at a subsequent date.

C. Nothing in this section shall be construed to prevent the pregnant woman from not listening to the sounds detected by the Doppler fetal heart rate monitor pursuant to the requirements of subsection B of this section.

Added by Laws 2012, c. 159, § 4, eff. Nov. 1, 2012.

§63-1-745.15. Application of act.

A. The provisions of Section 4 of this act shall not apply to an abortion provider in the case that the abortion is necessary to avert the mother's death or in the case of a medical emergency.

B. Upon a determination by an abortion provider under subsection A of this section that an abortion is necessary to avert the death of the mother or that there is a medical emergency, such provider shall certify the specific medical conditions that support such determination and include such certification in the medical file of the pregnant woman.

C. An abortion provider who knowingly or recklessly falsifies a certification made pursuant to subsection B of this section shall be deemed to have knowingly or recklessly failed to comply with this act for purposes of Section 6 of this act.

Added by Laws 2012, c. 159, § 5, eff. Nov. 1, 2012.

§63-1-745.16. Violations of act - Penalties - Civil actions.

A. Any person who intentionally or recklessly performs or induces an abortion in violation of the Heartbeat Informed Consent Act shall be guilty of a misdemeanor. No penalty shall be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced.

B. Any woman upon whom an abortion has been performed or induced in violation of this act, or the father of the unborn child who was the subject of such an abortion, may maintain an action against the person who performed or induced the abortion in intentional or reckless violation of this act for actual and punitive damages. Any woman upon whom an abortion has been attempted in violation of this act may maintain an action against the person who attempted to perform or induce the abortion in an intentional or reckless violation of this act for actual and punitive damages.

C. A cause of action for injunctive relief against any person who has intentionally or recklessly violated this act may be maintained by the woman upon whom an abortion was performed or induced in violation of this act; by any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or induced in violation of this act; by a district attorney with appropriate jurisdiction; or by the Attorney General. The injunction shall prevent the abortion provider from performing or inducing further abortions in violation of this act in the state.

D. If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant.

E. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

F. No damages or attorney fee may be assessed against the woman upon whom an abortion was performed or attempted to be performed or induced except in accordance with subsection E of this section.
Added by Laws 2012, c. 159, § 6, eff. Nov. 1, 2012.

§63-1-745.17. Public disclosure of identity.

In every civil or criminal proceeding or action brought under the Heartbeat Informed Consent Act, the court shall rule whether the identity of any woman upon whom an abortion has been performed or induced or attempted to be performed or induced shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her identity should be preserved from public disclosure, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Such an order shall be accompanied by specific written findings explaining why the identity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced or attempted to be performed or induced, anyone, other than a public official, who brings an action under Section 6 of this act shall do so under a pseudonym. This section shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.
Added by Laws 2012, c. 159, § 7, eff. Nov. 1, 2012.

§63-1-745.18. Interpretation of statute.

Nothing in the Heartbeat Informed Consent Act shall be construed as creating or recognizing a right to abortion.
Added by Laws 2012, c. 159, § 8, eff. Nov. 1, 2012.

§63-1-745.19. Severability of act.

If any one or more provision, section, subsection, sentence, clause, phrase, or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Oklahoma Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.
Added by Laws 2012, c. 159, § 9, eff. Nov. 1, 2012.

§63-1-746.1. Definitions.

As used in this act, the term:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy or to remove a dead unborn child who died as a result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

2. "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in Oklahoma in violation of this act;

3. "Fetal anomaly incompatible with life" means a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. Fetal anomaly incompatible with life does not include conditions which can be treated;

4. "Medical emergency" means any condition which, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;

5. "Perinatal hospice" means comprehensive support that includes support from the time of diagnosis through the time of birth and death of the infant and through the postpartum period. Supportive care may include maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, psychiatrists, psychologists, or other mental health professionals, clergy, social workers, and specialty nurses; and

6. "Physician" means a person licensed to practice medicine in this state pursuant to Sections 495 and 633 of Title 59 of the Oklahoma Statutes.

Added by Laws 2014, c. 175, § 1, eff. Nov. 1, 2014.

§63-1-746.2. Voluntary and informed consent.

No abortion shall be performed or induced or attempted to be performed or induced without the voluntary and informed consent of the female upon whom the abortion is to be performed or induced or attempted to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if, at least seventy-two (72) hours before the abortion:

1. In the case of a female seeking an abortion of her unborn child diagnosed with a fetal anomaly incompatible with life, the

female is informed, by telephone or in person, by the physician who is to perform the abortion or the physician's agent:

a. that perinatal hospice services are available,
b. this service is an alternative to abortion,
c. that she has the right to review the printed materials described in this section,
d. that these materials are available on a state-sponsored website, and
e. what the website address is where she can access this information.

The information required by this paragraph may be provided by a tape recording if provision is made to record or otherwise register specifically whether the female does or does not choose to have the printed materials given or mailed to her;

2. The physician or the physician's agent shall orally inform the female that the materials have been provided by the State of Oklahoma and that they list the places which offer perinatal hospice services both in her state and nationally. If the female chooses to view the materials other than on the website, they shall either be given to her at least seventy-two (72) hours before the abortion, or received by her at least seventy-two (72) hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee;

3. The female certifies in writing, prior to the abortion, that the information described in paragraphs 1 and 2 of this section has been furnished her, and that she has been informed of her opportunity to review the information referred to in paragraph 2 of this section; and

4. Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by paragraph 3 of this section. This certification shall be maintained in the female patient's file for not less than five (5) years.

Added by Laws 2014, c. 175, § 2, eff. Nov. 1, 2014. Amended by Laws 2015, c. 255, § 7, eff. Nov. 1, 2015.

§63-1-746.3. Printed materials to provide information.

A. Within ninety (90) days after this act is enacted, the State Board of Medical Licensure and Supervision shall cause to be published, in English and in each language which is the primary language of two percent (2%) or more of the state's population, and shall cause to be available on the state website provided for in Section 4 of this act, the following printed materials in such a way as to ensure that the information is easily comprehensible: geographically indexed materials designed to inform the female who has been told her unborn child has a fetal anomaly incompatible with life of public and private agencies and services available to her

which offer perinatal hospice and palliative care if she chooses to continue her pregnancy. The material shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers, in which they might be contacted or, at the option of the Board, printed materials including a toll-free, twenty-four-hour-a-day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer.

B. The materials referred to in subsection A of this section shall be printed in a typeface large enough to be clearly legible. The website provided for in Section 4 of this act shall be maintained at a minimum resolution of 70 DPI (dots per inch). All letters on the website shall be a minimum of 11-point font. All information shall be accessible with an industry standard browser, requiring no additional plug-ins.

C. The materials required under this section shall be available at no cost from the Board upon request and in appropriate number to any person, facility or hospital.

Added by Laws 2014, c. 175, § 3, eff. Nov. 1, 2014.

§63-1-746.4. Website to provide information.

A. The State Board of Medical Licensure and Supervision shall develop and maintain a stable Internet website to provide the information described under Section 2 of this act. No information regarding who uses the website shall be collected or maintained. The State Board of Medical Licensure and Supervision shall monitor the website on a daily basis to prevent and correct tampering and shall immediately notify abortion providers of any change in the location of the material on its website.

B. The website:

1. Must use enhanced, user-friendly search capabilities to ensure that the information described in Section 2 of this act is easily accessible and must be searchable by keywords and phrases, specifically to ensure that entering the terms "abortion" and "fetal anomaly" yield the materials described in Section 2 of this act, regardless of how the materials are labeled;

2. Must ensure that the materials described in Section 2 of this act are printable;

3. Must give clear prominent instructions on how to receive the information in printed form; and

4. Must be accessible to the public without requiring registration or use of a user name, a password or another user identification.

Added by Laws 2014, c. 175, § 4, eff. Nov. 1, 2014.

§63-1-746.5. Medical emergency.

When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a twenty-four-hour delay will create serious risk of substantial and irreversible impairment of a major bodily function.
Added by Laws 2014, c. 175, § 5, eff. Nov. 1, 2014.

§63-1-746.6. Reporting form for physicians.

A. Within ninety (90) days after this act is enacted, the State Board of Medical Licensure and Supervision shall prepare a reporting form for physicians containing a reprint of this act and listing:

1. The number of females to whom the physician or an agent of the physician provided the information described in paragraph 1 of Section 2 of this act; of that number, the number provided by telephone and the number provided in person; of each of those numbers, the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion; and of each of those numbers, the number provided by the physician and the number provided by an agent of the physician;

2. The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Section 3 of this act other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the reporting physician's information and belief, went on to obtain the abortion; and

3. The number of abortions performed by the physician in which information otherwise required to be provided at least seventy-two (72) hours before the abortion was not so provided because an immediate abortion was necessary to avert the female's death, and the number of abortions in which such information was not so provided because a delay would create serious risk of substantial and irreversible impairment of a major bodily function.

B. The Board shall ensure that copies of the reporting forms described in subsection A of this section are provided:

1. Within one hundred twenty (120) days after this act is enacted, to all physicians licensed to practice in this state;

2. To each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

3. By December 1 of each year, other than the calendar year in which forms are distributed in accordance with paragraph 1 of this subsection, to all physicians licensed to practice in this state.

C. By February 28 of each year following a calendar year in any part of which this act was in effect, each physician who provided, or whose agent provided, information to one or more females in

accordance with Section 2 of this act during the previous calendar year shall submit to the Board a copy of the form described in subsection A of this section, with the requested data entered accurately and completely.

D. Reports that are not submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period they are overdue. Any physician required to report in accordance with this section who has not submitted a report, or has submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the Board, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

E. By June 30 of each year the State Board of Medical Licensure and Supervision shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. Each such report shall also provide the statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The Board shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual provided information in accordance with paragraph 1 of Section 2 of this act.

F. The Board may by rule alter the dates established by paragraph 3 of subsection B or subsection C or E of this section or consolidate the forms or reports described in this section with other forms or reports to achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements, so long as reporting forms are sent to all licensed physicians in the state at least once every year and the report described in subsection E of this section is issued at least once every year.

Added by Laws 2014, c. 175, § 6, eff. Nov. 1, 2014. Amended by Laws 2015, c. 255, § 8, eff. Nov. 1, 2015.

§63-1-746.7. Violations - Penalties.

Any person who knowingly or recklessly performs or attempts to perform an abortion in violation of this act shall be guilty of a felony. No penalty may be assessed against the female upon whom the abortion is performed or attempted to be performed.

No penalty or civil liability may be assessed for failure to comply with paragraph 1 or 2 of Section 2 of this act or that portion of paragraph 3 of Section 2 of this act requiring a written certification that the female has been informed of her opportunity to review the information referred to in paragraph 1 of Section 2 of this act unless the Board has made the printed materials available at

the time the physician or the physician's agent is required to inform the female of her right to review them.
Added by Laws 2014, c. 175, § 7, eff. Nov. 1, 2014.

§63-1-746.8. Violations – Civil actions for mother, father or grandparent.

Any person upon whom an abortion has been performed or induced without this act being complied with, the father of the unborn child who was the subject of such an abortion, or the grandparent of such an unborn child may maintain an action pursuant to Sections 1-738.3f through 1-738.3k of Title 63 of the Oklahoma Statutes against any person or entity which performed or induced or attempted to perform or induce the abortion in violation of this act, or against any person or entity which made a referral as defined in Sections 1-738.3f through 1-738.3k of Title 63 of the Oklahoma Statutes regarding this particular abortion. The procedure and remedy in a civil action brought pursuant to this section shall be the same as the procedure and remedy in other suits brought pursuant to Sections 1-738.3f through 1-738.3k of Title 63 of the Oklahoma Statutes.
Added by Laws 2014, c. 175, § 8, eff. Nov. 1, 2014.

§63-1-746.9. Anonymity in court proceedings.

In every civil or criminal proceeding or action brought under this act, the court shall rule whether the anonymity of any female upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the female should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less-restrictive alternative exists. In the absence of written consent of the female upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under Section 8 of this act shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.
Added by Laws 2014, c. 175, § 9, eff. Nov. 1, 2014.

§63-1-746.10. Severability.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application thereof to any

person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.
Added by Laws 2014, c. 175, § 10, eff. Nov. 1, 2014.

§63-1-747.1. Short title - Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act.
This act shall be known as the "Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act".
Added by Laws 2013, c. 385, § 1, eff. Nov. 1, 2013.

§63-1-747.2. Definitions.
As used in the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act:
1. "Public funds" means state funds from whatever source, including without limitation state general revenue funds, state special account and limited purpose grants and/or loans, and federal funds provided under Title V (42 U.S.C., Section 701 et seq.), Title X (42 U.S.C., Section 300 et seq.), Title XIX (42 U.S.C., Section 1396 et seq.), Title XX (42 U.S.C., Section 1397 et seq.) and Title X (42 U.S.C., Section 1786 et seq.);
2. "Federally qualified health center" means a health care provider that is eligible for federal funding under 42 U.S.C., Section 1396d(1)(2)(B);
3. "Rural health clinic" means a health care provider that is eligible for federal funding under 42 U.S.C., Section 1395x(aa)(2);
4. "Hospital" means a primary or tertiary care facility licensed as a hospital under the laws of this state; and
5. "Department" means the Oklahoma Health Care Authority or the State Department of Health.
Added by Laws 2013, c. 385, § 2, eff. Nov. 1, 2013.

§63-1-747.3. Order of priority.
Subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of public funds for family planning or counseling services by the State of Oklahoma, by and through the Department shall be made in the following order of priority:
1. To public entities;
2. To nonpublic hospitals, federally qualified health centers, and rural health clinics; and

3. To nonpublic health providers that have as their primary purpose the provision of the primary health care services enumerated in 42 U.S.C., Section 254b(a)(1).
Added by Laws 2013, c. 385, § 3, eff. Nov. 1, 2013.

§63-1-747.4. Cause of action.
A cause of action in law or equity for recoupment, declaratory or injunctive relief against any person who has intentionally violated the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act may be maintained by a district attorney with appropriate jurisdiction, or by the Attorney General.
Added by Laws 2013, c. 385, § 4, eff. Nov. 1, 2013.

§63-1-747.5. Severability.
If any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words of the act, or the application of the act, would be declared unconstitutional.
Added by Laws 2013, c. 385, § 5, eff. Nov. 1, 2013.

§63-1-748. Abortion facility standards - Admitting privileges requirement - Violations - Penalties.
A. The State Board of Health shall establish abortion facility supplies and equipment standards, including equipment required to be immediately available for use in an emergency. Such standards shall, at a minimum:
1. Specify required equipment and supplies, including medications, required for the performance of abortion procedures and for monitoring the progress of each patient throughout the abortion procedure and post-procedure recovery period;
2. Require that the number or amount of equipment and supplies at the facility is adequate at all times to assure sufficient quantities of clean and sterilized durable equipment and supplies to meet the needs of each patient;
3. Specify the mandated equipment and supplies for required laboratory tests and the requirements for protocols to calibrate and maintain laboratory equipment at the abortion facility or operated by facility staff;
4. Require ultrasound equipment in all abortion facilities; and

5. Require that all equipment is safe for the patient and facility staff, meets applicable federal standards, and is checked annually to ensure safety and appropriate calibration.

B. On any day when any abortion is performed in a facility providing abortions, a physician with admitting privileges at a general medical surgical hospital which offers obstetrical or gynecological care in this state within thirty (30) miles of where the abortion is being performed must remain on the premises of the facility to facilitate the transfer of emergency cases if hospitalization of an abortion patient or a child born alive is necessary and until all abortion patients are stable and ready to leave the recovery room.

C. The State Board of Health shall adopt standards relating to the training physician assistants licensed pursuant to the provisions of Section 519.1 of Title 59 of the Oklahoma Statutes and employed by or providing services in a facility providing abortions shall receive in counseling, patient advocacy, and the specific medical and other services.

D. The State Board of Health shall adopt standards related to the training that volunteers at facilities providing abortions shall receive in the specific services that the volunteers provide, including counseling and patient advocacy.

E. The State Board of Health shall adopt standards related to the medical screening and evaluation of each abortion patient. At minimum these standards shall require:

1. A medical history, including the following:
   a. reported allergies to medications, antiseptic solutions, and latex,
   b. obstetric and gynecological history,
   c. past surgeries, and
   d. medication the patient is currently taking;

2. A physical examination, including a bimanual examination estimating uterine size and palpation of the adnexa; and

3. The appropriate preprocedure testing, including:
   a. urine or blood tests for pregnancy, if ordered by a physician,
   b. a test for anemia,
   c. Rh typing, unless reliable written documentation of blood type is available, and
   d. an ultrasound evaluation for all patients who elect to have an abortion. The physician performing the abortion is responsible for estimating the gestational age of the unborn child based on the ultrasound examination and established standards of obstetrical care and shall write the estimate in the patient's medical record. An original print of each ultrasound

examination of the patient shall be kept in the patient's medical record.

F. The State Board of Health shall adopt standards related to the performance of the abortion procedure and post-procedure follow-up care. At minimum these standards shall require:

1. That medical personnel are available to all abortion patients throughout the procedure;

2. The appropriate use of local anesthesia, analgesia, and sedation if ordered by the physician performing the procedure;

3. The use of appropriate precautions, such as the establishment of intravenous access;

4. That the physician performing the abortion procedure monitors the patient's vital signs and other defined signs and markers of the patient's status throughout the procedure and during the recovery period until the patient's condition is deemed to be stable in the recovery room;

5. Immediate post-procedure care and observation in a supervised recovery room for as long as the patient's condition warrants;

6. That the facility in which the abortion procedure is performed arranges for a patient's hospitalization if any complication beyond the management capability of the abortion facility's medical staff occurs or is suspected;

7. That a licensed health-care professional trained in the management of the recovery room and capable of providing cardiopulmonary resuscitation actively monitors patients in the recovery room;

8. That there is a specified minimum time that a patient remains in the recovery room by type of abortion procedure and duration of gestation;

9. That a physician discusses RhO(D) immune globulin with each patient for whom it is indicated and assures it is offered to the patient in the immediate post-operative period or that it will be available to her within seventy-two (72) hours after completion of the abortion procedure. If the patient refuses, a refusal form approved by the State Board of Health shall be signed by the patient and a witness and included in the medical record;

10. Written instructions with regard to post-abortion coitus, signs of possible complications, and general aftercare are given to each patient. Each patient shall have specific instructions regarding access to medical care for complications, including a telephone number to call for medical emergencies;

11. That the physician ensures that a licensed health-care professional from the abortion facility makes a good faith effort to contact the patient by phone, with the patient's consent, within twenty-four (24) hours after procedure to assess the patient's recovery;

12. Equipment and services are located in the recovery room to provide appropriate emergency and resuscitative life-support procedures pending the transfer of the patient or a child born alive in the facility;

13. That a post-abortion medical visit shall be offered to each abortion patient and, if requested, scheduled for two (2) to three (3) weeks after the abortion procedure and shall include a medical examination and a review of the results of all laboratory tests; and

14. That a urine or blood test shall be obtained at the time of the follow-up visit to rule out continued pregnancy. If a continuing pregnancy is suspected, the patient shall be appropriately evaluated; and a physician who performs abortions shall be consulted.

G. Facilities performing abortions shall record each incident resulting in a patient's or a born-alive child's injury occurring at the facility and shall report incidents in writing to the State Board of Health within ten (10) days of the incident. For the purposes of this subsection, "injury" shall mean an injury that occurs at the facility and creates a serious risk of substantial impairment of a major body organ or function.

H. If a patient's death occurs, other than the death of an unborn child properly reported pursuant to law, the facility performing abortions shall report the death to the State Board of Health no later than the next business day.

I. Incident reports shall be filed with the State Board of Health and all appropriate professional licensing and regulatory boards, including, but not limited to, the State Board of Medical Licensure and Supervision and the Oklahoma Board of Nursing.

J. Whoever operates a facility performing abortions without a valid license shall be guilty of a felony. Any person who intentionally, knowingly, or recklessly violates the provisions of this act or any standards adopted by the State Board of Health in accordance with this act shall be guilty of a felony.

K. Any violation of this act or any standards adopted under this act may be subject to a civil penalty or fine up to Twenty-five Thousand Dollars ($25,000.00) imposed by the State Board of Health. Each day of violation constitutes a separate violation for purposes of assessing civil penalties or fines. In deciding whether and to what extent to impose civil penalties or fines, the State Board of Health shall consider the following factors:

1. Gravity of the violation, including the probability that death or serious physical harm to a patient or individual will result or has resulted;

2. Size of the population at risk as a consequence of the violation;

3. Severity and scope of the actual or potential harm;

4. Extent to which the provisions of the applicable statutes or regulations were violated;

5. Any indications of good faith exercised by facility;

6. The duration, frequency, and relevance of any previous violations committed by the facility; and

7. Financial benefit to the facility of committing or continuing the violation.

L. In addition to any other penalty provided by law, whenever in the judgment of the State Commissioner of Health any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this act, or any standard adopted in accordance with this act, the Commissioner shall make application to any court of competent jurisdiction for an order enjoining such acts and practices. Upon a showing by the Commissioner that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

Added by Laws 2014, c. 370, § 1, eff. Nov. 1, 2014.

§63-1-749. Preservation of fetal tissue extracted.

A. Any physician who performs an abortion on a minor who is less than fourteen (14) years of age at the time of the abortion shall preserve, in accordance with rules promulgated by the Oklahoma State Bureau of Investigation, fetal tissue extracted during such abortion. The physician shall submit the tissue to the Oklahoma State Bureau of Investigation.

B. The Oklahoma State Bureau of Investigation shall adopt rules to implement the provisions of this section. Such rules shall contain, at a minimum:

1. The amount and type of fetal tissue to be preserved and submitted by a physician pursuant to the provisions of this section;

2. Procedures for the proper preservation of such tissue for the purposes of DNA testing and examination;

3. Procedures for documenting the chain of custody of such tissue for use as evidence;

4. Procedures for the proper disposal of fetal tissue preserved pursuant to this section;

5. A uniform reporting form mandated to be utilized by physicians when submitting fetal tissue under this section, which shall include the name and address of the physician submitting the fetal tissue and the name and complete address of residence of the parent or legal guardian of the minor upon whom the abortion was performed; and

6. Procedures for communication with law enforcement regarding evidence and information obtained pursuant to this section.

C. Failure of a physician to comply with any requirement of this section or any rule adopted thereunder:

1. Shall constitute unprofessional conduct pursuant to the provisions of Section 509 of Title 59 of the Oklahoma Statutes; and

2. Is a felony.

Added by Laws 2015, c. 386, § 2, eff. Nov. 1, 2015.

§63-1-749.1. Inspections of abortion facilities.

A. The State Board of Health shall establish policies and procedures for conducting pre-licensure and re-licensure inspections of abortion facilities. Prior to issuing or reissuing a license, the Department shall conduct an on-site inspection to ensure compliance with the rules promulgated by the Board.

B. The Board shall promulgate rules for conducting inspections and investigations pursuant to complaints received by the State Department of Health and made against any abortion facility. The Department shall receive, record, and dispose of complaints in accordance with established policies and procedures.

C. If the State Commissioner of Health determines that there is reasonable cause to believe a licensee, licensed abortion facility or abortion facility that is required to be licensed in this state is not adhering to the requirements of Section 1-729a et seq. of Title 63 of the Oklahoma Statutes, local fire ordinances or rules or any other law, administrative rule or regulation relating to abortion, the Commissioner and any duly designated employee or agent of the Commissioner including employees of county or city-county health departments and county or municipal fire inspectors, consistent with standard medical practices, may enter on and into the premises of the licensee, licensed abortion facility or abortion facility that is required to be licensed in this state during regular business hours of the licensee or abortion facility to determine compliance with the provisions of Section 1-729a et seq. of Title 63 of the Oklahoma Statutes, local fire ordinances or rules, and any other law, administrative rule or regulation relating to abortion.

D. An application for a license to operate a private office, freestanding outpatient clinic or other facility or clinic in which abortions are performed constitutes permission for, and complete acquiescence in, an entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license.

E. If an inspection or investigation conducted pursuant to this section reveals that an applicant, licensee or licensed abortion facility is not adhering to the requirements of this section, the provisions of Title 1-729a et seq. of Title 63 of the Oklahoma

Statutes, local fire ordinances or rules and any other law, administrative rule or regulation relating to abortion, the Commissioner may take action to deny, suspend, revoke or refuse to renew a license to operate an abortion facility.
Added by Laws 2015, c. 386, § 3, eff. Nov. 1, 2015.

§63-1-750. Criminal and civil penalties - Civil liability - Severability.

A. A person who intentionally, knowingly or recklessly violates any provision or requirement of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes is guilty of a felony.

B. No criminal penalty may be assessed against the pregnant woman upon whom the abortion is performed for a violation of any provision or requirement of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes.

C. Any violation of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes may be subject to a civil penalty or a fine up to One Hundred Thousand Dollars ($100,000.00).

D. Each day of violation shall constitute a separate violation for purposes of assessing civil penalties or fines.

E. In deciding whether and to what extent to impose fines, a court shall consider the:

1. Gravity of the violation or violations including the probability that death or serious physical harm to a patient or individual will result or has resulted;

2. Size of the population at risk as a consequence of the violation or violations;

3. Severity and scope of the actual or potential harm;

4. Extent to which the provisions of the applicable statutes or regulations were violated;

5. Indications of good faith exercised by the licensee, abortion facility or the person performing the abortion;

6. Duration, frequency, and relevance of any previous violations committed by the licensee, abortion facility or person performing the abortion; and

7. Financial benefit to the abortion facility or person performing the abortion from committing or continuing the violation or violations.

F. The Office of the Attorney General and a district attorney for the county in which the violation or violations occurred may institute a legal action to enforce collection of civil penalties or fines.

G. Any person who violates this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes shall be civilly liable to the person or persons adversely affected by the violation or violations. A court may award damages to the person or persons adversely affected by any violation of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes including compensation for emotional, physical, and psychological harm; attorney fees, litigation costs, and punitive damages.

H. The provisions of this act are severable, and if any part or provision shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

I. If some or all of the newly amended provisions of this act resulting from the actions taken by the 2015 Session of the Oklahoma Legislature are ever temporarily or permanently restrained or enjoined by judicial order, this act shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

J. The Oklahoma State Bureau of Investigation and the State Board of Health shall promulgate rules to implement the provisions of this act.

Added by Laws 2015, c. 386, § 4, eff. Nov. 1, 2015.

§63-1-751. Short title - Humanity of the Unborn Child Act.

This act shall be known and may be cited as the "Humanity of the Unborn Child Act".

Added by Laws 2016, c. 353, § 1, eff. Nov. 1, 2016.

§63-1-752. Pregnancy assistance — Agencies and services available — Promotion on social media platforms

A. Utilizing funds appropriated to the Health Department specifically for the provisions of this act, the State Department of Health shall develop, update annually and maintain an electronic form containing information concerning public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, which shall include a comprehensive list of the agencies available, including adoption agencies, a description of the services they offer and a description

of the manner, including telephone numbers and email addresses, by which they might be contacted. The Department shall index this form geographically and shall make it readily accessible on the Department's website. The website shall include the following statement:

> "There are many public and private agencies willing and able to help you carry your child to term, have a healthy pregnancy and a healthy baby and assist you and your child after your child is born, whether you choose to keep your child or to place him or her for adoption. The State of Oklahoma strongly urges you to contact them if you are pregnant."

B. The statement required by subsection A of this section and a unique URL linked to the section of the Department's Internet website containing the information required by subsection A of this section shall be made available in a downloadable format appropriate for display.

C. The Department shall use its official, online social media platforms to promote the unique URL specified in subsection B of this section.

D. The State Board of Health shall promulgate rules to implement the provisions of this section.

Added by Laws 2016, c. 353, § 2, eff. Nov. 1, 2016. Amended by Laws 2017, c. 123, § 2, eff. July 1, 2017.

§63-1-753. Development and distribution of educational and informational materials - Community assistance.

Contingent on the availability of funds being appropriated by the Legislature specifically for this purpose, the State Department of Health shall:

1. Develop and make available materials designed to provide accurate, scientifically verifiable information concerning the probable anatomical and physiological characteristics of the unborn child at two-week gestational intervals. The Department may utilize as a resource the material dealing with characteristics of the unborn child created pursuant to Section 1-738.3 of Title 63 of the Oklahoma Statutes and as located on the website *www.awomansright.org* under the link "Characteristics of the Unborn Child";

2. Develop and distribute educational and informational materials to provide public information through public service announcements, media and otherwise for the purpose of achieving an abortion-free society. Such materials shall be developed from the most readily available, accurate and up-to-date information and shall clearly and consistently teach that abortion kills a living human being. All efforts by the Department in this regard shall be reported annually to the Chair and Vice Chair of the Senate Health and Human Services Committee and the House Public Health Committee;

3. Provide technical assistance to help community-based organizations in the planning and implementation of abortion prevention, alternatives to abortion referral and education programs regarding the humanity of the unborn child;

4. Provide outreach, consultation, training and alternatives to abortion referral services to schools, organizations and members of the community;

5. Distribute educational and informational material concerning maternal behavior during pregnancy which is helpful to a human child in utero, including avoidance of tobacco, alcohol and other drugs; proper nutrition and prenatal vitamins; and utilization of and resources available for prenatal medical and wellness care; and

6. Recommend to the State Department of Education scientifically verifiable information concerning the unborn child in the educational standards of science, family and consumer sciences and health classes.

Added by Laws 2016, c. 353, § 3, eff. Nov. 1, 2016.

§63-1-754. Instructional program for students.

Contingent on the availability of funds being appropriated by the Legislature specifically for this purpose and pursuant to Section 5 of this act, the State Department of Education, in collaboration with the State Department of Health, shall establish an instructional program for students consistent with the provisions of the Humanity of the Unborn Child Act. Local school boards may choose to implement the instructional program established by the State Department of Health and the State Department of Education consistent with the provisions of the Humanity of the Unborn Child Act. For school districts choosing to implement the instructional program, the content of instruction used by local schools to teach the humanity of the unborn child shall be at the discretion of the local school board; provided, the instructional program shall:

1. Provide accurate, scientifically verifiable information concerning the probable anatomical and physiological characteristics of the unborn child at two-week gestational intervals. The State Department of Education may utilize as a resource the material dealing with characteristics of the unborn child created pursuant to Section 1-738.3 of Title 63 of the Oklahoma Statutes and as located on the website *www.awomansright.org* under the link "Characteristics of the Unborn Child";

2. Include information on accessing prenatal health care; provided, no program or state employee may refer any student to a medical facility or any provider for the performance of an abortion;

3. Include no component of human sexuality education other than those included in science education standards; and

4. Comply with the provisions of the Parents' Bill of Rights, Section 2001 et seq. of Title 25 of the Oklahoma Statutes.

Added by Laws 2016, c. 353, § 4, eff. Nov. 1, 2016.

§63-1-755. Public Education on the Humanity of the Unborn Child Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated as the "Public Education on the Humanity of the Unborn Child Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund shall be budgeted and expended by the Board for the establishment of the instruction programs established in Section 4 of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2016, c. 353, § 5, eff. Nov. 1, 2016.

§63-1-756. Medication abortions – Signage required for mifepristone use – Required information for patients – Violations - Penalties.

A. As used in this section:

1. "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than to remove a dead unborn child or, after viability, to produce a live birth and preserve the life and health of the child born alive;

2. "Medical emergency" means a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function; and

3. "Medication abortion" means the use or prescription of an abortion-inducing drug or drugs dispensed with the intent to cause the death of the unborn child.

B. 1. Any private office, freestanding outpatient clinic, hospital or other facility or clinic in which medication abortions that use mifepristone are provided shall conspicuously post a sign in

a location defined in paragraph 3 of this subsection so as to be clearly visible to patients, which reads:

"NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS WHICH USE MIFEPRISTONE: Mifepristone, also known as RU-486 or Mifeprex, alone is not always effective in ending a pregnancy. It may be possible to reverse its intended effect if the second pill or tablet has not been taken or administered. If you change your mind and wish to try to continue the pregnancy, you can get immediate help by calling the Abortion Pill Reversal 24-hour Hotline at 877-558-0333 or going to website *https://www.abortionpillreversal.com/*. Additional information is available on the State Board of Medical Licensure and Supervision's website, *www.awomansright.org*, which provides informed consent materials under the Woman's Right-to-Know Act, including information about the development of the unborn child and video of ultrasound images of the unborn child at various stages of development."

2. The sign required pursuant to paragraph 1 of this subsection shall be printed with lettering that is legible and shall be at least three-fourths (3/4) of an inch boldfaced type.

3. A facility in which medication abortions that use mifepristone are provided that is a private office or a freestanding outpatient clinic shall post the required sign in each patient waiting room and patient consultation room used by patients to whom such medication abortions are provided. A hospital or any other facility in which medication abortions are performed that is not a private office or freestanding outpatient clinic shall post the required sign in each patient admission area used by patients on whom abortions are performed.

C. 1. Except in the case of a medical emergency, a medication abortion that uses mifepristone shall not be provided or induced or attempted to be provided or induced without informing the female, by telephone or in person, by the physician who is to dispense or provide the abortion drug or drugs, by a referring physician or by an agent of either physician at least seventy-two (72) hours before the abortion:

a. that it may be possible to reverse the intended effects of a medication abortion that uses mifepristone if the woman changes her mind but that time is of the essence, and

b. of information on reversing the effects of a medication abortion that uses mifepristone, which is available on the website of the State Board of Medical Licensure and Supevision, and included in such information is the Abortion Pill Reversal 24-hour Hotline number: 877-558-0333 and website address: *https://www.abortionpillreversal.com*.

2. After the first drug, mifepristone, is dispensed or provided to the patient, the physician or an agent of the physician shall provide written instructions to the pregnant woman which shall include the statement:

"NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS WHICH USE MIFEPRISTONE: Mifepristone, also known as RU-486 or Mifeprex, alone is not always effective in ending a pregnancy. It may be possible to reverse its intended effect if the second pill or tablet has not been taken or administered. If you change your mind and wish to try to continue the pregnancy, you can get immediate help by calling the Abortion Pill Reversal 24-hour Hotline at 877-558-0333 or going to Abortion Pill Reversal website, *https://www.abortionpillreversal.com/*. Additional information is available on the State Board of Medical Licensure and Supervision's website, *www.awomansright.org*, which provides informed consent materials under the Woman's Right-to-Know Act, including information about the development of the unborn child and video of ultrasound images of the unborn child at various stages of development."

D. When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a seventy-two-hour delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

E. Within ninety (90) days after this act is enacted, the State Board of Medical Licensure and Supervision shall cause to be published, in English and in each language which is the primary language of two percent (2%) or more of the state's population, in print and on the website required to be developed and maintained under Section 1-738.11 of Title 63 of the Oklahoma Statutes, comprehensible materials designed to inform the female of the possibility of reversing the effects of a medication abortion that uses mifepristone, also known as RU-486 or Mifeprex, and information on resources that may be available to help her reverse its effects. The website shall include the Abortion Pill Reversal 24-hour Hotline number 877-558-0333 and the Abortion Pill Reversal website address *https://www.abortionpillreversal.com*.

F. Any person who knowingly or recklessly provides or induces or attempts to provide or induce an abortion in violation of this section shall be guilty of a felony. No penalty may be assessed against the female to whom the medication abortion is provided or induced or attempted to be provided or induced. No penalty or civil liability may be assessed for failure to comply with subsection C of this section unless the State Board of Medical Licensure and Supervision has made the information available on the website at the

time the physician or the physician's agent is required to inform the female.

G. Any private office, freestanding outpatient clinic or other facility or clinic that fails to post a sign required in subsection B of this section in knowing, reckless or negligent violation of this act shall be assessed a fine of Ten Thousand Dollars ($10,000.00) by the State Board of Medical Licensure and Supervision. Each day on which a medication abortion that uses mifepristone, other than a medication abortion that is necessary to prevent the death of the pregnant female, is provided in any private office, freestanding outpatient clinic or other facility or clinic during which the required sign is not posted during a portion of business hours when patients or perspective patients are present is a separate violation.

H. 1. Any person upon whom an abortion has been performed without this section having been complied with, the father of the unborn child who was the subject of such an abortion, or, if the female had not attained the age of eighteen (18) years at the time of the medication abortion or has died as a result of the medication abortion, the grandparent of such an unborn child may maintain an action against the person who provided the medication abortion in knowing or reckless violation of this section for actual and punitive damages. Any person upon whom an abortion has been attempted without this section having been complied with may maintain an action against the person who attempted to provide the abortion in knowing or reckless violation of this section for actual and punitive damages. No damages may be awarded a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

2. If judgment is rendered in favor of the plaintiff in any action described in this subsection, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

I. In every civil or criminal proceeding or action brought under this section, the court shall rule whether the anonymity of any female to whom a medication abortion has been provided or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the female should be preserved from public disclosure,

why the order is essential to that end, how the order is narrowly tailored to serve that interest and why no reasonable less restrictive alternative exists. In the absence of written consent of the female to whom an abortion drug or drugs has been provided or attempted to be provided, anyone, other than a public official, who brings an action under subsection D of this section shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

J. If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.

Added by Laws 2019, c. 174, § 1, eff. Nov. 1, 2019.

§63-1-818.1. Renumbered as § 1430.1 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.2. Renumbered as § 1430.2 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.3. Renumbered as § 1430.3 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.4. Renumbered as § 1430.4 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.5. Renumbered as § 1430.5 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.6. Renumbered as § 1430.6 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.7. Renumbered as § 1430.7 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.8. Renumbered as § 1430.8 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.9. Renumbered as § 1430.9 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.10. Renumbered as § 1430.10 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.11. Renumbered as § 1430.11 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.12. Renumbered as § 1430.12 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.13. Renumbered as § 1430.13 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.14. Renumbered as § 1430.14 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.15. Renumbered as § 1430.15 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.16. Renumbered as § 1430.16 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.17. Renumbered as § 1430.17 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.18. Renumbered as § 1430.18 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.19. Renumbered as § 1430.19 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.20. Renumbered as § 1430.20 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.21. Renumbered as § 1430.21 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.22. Renumbered as § 1430.22 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.23. Renumbered as § 1430.23 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.24. Renumbered as § 1430.24 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.25. Renumbered as § 1430.25 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.26. Renumbered as § 1430.26 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.27. Renumbered as § 1430.27 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.28. Renumbered as § 1430.28 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.29. Renumbered as § 1430.29 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.30. Renumbered as § 1430.30 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.31. Renumbered as § 1430.31 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.32. Renumbered as § 1430.32 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.33. Renumbered as § 1430.33 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.34. Renumbered as § 1430.34 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.35. Renumbered as § 1430.35 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.36. Renumbered as § 1430.36 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.37. Renumbered as § 1430.37 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.38. Renumbered as § 1430.38 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.39. Renumbered as § 1430.39 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.40. Renumbered as § 1430.40 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-818.41. Renumbered as § 1430.41 of Title 10 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§63-1-819. Residential Care Act.

Sections 1-820 through 1-840 of this act shall be known and may be cited as the "Residential Care Act".

Added by Laws 1984, c. 128, § 1, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 1, emerg. eff. May 20, 1987.

§63-1-820. Definitions.

As used in the Residential Care Act:

1. "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or punishment, with resulting physical harm, impairment or mental anguish;

2. "Access" means the right of a person to enter a home to communicate privately and without unreasonable restriction;

3. "Administrator" means the person who is in charge of a home and who devotes at least one-third (1/3) of his or her full working time to on-the-job supervision of the home;

4. "Adult companion home" means any home or establishment, funded and certified by the Department of Human Services, which provides homelike residential accommodations and supportive assistance to three or fewer developmentally disabled adults;

5. "Advisory Board" means the Long-Term Care Facility Advisory Board;

6. "Ambulatory" means any resident who is capable of self-movement, including in and out of wheelchairs, to all areas of the home;

7. "Board" means the State Board of Health;

8. "Commissioner" means the State Commissioner of Health;

9. "Department" means the State Department of Health;

10. "Habilitation" means procedures and interventions designed to assist a mentally ill, drug-dependent or alcohol-dependent person eighteen (18) years of age or older to achieve greater physical, mental and social development by enhancing the well-being of the person and teaching skills which increase the possibility that the resident will make progressively independent and responsible decisions about social behavior, quality of life, job satisfaction and personal relationships;

11. "Home" means a residential care home;

12. "Residential care home":

a. means any establishment or institution which offers, provides or supports residential accommodations, food service, and supportive assistance to any of its residents or houses any residents requiring supportive assistance who are not related to the owner or

administrator of the home by blood or marriage. A residential care home shall not include:

(1) an adult companion home,
(2) a group home,
(3) a hotel,
(4) a motel,
(5) a residential mental health facility operated by the Department of Mental Health and Substance Abuse Services,
(6) a fraternity or a sorority house,
(7) college or university dormitory, or
(8) a home or facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home in which care is provided exclusively to three or fewer veterans.

The residents of a residential care home shall be ambulatory and essentially capable of participating in their own activities of daily living, but shall not routinely require nursing services, and

b. may consist of a series of units or buildings which are not connected or part of the same structure if:

(1) such buildings or units are owned by the same owner or operator,
(2) all residents of the units or buildings are fully capable of ambulation to and from the buildings or units,
(3) the location and construction of the buildings or units ensure the health, safety, and protection from fire hazards and other hazards and provide for the convenience and accessibility of the residents to each residential building or unit,
(4) any out-of-doors premise or thoroughfare is adequately maintained to ensure the health and safety of the residents, and
(5) the buildings or units are within one hundred seventy-five (175) feet of the building housing the main kitchen and dining room. The units or buildings must be located in the most convenient and accessible location for residents;

provided, however, the leasing of rooms directly or indirectly to residents of a home shall not void the application of the provisions of the Residential Care Act or rules promulgated pursuant thereto.

The State Board of Health shall promulgate rules for such residential homes pursuant to the provisions of Section 1-836 of this title;

13. "Licensee" means a person, corporation, partnership, or association who is the owner of a home which is licensed pursuant to the provisions of the Residential Care Act;

14. "Maintenance" means meals, shelter, and laundry services;

15. "Neglect" means failure to provide goods and/or services necessary to avoid physical harm, mental anguish, or mental illness;

16. "Operator" means the person who is not the administrator but who manages the home;

17. "Owner" means a person, corporation, partnership, association, or other entity which owns or leases a home or part of a home, directly or indirectly, to residents. The person or entity that stands to profit or lose as a result of the financial success or failure of the operation shall be presumed to be the owner of the home;

18. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is unable to manage all activities of daily living without assistance, whether or not a guardian has been appointed for the person;

19. "Resident" means a person of legal age, residing in a home due to illness, physical or mental infirmity, or advanced age;

20. "Representative of a resident" means a court-appointed guardian, or if there is no court-appointed guardian, a relative or other person designated in writing by the resident. No owner, agent, employee, or person with a pecuniary interest in the residential facility or relative thereof shall be a representative of a resident unless the person is appointed by the court;

21. "Supportive assistance" means the service rendered to any person which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes, but is not limited to, housekeeping, assistance in the preparation of meals, assistance in the safe storage, distribution and administration of medications, and assistance in personal care as necessary for the health and comfort of the person. The term "supportive assistance" shall not be interpreted or applied so as to prohibit the participation of residents in housekeeping or meal preparation tasks as a part of the written treatment plan for the training, habilitation or rehabilitation of the resident, prepared with the participation of the resident, the mental health or drug or alcohol services case manager assigned to the resident, and the administrator of the facility or a designee; and

22. "Transfer" means a change in location of living arrangements of a resident from one home to another home.

Added by Laws 1984, c. 128, § 8, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 1, emerg. eff. June 7, 1985; Laws 1987, c. 98, § 2, emerg. eff. May 20, 1987; Laws 1987, c. 225, § 45, eff. Nov. 1, 1987;

Laws 1988, c. 260, § 1, eff. Nov. 1, 1988; Laws 1989, c. 330, § 5, eff. Nov. 1, 1989; Laws 1990, c. 295, § 2, operative July 1, 1990; Laws 1993, c. 159, § 15, eff. July 1, 1993; Laws 1995, c. 230, § 4, eff. July 1, 1995; Laws 2001, c. 410, § 1, eff. Nov. 1, 2001; Laws 2003, c. 220, § 1, eff. Nov. 1, 2003; Laws 2012, c. 12, § 1, emerg. eff. April 5, 2012.

§63-1-821. Rules - Powers and duties.

A. The State Board of Health shall promulgate rules to enforce the provisions of the Residential Care Act which shall include, but not be limited to, provisions for temperature settings, lighting, ventilation, and other physical conditions that affect the health, safety and welfare of the residents in a home. Residential care homes that provide care for three or fewer residents shall be subject to the provisions of the Residential Care Act; provided, however, if such rules unduly restrict operation of the home, the Board shall be authorized and shall promulgate additional rules for residential care homes based upon the number of residents in a home.

B. The State Department of Health shall have the power and duty to:

1. Issue, renew, deny, modify, suspend, and revoke licenses for homes pursuant to the provisions of the Residential Care Act;

2. Enforce the provisions of the Residential Care Act and any rules promulgated pursuant thereto by the Board, and require the submission and review of reports from any person establishing or operating a home;

3. Enter upon any public or private property for the purpose of:

a. inspecting and investigating conditions of the residents in the home,

b. inspecting and investigating the home for compliance with the provisions of the Residential Care Act or rules promulgated pursuant thereto, or

c. determining if services are being provided without a license;

4. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of homes and the residents of such homes, and to take necessary action pursuant to the provisions of the Residential Care Act to protect and safeguard the health, safety, and welfare of residents of homes;

5. Establish a procedure for receipt and investigation of complaints regarding a home or concerning the condition, care, and treatment of a resident of a home;

6. Report to the district attorney having jurisdiction or the Attorney General any act committed by an owner, administrator, operator, or employee of a home which may constitute a misdemeanor pursuant to the provisions of the Residential Care Act;

7. Advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Residential Care Act;

8. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for licensure;

9. Establish civil penalties for violations of the provisions of the Residential Care Act as authorized by the Board pursuant to the provisions of the Residential Care Act;

10. Institute and maintain or intervene in any action or proceeding where deemed necessary by the Department to protect the health, safety, and welfare of any resident of a home;

11. Assure the accountability for reimbursed care provided in certified homes participating in a federal or state health program as provided by or through the Department of Human Services;

12. Advise, consult, cooperate and assist with technology center schools or institutions of higher education in this state in providing the training of persons to distribute and administer medication to a resident of a home;

13. Transfer or discharge a resident or otherwise protect the health, safety, and welfare of any resident of a home; and

14. Exercise all incidental powers as necessary and proper for the administration of the Residential Care Act.

C. To improve patient care, the Department shall hold a public meeting at least once every four (4) years in each of the licensed homes to advise and to facilitate communication and cooperation between personnel of the home and the residents. Administrators, employees of the home, residents, friends and relatives of the residents, representatives of the residents, and employees from appropriate state and federal agencies shall be invited and encouraged to attend such meetings.

Added by Laws 1984, c. 128, § 9, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 2, emerg. eff. June 7, 1985; Laws 1987, c. 98, § 3, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 2, eff. Nov. 1, 2001; Laws 2002, c. 22, § 21, emerg. eff. March 8, 2002.

NOTE: Laws 2001, c. 33, § 59 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§63-1-821.1. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017.

§63-1-822. Application for license - Fee - Information required - Qualifications - Issuance of license - Expiration - Modification - Renewal.

A. An application for a license, or renewal thereof, to establish or operate a residential care home shall be accompanied by a fee of Fifty Dollars ($50.00). The fee shall not be refunded.

Except as provided for in Section 1-824 of this title, a license shall expire twenty-four (24) months from the date of issuance, unless sooner revoked, and may be renewed biannually by the State Department of Health pursuant to the provisions of the Residential Care Act. All licenses shall be on a form prescribed by the State Commissioner of Health, and shall include, but not be limited to, the maximum bed capacity for which the license is granted, the date the license was issued, and the expiration date of the license. The provisions of the license shall require that the license shall:

1. Not be transferable or assignable except as authorized by the provisions of the Residential Care Act;

2. Be posted in a conspicuous place on the licensed premises; and

3. Be issued only for the premises named in the application, and may be renewed for twenty-four-month periods upon application, inspection, and payment of the license fee, as required by the provisions of the Residential Care Act.

B. An application shall contain the following information:

1. The name and address of the owner of the home. If the owner is a firm or partnership, the name and address of each member thereof shall be included in the application. If the owner is a corporation, the name and address of the corporation and the name and address of each officer and registered agent of the corporation shall be included in the application;

2. The name and address of the applicant if the applicant is not the owner and is acting as agent for the owner;

3. The name and location of the home for which a license is sought;

4. The name of the administrator of the home;

5. The number and type of residents for whom services are to be provided; and

6. The staffing pattern for providing resident care. In the case of an application for an initial license, the staffing pattern shown may be the projected staffing pattern.

C. Each initial application shall be accompanied by a statement from the unit of local government having zoning jurisdiction over the location of the home stating that the location is not in violation of a zoning ordinance.

D. 1. An applicant shall be twenty-one (21) years of age or older and meet the specific requirements for licensure as specified in rules promulgated by the State Board of Health pursuant to the provisions of the Residential Care Act.

2. No person who has been convicted of a felony in connection with the management or operation of a home, or facility as defined in Section 1-1902 of this title or in the care and treatment of the residents of a home, or facility as defined in Section 1-1902 or 1-

1950.1 of this title shall be eligible to be licensed or to participate in the management or operation of a home.

3. If the applicant is a firm, partnership, or corporation, the applicant shall not be eligible to be licensed if any member of the firm or partnership or any officer or major stockholder of the corporation has been convicted of a felony in connection with the operation or management of a home or facility or the care and treatment of the residents of a home or facility as defined in Section 1-1902 of this title.

E. 1. The application for a license or renewal of a license shall be accompanied by a statement of ownership which shall include the following:

a. the name, address, telephone number, occupation or business activity, business address, and business telephone number of the owner of the home and of every person who owns the building in which the home is located. If the owner is a partnership or corporation, the name and address of each partner and stockholder with an ownership interest of five percent (5%) or more shall be included in the statement, and

b. the name and address of any other home in which the owner has a full or partial financial interest or, if the owner is a partnership or corporation, any other home in which the partnership or corporation has a full or partial financial interest. The statement shall indicate whether or not any other home wherein a full or partial financial interest is held would, if located in this state, be required to be licensed.

2. The applicant shall agree in writing, prior to the issuance of a license, to notify the Department if there is any change in the information required to be included in the statement of ownership thirty (30) days in advance of such change. The information contained in the statement of ownership shall be public information and shall be available upon request from the Department.

F. Upon application of a licensee, a license may be modified in accordance with the provisions of the Residential Care Act. Such application for modification of a license shall be accompanied by a fee of Twenty Dollars ($20.00) and shall be submitted in such form and manner as required by the Department.

G. Upon payment of the required application fees, the Commissioner may issue and renew licenses which substantially comply with the provisions of the Residential Care Act and rules promulgated pursuant thereto; provided, however, a plan of correction shall be submitted and accepted by both parties prior to licensure.

H. All residential care homes shall be required to have or employ a licensed administrator for the home.

Added by Laws 1984, c. 128, § 10, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 3, emerg. eff. June 7, 1985; Laws 1987, c. 98, § 4, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 3, eff. Nov. 1, 2001; Laws 2017, c. 367, § 1, eff. Nov. 1, 2017.

§63-1-823. Transfer of ownership of home - Probationary license required - Notice of transfer.

Whenever ownership of a residential care home is transferred from the person named in the application to another person who does not have a current license for the home, the transferee must obtain a probationary license as provided in Section 1-824 of this title.

1. The transferee shall notify the State Department of Health of the transfer and apply for a license no less than thirty (30) days prior to final transfer.

2. The transferor shall notify the Department of the transfer no less than thirty (30) days prior to final transfer and shall remain responsible for the operation of the home until such time as a probationary license is issued to the transferee. The transferor shall remain liable for all penalties assessed which are imposed for violations occurring prior to transfer of ownership.

Added by Laws 1984, c. 128, § 11, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 5, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 4, eff. Nov. 1, 2001.

§63-1-824. Probationary license - Duration - Conditions for issuance - Termination - Issuance or denial of regular license.

If an applicant for licensure under the Residential Care Act has not been previously licensed, or if a home is not in operation at the time application is made, the State Department of Health shall issue a probationary license. A probationary license shall be valid for one hundred twenty (120) days unless sooner suspended or revoked pursuant to the provisions of the Residential Care Act.

1. Prior to the issuance of a probationary license, the Department shall:

a. ascertain whether the applicant is qualified to be licensed pursuant to the provisions of Section 1-822 of this title, and

b. inspect the home and inform the applicant of any conditions which require correction prior to the issuance of a license. If the home is a new home, the Department shall also inform the applicant of any condition which requires correction prior to the acceptance of residents into the home. If the home is an existing home whose ownership is being transferred, the probationary license issued to the transferee, in addition to any corrections required as a result of the inspection, shall be subject to any plan of correction

submitted by the previous owner and approved by the Department.

2. Within thirty (30) days prior to the termination of a probationary license, the Department shall completely inspect the home and, if the home meets the applicable rules for licensure, shall issue a license pursuant to the provisions of the Residential Care Act and rules promulgated pursuant thereto. If at the end of an extension of the probationary license, the home is not in substantial compliance with the provisions of the Residential Care Act and the rules promulgated pursuant thereto, the license shall be denied and the Department shall take such action as necessary and as authorized pursuant to the provisions of the Residential Care Act for the protection of the health, safety, and welfare of the residents of the home.

Added by Laws 1984, c. 128, § 12, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 6, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 5, eff. Nov. 1, 2001.

§63-1-825. Violation of act - Penalties and liabilities.

Any person who violates any of the provisions of the Residential Care Act, the rules promulgated pursuant thereto by the State Board of Health, or any order or determination of the State Department of Health pursuant to the provisions of the Residential Care Act, or who fails to perform any duty imposed upon such person by the provisions of the Residential Care Act, shall be subject to any of the following penalties and liabilities as authorized by the provisions of the Residential Care Act:

1. License revocation, suspension, or nonrenewal;
2. Transfer of residents;
3. Temporary manager;
4. Injunctive proceedings;
5. Civil fines; and
6. Criminal penalties as provided in Section 1-832 of this title.

Added by Laws 1984, c. 128, § 13, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 7, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 6, eff. Nov. 1, 2001.

§63-1-826. Denial, refusal to renew, suspension or revocation of license.

After notice and opportunity for hearing pursuant to the provisions of Section 1-830 of this title, the State Department of Health may:

1. Deny a license to an applicant who does not meet the requirements for licensure pursuant to the provisions of the Residential Care Act or rules promulgated pursuant thereto;

2. Refuse to renew, suspend, or revoke a license to a licensee or home which is not in compliance with the provisions of the Residential Care Act or the rules of the State Board of Health promulgated pursuant thereto;

3. Deny, refuse to renew, suspend, or revoke a license to an applicant, licensee, or home which has a history of noncompliance or incomplete or partial compliance with the provisions of the Residential Care Act or the rules promulgated pursuant thereto or for which there is other satisfactory evidence which demonstrates that the applicant or licensee is unlikely to manage or operate a home or to provide care or treatment to the residents of a home in a manner which warrants public trust;

4. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has insufficient financial or other resources to the extent that the applicant or licensee is incapable of assuring or providing adequate care or treatment to the residents of the home;

5. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has been convicted of a felony in connection with the management or operation of a home, or facility as defined in Section 1-1902 of this title, or the care or treatment of a resident of the home, or facility as defined in Section 1-1902 of this title;

6. Deny, refuse to renew, suspend, or revoke a license if an administrator or operator of a home has been convicted of a felony in connection with the management or operation of a home, or facility as defined in Section 1-1902 or 1-1950.1 of this title, or care or treatment of a resident of the home, or facility as defined in Section 1-1902 of this title;

7. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has permitted, aided, or abetted the commission of any illegal act in connection with the management or operation of a home or the care or treatment of a resident of a home;

8. Refuse to renew a license if, at the time application is made for the renewal of the license, the licensee or home is subject to a plan of correction. The license may be renewed at such time as the required corrections are completed in the manner and time specified in the plan of correction. If a license is issued or renewed with a plan of correction, such license may be suspended if the required corrections are not completed in the manner and time specified in the plan of correction; or

9. Suspend or revoke a license if the licensee has failed to submit a plan of correction or to correct conditions as required in a plan of correction pursuant to the provisions of Section 1-831 of this title.

Added by Laws 1984, c. 128, § 14, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 8, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 7, eff. Nov. 1, 2001.

§63-1-827. Effective date of nonrenewal, suspension or revocation of license - Hearing - New application - New license.

A. If a hearing is not requested, the effective date of the nonrenewal, suspension, or revocation shall be as follows:

1. In cases of nonrenewal of a license the effective date shall be the expiration date of the license. The date may be extended no longer than necessary to permit the orderly removal of the residents; or

2. In cases of revocation or suspension of the license the effective date shall be the date set by the State Department of Health in the notice of revocation. The date shall be no later than necessary to permit the orderly removal of the residents.

B. If a hearing is requested, unless otherwise ordered by a district court, the effective date of the nonrenewal, suspension, or revocation of a license shall be set upon final action after the hearing and shall be no later than necessary to permit the orderly removal of the residents.

C. A new application of the applicant or licensee whose license was not renewed, suspended, or revoked may be considered after ninety (90) days upon receipt of satisfactory evidence that the conditions upon which such nonrenewal, suspension, or revocation was based have been corrected. A new license may be granted after a full and complete inspection or investigation and the applicant or licensee and the home are in substantial compliance with the provisions of the Residential Care Act and the rules promulgated thereto by the State Board of Health.

Added by Laws 1984, c. 128, § 15, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 9, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 8, eff. Nov. 1, 2001.

§63-1-828. Fire safety inspections - Fire safety rules and regulations.

The State Fire Marshal or a designee shall conduct fire safety inspections on a regular basis at residential care homes and report any findings from the inspections to the State Department of Health. In addition, the State Fire Marshal shall develop, adopt, and promulgate rules, or specifications consistent with nationally recognized standards or practices necessary for the safeguarding of life and property of residents of residential care homes from the hazards of fire and smoke.

Added by Laws 1984, c. 128, § 16, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 10, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 9, eff. Nov. 1, 2001.

§63-1-828.1. State agencies - Placement of persons in unlicensed residential care homes prohibited.

No state agency shall knowingly place, refer, or recommend placement of a person in need of care in an unlicensed residential care home.

Added by Laws 1987, c. 98, § 20, emerg. eff. May 20, 1987.

§63-1-829. Inspections and investigations - Reports.

A. Every home for which a license has been issued shall be inspected by a duly appointed representative of the State Department of Health pursuant to rules promulgated by the State Board of Health with the advice and counsel of the Long-Term Care Facility Advisory Board. Inspection reports shall be prepared on forms prescribed by the Department with the advice and counsel of the Advisory Board.

B. 1. The Department shall at least one time a year and whenever it deems necessary inspect, survey, and evaluate each home to determine compliance with applicable licensure rules.

2. An inspection, investigation, survey, or evaluation shall be either announced or unannounced. The State Board of Health shall promulgate rules determining the criteria when an inspection, investigation, survey or evaluation shall be unannounced or may be announced by the Department. Any licensee, applicant for a license or operator of any unlicensed facility shall be deemed to have given consent to any duly authorized employee, agent of the Department to enter and inspect the home in accordance with the provisions of the Residential Care Act. Refusal to permit such entry or inspection shall constitute grounds for the denial, nonrenewal, suspension, or revocation of a license as well as emergency transfer of all residents.

3. Any employee of the Department who discloses to any unauthorized person, prior to an inspection, information regarding an unannounced residential care home inspection that is required pursuant to the provisions of the Residential Care Act shall, upon conviction thereof, be guilty of a misdemeanor. In addition, such action shall be construed to be a misuse of office and punishable as a violation of rules promulgated by the Ethics Commission.

One person may be invited from a statewide organization of older adults or persons with disabilities by the Department to act as a citizen observer in any inspection.

C. The Department shall maintain a log, updated at least monthly and available for public inspection, which shall at a minimum detail:

1. The name of the home and date of inspection, investigation, survey, or evaluation;

2. Any deficiencies, lack of compliance, or violation noted at the inspection, investigation, survey, or evaluation;

3. The date a notice of violation, license denial, nonrenewal, suspension, or revocation was issued or other enforcement action occurred;

4. The date a plan of correction was submitted and the date the plan was approved;

5. The date corrections were completed, as verified by an inspection; and

6. If the inspection or investigation was made pursuant to the receipt of a complaint, the date such complaint was received and the date the complainant was notified of the results of the inspection or investigation.

D. The Department may require the residential care home to submit periodic reports. The Department shall have access to books, records and other documents maintained by the home to the extent necessary to implement the provisions of the Residential Care Act and the rules promulgated by the Board pursuant thereto.

E. The Department shall make at least one annual report on each home in the state. The report shall include all conditions and practices not in compliance with the provisions of the Residential Care Act or rules promulgated pursuant thereto within the last year and, if a violation is corrected, or is subject to an approved plan of correction. The Department shall send a copy of the report to any person upon receiving a written request. The Department may charge a reasonable fee to cover the cost of copying and mailing the report.

F. A state or local ombudsman as that term is defined by the Special Unit on Aging within the Department of Human Services pursuant to the Older Americans' Act, 42 U.S.C.A., Section 3001 et seq., as amended, or case manager employed by the Department of Mental Health and Substance Abuse Services or one of its contract agencies is authorized to accompany and shall be notified by the Department of any inspection conducted of any home licensed pursuant to the provisions of the Residential Care Act. Any state or local ombudsman is authorized to enter any home licensed pursuant to the provisions of the Residential Care Act, communicate privately and without unreasonable restriction with any resident of a home who consents to such communication, to seek consent to communicate privately and without restriction with any resident of a home, and to observe all areas of a home that directly pertain to the care of a resident of a home.

G. Following any inspection by the Department, pursuant to the provisions of this section, all reports relating to the inspection shall be filed in the county office of the Department of Human Services in which the home is located and with the Department of Mental Health and Substance Abuse Services.

Added by Laws 1984, c. 128, § 17, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 11, emerg. eff. May 20, 1987; Laws 1990, c. 51, § 132,

emerg. eff. April 9, 1990; Laws 2001, c. 410, § 10, eff. Nov. 1, 2001; Laws 2017, c. 367, § 2, eff. Nov. 1, 2017.

§63-1-830. Complaints - Notice - Hearing - Orders - Emergencies.

A. Whenever the State Department of Health determines that a home is in violation of the provisions of the Residential Care Act or any rule promulgated pursuant thereto, the Department shall give written notice to the home of the violation.

B. The Department shall give the notice specified by the provisions of subsection A of this section within ten (10) business days of an inspection or investigation of the home.

C. The home may request a hearing within ten (10) business days of receipt of the notice. On the basis of the evidence produced at the hearing, the Department shall make findings of fact and conclusions of law and enter an order thereon. The Department shall give written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing and made written request for notice of the order. The Department may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Department shall become final and binding on all parties unless appealed to the district court as provided in Sections 317 through 325 of Title 75 of the Oklahoma Statutes within thirty (30) days after notice has been sent to the parties.

D. Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or welfare of any resident of a home licensed pursuant to the provisions of the Residential Care Act, the Department may without notice or hearing issue an order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. The State Board of Health shall adopt rules that establish criteria for the emergency transfer of residents initiated by the State Department of Health, including notice and hearings, if the resident is aggrieved by the decision. Any person to whom such an order is directed shall comply with the order immediately but on application to the Department shall be afforded a hearing within ten (10) business days of receipt of the notice. On the basis of such hearing, the Department shall continue such order in effect, revoke it, or modify it. Any person aggrieved by such order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within thirty (30) days. Such appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.

E. The hearings authorized by this section may be conducted by the Department. The Department may designate hearing officers who shall have the power and authority to conduct such hearings in the

name of the Department at any time and place. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of Sections 309 through 326 of Title 75 of the Oklahoma Statutes.
Added by Laws 1984, c. 128, § 18, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 12, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 11, eff. Nov. 1, 2001.

§63-1-830.1. Participation in dispute resolution panels

A. Upon written request to the State Department of Health, a residential care home as defined by the Residential Care Act may choose to participate in an informal dispute resolution panel or an alternate dispute resolution panel. Such request shall be made within thirty (30) days of the receipt of a Statement of Deficiencies from the Department.

B. The informal dispute resolution process provided by subsection A of this section shall be the same as that provided by Sections 1-1914.3 through 1-1914.10 of Title 63 of the Oklahoma Statutes.

C. The alternate informal dispute resolution process provided by subsection A of this section shall be the same provided by Sections 1-1914.13 through 1-1914.16 of Title 63 of the Oklahoma Statutes.

D. The State Department of Health shall appoint the informal dispute resolution panel, to be comprised of the following impartial members:

1. Two members who are representative volunteers with experience in the operation of a residential care home;

2. One member that is an employee of the Department with experience in residential care home surveys;

3. One representative from the aging and disabled community but not representing a state agency; and

4. One member who is a lay member and is not employed by the Department.

E. The State Board of Health shall promulgate rules to implement the provisions of this act.
Added by Laws 2016, c. 104, § 1, eff. Nov 1, 2016.

§63-1-830.2. Challenge to statement of deficiency – Informal dispute resolution – Alternative informal dispute resolution.

A. Any residential care home, as defined in paragraph 12 of Section 1-820 of Title 63 of the Oklahoma Statutes, that wishes to challenge a statement of deficiency through either an informal dispute resolution process or an alternative informal dispute resolution process may make a written request to the State Department of Health within thirty (30) calendar days after the receipt of a statement of deficiencies from the Department.

B. The informal dispute resolution process for violations of the Residential Care Act or any rule promulgated pursuant thereto shall follow the process contained in Sections 1-1914.3, 1-1914.4, subsections B and C of 1-1914.5 and 1-1914.6 through 1914.10 of Title 63 of the Oklahoma Statutes.

C. The alternative informal dispute resolution process for violations of the Residential Care Act or any rule promulgated pursuant thereto shall follow the process contained in Sections 1-1914.11 through 1-1914.16 of Title 63 of the Oklahoma Statutes.

D. An impartial decision-making panel for the alternative informal dispute resolution set forth in subsection C of this section shall be comprised of the following members:

1. Two members who are representative volunteers who have experience in the operation of a residential care home;

2. One member who is an employee of the Department and has experience in the survey process from residential care homes;

3. One member who is a representative from the aging and disabled community and who does not represent a state agency; and

4. One member who is a lay member and who is not employed by the Department.

Added by Laws 2016, c. 198, § 1, eff. Nov. 1, 2016.

NOTE: Editorially renumbered from § 1-830.1 of this title to avoid duplication in numbering.

§63-1-831. Report or plan of correction.

A. If the violations specified in the notice required by Section 1-830 of this title have been corrected prior to the date of filing of a plan of correction, the home may submit a report of correction in place of a plan of correction as specified in subsection B of this section. Such report shall be signed by the administrator or operator.

B. A home shall have ten (10) business days after receipt of notice of violation in which to prepare and submit a plan of correction. The plan shall include a fixed time period within which violations are to be corrected. The Department may grant an extended period where correction involves substantial capital improvement. If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection within ten (10) business days of receipt of the plan of correction to the home. The home shall have ten (10) business days after receipt of the notice of rejection in which to submit a modified plan. If the modified plan is not timely submitted, or if the modified plan is rejected, the home shall follow a directed plan of correction imposed by the Department which shall be submitted to the home within thirty (30) days.

Added by Laws 1984, c. 128, § 19, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 13, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 12, eff. Nov. 1, 2001.

§63-1-832. Prohibited acts - Violations.

A. No person shall willfully:

1. Fail to correct or interfere with the correction of a violation within the time specified on the notice or approved plan of correction pursuant to the provisions of the Residential Care Act as the maximum period given for correction, unless an extension is granted and the corrections are made before expiration of extension;

2. Prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the State Department of Health in the investigation and enforcement of the Residential Care Act;

3. Prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of official duties pursuant to the provisions of the Residential Care Act;

4. Prevent or interfere with any such representative in the preserving of evidence of any violation of the Residential Care Act or the rules promulgated pursuant thereto;

5. Retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized pursuant to the provisions of the Residential Care Act;

6. File any false, incomplete, or intentionally misleading information required to be filed pursuant to the provisions of the Residential Care Act, or willfully fail or refuse to file any information required by the Department pursuant to the provisions of the Residential Care Act; or

7. Open or operate a home without a license. Operation of a residential care home without a license is a public health emergency warranting action pursuant to the provisions of Section 1-830 of this title.

B. No employee of a state or unit of a local governmental agency shall aid, abet, assist, conceal or conspire with an administrator, operator or other employee of a home in a violation of any provision of the Residential Care Act or any rule promulgated by the State Board of Health pursuant thereto.

C. Any person who violates any of the provisions of the Residential Care Act, upon conviction, shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

Added by Laws 1984, c. 128, § 20, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 4, emerg. eff. June 7, 1985; Laws 1987, c. 98, § 14, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 13, eff. Nov. 1, 2001.

§63-1-833. Penalties.

A. Any person who has been determined by the State Department of Health to have violated any provision of the Residential Care Act or any rule promulgated pursuant thereto may be liable for a civil penalty of not more than One Hundred Dollars ($100.00) for each day that the violation continues. The maximum civil penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Department pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Department shall include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Residential Care Act.

C. Any license holder may elect to surrender his or her license in lieu of the fine but shall be forever barred from obtaining a reissuance of the license.

Added by Laws 1984, c. 128, § 21, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 15, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 14, eff. Nov. 1, 2001.

§63-1-834. Prosecution of violations - Action for equitable relief.

A. The Attorney General, the State Department of Health or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Residential Care Act or any rule promulgated pursuant thereto.

B. 1. Enforcement of any action for equitable relief to redress or restrain a violation by any person of a provision of the Residential Care Act or for an injunction or recovery of any administrative or civil penalty assessed pursuant to the Residential Care Act may be brought by:

a. the district attorney of the appropriate district court of the State of Oklahoma,

b. the Attorney General on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma, or

c. the Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma, or as otherwise authorized by law.

2. The court has jurisdiction to determine the action, and to grant the necessary or appropriate relief including, but not limited

to, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.
Added by Laws 1984, c. 128, § 22, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 16, emerg. eff. May 20, 1987; Laws 1988, c. 233, § 3, operative July 1, 1988; Laws 2001, c. 410, § 15, eff. Nov. 1, 2001.

§63-1-835. Administration of medication to resident.

Administration of medication to a resident of a home shall be administered by a person who has obtained appropriate training from a technology center school or institution of higher education.
Added by Laws 1984, c. 128, § 23, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 5, emerg. eff. June 7, 1985; Laws 2001, c. 33, § 60, eff. July 1, 2001.

§63-1-836. Rules ensuring minimum standards for homes.

A. The State Board of Health shall promulgate rules to enforce the provisions of the Residential Care Act. Such rules shall regulate:

1. Location and construction of the home, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and protection from fire hazards;

2. Number of all personnel, including management and supervisory personnel, having responsibility for any part of the care given to residents. The Department shall establish staffing ratios for homes which shall specify the number of staff hours of care per resident that are needed for care for various types of homes or areas within homes. Minimum personnel ratio requirements for all homes shall be based only on average daily census;

3. All sanitary conditions within the home and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents;

4. Diet-related needs of each resident based on sound nutritional practice and on recommendations which may be made by the physicians attending the resident;

5. Equipment essential to the health and welfare of the residents; and

6. Rehabilitation programs for those residents who would benefit from such programs.

B. 1. In order to further ensure minimum standards for homes, a certificate of training as specified shall be required of all:

a. administrators, who shall obtain a residential care administrator certificate of training, and

b. direct care staff responsible for administration of medication to residents, who shall obtain a residential care certificate of training.

2. The certificate will be developed and administered by an institution of higher learning with the advice of the State Commissioner of Health and of the Long-Term Care Facility Advisory Board.

a. (1) For residential care home administrators the training shall consist of a minimum of fifty (50) hours which shall include at least fifteen (15) hours of training in the administration of medication and shall also include, but not be limited to, training in:

(a) administration,
(b) supervision,
(c) reporting,
(d) record keeping,
(e) independent or daily living skills,
(f) leisure skills and recreation, and
(g) public relations concerning the issues associated with the operation of residential care homes and programs.

(2) An individual applying for certification as an administrator may at any time present the institution of higher education with documentation of prior education and work experience for consideration for possible credit toward certification.

(3) Any person employed as an administrator after July 1, 1988, shall have completed the training specified by this division.

(4) Thereafter, annually, at least sixteen (16) hours of training in the subjects specified by this division shall be required for such administrator.

(5) A certified administrator may make a written request to the Commissioner to be placed in an inactive status for up to five (5) subsequent calendar years. Such inactive status shall allow the administrator to waive the educational requirements for the period of the request. Such certified administrator shall not work in a residential care administrator capacity in Oklahoma until such time as the certificate is reactivated. The request to reactivate the certificate shall be made in writing to the Commissioner. Such administrator shall then be required to complete sixteen (16) hours of training in the subjects specified in this division.

b. All direct care staff who are responsible for administration of medication to residents shall be required to begin training in the administration of medication within ninety (90) days of employment with the home and to satisfactorily complete at least fifteen (15) hours of training in the administration of medication, within the first year of employment with the home.

3. All other direct care staff who are employed by a residential care home, within ninety (90) days of employment with the home, shall be required to begin eight (8) hours of in-service training, to be administered by the administrator of the home or other person designated by the administrator of the home and completed within twelve (12) months from such person's date of employment, and annually thereafter. Thereafter such direct care staff and the direct care staff responsible for administering medication to residents shall, annually, be required to receive at least eight (8) hours of training by the administrator of the home in:

a. patient reporting and observation,
b. record keeping,
c. independent or daily living skills,
d. leisure skills and recreation,
e. human relations, and
f. such other training relevant to residential care programs and operations.

4. The requirement of certification and the training specified pursuant to the provisions of this subsection shall be included in the rules promulgated by the Board.

5. Failure of the owner or administrator to ensure the training required pursuant to this subsection is received shall constitute a violation of the Residential Care Act and shall be grounds for revocation of licensure. Proof of successful completion of such training for the residential care home administrator and direct care staff shall be required prior to issuance or renewal of a license issued pursuant to the provisions of the Residential Care Act. The Department shall not renew any license for any residential care home if the training required by this subsection has not been completed. Added by Laws 1984, c. 128, § 24, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 6, emerg. eff. June 7, 1985; Laws 1987, c. 98, § 17, emerg. eff. May 20, 1987; Laws 1988, c. 233, § 2, operative July 1, 1988; Laws 1998, c. 110, § 1, eff. Nov. 1, 1998; Laws 2001, c. 410, § 16, eff. Nov. 1, 2001.

§63-1-837. Insuring life of resident - Persons eligible - Assignment of benefits of life insurance policy.

A. No owner, administrator, or operator of a residential care home shall have an insurable interest in the life of a resident of

the home unless the owner, administrator or operator is related to the resident by blood or marriage.

B. No owner, administrator or operator of a residential care home shall be entitled or assigned to any benefits of a life insurance policy on a resident unless the owner, administrator or operator is related to the resident by blood or marriage.

Added by Laws 1984, c. 128, § 25, eff. Nov. 1, 1984. Amended by Laws 1987, c. 98, § 18, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 17, eff. Nov. 1, 2001.

§63-1-838. Repealed by Laws 2001, c. 410, § 21, eff. Nov. 1, 2001.

§63-1-839. Disposition of monies received by Department.

All monies received by the State Department of Health, from any monies received as a result of an assessment of a civil penalty pursuant to the provisions of the Residential Care Act shall be deposited in the Public Health Special Fund created in Section 1-107 of this title.

Added by Laws 1984, c. 128, § 27, eff. Nov. 1, 1984. Amended by Laws 1986, c. 312, § 15, operative July 1, 1986; Laws 1987, c. 98, § 19, emerg. eff. May 20, 1987; Laws 2001, c. 410, § 18, eff. Nov. 1, 2001.

§63-1-840. Other provisions applicable to residential care homes.

Residential care homes subject to the provisions of the Residential Care Act shall comply with the provisions of Sections 1-1909, 1-1910, 1-1914.1, 1-1914.2, 1-1915, 1-1917, 1-1918, 1-1919, 1-1920, 1-1921, 1-1922, 1-1924, 1-1926, 1-1927, 1-1930, 1-1939, 1-1940 and 1-1941 of this title.

Added by Laws 1984, c. 128, § 28, eff. Nov. 1, 1984. Amended by Laws 1985, c. 135, § 7, emerg. eff. June 7, 1985; Laws 1986, c. 10, § 1, emerg. eff. March 17, 1986; Laws 1987, c. 98, § 21, emerg. eff. May 20, 1987; Laws 1995, c. 230, § 6, eff. July 1, 1995.

§63-1-841. Accounting of clients' financial records.

The State Department of Health shall require as a condition of licensure for residential care facilities that an accounting be made of financial records of each client for which the facility is the payee in each such residential facility. Such accounting shall be recorded and given to the resident and/or the resident’s representative upon request. The records may be inspected by any employee of the Department during any regular inspection or at any time a complaint is received by the Department regarding a client's finances.

Added by Laws 1995, c. 230, § 3, eff. July 1, 1995. Amended by Laws 2001, c. 410, § 19, eff. Nov. 1, 2001.

§63-1-842. Residents' representatives.

A. Any contract or application for admission to a residential care facility shall include provisions for the applicant to designate an individual to be the "representative of a resident". The individual so designated shall have a fiduciary duty to the resident to act at all times in the best interests of the resident. Any resident of a residential care facility may change the designation of a representative at any time and for any reason. No representative shall be required to serve in such capacity if the person objects to serving, and may resign as representative upon written notice to the resident and the facility.

B. Upon admission or the signing of a contract for admission to a residential care facility or any modifications to the contract for admission, the representative of the resident shall be notified of the admission, the contract or any modifications to the contract.

C. If a resident is subject to a special, limited or full guardianship, pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act or the Protective Services for the Elderly and for Incapacitated Adults Act, the representative of the resident shall be the court-appointed guardian.

Added by Laws 1995, c. 230, § 5, eff. July 1, 1995.

§63-1-849. Renumbered as § 629 of Title 57 by Laws 2015, c. 227, § 2, eff. Nov. 1, 2015.

§63-1-850. Short title.

Sections 6 through 17 of this act shall be known and may be cited as the Long-term Care Certificate of Need Act.

Added by Laws 1989, c. 227, § 5.

§63-1-851. Public policy as to development of long-term services.

The Legislature hereby declares that it is the public policy of the State of Oklahoma that the offering and development of long-term care services should be made in a planned, orderly and economical manner consistent with and appropriate to services needed by people in various regions, districts or localities in the State of Oklahoma, and that it is essential to the realization of this public policy that the offering and development of long-term care services in the state be made in accordance with the needs for such services. It is the purpose of the Legislature in enacting this act to further this public policy by providing for the submittal of plans and applications, and by prohibiting the offering, development or change of existing services prior to the issuance of a certificate of need by the State Department of Health.

Added by Laws 1971, c. 64, § 1, emerg. eff. April 8, 1971. Amended by Laws 1980, c. 188, § 2, eff. July 1, 1980; Laws 1986, c. 149, §

12, emerg. eff. April 29, 1986; Laws 1989, c. 227, § 6, operative July 1, 1989.

§63-1-851.1. Definitions.

For purposes of the Long-term Care Certificate of Need Act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Department" means the State Department of Health;
4. "Long-term care facility" means:
   a. a nursing facility or a specialized facility, as such terms are defined by Section 1-1902 of this title,
   b. skilled nursing care provided in a distinct part of a hospital as such term is defined by Section 1-701 of this title,
   c. the nursing care component of a continuum of care facility, as such term is defined under the Continuum of Care and Assisted Living Act, or
   d. the nursing care component of a life care community as such term is defined by the Long-term Care Insurance Act;
5. "Disclosure statement" means a written statement by the applicant which contains:
   a. the full name, business address, and Social Security number of the applicant, and all persons with controlling interest as defined by the Long-term Care Certificate of Need Act,
   b. the full name and address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%), or which is a parent company or subsidiary of the applicant,
   c. a description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to long-term care facility regulation,
   d. a listing and explanation of any administrative, civil or criminal legal actions against the applicant or any person with a controlling interest which resulted in a final agency order or final judgment by a court of record including, but not limited to, final orders or judgments on appeal related to long-term care in the five (5) years immediately preceding the filing of the application. Such actions shall include, without limitation, any permit denial or any sanction imposed by a state regulatory authority or the Centers for Medicare and Medicaid Services, and
   e. a listing of any federal long-term care agency and any state long-term care agency outside this state that has

or has had regulatory responsibility over the applicant;

6. "History of noncompliance" means three standard or complaint surveys found to be at the substandard quality of care level when the facility does not achieve compliance by date certain in a nursing facility or specialized facility for persons with Alzheimer's disease or related disorders. Additionally, "history of noncompliance" for an intermediate care or specialized facility for persons with intellectual disabilities means three consecutive routine or complaint surveys that resulted in determinations that the facility was out of compliance with two or more Conditions of Participation in the Medicaid program within the preceding thirty-six (36) months when the facility does not achieve compliance within sixty (60) days;

7. "Person" means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, federal, state or local governmental instrumentality, agency or body or any other legal entity however organized; and

8. "Person with a controlling interest" means a person who meets any one or more of the following requirements:

a. controls fifty percent (50%) or more of the common stock of the corporate entity involved or controls fifty percent (50%) or more of the interest in the partnership involved,

b. controls a percentage of stock greater than any other stockholder or equal to the other single largest stockholder or controls a percentage of partnership interest greater than any other partner or equal to the other single largest partnership interest, or

c. a managing member of a Limited Liability Company (LLC).

Added by Laws 1989, c. 227, § 7, operative July 1, 1989. Amended by Laws 1996, c. 336, § 1, eff. Nov. 1, 1996; Laws 1997, c. 223, § 9, emerg. eff. May 20, 1997; Laws 2000, c. 340, § 12, eff. July 1, 2000; Laws 2001, c. 285, § 1, eff. Nov. 1, 2001; Laws 2004, c. 436, § 1, emerg. eff. June 4, 2004; Laws 2019, c. 475, § 54, eff. Nov. 1, 2019.

§63-1-851.2. Department - Powers and duties - Participation in federal programs - Collection of monthly data.

A. The State Commissioner of Health shall have the power and duty to:

1. Issue, renew, deny, modify, suspend and revoke certificates of need;

2. Establish and enforce standards and requirements for certificates of need;

3. Require the submission of and to review reports from any person requesting or obtaining a certificate of need;

4. Employ or designate personnel necessary to implement the provisions of the Long-term Care Certificate of Need Act;

5. Report to the district attorney having jurisdiction or the Attorney General, any act committed by any person which may constitute a violation pursuant to the provisions of the Long-term Care Certificate of Need Act;

6. Advise, consult and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Long-term Care Certificate of Need Act;

7. Promulgate and enforce rules subject to the approval of the State Board of Health to implement the provisions of the Long-term Care Certificate of Need Act;

8. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for a certificate of need;

9. Establish administrative penalties for violations of the provisions of the Long-term Care Certificate of Need Act as authorized by the Board;

10. Institute and maintain or intervene in any action or proceeding where deemed necessary by the Department pursuant to the Long-term Care Certificate of Need Act;

11. Develop and administer plans for health services including, but not limited to, staffing, facilities and other resources;

12. Develop and publish, once every four (4) years, a Quadrennial State Health Plan, following guidelines and procedures adopted by the Board which specify the method of adoption of the plan document, its format, provisions for developing and publishing plan amendments and the role of the State Department of Health, local health planning advisory councils and the Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards of each mental health catchment area in its development;

13. Establish and administer criteria and standards for the delineation and approval of areas and regions for health planning purposes;

14. Promote and maintain plans for providing health services including, but not limited to, health, staffing and health facilities, in this state; and

15. Exercise all incidental powers as necessary and proper for the administration of the Long-term Care Certificate of Need Act.

B. The State Department of Health shall be the single state agency to participate in federal programs for health planning and to apply for and administer federal funds for health planning, provided, that the Long-term Care Certificate of Need Act, and any other law vesting planning functions in any other state agency, shall not apply to health planning functions vested by law in the Department of Mental Health and Substance Abuse Services, the Oklahoma Health Care Authority and the Department of Human Services.

C. Facility occupancy data used in the review of Certificate of Need applications shall be based upon monthly reports that are submitted by facilities to the Oklahoma Heath Care Authority pursuant to Section 1-1925.2 of this title and that are available to the public upon request.
Added by Laws 1989, c. 227, § 8, operative July 1, 1989. Amended by Laws 1990, c. 51, § 133, emerg. eff. April 9, 1990; Laws 1996, c. 336, § 2, eff. Nov. 1, 1996; Laws 2004, c. 436, § 2, emerg. eff. June 4, 2004.

§63-1-851.3. Certificate of need required.

No long-term care facility shall be developed, acquired or offered unless a certificate of need therefor has been issued as provided in the Long-term Care Certificate of Need Act. No governmental entity shall approve any grant of funds, issue any debentures or issue or renew any license for the operation of a long-term care facility, nor shall any third-party purchasers, licensed or operated by this state, issue reimbursement for services provided to its insurers or clients, unless the certificate of need as provided in the Long-term Care Certificate of Need Act has been obtained.
Added by Laws 1989, c. 227, § 9, operative July 1, 1989. Amended by Laws 1996, c. 336, § 3, eff. Nov. 1, 1996.

§63-1-852. Long-term care facility certificate of need - Requirements - Exemptions.

A. Every entity desiring to establish a new long-term care facility, to expand an existing facility whether through construction or conversion of facilities, or to acquire an existing long-term care facility shall make application to the State Department of Health for a certificate of need. The application for a certificate of need shall be in such form as the State Commissioner of Health shall prescribe.

B. A certificate of need shall be required for:

1. Any capital investment or lease of One Million Dollars ($1,000,000.00) or more, including predevelopment activities such as arrangements and commitments for financing, architectural designs, plans, working drawings, specifications, and site acquisition; provided, that this dollar limit shall not apply to a change in bed capacity;

2. Acquisition of the ownership or operation of a facility whether by purchase, lease, donation, transfer of stock or interest, management contract, corporate merger, assignment, or through foreclosure; and

3. An increase in licensed beds, whether through establishment of a new facility or expansion of an existing facility.

C. The Department within fifteen (15) days after receipt of an application, shall issue an exemption from certificate of need

requirements upon written request and demonstration that applicable exemption criteria have been met, for any of the following activities:

1. An increase of no more than ten beds or ten percent (10%) of the facility's licensed beds, whichever is greater, per calendar year if:

a. the total capital cost of the increase is less than One Million Dollars ($1,000,000.00), and

b. the facility's occupancy rate averaged ninety-three percent (93%) or more during the twelve (12) months preceding the filing of the exemption request;

2. Construction of a long-term care facility to replace or relocate all or part of the licensed bed capacity of an existing facility if:

a. the project involves no increase in licensed beds;

b. the facility shall be constructed no farther than three (3) miles for rural areas and seven and one-half (7 1/2) miles for urban areas, as defined by the Standard Metropolitan Statistical Area (SMSA), from the facility it is replacing or relocating, and

c. a plan for the use of the facility to be replaced or relocated is provided that ensures continuity of services; and

3. A management agreement if:

a. the management entity discloses all persons with controlling interest in the management entity and discloses all experience in long-term care facility management or operation in any state during the preceding thirty-six (36) months,

b. the management entity and any person with controlling interest if the management entity has less than thirty-six (36) months experience in management or operation of facilities, does not have a history of noncompliance, and

c. the licensed entity remains responsible for facility operation, financial performance, staffing and delivery of resident services required under the Nursing Home Care Act.

D. A certificate of need shall not be required for:

1. Any changes of ownership resulting from the operation of law, including but not limited to divorce, probate, reversions and bankruptcy if the transfer of interest is to any already existing stockholder or person or entity listed on the license application disclosure statement. This shall also include cancellations and expirations of leases. Operational law ownership changes shall be reported to the Department within five (5) working days of the change;

2. Ownership changes for estate planning purposes, treasury stock purchases, and transfers between existing owners and/or family members; increases in the amount of common stock or partnership interest for any individual who already owns fifty percent (50%) of the common stock or corporate entity involved or controls fifty percent (50%) or more of the interest in the partnership involved; and

3. New purchases of common stock or partnership interest by any legal entity if such new purchaser will own, in total, less than fifty percent (50%) of the corporate entity involved or partnership involved.

E. All applicants for the issuance of a certificate of need, at such time and in such manner as required by the Department, shall file:

1. A disclosure statement with their applications unless the applicant is a publicly held company required to file periodic reports under the Securities and Exchange Act of 1934, or a wholly owned subsidiary of a publicly held company. In such case, the applicant shall not be required to submit a disclosure statement, but shall submit the most recent annual and quarterly reports required by the Securities and Exchange Commission, which provide information regarding legal proceedings in which the applicant has been involved;

2. Copies of residents council minutes and family council minutes, if any, and the facility's written response to the councils' requests or grievances, for the three (3) months prior to the date of application, for each of the applicant's current holdings in the State of Oklahoma; and

3. Such other relevant information required by the Department pursuant to the Long-term Care Certificate of Need Act that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.

F. An application for a certificate of need shall be signed under oath by the applicant.

G. Promptly upon receipt of any such application, the Department shall examine and transmit the application to reviewing bodies selected by the Department to assist the Department in determining whether the application is complete. Once the Department has determined that the application is complete, it shall notify the affected parties and other reviewing bodies and cause a thorough investigation to be made of the need for and appropriateness of the new or any long-term care service acquisition, expansion, or establishment of a new facility.

H. Except as provided by Section 1-853.1 of this title, the investigation made pursuant to an application for a certificate of need shall include the following:

1. The adequacy of long-term care facilities in relation to an optimal target ratio of long-term care beds per thousand persons seventy-five (75) years of age or older in the state;

2. The availability of long-term care which may serve as alternatives or substitutes;

3. The adequacy of financial resources for the acquisition, expansion, or establishment of a new long-term care facility and for the continued operation thereof;

4. The availability of sufficient staff to properly operate the proposed acquisition, expansion, or establishment of a new long-term care facility;

5. The record of the applicant's current and prior ownership, operation and management of similar facilities in this state and in any other state. The investigation of such record shall include, but not be limited to, inquiry to the State Long-Term Care Ombudsman Office, the state Medicaid Fraud Control Unit, and the state licensure and certification agency;

6. Review of minutes of family councils and residents councils, and the facilities' responses, from each of the applicant's holdings in Oklahoma; and

7. Any other matter which the Department deems appropriate.

I. Before making a final determination on an acquisition application, the Commissioner shall cause paid public notices to be published in a newspaper of general circulation near the facility and in a newspaper of general circulation in the area where the application is available for public inspection. A notice in a form prescribed by the Department also shall be posted by the applicant in a public area in each facility operated by the applicant in Oklahoma, to inform residents and families of the applicant's proposed action. The public notices shall offer participating parties an opportunity to submit written comments.

J. The Commissioner's decision to approve or deny the proposed acquisition, expansion, or establishment of a new facility shall be made within forty-five (45) days following the deadline for submitting written comments, or the proposed acquisition or establishment shall be automatically approved, unless otherwise prohibited pursuant to the provisions of the Long-term Care Certificate of Need Act.

K. If the Commissioner finds that a proposed acquisition, expansion, or establishment of a new facility is consistent with the criteria and standards for review of such projects, and is otherwise in compliance with the provision of the Long-term Care Certificate of Need Act, then the Commissioner shall issue a certificate of need. If the Commissioner finds that the proposed acquisition, expansion, or establishment of a new facility is not consistent with the criteria and standards, or is otherwise not in compliance with the

provisions of the Long-term Care Certificate of Need Act, the Commissioner shall deny the certificate of need.
Added by Laws 1971, c. 64, § 2, emerg. eff. April 8, 1971. Amended by Laws 1980, c. 188, § 3, eff. July 1, 1980; Laws 1983, c. 285, § 5, operative July 1, 1983; Laws 1984, c. 238, § 4, operative July 1, 1984; Laws 1986, c. 149, § 13, emerg. eff. April 29, 1986; Laws 1987, c. 206, § 43, operative July 1, 1987; Laws 1987, c. 236, § 27, emerg. eff. July 20, 1987; Laws 1988, c. 282, § 4, operative July 1, 1988; Laws 1989, c. 227, § 10, operative July 1, 1989; Laws 1993, c. 269, § 14, eff. Sept. 1, 1993; Laws 1996, c. 336, § 4, eff. Nov. 1, 1996; Laws 2001, c. 285, § 2, eff. Nov. 1, 2001; Laws 2004, c. 436, § 3, emerg. eff. June 4, 2004.

§63-1-852.1. Fees - Maximum fee - Capital cost for acquisition - Request for exemption.

A. Each application for a new certificate of need applied for pursuant to the provisions of Section 1-852 of this title, except for those applications filed by state agencies, shall be accompanied by an application fee of Three Thousand Dollars ($3,000.00).

B. The maximum filing fee on an application for replacement of an existing facility shall be One Thousand Dollars ($1,000.00).

C. 1. The maximum filing fee on an application for an acquisition shall be Five Thousand Dollars ($5,000.00).

2. The capital cost for acquisition shall be the current book value of the facility as shown by a recognized method or basis of accounting as attested by a Certified Public Accountant.

D. If an application for a certificate of need is not approved, the Department shall refund the application fee in full.

E. Each request for exemption from certificate of need requirements submitted under Section 1-852 of this title, except for a request filed by a state agency, shall be accompanied by a fee of One Hundred Dollars ($100.00).
Added by Laws 1996, c. 336, § 5, emerg. eff. June 12, 1996. Amended by Laws 2004, c. 436, § 4, emerg. eff. June 4, 2004; Laws 2009, c. 121, § 1, emerg. eff. April 28, 2009.

§63-1-853. Findings as to necessity.

A. Except as provided in subsections B and C of this section, no certificate of need shall be issued by the State Department of Health unless after investigation the State Commissioner of Health makes the following findings:

1. The action proposed in the application for such certificate of need is necessary and desirable in order to provide the services required in the locality to be served;

2. The proposed action can be economically accomplished and maintained;

3. The proposed action will contribute to the orderly development of long-term care services in the locality;

4. The applicant is or employs a licensed nursing home administrator; and

5. The applicant is found to be in compliance with the provisions of subsection D of this section.

B. 1. An application for a certificate of need for a capital expenditure to eliminate or prevent imminent safety hazards as defined by federal, state or local fire, building or life safety codes or regulations, or to comply with state licensure standards, or to comply with accreditation standards, compliance with which is required to receive reimbursements under Title XVIII of the Social Security Act or payments under a state plan for medical assistance approved under Title XIX of such act, shall be approved unless the Department finds:

a. that the facility or service is not needed, or

b. that the applicant is found to be out of compliance with the provisions of subsection D of this section.

2. Approval under this subsection shall cover only the capital expenditure to eliminate or prevent the hazards or to comply with standards described herein.

C. No certificate of need shall be issued for the acquisition of an existing facility unless after investigation the Commissioner finds that the applicant:

1. Has financial resources necessary to complete the transaction and to maintain services and staffing; and

2. Is found to be in compliance with the provisions of subsection D of this section.

D. 1. The Commissioner shall refuse to issue a certificate of need to any applicant who has had, in ten percent (10%) or more of the applicant's long-term care facility holdings in the preceding sixty (60) months, a facility license or certification revoked, rescinded, canceled, terminated, involuntarily suspended, or refused renewal; or if the license or certification was relinquished voluntarily in lieu of penalty.

2. The Commissioner shall refuse to issue a certificate of need to any applicant except where the applicant overcomes a presumption against approval with clear and convincing evidence that one of the following circumstances was not due to the action or inaction of the applicant or any person with a controlling interest:

a. the applicant has had, in any of the applicant's long-term care holdings in the preceding sixty (60) months, a facility's license or certificate revoked, rescinded, canceled, terminated, involuntarily suspended or refused renewal,

b. the applicant has a history of noncompliance, as defined by statute, with the standards for licensure of

long-term care facilities of any state in which the applicant has or has had long-term care facilities, or with federal standards for certification of long-term care facilities,

c. the applicant, in all current and prior ownership, operation and management of long-term care facilities, has not complied with all lawful orders of suspension, receivership, temporary management, or administrative penalty issued by the Department or by other authorities with similar responsibilities in other states or by the federal Centers for Medicare and Medicaid Services, or

d. the applicant has been convicted of a felony criminal offense related to the operation or management of a long-term care facility.

3. Other than any of those reasons listed in paragraph 1 or 2 of this subsection, the Commissioner may refuse to issue a certificate of need to any applicant who has had, in the preceding thirty-six (36) months, one or more of the following:

a. findings of substandard quality of care or noncompliance with two or more conditions of participation on twenty percent (20%) or more of the surveys conducted in the applicant’s long-term care facility holdings or against any long-term care facility operated by a person with a controlling interest during the preceding thirty-six (36) months,

b. a temporary manager, monitor, or receiver appointed, or

c. had a civil money penalty imposed of Thirty-five Thousand Dollars ($35,000.00) or more.

E. Noncompliance with a final agency order or final order or judgment of a court of record which has been set aside by a court on appeal of such final order or judgment shall not be considered a final order or judgment for the purposes of this section.

F. When the Commissioner makes a determination to issue or deny a certificate of need, the Commissioner shall provide written findings to the applicant, other reviewers and to other persons upon their request. The certificate of need shall establish the maximum capital expenditure for the project. The State Board of Health shall adopt rules concerning the time in which a decision must be made on an application.

G. Any person may request a reconsideration of the Commissioner's determination for good cause shown, the grounds for which shall be established by the Board by rule. A request for reconsideration shall be filed within ten (10) days of the Department determination. The hearing thereupon shall be conducted within thirty (30) days following the receipt of request. Written findings shall be issued within forty-five (45) days of such hearing.

Added by Laws 1971, c. 64, § 3, emerg. eff. April 8, 1971. Amended by Laws 1980, c. 188, § 4, eff. July 1, 1980; Laws 1986, c. 149, § 14, emerg. eff. April 29, 1986; Laws 1989, c. 227, § 11, operative July 1, 1989; Laws 1994, c. 48, § 1, eff. Sept. 1, 1994; Laws 1996, c. 336, § 6, eff. Nov. 1, 1996; Laws 1998, c. 328, § 2, eff. Nov. 1, 1998; Laws 2000, c. 340, § 13, eff. July 1, 2000; Laws 2001, c. 285, § 3, eff. Nov. 1, 2001; Laws 2004, c. 436, § 5, emerg. eff. June 4, 2004.

§63-1-853.1. Investigation of application by not-for-profit life care community for certificate of need.

A. The investigation made pursuant to an application by a not-for-profit life care community for a certificate of need shall include:

1. The adequacy of financial resources for the acquisition, expansion, or establishment of a new long-term care facility and for the continued operation thereof;

2. The record of the applicant's current and prior ownership, operation, and management of similar facilities in this state and in any other state. The investigation of such record shall include, but not be limited to, inquiry to the State Long-Term Care Ombudsman Office, the state Medicaid Fraud Control Unit, and the state licensure and certification agency;

3. If the applicant has holdings in Oklahoma, a review of minutes of family councils and residents' councils, and the facilities' responses, from each of the applicant's holdings in this state; and

4. Any other matter which the Department deems necessary and appropriate.

B. 1. The State Department of Health may approve an initial certificate of need for a not-for-profit life care community for nursing care beds that does not exceed twenty percent (20%) of the total number of units in the life care community for which no certificate of need is required.

2. Approval of the initial certificate of need shall include open admission with respect to fifty percent (50%) of the nursing care beds. With respect to the remaining nursing care beds, open admission shall only be allowed during the first seven (7) years following the initial licensure of nursing care beds in the life care community.

3. Upon expiration of the one-time seven-year open admission period, with respect to fifty percent (50%) of the nursing care beds, a life care community that has obtained a certificate of need pursuant to this section shall admit only the following persons to its nursing care beds:

a. an individual who has executed a written agreement for services with the facility and who has been a bona fide

resident of the portion of the life care community for which a certificate of need bed is not required for a period of at least thirty (30) days,

b. an individual who has executed a written agreement for services with the facility and who has been a bona fide resident of the portion of the life care community for which a certificate of need bed is not required for a period of less than thirty (30) days and requires skilled care that was not originally contemplated upon admission to the life care community,

c. an individual who has executed a written agreement for services with the facility and whose physician certifies that the individual is likely to be able to move to a portion of the life care community for which a certificate of need bed is not required in thirty (30) days or less after entering the life care community, or

d. an individual who is a family member (spouse, parent, child, sibling, aunt, uncle or first cousin by blood, marriage or adoption) of an individual who has executed a written agreement for services with the facility and resides in the portion of the life care community for which a certificate of need bed is not required.

C. The State Department of Health may approve a subsequent certificate of need for nursing care beds for a not-for-profit life care community that has obtained a certificate of need pursuant to this section when a subsequent application does not cause the nursing care beds to exceed twenty percent (20%) of the total number of units in the life care community for which no certificate of need is required. No open admission period shall be authorized for the additional nursing care beds.

D. The provisions of subsections B and C of this section shall apply to all certificates of need previously or hereafter granted pursuant to the provisions of this section.

Added by Laws 2001, c. 285, § 4, eff. Nov. 1, 2001. Amended by Laws 2014, c. 92, § 1, eff. Nov. 1, 2014.

§63-1-854.1. Appeal of findings.

Any final determination by the State Department of Health pursuant to the Long-term Care Certificate of Need Act may be appealed by the applicant, or any other aggrieved party under the provisions of Sections 317 and 318 of Article II of the Administrative Procedures Act; provided, that the venue for such appeal shall be in Oklahoma County or in the county in which the facility at issue in the application is located.

Added by Laws 1980, c. 188, § 5, eff. July 1, 1980. Amended by Laws 1986, c. 149, § 15, emerg. eff. April 29, 1986; Laws 1989, c. 227, §

12, operative July 1, 1989; Laws 1993, c. 234, § 1, eff. July 1, 1993; Laws 1994, c. 48, § 2, eff. Sept. 1, 1994; Laws 1996, c. 336, § 7, eff. Nov. 1, 1996; Laws 2004, c. 436, § 6, emerg. eff. June 4, 2004.

§63-1-857. Time for submitting plans and specifications - Time for construction - Time for acquisition.

A. 1. A certificate of need issued pursuant to the provisions of the Long-term Care Certificate of Need Act for the construction or establishment of a new long-term care service or the expansion of an existing service shall be valid for a period of six (6) months during which time the applicant shall submit to the State Department of Health the plans and specifications for the facility to be constructed; however, the Department may extend such time by a period not to exceed twelve (12) months for extraordinary circumstances beyond the control of the applicant.

2. If no such plans and specifications are submitted within the time required by this section, then such certificate shall be null and void.

3. If plans and specifications are submitted, the Department shall approve or disapprove such plans and specifications within thirty (30) days of the filing or such plans and specifications shall be presumed to be approved.

4. If the Department disapproves the plans and specifications, such disapproval shall include a detailed statement of the corrections needed.

5. The State Board of Health shall provide by rule the review process and time deadlines not exceeding twelve (12) months for approval or disapproval and resubmittal of initial, final and corrected plans and specifications. The applicant's failure to meet the review process deadlines promulgated by the Board shall render the certificate of need void.

6. The applicant must begin construction of the structure within twelve (12) months following the approval of the final plans and specifications and must proceed to complete the structure within eighteen (18) months of the approval from the beginning of construction or the certificate will be canceled. However, the Department may extend such completion day by a period not to exceed twenty-four (24) months for good cause upon the applicant's demonstration that the applicant has made a good faith effort to complete the structure or modifications and that the delay is unlikely to result in harm to the population to be served by the applicant.

B. A certificate of need issued pursuant to the provisions of this act for the acquisition of a long-term care facility shall be valid for a period of six (6) months by which time the acquisition

must be finalized, provided that the Department may extend such final date by a period not to exceed twelve (12) months for good cause.

C. Pending the appeal of an order granting a certificate of need in the district or Supreme Court, the effective dates of deadlines for submitting plans, filing reports, completion of the project and other requirements related to such project shall commence on the date of a final judicial determination of any such appeal, and any certificate of need which has been approved by the Department shall remain in effect pending such appeal. The effective date of the issuance of a certificate of need shall be the date of a final judicial determination of any such appeal. The provisions of this subsection shall have prospective and retrospective application.

Added by Laws 1971, c. 64, § 7, emerg. eff. April 8, 1971. Amended by Laws 1980, c. 188, § 7, eff. July 1, 1980; Laws 1986, c. 149, § 17, emerg. eff. April 29, 1986; Laws 1987, c. 225, § 46, eff. July 5, 1987; Laws 1989, c. 227, § 13; Laws 2002, c. 230, § 2, eff. Nov. 1, 2002; Laws 2004, c. 436, § 7, emerg. eff. June 4, 2004.

§63-1-857.1. Rules and regulations - Oaths - Reports.

A. The State Board of Health shall promulgate such rules as are necessary to implement the provisions of the Long-term Care Certificate of Need Act and meet the requirements of federal regulations. The State Department of Health may administer oaths at any hearing or investigation conducted pursuant to the Long-term Care Certificate of Need Act, and receive federal grant or contract funds by complying with the requirements therefor.

B. The Department shall post on the Department's Internet site a monthly report which shall include the status of each review currently being conducted, the reviews completed since the last report issued, and a general statement of the findings and decisions made in the course of these reviews.

Added by Laws 1980, c. 188, § 8, eff. July 1, 1980. Amended by Laws 2004, c. 436, § 8, emerg. eff. June 4, 2004.

§63-1-857.2. Decision granting or denying certificate of need for new long-term care facility - Written findings of facts, conclusions of law and explanations required.

The Department is hereby directed, with respect to any decision granting or denying a certificate of need for a new long-term care facility, to issue in writing findings of fact, conclusions of law, and explanations of any other pertinent considerations, including precedents, upon which such decision is based. The Department shall be allowed forty-five (45) days within which to issue a formal order and opinion to the applicant and any parties opposed to the application after the conclusion of the hearing, or after the submission of additional evidence or briefs requested by the Department.

Added by Laws 1988, p. 1896, S.J.R. No. 49, § 5. Amended by Laws 1989, c. 227, § 14.

§63-1-857.4. Repealed by Laws 2004, c. 436, § 14, emerg. eff. June 4, 2004.

§63-1-857.6. Oklahoma Health Planning Commission - Abolition - Transfer of funds, property, etc.

A. The Oklahoma Health Planning Commission is hereby abolished, and the powers, duties and responsibilities exercised by such Commission pursuant to law are hereby transferred to the State Department of Health and the State Commissioner of Health. All unexpended funds, property, records, personnel and any outstanding financial obligations and encumbrances of such office are hereby transferred to the State Department of Health and the State Commissioner of Health.

B. The Director of the Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, allotments, purchase orders, outstanding financial obligations or encumbrances provided for in this section.

C. Any application for a certificate of need which was duly filed with the Oklahoma Health Planning Commission prior to the effective date of the Long-term Care Certificate of Need Act or the Psychiatric and Chemical Dependency Facility Certificate of Need Act shall be reviewed and approved or disapproved pursuant to criteria and procedures in effect at the time such application was filed. Any application for Certificate of Need not scheduled for review at the regularly scheduled June, 1989, Commission meeting or by the Director before July 1, 1989, shall be considered to have been duly filed with the State Department of Health. In all appellate matters, including but not limited to reconsideration and remand, the Department shall be considered as the Commission.

D. The rules of the Oklahoma Health Planning Commission in effect on July 1, 1989, shall be enforceable by the State Department of Health and shall remain effective until the adoption of new rules by the State Board of Health.

E. Any references to the Oklahoma Health Planning Commission in the Oklahoma Statutes shall be construed to refer to the State Department of Health.

Added by Laws 1989, c. 301, § 12, operative July 1, 1989. Amended by Laws 2012, c. 304, § 486.

§63-1-858. Penalties.

A. Any person who offers or develops or begins to offer or develop a long-term care facility without having first obtained a certificate of need, as provided by the Long-term Care Certificate of Need Act, shall be deemed guilty of a misdemeanor, and upon

conviction shall be punishable by payment of a fine of not less than One Thousand Dollars ($1,000.00) and not more than Five Thousand Dollars ($5,000.00).

B. If the State Department of Health, through one of its agents or representatives, notifies in writing, through certified mail, return receipt requested, the person who has unlawfully commenced the offering or development of a long-term care facility to cease and desist, then each day that such person continues such offering or development shall be a separate offense. If any person continues to offer or develop an institutional health service after the issuance of a cease and desist order, the Department shall seek an injunction to prohibit the continued offering or development.

Added by Laws 1971, c. 64, § 8, emerg. eff. April 8, 1971. Amended by Laws 1980, c. 188, § 9, eff. July 1, 1980; Laws 1989, c. 227, § 17, operative July 1, 1989; Laws 2004, c. 436, § 9, emerg. eff. June 4, 2004.

§63-1-859. Provisions as supplemental.

The provisions of this act shall be supplemental to any other law of this state relating to the offering and development of long-term care service, and shall repeal only those laws in direct conflict herewith.

Laws 1971, c. 64, § 9, emerg. eff. April 8, 1971; Laws 1980, c. 188, § 10, eff. July 1, 1980.

§63-1-859.1. Volunteer program.

The State Department of Health is authorized to create a volunteer program for long-term care facilities. The Department may promote, develop, train and manage volunteers related to long-term care needs.

Added by Laws 2001, c. 410, § 20, eff. Nov. 1, 2001.

§63-1-860.1. Short title.

Sections 1 through 16 of this act shall be known and may be cited as the "Oklahoma Hospice Licensing Act".

Added by Laws 1991, c. 217, § 1, eff. Sept. 1, 1991.

§63-1-860.2. Definitions.

As used in the Oklahoma Hospice Licensing Act:

1. "Board" means the State Board of Health;

2. "Department" means the State Department of Health;

3. "Hospice program" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses experienced during

the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

4. "Hospice interdisciplinary team" or "hospice team" means a unit composed of professionals and lay persons, as specified by the Oklahoma Hospice Licensing Act, who provide hospice care;

5. "Hospice patient/family" means the hospice patient's immediate kin, including a spouse, brother, sister, child, parent or other persons with significant personal ties to the hospice patient, who may be designated by members of the hospice patient/family;

6. "Hospice services" means those services furnished to a patient by a hospice or by other persons, pursuant to arrangements with such hospice, in a place of temporary or permanent residence used as the home of the terminally ill patient for the purpose of maintaining the patient at home. Should a patient require short-term institutionalization, such hospice services shall be furnished in cooperation with those contracted institutions or in a hospice inpatient facility. Such services may include, but need not be limited to, bereavement, palliative, personal care and such other services as are provided by nurses, physicians, home health aides, physical therapists, counselors, psychologists, social workers and volunteers. Services provided by a hospital, nursing home or other health care provider shall not constitute hospice services unless such hospital, nursing home or other health care provider is licensed as a hospice program;

7. "Medical advisor" means a physician licensed pursuant to the laws of this state who is commissioned as a medical advisor by a hospice for the purpose of providing ongoing palliative care as a member of a hospice team;

8. "Palliative services" means the care or treatment given to a patient by a hospice team for the reduction or abatement of pain and other symptoms attendant to the patient’s condition;

9. "Patient" means a terminally ill person receiving hospice services;

10. "Terminally ill" means a medical prognosis of limited life expectancy of one (1) year or less at the time of referral to a hospice of a person who is experiencing an illness for which therapeutic strategies directed toward cure and control of the illness alone, outside the context of symptom control, are no longer appropriate;

11. "Bereavement" means the period of time following death during which survivors mourn a death and process their grief;

12. "Bereavement services" means support services offered to a family during the bereavement period;

13. " Hospice inpatient facility" means a facility of a licensed hospice program, with twelve or fewer beds, in which only hospice services are provided;

14. "Personal care" means services provided to a patient in a home to meet the physical requirements and to accommodate the maintenance or supportive needs of a patient;

15. "Medically directed" means the delivery of medical care as directed by a medical advisor;

16. "Hospice home services" means hospice services provided primarily in the home of a patient;

17. "Inpatient services" means hospice services provided to patients who require twenty-four (24) hour supervision by a licensed health care provider; and

18. "Health care provider" means a facility or institution licensed by the laws of this state to provide on a regular basis medical services, skilled nursing care, necessary dietary service, hospice inpatient services or personal care. The term "health care provider" includes, but is not limited to, hospice inpatient facilities, hospitals, skilled nursing homes, intermediate care facilities and residential care facilities.

Added by Laws 1991, c. 217, § 2, eff. Sept. 1, 1991. Amended by Laws 1992, c. 236, § 1, emerg. eff. May 19, 1992; Laws 1997, c. 189, § 1, eff. Nov. 1, 1997; Laws 2003, c. 339, § 1, eff. Nov. 1, 2003.

§63-1-860.2a. Hospices exempt from act.

A public or private agency or person which establishes, conducts, or maintains a hospice or holds itself out to the public as a hospice is required by the Oklahoma Hospice Licensing Act, to obtain a first-year or permanent license from the Department pursuant to the Oklahoma Hospice Licensing Act.

Added by Laws 1992, c. 236, § 2, emerg. eff. May 19, 1992. Amended by Laws 1997, c. 189, § 2, eff. Nov. 1, 1997; Laws 2005, c. 282, § 2, emerg. eff. June 6, 2005.

§63-1-860.3. Contents of hospice program.

Each hospice program shall consist of hospice home services and may provide inpatient hospice services which afford the patient and the family of the patient a range of hospice services which can be tailored to specific needs and preferences of the patient and family.

Added by Laws 1991, c. 217, § 3, eff. Sept. 1, 1991.

§63-1-860.4. Requirements and conditions for hospices - Hospice teams - Records - Governing body - Administrators.

A. A hospice shall comply with the following:

1. A hospice shall coordinate its services with those of the patient's primary or attending physician;

2. A hospice shall coordinate its services with professional and nonprofessional services already in the community. A hospice may contract for some elements of its services to a patient and family, provided direct patient care is maintained with the patient and the hospice team so that overall coordination of services can be maintained by the hospice team. The majority of hospice services available through a hospice shall be provided directly by the licensee. Any contract entered into between a hospice and health care provider shall specify that the hospice retain the responsibility for planning, coordinating and prescribing hospice services on behalf of a hospice patient and the hospice patient's family. No hospice may charge fees for services provided directly by the hospice team which duplicate contractual services provided to the patient or the patient's family;

3. The hospice team shall be responsible for coordination and continuity between inpatient and home care aspects of care;

4. A hospice shall not contract with a health care provider or another hospice that has or has been given a conditional license within the last eighteen (18) months;

5. Hospice services shall provide a symptom control process, to be provided by a hospice team skilled in physical and psychosocial management of distressing signs and symptoms;

6. Hospice care shall be available twenty-four (24) hours a day, seven (7) days a week;

7. A hospice shall have a bereavement program which shall provide a continuum of supportive and therapeutic services for the family;

8. The unit of care in a hospice program shall be composed of the patient and family;

9. A hospice program shall provide a continuum of care and a continuity of care providers throughout the length of care for the patient and to the family through the bereavement period;

10. A hospice program shall not impose the dictates of any value or belief system on its patients and their families;

11. a. Admission to a hospice shall be upon the order of a physician licensed pursuant to the laws of this state and shall be dependent on the expressed request and informed consent of the patient and family.

b. The hospice program shall have admission criteria and procedures that reflect:

(1) the patient and family's desire and need for service,

(2) the participation of the attending physician, and

(3) the diagnosis and prognosis of the patient.

c. (1) Any hospice or employee or agent thereof who knowingly or intentionally solicits patients or pays to or offers a benefit to any person, firm,

association, partnership, corporation or other legal entity for securing or soliciting patients for the hospice or hospice services in this state, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) and not more than Two Thousand Dollars ($2,000.00).

(2) In addition to any other penalties or remedies provided by law:

(a) a violation of this section by a hospice or employee or agent thereof shall be grounds for disciplinary action by the State Department of Health, and

(b) the State Department of Health may institute an action to enjoin violation or potential violation of this section. The action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law.

(3) This subparagraph shall not be construed to prohibit:

(a) advertising, except that advertising which:

(i) is false, misleading or deceptive,

(ii) advertises professional superiority or the performance of a professional service in a superior manner, and

(iii) is not readily subject to verification, and

(b) remuneration for advertising, marketing or other services that are provided for the purpose of securing or soliciting patients, provided the remuneration is:

(i) set in advance,

(ii) consistent with the fair market value of the services, and

(iii) not based on the volume or value of any patient referrals or business otherwise generated between the parties, and

(c) any payment, business arrangements or payments practice not prohibited by 42 U.S.C., Section 1320a-7b(b), or any regulations promulgated pursuant thereto.

(4) This paragraph shall not apply to licensed insurers, including but not limited to group hospital service corporations or health maintenance organizations which reimburse, provide, offer to provide or administer hospice

services under a health benefits plan for which it is the payor when it is providing those services under a health benefits plan;

12. A hospice program shall develop and maintain a quality assurance program that includes:

a. evaluation of services,

b. regular chart audits, and

c. organizational review; and

13. A hospice program shall be managed by an administrator meeting the requirements as set forth in Section 1-862 of this title.

B. A hospice team shall consist of, as a minimum, a physician, a registered nurse, and a social worker or counselor, each of whom shall be licensed as required by the laws of this state. The team may also include clergy and such volunteers as are necessary to provide hospice services. A registered nurse licensed pursuant to the laws of this state shall be employed by the hospice as a patient care coordinator to supervise and coordinate the palliative and supportive care for patients and families provided by a hospice team. Nothing in this section shall be construed as to require a hospice to employ a certified home health aide in the provision of hospice services so long as the hospice employs a certified nurse aide.

C. 1. An up-to-date record of the services given to the patient and family shall be kept by the hospice team. Records shall contain pertinent past and current medical, nursing, social, and such other information that is necessary for the safe and adequate care of the patient and the family. Notations regarding all aspects of care for the patient and family shall be made in the record. When services are terminated, the record shall show the date and reason for termination.

2. Information received by persons employed by or providing services to a hospice, or information received by the State Department of Health through reports or inspection shall be deemed privileged and confidential information and shall not be disclosed to any person other than the patient or the family without the written consent of that patient, the patient's guardian or the patient's family.

D. 1. A hospice program shall have a clearly defined and organized governing body, which has autonomous authority for the conduct of the hospice program.

2. The hospice program shall have an administrator who shall be responsible for the overall coordination and administration of the hospice program.

Added by Laws 1991, c. 217, § 4, eff. Sept. 1, 1991. Amended by Laws 1997, c. 189, § 3, eff. Nov. 1, 1997; Laws 2015, c. 34, § 1, eff. Nov. 1, 2015; Laws 2017, c. 77, § 1, eff. Nov. 1, 2017.

§63-1-860.5. Department - Powers and duties.

The State Department of Health shall have the power and duty to:

1. Issue, renew, deny, modify, suspend and revoke first-year and permanent licenses for hospice programs pursuant to the provisions of the Oklahoma Hospice Licensing Act;

2. Establish and enforce standards and requirements for licensure of hospice programs and require the submission of, and to review, reports from any person establishing or operating a hospice program;

3. Establish and enforce construction standards and other requirements for hospice inpatient facilities; provided, however, such standards and requirements shall comply with current Medicare regulations for hospice inpatient facilities;

4. Establish a construction plan review fee for such facilities; provided, however, the amount of such fee shall not exceed the amount set by the Department for construction plan review fees for hospitals;

5. Enter upon any public or private property, with permission, for the purpose of inspecting and investigating conditions of the patients in a hospice or for the purpose of inspecting and investigating a hospice for compliance with the provisions of the Oklahoma Hospice Licensing Act, or the standards or requirements for licensure developed by the Department pursuant to the provisions of the Oklahoma Hospice Licensing Act;

6. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of hospices and the patients of such hospices, and to take necessary action pursuant to the provisions of the Oklahoma Hospice Licensing Act to protect and safeguard the health, safety and welfare of patients of hospices;

7. Establish a procedure for receipt and investigation of complaints regarding a hospice or concerning the condition, care and treatment of a patient in the hospice;

8. Advise, consult and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Oklahoma Hospice Licensing Act;

9. Develop and enforce rules subject to the approval of the State Board of Health to implement the provisions of the Oklahoma Hospice Licensing Act;

10. Establish and enforce penalties for violations of the provisions of the Oklahoma Hospice Licensing Act as authorized by the Board pursuant to the provisions of the Oklahoma Hospice Licensing Act; and

11. Exercise all incidental powers as necessary and proper for the administration of the Oklahoma Hospice Licensing Act.

Added by Laws 1991, c. 217, § 5, eff. Sept. 1, 1991. Amended by Laws 2003, c. 339, § 2, eff. Nov. 1, 2003; Laws 2005, c. 282, § 3, emerg. eff. June 6, 2005.

§63-1-860.6. First-year or permanent license - Application - Plan for delivery of services - Term and renewal of license - Conditional license.

A. No public or private agency or person shall establish, conduct or maintain a hospice program or hold itself out to the public as a hospice program without first obtaining a first-year or permanent license from the State Department of Health.

B. An application for a hospice program first-year or permanent license shall be filed on a form prescribed by the Department and shall be accompanied by:

1. The first-year or permanent license fee required by Section 1-860.15 of this title;

2. Documentation of complete disclosure for the applicant which shall include, but not be limited to, the name, mailing address and finding address of every stockholder with at least five percent (5%) ownership interest in the hospice program;

3. Satisfactory proof that the hospice program is in compliance with the provisions of the Oklahoma Hospice Licensing Act and any rules and minimum standards promulgated by the State Board of Health pursuant to the Oklahoma Hospice Licensing Act; and

4. Proof of sufficient financial ability to operate and conduct the hospice program in accordance with the requirements of the Oklahoma Hospice Licensing Act.

C. The initial application shall be accompanied by a plan for the delivery of home and inpatient hospice services to patients and their families. Such plan shall contain, but not be limited to:

1. The estimated average number of patients to be served monthly;

2. The geographic area in which hospice services will be available;

3. A listing of services which are or will be provided, either directly by the applicant or through contractual arrangements with existing health care providers;

4. Provisions for the implementation of hospice home care within three (3) months of licensure;

5. The name and qualifications of any existing or potential health care provider with whom the hospice program may enter into a contract;

6. The projected annual operating cost of the hospice program; and

7. The location and proposed construction drawings for any hospice inpatient facility operated by the hospice program. A licensed hospice program shall not operate more than one hospice inpatient facility.

D. Unless suspended or revoked, a first-year license issued for the operation of a hospice program shall expire automatically one (1)

year from the date of issuance; provided, this provision shall not apply if the Department has not completed a follow-up survey of the hospice program. The Department may renew a first-year license for up to one (1) additional year beyond the expiration date if the applicant has complied with the provisions of the Oklahoma Hospice Licensing Act and the rules promulgated by the Board for the operation of a hospice program under a first-year license.

E. Unless suspended or revoked, a permanent license issued for the operation of a hospice program shall expire automatically one (1) year from the date of issuance. At least sixty (60) days prior to the expiration date, an application for license renewal shall be submitted to the Department on forms furnished by the Department. The license shall be renewed if the applicant has complied with the provisions of the Oklahoma Hospice Licensing Act and all rules promulgated by the Board pursuant to the provisions of the Oklahoma Hospice Licensing Act. The application for license renewal shall be accompanied by an update of the plan for delivery of hospice services only if information contained in the plan submitted pursuant to subsection C of this section is no longer applicable.

F. A hospice program for which a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the Department of such proceeding. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional permit for the duration of the judicial proceeding.

G. The license shall:

1. Be displayed in a conspicuous place inside the hospice program office;

2. Be valid only in the possession of the person or public agency to which it is issued;

3. Not be subject to sale, assignment, or other transfer, voluntary or involuntary;

4. Not be valid for any hospice program other than the hospice program for which the license was originally issued; and

5. Restrict the number of patients in a hospice inpatient facility to the Department-approved occupancy level for each facility.

H. Any person who, prior to January 1, 1991, provided hospice services to any patient shall be entitled to operate as a hospice program pursuant to the provisions of the Oklahoma Hospice Licensing Act without making application and obtaining a license pursuant to the provisions of the Oklahoma Hospice Licensing Act for one (1) year after September 1, 1991, provided such person otherwise complies with the provisions of the Oklahoma Hospice Licensing Act and all rules promulgated by the Board pursuant to the act. Thereafter any person providing hospice services shall make application, obtain a license,

and comply with the provisions of the Oklahoma Hospice Licensing Act and all rules promulgated by the Board pursuant to the act.
Added by Laws 1991, c. 217, § 6, eff. Sept. 1, 1991. Amended by Laws 1992, c. 236, § 3, emerg. eff. May 19, 1992; Laws 1996, c. 231, § 1, eff. July 1, 1996; Laws 2003, c. 339, § 3, eff. Nov. 1, 2003; Laws 2005, c. 282, § 4, emerg. eff. June 6, 2005.

§63-1-860.7. Patient care when patient unable to pay.

A hospice shall not discontinue or diminish care provided to a patient already in its care because of the patient's inability to pay for the care.
Added by Laws 1991, c. 217, § 7, eff. Sept. 1, 1991.

§63-1-860.8. Inspections and investigations.

Any duly authorized officer or employee of the Department shall have the right to conduct such inspections and investigations as are necessary in order to determine the state of compliance with the provisions of the Oklahoma Hospice Licensing Act and with the rules and regulations in force pursuant hereto. The right of inspection shall also extend to any person who the Department has reason to believe is offering or advertising hospice service without a license. Any application for a license or renewal thereof made pursuant to the Oklahoma Hospice Licensing Act shall constitute authorization for any inspection of the hospice for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application.
Added by Laws 1991, c. 217, § 8, eff. Sept. 1, 1991.

§63-1-860.9. Denial, refusal to renew, suspension or revocation of license.

A. After notice and hearing pursuant to the provisions of Section 1-860.10 of this title, the State Department of Health may:

1. Deny a first-year or permanent license to an applicant who does not meet the requirements for licensure pursuant to the provisions of the Oklahoma Hospice Licensing Act;

2. Refuse to renew, suspend or revoke a first-year or permanent license to a hospice which is not in compliance with the provisions of the Oklahoma Hospice Licensing Act or with the rules promulgated by the State Board of Health pursuant to the provisions of the Oklahoma Hospice Licensing Act;

3. Deny, refuse to renew, suspend or revoke a first-year or permanent license to an applicant or hospice which has a history of noncompliance or incomplete or partial compliance with the provisions of the Oklahoma Hospice Licensing Act or with the rules promulgated by the Board pursuant to the Oklahoma Hospice Licensing Act, or for which there is other satisfactory evidence which demonstrates that the applicant or hospice is unlikely to provide care or treatment to

the patients in the care of the hospice in a manner which warrants public trust;

4. Deny, refuse to renew, suspend or revoke a first-year or permanent license to an applicant or hospice which has insufficient financial or other resources to the extent that the applicant or hospice is incapable of ensuring or providing adequate care or treatment to the patients; or

5. Assess administrative penalties pursuant to Article II of the Administrative Procedures Act.

B. Any of the following actions by a hospice or any of its employees shall be grounds for action by the Department against a hospice:

1. A violation of the provisions of the Oklahoma Hospice Licensing Act or of any of the rules promulgated thereto; or

2. An intentional or negligent act materially affecting the health or safety of a patient.

Added by Laws 1991, c. 217, § 9, eff. Sept. 1, 1991. Amended by Laws 1996, c. 231, § 2, eff. July 1, 1996; Laws 2005, c. 282, § 5, emerg. eff. June 6, 2005.

§63-1-860.9a. Violations - Administrative fines.

A. Any person who has been determined by the State Department of Health to have violated any provision of the Oklahoma Hospice Licensing Act or any rule or order of the State Board of Health issued pursuant thereto may be assessed an administrative fine of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00) for each day that the violation continues. The maximum administrative fine shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations that do not constitute immediate jeopardy to residents. A fine of not less than Five Hundred Dollars ($500.00) per day nor more than Two Thousand Five Hundred Dollars ($2,500.00) per day may be assessed for any violation constituting immediate jeopardy to residents.

B. The amount of the fine shall be assessed by the Department, pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the fine, the Department shall include, but not be limited to, consideration of:

1. The nature, circumstances, and gravity of the violation;

2. The repetitive nature of the violation by the hospice or by other hospices operated by the same entity;

3. The previous degree of difficulty in obtaining compliance with the Oklahoma Hospice Licensing Act or the rules promulgated pursuant thereto; and

4. With respect to the person found to have committed the violation, the degree of culpability and evidence of a substantial show of good faith by such person in attempting to achieve compliance with the provisions of the Oklahoma Hospice Licensing Act.

C. Any license holder may elect to surrender the first-year or permanent license of such holder in lieu of such fine but shall be forever barred from obtaining a reissuance of the license or any other license issued pursuant to the Oklahoma Hospice Licensing Act. Added by Laws 1996, c. 231, § 3, eff. July 1, 1996. Amended by Laws 2005, c. 282, § 6, emerg. eff. June 6, 2005.

§63-1-860.10. Complaints - Notice - Hearing - Orders - Service of order or other instrument.

A. If upon inspection or investigation, or whenever the Department determines that there are reasonable grounds to believe that a hospice is operating in violation of the Oklahoma Hospice Licensing Act, or any rule promulgated pursuant to the Oklahoma Hospice Licensing Act, or any order of the Department pursuant to the Act, the Department shall give written notice to the alleged violator specifying the cause of complaint. Such notice shall require that the matters complained of be corrected within forty-five (45) days or that the alleged violator appear before the Department at a time and place specified in the notice and answer charges. The notice shall be delivered to the alleged violator in accordance with the provisions of the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes.

B. The Department shall give the notice specified by the provisions of subsection A of this section within ten (10) days of an inspection or investigation of the hospice if the Department determines that the hospice is in violation of the Oklahoma Hospice Licensing Act, the rules promulgated by the Board pursuant to the Oklahoma Hospice Licensing Act, or any order of the Department pursuant to the Act.

C. The Department shall afford the alleged violator an opportunity for a fair hearing within sixty (60) days of receipt of notice provided by subsection A of this section in accordance with the provisions of the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes. On the basis of the evidence produced at the hearing, the Department shall make findings of fact and conclusions of law and enter an order thereon. The Department shall give written notice of such order to the alleged violator and to such persons as shall have appeared at the hearing and made written request for notice of the order. If the hearing is held before any person other than the Department, such person shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Department which shall thereupon enter its order. The Department may enter its order on the basis of such record or, before issuing its order, may require additional hearings or further evidence to be presented. The order of the Department shall become final and binding on all parties unless appealed to the Supreme Court as provided in the

Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes, within thirty (30) days after notice has been sent to the parties.

D. Except as otherwise expressly provided by law, any notice, order, or other instrument issued by or pursuant to authority of the Department may be served on any person affected thereby personally, by publication, or by mailing a copy of the notice, order, or other instrument by certified mail, return receipt requested, directed to the person affected at his last-known post office address as shown by the files or records of the Department. Proof of service shall be made as in the case of service of a summons or by publication in a civil action or may be made by the affidavit of the person who did the mailing. Such proof of service shall be kept on file in the Department.

E. The hearings authorized by this section may be conducted by the Department. The Department may designate hearing officers who shall have the power and authority to conduct such hearings in the name of the Department at any time and place. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes.

Added by Laws 1991, c. 217, § 10, eff. Sept. 1, 1991.

§63-1-860.11. Appeals.

A. 1. Final orders of the Department may be appealed to the Supreme Court of Oklahoma pursuant to this section and the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes, by any party directly affected or aggrieved by the order.

2. An appeal shall be commenced by filing with the clerk of the Supreme Court, within thirty (30) days from the date of the order or decision, a petition in error with a copy of the order or decision appealed from. The time limit prescribed herein for filing the petition in error may not be extended. The manner of perfection of the record of the proceedings to be reviewed and the time for its completion shall be in accordance with rules prescribed by the Supreme Court.

3. The appeal shall not stay the execution of any order or decision of the Department unless the Supreme Court, for cause shown, shall order that said decision or order be stayed pending such appeal pursuant to Section 319 of Title 75 of the Oklahoma Statutes.

4. The Court shall give great weight to findings made and inferences drawn by the Department on questions of fact. The Court may affirm the decision or remand the case for further proceedings. Additionally, the Court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the

findings, inferences or conclusions are not supported by substantial evidence in the record.

B. If an appeal pursuant to subsection A of this section is not made by the person to whom such an order is directed within thirty (30) days after notice has been sent to the parties, the order of the Department shall become final and binding on all parties and shall be docketed with the district court in the county of the residence of the violator, or the district court in the county in which the violation occurred. The order shall be enforced in the same manner as an order of the district court.

Added by Laws 1991, c. 217, § 11, eff. Sept. 1, 1991.

§63-1-860.12. Attorney General - Equitable relief.

The Department may request the Attorney General to bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Oklahoma Hospice Licensing Act or any rule promulgated thereto or order issued pursuant to the provisions of the Oklahoma Hospice Licensing Act.

Added by Laws 1991, c. 217, § 12, eff. Sept. 1, 1991.

§63-1-860.13. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-860.14. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013, without reference to the amendment in Laws 2013, c. 229, § 57 which read as follows:

§63-1-860.14. Annual report on the improvement of hospice care.

The Department shall publish and distribute an annual report of its activities and any recommendations for the improvement of services and care and treatment to hospice patients on or before January 1 of each year to the Governor and to the Commissioner of Health.

§63-1-860.15. Fees.

A. The State Department of Health, subject to the approval of the State Board of Health, shall prescribe and publish in the manner established by its rules, fees in the amounts determined by the Board for the following:

1. Initial application fee;
2. First-year license fee;
3. Permanent license fee;
4. Renewal of permanent license fee; and
5. Late renewal fee charges.

B. Such fees may only be established or amended by the Board during such times as the Legislature is in session.

C. Fees specified in this section are not subject to the fee limitations provided in paragraph 2 of subsection A of Section 1-106.1 of this title.
Added by Laws 1991, c. 217, § 15, eff. Sept. 1, 1991. Amended by Laws 2003, c. 339, § 4, eff. Nov. 1, 2003; Laws 2005, c. 282, § 7, emerg. eff. June 6, 2005; Laws 2006, c. 187, § 1, eff. Nov. 1, 2006.

§63-1-860.16. Hospice Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Hospice Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department, from any monies received as a result of fees received pursuant to the provisions of the Oklahoma Hospice Licensing Act and any monies appropriated to the fund by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department to effectuate the provisions of the Oklahoma Hospice Licensing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1991, c. 217, § 16, eff. Sept. 1, 1991. Amended by Laws 2012, c. 304, § 487.

§63-1-862. Continuing education requirements for administrators.

A. All administrators operating a hospice program in this state shall be required to complete eight (8) hours of continuing education each calendar year.

B. The State Board of Health shall promulgate rules concerning the qualifications of continuing education courses for administrators of hospice programs. Courses shall consist of a minimum of forty-five (45) minutes in length and may be completed either in person or online. Two (2) of the eight (8) hours shall be composed of ethics, and membership in a statewide organization relating to hospice care shall be considered as completion of one (1) hour of ethics credit each year. The Board may collaborate with statewide organizations specializing in the administration of hospice care to develop the qualifications provided for in this subsection.

C. A hospice program shall be responsible for maintaining records demonstrating its administrator has completed the required continuing education. The State Department of Health may request copies of such records at any time.
Added by Laws 2015, c. 34, § 2, eff. Nov. 1, 2015.

§63-1-865.1. Sheltered Workshop Act.

A. This act shall be known and may be cited as the “Sheltered Workshop Act”.

B. The Sheltered Workshop Act allows individuals with developmental disabilities opportunities to participate in meaningful work or training activities. Each workshop will be licensed and provide a safe environment.
Added by Laws 2011, c. 65, § 1, eff. Nov. 1, 2011.

§63-1-865.2. Definitions.

As used in the Sheltered Workshop Act:

1. "Community services worker" means any person who:
   a. contracts with the Oklahoma Health Care Authority to provide specialized foster care, habilitation training specialist services, or homemaker services to persons with developmental disabilities,
   b. is not a licensed health professional, and
   c. is employed by or under contract with a community services provider to provide for compensation or as a volunteer the following:
      (1) health-related services,
      (2) training, or
      (3) supportive assistance;
2. "Contract" means the binding legal agreement to provide sheltered workshop services, entered into between the provider and the Developmental Disabilities Services Division of the Department of Human Services or the Oklahoma Health Care Authority;
3. "DDSD" means the Developmental Disabilities Services Division of the Department of Human Services;
4. "Department" means the Department of Human Services;
5. "Developmental disability" means a severely chronic disability of a person which:
   a. is attributable to a physical or mental impairment or a combination of physical or mental impairments,
   b. is manifested before the person attains the age of twenty-two (22) years,
   c. is likely to continue indefinitely,
   d. results in substantial functional limitations in three or more of the following areas of major life activity:
      (1) self-care,
      (2) receptive and expressive language,
      (3) learning,
      (4) mobility,
      (5) self-direction,
      (6) capacity for independent living, or
      (7) economic self-sufficiency, and
   e. reflects the need of the person for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or

extended duration and are individually planned and coordinated;

6. "Director" means the Director of Human Services;

7. "Licensee" means a person, corporation, partnership, limited liability company, or association operating a sheltered workshop which is licensed pursuant to the provisions of the Sheltered Workshop Act;

8. "Provider" means a person, corporation, partnership, limited liability company, association, or other entity that contracts with the Developmental Disabilities Services Division of the Department of Human Services or the Oklahoma Health Care Authority to operate a sheltered workshop for persons with developmental disabilities;

9. "Service recipient" means a person participating in the sheltered workshop; and

10. "Sheltered workshop" means a facility, or any portion thereof, operated by a nonprofit organization, corporation, partnership, limited liability company or association whose purpose is to provide meaningful work or training activities to individuals with developmental disabilities and holds a current certificate under Section 14c of the Fair Labor Standards Act by the Wage and Hour Division, U.S. Department of Labor.

Added by Laws 2011, c. 65, § 2, eff. Nov. 1, 2011.

§63-1-865.3. Department of Human Services – Powers and duties – Sheltered workshops.

A. The Department of Human Services shall have the power and duty to:

1. Enforce any provision of the Sheltered Workshop Act;

2. Issue, renew, deny, modify, suspend, and revoke licenses for sheltered workshops pursuant to the provisions of the Sheltered Workshop Act; provided, however, providers of sheltered workshop services that have a contract with the Developmental Disabilities Services Division of the Department of Human Services or the Oklahoma Health Care Authority to provide sheltered workshop services as of November 1, 2011, shall be deemed to be licensed, subject to the continuing requirements of the Sheltered Workshop Act;

3. Establish and enforce standards and requirements for licensure and operation of sheltered workshops that are subject to the provisions of the Sheltered Workshop Act and require the submission of, and to review, reports from any person establishing or operating a sheltered workshop;

4. Enter upon any public or private property for the purpose of inspecting and investigating conditions of the sheltered workshop for compliance with the provisions of the Sheltered Workshop Act, or the standards and requirements for licensure and operation of sheltered workshops developed by the Department pursuant to the provisions of the Sheltered Workshop Act;

5. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of sheltered workshops, and to take necessary action pursuant to the provisions of the Sheltered Workshop Act to protect and safeguard the health, safety, and welfare of service recipients;

6. Advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the Sheltered Workshop Act;

7. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for licensure or contract;

8. Provide the sheltered workshop thirty (30) days written notice that its license is to be suspended or revoked, and shall take action at the end of that time if the sheltered workshop remains out of compliance. However, if the health and safety of service recipients is threatened, the suspension or revocation shall be effective immediately and the sheltered workshop shall be closed;

9. Notify holders of suspended or revoked licenses that they shall be entitled to a hearing before Department licensure officials if requested within ten (10) days of their notification. The hearing shall be held at least ten (10) days before final action is taken and conducted pursuant to the Administrative Procedures Act; and

10. Reinstate suspended licenses if deficiencies are corrected within a time frame established by the Department.

B. The Department of Human Services shall develop rules establishing minimum standards for sheltered workshops. These standards, at minimum, shall regulate:

1. Physical plant expectations to include physical facilities, ventilation, and accessibility;

2. Staffing requirements;

3. Staff training;

4. Staff qualifications; and

5. Service recipient records.

Added by Laws 2011, c. 65, § 3, eff. Nov. 1, 2011.

§63-1-865.4. License renewal – Application requirements.

A. A license shall expire twelve (12) months from the date of issuance, unless revoked, and may be renewed annually by the Department of Human Services pursuant to the provisions of the Sheltered Workshop Act. All licenses shall be on a form prescribed by the Director of Human Services, and shall include, but not be limited to, the kind of program the licensee is certified to operate, the date the license was issued, and the expiration date of the license. The provisions of the license shall require that the license shall:

1. Not be transferable or assignable except as authorized by the provisions of the Sheltered Workshop Act;

2. Be available on the licensed premises; and

3. Be issued only for the premises named in the application, and may be renewed for twelve-month periods upon application and inspection, pursuant to the provisions of the Sheltered Workshop Act.

B. An application shall be under oath and shall contain, but not be limited to, the following information:

1. The name and address of the applicant or licensee. If the applicant or licensee is a firm or partnership, the name and address of each member thereof shall be included in the application. If the applicant or licensee is a firm, partnership, limited liability company, or corporation, the name and address of the firm, partnership, limited liability company, or corporation and the name and address of each member of the firm, major member of the limited liability company or manager, major partner of the partnership, or officer, major stockholder and registered agent of the corporation shall be included in the application;

2. The name and address of the applicant or licensee if the applicant or licensee is not the provider and is acting as agent for the provider of sheltered workshop services or licensee;

3. The name and location of the sheltered workshop for which a license is sought;

4. The name and administrator of the sheltered workshop;

5. The number for whom services are to be provided; and

6. A description of the program and the staffing pattern for providing supports. In the case of an application for an initial license, such description may be shown as the projected program and staffing pattern.

C. 1. An applicant or licensee shall be twenty-one (21) years of age or older and of reputable and responsible character. In addition, the applicant or licensee shall have appropriate business or professional experience.

2. No person who is ineligible for employment as a community services worker in accordance with Section 1025.2 of Title 56 of the Oklahoma Statues shall be eligible to be licensed or to receive a contract to become a community services provider. If the applicant or licensee is a firm, partnership, limited liability company, or corporation, the applicant shall not be eligible to be licensed or to receive a contract if any member of the firm, any major member of the limited liability company or manager, any major partner of the partnership, or any officer or major stockholder of the corporation is ineligible for employment as a community services worker in accordance with Section 1025.2 of Title 56 of the Oklahoma Statutes.

D. The application for a license or renewal of a license shall be accompanied by a statement of ownership which shall include the following:

1. The name, address, telephone number, occupation or business activity, business address, and business telephone number of the owner of the sheltered workshop and of every person who owns the building in which the sheltered workshop is located. If the owner is a partnership, limited liability company, or corporation, the name and address of each partner, major member of the limited liability company, and stockholder with an ownership interest of five percent (5%) or more shall be included in the statement; and

2. The name and address of any other sheltered workshop in which the owner has a full or partial financial interest or, if the applicant or licensee is a partnership, limited liability company, or corporation, any other sheltered workshop in which the partnership, limited liability company, or corporation has a full or partial financial interest. The statement shall indicate whether any other sheltered workshop wherein a full or partial financial interest is held would, if located in this state, be required to be licensed.

E. The Director or designee shall issue and renew licenses for sheltered workshops which comply with the provisions of the Sheltered Workshop Act and the standards and rules pursuant thereto.

Added by Laws 2011, c. 65, § 4, eff. Nov. 1, 2011.

§63-1-865.5. Sheltered workshop conditional license.

A. The Department of Human Services may issue a conditional license to any sheltered workshop if the Department finds that a violation exists in such sheltered workshop. The issuance of a conditional license shall revoke any license held by the sheltered workshop issued pursuant to the Sheltered Workshop Act.

B. Prior to the issuance of a conditional license, the Department shall review and approve a written plan of correction. The Department shall specify the violations which prevent issuance of a regular license and shall establish a time schedule for correction of the deficiencies. Retention of the license shall be conditional on meeting the requirements of the plan of correction. In the alternative or in addition to a conditional license, the Director of the Department of Human Services may withhold vendor payments due to a sheltered workshop under its programs until such time as the corrections are made or a plan of correction for all deficiencies is approved by the Department.

C. Written notice of the decision to issue a conditional license shall be sent to the sheltered workshop together with the proposed plan of correction. The notice shall inform the sheltered workshop of its right to an informal conference prior to issuance of the conditional license and its right to a full hearing.

D. If the sheltered workshop desires to have an informal conference it shall, within four (4) working days of receipt of notice, send a written request for an informal conference to the Department. The Department shall, within four (4) working days from

the receipt of the request, hold an informal conference. Following the conference, the Department may affirm or overrule its previous decision, or modify the terms of the conditional license and plan of correction. The conditional license may be issued after the informal conference or after the time for requesting an informal conference has expired, prior to any further hearing.
Added by Laws 2011, c. 65, § 5, eff. Nov. 1, 2011.

§63-1-865.6. Sheltered workshop license - Transfer.

A. Except as provided in this section, a license to operate a sheltered workshop subject to the provisions of the Sheltered Workshop Act is not transferable. Operation of a sheltered workshop may only be transferred:

1. With the prior written approval of the Director of the Developmental Disabilities Services Division of the Department of Human Services or designee; and

2. From the provider or licensee named in the application to another provider who has a current license or is deemed licensed in accordance with the requirements of the Sheltered Workshop Act.

B. The transferor shall remain responsible for the operation of the sheltered workshop until the transfer is complete. The transferor shall remain liable for all penalties assessed which are imposed for violations occurring prior to transfer of operation. Any citation, problems identified by the Developmental Services Division prior to the transfer, or outstanding deficiencies remaining after the transfer are the responsibility of the transferee to correct.
Added by Laws 2011, c. 65, § 6, eff. Nov. 1, 2011.

§63-1-865.7. Sheltered workshop inspection - Notice.

A. Every sheltered workshop shall be inspected at least annually by a duly appointed representative of the Department of Human Services pursuant to rules promulgated by the Sheltered Workshop Act.

B. The Department shall inspect, survey, and evaluate each sheltered workshop to determine compliance with applicable licensure and program requirements and standards no less than annually and at any time the Department deems necessary.

C. Any inspection, investigation, survey, or evaluation may be conducted without prior notice. Any licensee or applicant for a license shall be deemed to have given consent to any duly authorized employee or agent of the Department to enter and inspect the sheltered workshop in accordance with the provisions of the Sheltered Workshop Act. Refusal to permit such entry or inspection shall constitute grounds for the denial, nonrenewal, suspension or revocation of a license.

D. The Department shall maintain a log, updated at least monthly and available for public inspection, which shall at a minimum detail:

1. The name of the sheltered workshop and date of inspection, investigation, survey, or evaluation;

2. Any deficiencies, lack of compliance, or violation noted at the inspection, investigation, survey, or evaluation;

3. The date a notice of violation, license denial, nonrenewal, suspension, or revocation was issued or other enforcement action occurred;

4. Proposed dates for the resolution of deficiencies;

5. The date corrections were completed, as verified by an inspection; and

6. If the inspection or investigation was made pursuant to the receipt of a complaint, the date such complaint was received and the date the sheltered workshop was notified of the results of the inspection or investigation.

Added by Laws 2011, c. 65, § 7, eff. Nov. 1, 2011.

§63-1-865.8. Criminal history records – Criminal background check - Confidentiality.

A. Providers or licensees are required to conduct a search of criminal history records and the Oklahoma Department of Human Services Community Services Worker Registry (Registry) prior to permanent employment of any community services worker. The provider or licensee shall not hire, contract with, or use as a volunteer, a person whose name is listed in the Registry or who has a criminal background if the Oklahoma State Bureau of Investigation search reveals that the applicant has been convicted, pled guilty, or pled nolo contendere to misdemeanor assault and battery or any felony. The provider or licensee shall immediately cancel any temporary employment arrangement with a person whose name is listed in the Registry or whose background check reveals disqualifying violations of law. If a provider or licensee requests a waiver, the community service worker shall not work directly with service recipients until the provider receives a written decision by the Department.

B. At the request of a provider or licensee, a criminal background check search may be conducted on any person employed by the employer, including those persons excluded in subsection A of this section, at any time during the period of employment of such person. If the results of a criminal background check reveal the person has been convicted, pled guilty, or pled nolo contendere to misdemeanor assault and battery or any felony, the provider or licensee shall immediately terminate the person’s employment or contract.

C. All criminal records received by the employer are confidential and are for the exclusive use of the Department and the employer which requested the information. Except upon court order, or with the written consent of the person being investigated, the records shall not be released or otherwise disclosed to any other

person or agency. These records shall be destroyed after one (1) year from the end of employment of the person to whom such records relate.
Added by Laws 2011, c. 65, § 8, eff. Nov. 1, 2011.

§63-1-870. Legislative statement of need.
The Oklahoma State Legislature hereby finds and declares that there is an inadequate range of community-based services for frail elderly and disabled adults and that there is an urgent need to establish, support and regulate a community-based system of quality adult day care programs to:
1. Provide a protective social environment which may include health remedial, restorative and social services designed to maintain maximum independence and to prevent premature or inappropriate institutionalization of functionally impaired elderly or disabled adults;
2. Provide periods of relief for family caregivers, sometimes called respite care, to enable them to continue caring for an impaired person at home; and
3. Enable family caregivers to continue gainful employment.
Added by Laws 1989, c. 192, § 1, eff. Nov. 1, 1989.

§63-1-871. Short title.
Section 2 through 9 of this act shall be known and may be cited as the "Adult Day Care Act".
Added by Laws 1989, c. 192, § 2, eff. Nov. 1, 1989.

§63-1-872. Definitions.
As used in the Adult Day Care Act:
1. "Adult day care center" or "center" means a facility which provides basic day care services to unrelated impaired adults for more than four (4) hours in a twenty-four-hour period. A center shall be a distinct entity, either freestanding or a separate program of a larger organization. A center shall have a separately verifiable staff, space, budget and participant record system. The terms "adult day care center" or "center" shall not include retirement centers and senior citizen centers;
2. "Basic day care services" means supervised health, social supportive, and recreational services in a structured daytime program which serves functionally impaired adults who continue to live in their own homes, usually with the aid of family care givers;
3. "Department" means the State Department of Health; and
4. "Participant" means any person attending an adult day care center.
Added by Laws 1989, c. 192, § 3, eff. Nov. 1, 1989. Amended by Laws 1996, c. 104, § 1, eff. Nov. 1, 1996; Laws 1998, c. 319, § 1, eff. Nov. 1, 1998.

§63-1-873. Licensure requirements and standards - Centers required to be licensed.

A. The State Board of Health, with the advice of the Long-Term Care Facility Advisory Board, created pursuant to Section 1-1923 of this title, shall define minimum adult day care licensure requirements and rules including standards for:

1. Health and social services which may be provided to participants;

2. The range of services to be provided by a center based on the type of participants to be served;

3. Staff to participant ratios;

4. Staff and volunteer qualifications;

5. Staff training;

6. Food services;

7. Participant records and care plans;

8. Antidiscrimination policies;

9. Sanitary and fire standards; and

10. Any other requirements necessary to ensure the safety and well-being of frail elderly and disabled adults.

B. Centers to be licensed shall include all adult day care centers. Sheltered workshops and senior recreational centers which do not receive participant fees for services are not required to be licensed. It shall be unlawful to operate a center without first obtaining a license for such operation as required by the Adult Day Care Act, regardless of other licenses held by the operator. Organizations operating more than one center shall obtain a license for each site.

C. The license for operation of a center shall be issued by the State Department of Health. The license shall:

1. Not be transferable or assignable;

2. Be posted in a conspicuous place on the licensed premises;

3. Be issued only for the premises named in the application; and

4. Expire twelve (12) months from the date of issuance, provided an initial license shall expire one hundred eighty (180) days after the date of issuance. Licenses may be issued for a period of more than twelve (12) months, but not more than twenty-four (24) months, for the licensing period immediately following November 1, 2011, in order to permit an equitable distribution of license expiration dates to all months of the year.

D. A center shall meet the safety, sanitation and food service standards of the State Department of Health.

E. Local health, fire and building codes relating to adult day care centers shall be classified as an education use group.

F. The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the State Department of Health of its power to subsequently revoke the license

or take other enforcement action for any violations of the Adult Day Care Act committed prior to issuance or renewal of the license.
Added by Laws 1989, c. 192, § 4, eff. Nov. 1, 1989. Amended by Laws 1996, c. 104, § 2, eff. Nov. 1, 1996; Laws 2000, c. 48, § 1, emerg. eff. April 14, 2000; Laws 2011, c. 105, § 34, eff. Nov. 1, 2011.

§63-1-874. Application for license - Renewal - Proof of compliance with law.

A. An applicant for a license to operate an adult day care center must file an application on a form approved by the State Department of Health and pay an initial license fee which shall be determined by the Department.

B. Applications for license renewal must be filed at least forty-five (45) days before the expiration date of the current license on a form approved by the Department and a license renewal fee must be paid which shall be determined by the Department. The annual license renewal fee shall not exceed Seventy-five Dollars ($75.00). Revenue generated by the collection of license fees shall be deposited into the Department revolving fund, and shall be used to help finance the costs associated with the licensing of such center.

C. The applicant must provide evidence of compliance with the requirements of all applicable federal, state and local laws and regulations. In addition to other requirements, an applicant shall provide a statement of ownership and a financial statement.
Added by Laws 1989, c. 192, § 8, eff. Nov. 1, 1989.

§63-1-875. Inspection by State Department of Health.

The State Department of Health shall at least annually and whenever it deems necessary inspect each adult day care center to determine compliance with the Adult Day Care Act and rules and regulations promulgated thereto.

Any licensee or applicant for a license shall be deemed to have given consent to any duly authorized employee or agent of the Department to inspect and enter the home in accordance with the Adult Day Care Act or rules promulgated thereto. Refusal to permit such entry or inspection may constitute grounds for the denial, nonrenewal, suspension or revocation of a license.
Added by Laws 1989, c. 192, § 6, eff. Nov. 1, 1989.

§63-1-876. Denial, suspension, non-renewal or revocation of license - notice - Hearing - Reinstatement of suspended license.

A. The State Department of Health may deny, suspend, deny renewal or revoke the license of an applicant or a licensed adult day care center which fails to comply with the licensing requirements and rules and regulations specified by the provisions of the Adult Day Care Act.

B. The Department shall give a center thirty (30) days' written notice that its license is to be suspended or revoked, and shall take action at the end of that time if the center is still out of compliance. However, if the health and safety of participants is threatened, the suspension or revocation shall be effective immediately, and the center closed.

C. Holders of suspended or revoked licenses shall be entitled to a hearing before Department licensure officials if requested within ten (10) days of their notification. The hearing shall be held at least ten (10) days before final action is taken and conducted pursuant to the Administrative Procedures Act.

D. Suspended licenses may be reinstated if deficiencies are corrected within a time frame established by the Department.

Added by Laws 1989, c. 192, § 7, eff. Nov. 1, 1989.

§63-1-877. Discontinuance of operation of a center - Notification of participants and Department - Surrender of license.

A. If an adult day care center ceases operations, the center shall notify the participants in writing of its intention to do so at least thirty (30) days prior to the effective date of closure unless the Department has ordered immediate closure, which would require immediate participant notification. If ceasing operations for any reason other than license revocation, the center shall also notify the Department of its intention to do so at least thirty (30) days prior to the effective date of closure.

B. Immediately upon discontinuance of operations of a center, the owner-operator shall surrender the license to the Department and the license shall be canceled.

Added by Laws 1989, c. 192, § 8, eff. Nov. 1, 1989.

§63-1-878. Unlawful operation or misrepresentation - Penalties - Misdemeanor - Prosecution - Civil actions - Remedies.

A. It shall be unlawful to operate an adult day care center without possessing a current, valid license issued pursuant to the provisions of the Adult Day Care Act. It shall be unlawful for any holder of a license issued pursuant to the provisions of the Adult Day Care Act to advertise or hold out to the public that it holds a license for a center other than that for which it actually holds a license. It shall be unlawful for any individual or entity to advertise or hold out to the public that it provides adult day care services without first possessing a current, valid license issued pursuant to the provisions of the Adult Day Care Act or the Continuum of Care and Assisted Living Act.

B. Any person who has been determined by the State Department of Health to have violated any provision of the Adult Day Care Act or any rule or order issued pursuant thereto may be liable for an

administrative penalty of not more than Five Hundred Dollars ($500.00) for each day that such violation continues.

C. The amount of the penalty shall be assessed by the Department pursuant to the provisions of subsection B of this section, after notice and hearing. In determining the amount of the penalty, the Department shall include but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on the ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Adult Day Care Act.

D. Any license holder may elect to surrender such license in lieu of such fine, but shall be forever barred from obtaining a reissuance of such license.

E. Any person who violates any of the provisions of the Adult Day Care Act, upon conviction, shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

F. 1. The Attorney General or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Adult Day Care Act or any rule or order issued pursuant thereto.

2. Enforcement of any action for equitable relief to redress or restrain a violation by any person of a provision of the Adult Day Care Act or for an injunction or recovery of any administrative or civil penalty assessed pursuant to the provisions of the Adult Day Care Act may be brought by:

a. the district attorney of the appropriate district court of the State of Oklahoma,

b. the Attorney General on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma, or

c. the Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma, or as otherwise authorized by law.

3. The court has jurisdiction to determine such action, and to grant the necessary or appropriate relief, including but not limited to, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

Added by Laws 1989, c. 192, § 9, eff. Nov. 1, 1989. Amended by Laws 1998, c. 319, § 2, eff. Nov. 1, 1998.

§63-1-879.1. Repealed by Laws 2007, c. 93, § 7, eff. Nov. 1, 2007.

§63-1-879.2. Alzheimer's Research Advisory Council - Powers, duties and responsibilities.

The Alzheimer's Research Advisory Council shall:

1. Provide advice and make recommendations to the State Department of Health and other state agencies regarding Alzheimer's and related dementia issues and/or programs funded or coordinated by, but not limited to, the Department of Mental Health and Substance Abuse Services, the Department of Human Services, the State Department of Health, and the Department of Veterans Affairs;

2. Develop a plan for research relating to Alzheimer's disease and related dementias that addresses and interfaces with existing plans and requires involvement by one or more state agencies;

3. Examine the continuation and possible expansion of services provided through the existing autopsy network currently in operation at the Oklahoma Medical Research Foundation and the University of Oklahoma College of Medicine and provide specific recommendations including funding alternatives to the State Department of Health, no later than March 1, 1991;

4. Review the need for a statewide voluntary registry in order to conduct epidemiology studies for health planning and research purposes;

5. Recommend specific innovation service delivery models that address the unique needs of multi-cultural populations, including but not limited to ethnic sensitive practices, and culturally relevant programming; and

6. Submit before November 1 of each year to the State Department of Health, the Governor and the Oklahoma State Legislature a report, with copies to appropriate state agencies, summarizing the activities of the Alzheimer's Advisory Research Council for the past year and indicating short-term and long-term plans and recommendations for the coming years.

Added by Laws 1990, c. 207, § 2, operative July 1, 1990.

§63-1-879.2a. Short title.

This act shall be known and may be cited as the "Alzheimer's Disease Special Care Disclosure Act".

Added by Laws 1998, c. 147, § 1, eff. Nov. 1, 1998.

§63-1-879.2b. Definitions.

As used in the Alzheimer's Disease Special Care Disclosure Act:

1. "Alzheimer's disease special care" means care that is provided to persons with a diagnosis of probable Alzheimer's disease or related disorders by an entity that provides such care in a special unit or under a special program designed to prevent or limit access to areas outside the designated unit or program; and

2. "Department" means the State Department of Health.

Added by Laws 1998, c. 147, § 2, eff. Nov. 1, 1998.

§63-1-879.2c. Required disclosure.

A. 1. Pursuant to rules promulgated under the provisions of the Alzheimer's Disease Special Care Disclosure Act, any facility including, but not limited to, a nursing facility, residential care facility, assisted living facility, adult congregate living facility, adult day care center, or a continuum of care facility retirement community that advertises, markets, or otherwise promotes itself as providing care or treatment to persons with Alzheimer's disease or related disorders in a special unit or under a special program shall disclose the type of care or treatment provided that distinguishes it as being especially applicable to or suitable for such persons.

2. The disclosure shall be made to:

a. the state licensing agency,

b. any person seeking placement on behalf of a person with Alzheimer's disease or related disorders within an Alzheimer's disease special care unit, and

c. the State Long-Term Care Ombudsman.

3. The State Department of Health shall examine all such disclosures in the Department's records as part of the facility's license renewal process to verify accuracy. The disclosure shall be made prior to the facility or entity entering into any agreement to provide care.

B. The information disclosed as required by this section shall include the following areas:

1. A written description of the Alzheimer's disease special care unit's overall philosophy and mission as it relates to the needs of residents with Alzheimer's disease or related disorders;

2. The process and criteria for placement in, or transfer or discharge from, the unit;

3. The process used for assessment, establishment, and implementation of a patient plan of care, including the method by which the plan evolves and is responsive to changes in the condition of the patient;

4. Staff-to-resident ratios, staff training and continuing education commensurate with Alzheimer's disease residents' needs for increased care and supervision;

5. The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;

6. The types and frequency of resident activities;

7. The involvement of families in care planning and other aspects of care, and the availability of family support programs; and

8. The fees for care and any additional fees.

C. The Department, with equal opportunity for input from consumer and provider representatives, shall develop a standardized disclosure form and shall review the information submitted on the disclosure form by the facility or other entity to verify the accuracy of the information reported. Any significant change in the

information initially submitted by the facility or other entity shall be reported to the Department at the time the change is made.

D. The provisions of this section shall not be construed to preclude a nursing facility without an Alzheimer's disease special care unit from admitting a person with Alzheimer's disease or related disorders.

E. The Department, with equal opportunity for input from consumer and provider representatives, shall promulgate rules to effectuate the provisions of the Alzheimer's Disease Special Care Disclosure Act.

Added by Laws 1998, c. 147, § 3, eff. Nov. 1, 1998.

§63-1-879.3. Core Neuropathology Laboratory.

A. The State Department of Health shall contract with the University of Oklahoma Health Sciences Center, if authorized by the University of Oklahoma Board of Regents, for the development and enhancement of a Core Neuropathology Laboratory.

B. The Core Neuropathology Laboratory shall be:

1. equipped with sufficient state-of-the-art equipment and adequate personnel to allow quality diagnosis and efficient handling of the autopsy specimens; and

2. provided supplies for diagnostic studies for educational programs and for service to the public.

Added by Laws 1990, c. 207, § 3, operative July 1, 1990.

§63-1-879.4. Repealed by Laws 1994, c. 283, § 22, eff. Sept. 1, 1994.

§63-1-880.1. Short title.

Sections 18 through 28 of this act shall be known and may be cited as the "Psychiatric and Chemical Dependency Facility Certificate of Need Act".

Added by Laws 1989, c. 227, § 18.

§63-1-880.2. Public policy - Purpose.

The Legislature hereby declares that it is the public policy of the State of Oklahoma that the offering and development of psychiatric and drug dependency services should be made in a planned, orderly and economical manner consistent with and appropriate to services needed by people in various regions, districts or localities in the State of Oklahoma, and that it is essential to the realization of this public policy that the offering and development of such services in this state be made in accordance with the needs for such services. It is the purpose of the Legislature in enacting this act to further this public policy by providing for the submittal of plans and applications, and by prohibiting the offering, development or

change of existing services prior to the issuance of a certificate of need by the State Department of Health.
Added by Laws 1989, c. 227, § 19.

§63-1-880.3. Definitions.

For purposes of this act:

1. "Act" means the Psychiatric and Chemical Dependency Facility Certificate of Need Act;

2. "Board" means the State Board of Health;

3. "Commissioner" means the Commissioner of Health; and

4. "Department" means the State Department of Health.

Added by Laws 1989, c. 227, § 20.

§63-1-880.4. Department - Powers and duties - Participation in federal programs - Collection of monthly data

A. The State Department of Health shall have the power and duty to:

1. Issue, renew, deny, modify, suspend and revoke certificates of need;

2. Establish and enforce standards and requirements for certificates of need;

3. Require the submission of, and to review reports from any person requesting or obtaining a certificate of need;

4. Employ or designate personnel necessary to implement the provisions of this act;

5. Report to the district attorney having jurisdiction or the Attorney General any act committed by any person which may constitute a misdemeanor pursuant to the provisions of this act;

6. Advise, consult and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of this act;

7. Develop and enforce rules and regulations subject to the approval of the Board to implement the provisions of this act;

8. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for a certificate of need;

9. Establish administrative penalties for violations of the provisions of this act as authorized by the Board;

10. Institute and maintain or intervene in any action or proceeding where deemed necessary by the Department pursuant to this act;

11. Develop and administer plans for services, including manpower, facilities and other resources;

12. Develop and publish, once every four (4) years, a Quadrennial State Health Plan, following guidelines and procedures adopted by the Board, which specifies the method of adoption of the

plan document, its format, provisions for developing and publishing plan amendments and the role of the State Department of Health and the Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards of each mental health catchment area in its development;

13. Establish and administer criteria and standards for the delineation and approval of areas and regions for planning purposes;

14. Promote and maintain plans for providing services in the State of Oklahoma; and

15. Exercise all incidental powers as necessary and proper for the administration of this act.

B. The State Department of Health shall be the single state agency to participate in federal programs for planning and to apply for and administer federal funds for planning, provided, that this act, and any other law vesting planning functions in any other state agency, shall not apply to planning functions vested by law in the Department ofMental Health and the Department of Human Services.

C. The Department shall establish forms and provide for the collection of monthly data necessary for the computation of occupancy rates from licensed psychiatric and chemical dependency facilities which do not provide services to Medicaid recipients. Data shall include licensed bed capacity, average daily census, days on which beds were reserved for residents temporarily absent, and the number, if any, of semi-private units rented as private rooms.

Added by Laws 1989, c. 227, § 21.

§63-1-880.5. Certificate of need required.

Except as otherwise provided by Section 1-880.6 of this title, no psychiatric or chemical dependency facility or unit shall be developed or offered unless a certificate of need therefor has been issued. No governmental entity shall approve any grant of funds, issue any debentures or issue or renew any license for the operation of a facility, nor shall any third-party purchasers, licensed or operated by this state, issue reimbursement for services provided to its insurers or clients, unless the certificate of need as provided in this act has been obtained.

Added by Laws 1989, c. 227, § 22. Amended by Laws 1991, c. 241, § 2, eff. Sept. 1, 1991.

§63-1-880.6. Application for certificate of need - Exemptions.

A. Every entity desiring to establish a new psychiatric or chemical dependency service or to acquire, lease or expand an existing service whether through construction or conversion of facilities, shall make application to the State Department of Health for a certificate of need in such form and accompanied by such information, including a complete list of stockholders, partners, and owners, and any other information, as the Board shall prescribe.

B. The provisions of the Psychiatric and Chemical Dependency Facility Certificate of Need Act shall not apply to any hospital as defined by Section 1-710 of this title licensed by the State Department of Health on or before December 31, 1990, which has:

1. Construction cost overruns or capital expenditures for completion of originally approved beds or completion of previously constructed and shelled space arising out of and based only upon the original certificate of need issued by the Commissioner for said construction, when such construction costs or capital expenditures do not or will not increase the approved number of beds, allow conversion of bed use shall not be deemed new construction or increase pricing structure for treatment or services; or

2. Negotiated a contract with an agency of this state, the federal government or a Native American nation duly recognized by the federal government that specifies the number of beds and their uses. A hospital provided for by paragraph 2 of this subsection shall be exempt from the certificate of need required by the Psychiatric and Chemical Dependency Facility Certificate of Need Act for the purposes specified in the contract. This exemption shall not apply to Medicare or Medicaid contracts or contracts for inpatient services for children or adolescents.

C. The Commissioner of Health is authorized to grant a certificate of need if the entity applying for the certificate has filed a notice on a form prescribed by the State Department of Health which shall include, but not be limited to:

1. The name and location of the entity;

2. The name and address of each person having an ownership interest in the entity;

3. The nature of the acquisition, expansion, addition or conversion, whether by sale, lease or other arrangement;

4. The parties to the sale, lease or other arrangement;

5. The size of the acquisition, expansion, addition or conversion;

6. The approximate cost of the acquisition, expansion, addition or conversion; and

7. The projected date of completion.

D. The Commissioner of Health shall be notified, on a form prescribed by the State Department of Health, of the following:

1. Any decrease in the number of beds of a hospital, facility or hospital unit; and

2. Any change in the designation for a continuum of care in psychiatric or chemical dependency treatment.

E. Psychiatric and chemical dependency service for which a certificate of need is required shall include:

1. Any capital investment or lease of Five Hundred Thousand Dollars ($500,000.00) or more, including predevelopment activities such as arrangements and commitments for financing, architectural

designs, plans, working drawings, specifications and site acquisition; provided, that this dollar limit shall not apply to a change in bed capacity;

2. Acquisition of a facility by purchase, lease, donation or through transfer of stock or corporate merger. If the Department finds that a proposed acquisition is consistent with the criteria and standards for review of such projects, then the Department shall issue a certificate of need. If the Department finds that the proposed acquisition is not consistent with the criteria, the project will be referred to the Commissioner of Health for final determination. The Department's determination to approve the proposed acquisition or to refer it to the Commissioner shall be made no later than fifteen (15) days following the day the application is determined to be complete and review ready, or the proposed acquisition shall be automatically approved. Proposed acquisitions shall be reviewed against standards adopted by the Department which relate only to the acquirer's capability to operate a facility; or

3. Inpatient psychiatric and chemical dependency services for persons under eighteen (18) years of age offered or provided by a hospital or other health care facility, including but not limited to any conversion of existing beds, any increase in bed capacity and any new beds for the purpose of offering or providing said services, regardless of any capital or other costs of the project.

a. The State Board of Health shall provide by rule for the temporary emergency use of beds ordinarily used for adult patients as psychiatric or chemical dependency beds for children or adolescents.

b. Any application to establish or operate inpatient psychiatric or drug or alcohol treatment services for persons under eighteen (18) years of age shall include the establishment, operation and maintenance of a community-based service program or a day treatment program, as those terms are defined by Section 1101 of Title 10 of the Oklahoma Statutes, as an integral part of the total project.

F. Promptly upon receipt of any such application, the Department shall examine and transmit the application to reviewers it may select to determine whether the application is complete. Once the Department has determined that the application is complete, it shall notify affected parties and other reviewing bodies and cause a thorough investigation to be made of the need for and appropriateness of such expanded psychiatric or chemical dependency service. The investigation made pursuant to an application for a certificate of need shall include the following:

1. The adequacy of psychiatric and chemical dependency services in relation to an optimal target ratio of psychiatric or chemical dependency beds to the population;

2. The availability of services which may serve as alternatives or substitutes;

3. The adequacy of financial resources for the new or expanded services and for the continued operation thereof;

4. The availability of sufficient manpower to properly staff and operate the proposed new or expanded service; and

5. Any other matter which the Department deems appropriate.

G. Each application for a certificate of need applied for pursuant to the provisions of this section except for those applications filed by state agencies shall be accompanied by an application fee in an amount established by the Department.

Added by Laws 1989, c. 227, § 23. Amended by Laws 1989, c. 345, § 2, eff. Oct. 1, 1989; Laws 1991, c. 241, § 3, eff. Sept. 1, 1991; Laws 1994, c. 82, § 1, eff. Sept. 1, 1994.

§63-1-880.7. Findings as to necessity - Certain capital expenditures exempted - Criteria for approval of application - Reconsideration of determination.

A. Except as provided in subsection B of this section or Section 1-880.6 of this title no certificate of need shall be issued by the State Department of Health unless, after investigation, the Department makes the following findings:

1. The action proposed in the application for such certificate of need is necessary and desirable in order to provide the services required in the locality to be served;

2. The proposed action can be economically accomplished and maintained; and

3. The proposed action will contribute to the orderly development of services in the locality.

B. 1. An application for a certificate of need shall not be required for a capital expenditure to eliminate or prevent imminent safety hazards as defined by federal, state or local fire, building or life safety codes or regulations, or to comply with state licensure standards, or to comply with accreditation standards, compliance with which is required to receive reimbursements under Title XVIII of the Social Security Act or payments under a state plan for medical assistance approved under Title XIX of such act.

2. Approval under this subsection shall cover only the capital expenditure to eliminate or prevent the hazards or to comply with standards described herein.

C. Any application seeking a certificate of need for the construction of a psychiatric or chemical dependency facility in replacement of an existing facility shall be reviewed by the Department and shall be granted a certificate of need if the application meets the following criteria:

1. The replacement facility involves no increase in licensed beds; and

2. A plan for the use of the facility to be replaced is provided which assures that its use will be discontinued upon licensure of the replacement facility.

D. When the Department completes its investigation and makes a determination to issue or deny a certificate of need, it shall provide written findings to the applicant, other reviewers and to other persons upon their request. The certificate of need shall establish the maximum capital expenditure for the project. The Department shall adopt rules and regulations concerning the time in which a decision must be made by the Department on an application.

E. Any person may request a reconsideration of a Department determination for good cause shown, the grounds for which shall be established by the Department by rule. A request for reconsideration shall be filed within thirty (30) days of the Department determination. The hearing thereupon shall be conducted within thirty (30) days following the receipt of request. Written findings shall be issued within forty-five (45) days of such hearing.

F. The State Department of Health shall conduct a study to determine the number and location of all inpatient and residential psychiatric services and chemical dependency services within the state that are offered or provided for persons under eighteen (18) years of age and maintain a current listing, updated monthly, of the facilities offering said services, the number of beds at each facility, and the occupancy rate at each facility.

Added by Laws 1989, c. 227, § 24. Amended by Laws 1991, c. 241, § 4, eff. Sept. 1, 1991.

§63-1-880.8. Appeal of final determination.

Any final determination by the State Department of Health under this act may be appealed by the applicant, or any other aggrieved party under the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes; provided, that the venue for such appeal shall be in Oklahoma County or in the county in which the facility at issue in the application is located. The decision of the Department shall be upheld by the court unless it is arbitrary or capricious or is not in accordance with applicable law.

Added by Laws 1989, c. 227, § 25. Amended by Laws 1994, c. 48, § 3, eff. Sept. 1, 1994.

§63-1-880.9. Term of validity of certificate - Time for submitting plans and specifications - Time for construction or modification of structure - Time for acquisition - Effective dates of deadlines.

A. A certificate of need issued pursuant to the provisions of this act for the construction or establishment of a new psychiatric or chemical dependency service or the expansion or change of an existing service shall be valid for a period of six (6) months during which time the applicant shall submit to the State Department of

Health the plans and specifications for the facility to be constructed or modified; however, the Department may extend such time by a period not to exceed six (6) months for extraordinary circumstances beyond the control of the applicant. If no such plans and specifications are submitted and approved within the time required by this section, then such certificate shall be null and void. If plans and specifications are submitted, the Department shall approve or disapprove such plans and specifications within forty-five (45) business days of the filing or such plans and specifications shall be presumed to be approved. If the Department disapproves the plans and specifications, such disapproval shall include a detailed statement of the corrections needed. The holder of the certificate must resubmit corrected plans and specifications within forty-five (45) business days of disapproval. Failure to resubmit shall render the certificate void. The applicant must begin construction or modification of the structure within two (2) months following the approval of the plans and specifications and must proceed to complete the structure or modifications within twelve (12) months of the approval or the certificate will be canceled. However, the Department may extend such completion day by a period not to exceed six (6) months for good cause, provided that such extension shall not apply to an applicant who has been previously granted a six (6) months' extension for completion of plans and specifications.

B. A certificate of need issued pursuant to the provisions of this act for the acquisition of a psychiatric or chemical dependency facility shall be valid for a period of six (6) months by which time the acquisition must be finalized, provided that the Department may extend such final date by a period not to exceed three (3) months for good cause.

C. Pending the appeal of an order granting a certificate of need in the district or Supreme Court, the effective dates of deadlines for submitting plans, filing reports, completion of the project and other requirements related to such project shall commence on the date of a final judicial determination of any such appeal, and any certificate of need which has been approved by the Department shall remain in effect pending such appeal. The effective date of the issuance of a certificate of need shall be the date of a final judicial determination of any such appeal. The provisions of this subsection shall have prospective and retrospective application. Added by Laws 1989, c. 227, § 26.

§63-1-880.10. Decision granting or denying certificate of need for psychiatric or chemical dependency facility - Written findings of fact, conclusions of law and explanations required.

The State Department of Health is hereby directed, with respect to any decision granting or denying a certificate of need for a new psychiatric or chemical dependency facility, to issue in writing

findings of fact, conclusions of law, and explanations of any other pertinent considerations, including precedents, upon which such decision is based. The Department shall be allowed forty-five (45) days within which to issue a formal order and opinion to the applicant and any parties opposed to the application after the conclusion of the hearing, or after the submission of additional evidence or briefs requested by the Department.
Added by Laws 1989, c. 227, § 27.

§63-1-880.11. Violations - Penalties.

Any person who offers or develops or begins to offer or develop a psychiatric or chemical dependency facility or an addition thereto without having first obtained a certificate of need, as provided by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by payment of a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00). If the State Department of Health, through one of its agents or representatives, notifies in writing, through certified mail, return receipt requested, the person who has unlawfully commenced the offering or development of a psychiatric or chemical dependency facility to cease and desist, then each day that such person continues such offering or development shall be a separate offense. If any person continues to offer or develop such service after the issuance of a cease and desist order, the Department shall seek an injunction to prohibit the continued offering or development.
Added by Laws 1989, c. 227, § 28.

§63-1-880.12. Payment or acceptance of payment for securing or soliciting patients for psychiatric or chemical dependency facility.

A. 1. Any person who intentionally or knowingly pays to or accepts anything of value from any person, firm, association of persons, partnership, or corporation for securing or soliciting patients for any psychiatric or chemical dependency facility in this state shall be guilty of a misdemeanor, and upon conviction shall be punishable by payment of a fine of not less than Five Hundred Dollars ($500.00) and not more than Two Thousand Dollars ($2,000.00).

2. In addition to any other penalties or remedies provided by law:

a. a violation of this section shall be grounds for disciplinary action by the state agency licensing, certifying, or registering such professional or provider, and

b. the state agency licensing, certifying, or registering such professional or provider may institute an action to enjoin a violation or potential violation of this section. The action for an injunction shall be in

addition to any other action, proceeding, or remedy authorized by law.

B. This section shall not be construed to prohibit:

1. Advertising, except that advertising which:

a. is false, misleading or deceptive,

b. advertises professional superiority or the performance of a professional service in a superior manner, and

c. is not readily subject to verification;

2. Remuneration for advertising, marketing or other services that are provided for the purpose of securing or soliciting patients, provided the remuneration is:

a. set in advance,

b. consistent with the fair market value of the services, and

c. not based on the volume or value of any patient referrals or business otherwise generated between the parties; and

3. Any payment, business arrangements, or payments practice not prohibited by 42 U.S.C., Section 1320a-7b(b), or any regulations promulgated pursuant thereto.

C. This section shall not apply to licensed insurers, including but not limited to, group hospital service corporations, or health maintenance organizations which reimburse, provide, offer to provide, or administer hospital, medical, dental, or other health-related benefits under a health benefits plan for which it is the payor when it is providing those services under a health benefits plan.

D. For purposes of this section:

1. "Health or mental health care professional" means any person who offers or provides counseling or health or mental health care under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes, and any drug and alcohol counselor certified by a private professional organization or association that offers drug and alcohol certification; and

2. "Health care provider" means any hospital or related institution offering or providing outpatient or inpatient psychiatric or chemical dependency care licensed pursuant to Section 1-702 of Title 63 of the Oklahoma Statutes, or private facility offering inpatient or outpatient psychiatric or chemical dependency care licensed or certified pursuant to Title 43A of the Oklahoma Statutes. Added by Laws 1992, c. 356, § 1, emerg. eff. June 4, 1992.

§63-1-881. Prescribing antipsychotic drugs to long-term care facility residents – Written consent – Denial of admission.

A. As used in this section:

1. "Antipsychotic drug" means a drug, sometimes called a major tranquilizer, used to treat symptoms of severe psychiatric disorders, including but not limited to schizophrenia and bipolar disorder;

2. "Long-term care facility" means:
   a. a nursing facility as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes,
   b. a continuum of care facility as defined under the Continuum of Care and Assisted Living Act, or
   c. the nursing care component of a life care community as defined by the Long-term Care Insurance Act;

3. "Resident" means a resident as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes;

4. "Representative of a resident" means a representative of a resident as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes; and

5. "Prescribing clinician" means:
   a. an allopathic or osteopathic physician licensed by and in good standing with the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, as appropriate,
   b. a physician assistant licensed by and in good standing with the State Board of Medical Licensure and Supervision, or
   c. an Advanced Practice Registered Nurse licensed by and in good standing with the Oklahoma Board of Nursing.

B. Except in case of an emergency in which the resident poses harm to the resident or others, no long-term care facility resident shall be prescribed or administered an antipsychotic drug that was not already prescribed to the resident prior to admission to the facility unless each of the following conditions has been satisfied:

1. The resident has been examined by the prescribing clinician and diagnosed with a psychiatric condition and the prescribed drug is approved by the United States Food and Drug Administration for that condition or prescribed in accordance with generally accepted clinical practices;

2. The prescribing clinician, or a previous prescribing clinician, has unsuccessfully attempted to accomplish the drug's intended effect using contemporary and generally accepted nonpharmacological care options, and has documented those attempts and their results in the resident's medical record or has deemed that those attempts would not be medically appropriate based upon a physical examination by the prescribing clinician and documented the rationale in the resident's medical record;

3. The facility has provided to the resident or representative of a resident a written explanation of applicable informed consent laws. The explanation shall be written in language that the resident or representative of a resident can be reasonably expected to understand;

4. The prescribing clinician has confirmed with the nursing facility verbally or otherwise that written, informed consent has

been obtained from the resident or representative of the resident that meets the requirements of subsection C of this section; and

5. In the event a long-term care facility resident is prescribed an antipsychotic medication in the case of an emergency, the prescribing physician shall prescribe the minimum dosage and duration that is prudent for the resident's condition and shall examine the patient in person within thirty (30) days.

C. Except in the case of an emergency as provided for in subsection B of this section, the prescribing clinician shall confirm that written, voluntary informed consent to authorize the administration of an antipsychotic drug to a facility resident has been obtained from the resident or the representative of the resident prior to the initial administration of the antipsychotic drug. Voluntary informed consent shall, at minimum, consist of the following:

1. The prescribing clinician has confirmed that a signed, written affirmation has been obtained from the resident or the representative of the resident that the resident has been informed of all pertinent information concerning the administration of an antipsychotic drug in language that the signer can reasonably be expected to understand. Pertinent information shall include, but not be limited to:

a. the reason for the drug's prescription and the intended effect of the drug on the resident's condition,

b. the nature of the drug and the procedure for its administration, including dosage, administration schedule, method of delivery and expected duration for the drug to be administered,

c. risks, common side effects and potential severe adverse reactions associated with the administration of the drug,

d. the right of the resident or representative of the resident to refuse the administration of the antipsychotic drug and the medical consequences of such refusal, and

e. an explanation of pharmacological and nonpharmacological alternatives to the administration of antipsychotic drugs and the resident's right to choose such alternatives; and

2. Except in the case of an emergency as provided for in subsection B of this section, the prescribing clinician shall inform the resident or the representative of the resident of the existence of the long-term care facility's policies and procedures for compliance with informed consent requirements. The facility shall make these available to the resident or representative of the resident prior to administering any antipsychotic drug upon request.

D. 1. Antipsychotic drug prescriptions and administration shall be consistent with standards for dosage, duration and frequency of administration that are generally accepted for the resident's condition.

2. Throughout the duration of the administration of an antipsychotic drug and at generally accepted intervals approved for the resident's condition, the prescribing clinician or designee shall monitor the resident's condition and evaluate drug performance with respect to the condition for which the drug was prescribed. The prescribing clinician shall provide documentation of the status of the resident's condition to the resident or the representative of the resident upon request and without unreasonable delay.

3. Any change in dosage or duration of the administration of an antipsychotic drug shall be justified by the prescribing clinician with documentation on the resident's record of the clinical observations that warranted the change.

E. 1. No long-term care facility shall deny admission or continued residency to a person on the basis of the person's or his or her representative's refusal to the administration of antipsychotic drugs, unless the prescribing clinician or care facility can demonstrate that the resident's refusal would place the health and safety of the resident, the facility staff, other residents or visitors at risk.

2. Any care facility that alleges that the resident's refusal to consent to the administration of antipsychotic drugs will place the health and safety of the resident, the facility staff, other residents or visitors at risk shall document the alleged risk in detail and shall present this documentation to the resident or the representative of the resident, to the State Department of Health and to the Long-Term Care Ombudsman; and shall inform the resident or the representative of the resident of the resident's right to appeal to the State Department of Health. The documentation of the alleged risk shall include a description of all nonpharmacological or alternative care options attempted and why they were unsuccessful or why the prescribing clinician determined alternative treatments were not medically appropriate for the condition following a physical examination.

F. The provisions of this section shall not apply to a hospice patient as defined in Section 1-860.2 of Title 63 of the Oklahoma Statutes.

Added by Laws 2019, c. 311, § 1, eff. Nov. 1, 2019.

§63-1-890.1. Short title.

Sections 1 through 7 of this act shall be known and may be cited as the "Continuum of Care and Assisted Living Act".

Added by Laws 1997, c. 223, § 1, emerg. eff. May 20, 1997.

§63-1-890.2. Definitions.

As used in the Continuum of Care and Assisted Living Act:

1. "Assisted living center" means any home or establishment offering, coordinating or providing services to two or more persons who:

a. are domiciled therein,

b. are unrelated to the operator,

c. by choice or functional impairments, need assistance with personal care or nursing supervision,

d. may need intermittent or unscheduled nursing care,

e. may need medication assistance, and

f. may need assistance with transfer and/or ambulation;

2. "Board" means the State Board of Health;

3. "Commissioner" means the Commissioner of Health;

4. "Continuum of care facility" means a home, establishment or institution providing nursing facility services as defined in Section 1-1902 of this title and one or both of the following:

a. assisted living center services as defined in the Continuum of Care and Assisted Living Act, and

b. adult day care center services as defined in Section 1-872 of this title; and

5. “Department” means the State Department of Health.

Added by Laws 1997, c. 223, § 2, emerg. eff. May 20, 1997. Amended by Laws 2007, c. 347, § 1, eff. Nov. 1, 2007; Laws 2009, c. 53, § 1, eff. Nov. 1, 2009.

§63-1-890.3. Promulgation of rules - Contents - Other applicable acts.

A. The State Board of Health shall promulgate rules necessary to implement the provisions of the Continuum of Care and Assisted Living Act. Such rules shall include, but shall not be limited to:

1. A uniform comprehensive resident screening instrument to measure the needs and capabilities of residents in all settings and to determine appropriate placements of residents;

2. Physical plant requirements meeting construction and life safety codes, with provisions accommodating resident privacy and independence in assisted living centers and in assisted living components of continuum of care facilities based on the variable capabilities of residents;

3. Staffing levels responsive to the variable needs of residents, with provisions for sharing of staff between components in a continuum of care facility;

4. Standards for measuring quality outcomes for residents;

5. Provisions for individualized services chosen by and designed for each resident;

6. Provisions to prohibit facility staff from disclosing a resident's financial information to third parties without written

consent of the resident or the designated representative of the resident;

7. Procedures for inspections and investigations of licensed entities to ensure compliance with the Continuum of Care and Assisted Living Act and rules promulgated by the Board;

8. Enumeration of resident rights and responsibilities to be observed by each facility and its staff. Such resident rights shall include the freedom of choice regarding any personal attending physicians and all other providers of medical services and supplies without a financial penalty or fee charged by the assisted living center;

9. Provisions for a surety bond or deposit from each applicant in an amount sufficient to guarantee that obligations to residents will be performed, with provisions for reduction or waiver of the surety bond or deposit when the assets of the applicant or its contracts with other persons are sufficient to reasonably ensure the performance of its obligations;

10. Provisions for the development of a consumer guide or similar resource to be posted on the Internet website of the State Department of Health to assist individuals and families in understanding the services provided by assisted living centers and to compare and select a facility; and

11. Provisions for posting results of routine inspections and any complaint investigations of each assisted living center on the Internet website of the Department. Such information shall be regularly updated to include the facility's plan of correction and to indicate when a violation of a licensing regulation was corrected by the facility.

B. The nursing care service of a continuum of care facility shall be subject to the requirements, procedures and remedies set out in the Nursing Home Care Act, including provisions relating to resident rights.

C. The adult day care component of a continuum of care facility shall be subject to requirements and procedures specified under the Adult Day Care Act.

Added by Laws 1997, c. 223, § 3, emerg. eff. May 20, 1997. Amended by Laws 2009, c. 53, § 2, eff. Nov. 1, 2009; Laws 2012, c. 199, § 1, eff. Nov. 1, 2012; Laws 2015, c. 31, § 1, eff. Nov. 1, 2015.

§63-1-890.4. Application to establish or license a continuum of care facility or assisted living center.

A. Each application for establishment of a continuum of care facility or assisted living center shall be accompanied by a nonrefundable application fee. The State Board of Health shall develop a sliding fee scale not to exceed One Thousand Dollars ($1,000.00) for each application, except that any facility operated by the Oklahoma Department of Veterans Affairs shall be exempt from

the fee. The scale shall be based upon the bed capacity of the continuum of care facilities or assisted living centers.

B. Each application for an initial license, or annual renewal of the license, to operate a continuum of care facility or assisted living center shall be accompanied by a license fee of Ten Dollars ($10.00) for each bed included in the maximum bed capacity at such facility or center, except that any facility operated by the Oklahoma Department of Veterans Affairs shall be exempt from this fee. Each application for an initial or renewal license for a continuum of care facility that includes an adult day care component shall be accompanied by an additional license fee in an amount to be determined by the Board, but not to exceed Seventy-five Dollars ($75.00), except that any facility operated by the Oklahoma Department of Veterans Affairs shall be exempt from the fee.

C. Each application to establish or license a continuum of care facility or assisted living center shall be on a form approved by the Commissioner to include, but not be limited to, the following:

1. Disclosure of the applicant's identity and background in the operation of continuum of care and assisted living services; and

2. Evidence of the adequacy of the applicant's financial resources and ability to ensure adequate staffing.

Added by Laws 1997, c. 223, § 4, emerg. eff. May 20, 1997. Amended by Laws 1998, c. 31, § 1, eff. July 1, 1998; Laws 2013, c. 183, § 2, emerg. eff. April 29, 2013.

§63-1-890.5. License required.

No person shall establish, operate or maintain a continuum of care facility or assisted living center, or use in its name, logo, contracts, or literature the phrase "continuum of care facility" or "assisted living", nor imply that it is a continuum of care facility or assisted living center, nor hold itself out to be a continuum of care facility or assisted living center, unless that person first obtains a license as required by the Continuum of Care and Assisted Living Act.

Added by Laws 1997, c. 223, § 5, emerg. eff. May 20, 1997.

§63-1-890.6. Application of act - Bans on admission - Penalties.

A. The Continuum of Care and Assisted Living Act shall not apply to residential care homes, adult companion homes, domiciliary care units operated by the Department of Veterans Affairs, the private residences of persons with developmental disabilities receiving services provided by the Developmental Disabilities Services Division of the Department of Human Services or through the Home- and Community-Based Waiver or the Alternative Disposition Plan Waiver of the Oklahoma Health Care Authority, or to hotels, motels, boardinghouses, rooming houses, a home or facility approved and annually reviewed by the United States Department of Veterans Affairs

as a medical foster home in which care is provided exclusively to three or fewer veterans, or other places that furnish board or room to their residents. The Continuum of Care and Assisted Living Act shall not apply to facilities not charging or receiving periodic compensation for services rendered and not receiving any county, state or federal assistance.

B. The State Commissioner of Health may ban admissions to, or deny, suspend, refuse to renew or revoke the license of, any continuum of care facility or assisted living center which fails to comply with the Continuum of Care and Assisted Living Act or rules promulgated by the State Board of Health.

C. Any person who has been determined by the Commissioner to have violated any provision of the Continuum of Care and Assisted Living Act or any rule promulgated hereunder shall be liable for an administrative penalty of not more than Five Hundred Dollars ($500.00) for each day that the violation occurs.

D. 1. The State Department of Health shall develop a classification system of violations, taking into consideration the recommendations of the Long-Term Care Facility Advisory Board pursuant to Section 1-1923 of this title, which shall gauge the severity of the violation and specify graduated penalties based on:

a. no actual harm with the potential for minimal harm,

b. no actual harm with the potential for more than minimal harm,

c. actual harm that is not immediate jeopardy, and

d. immediate jeopardy to resident health and safety.

2. Upon discovery of one or more violations, the Department shall provide a statement of deficiencies containing the violations. The continuum of care facility or assisted living center shall be required to correct these violations and submit a plan of correction that details how the facility or center will correct each violation, ensure that the violation will not occur in the future and a period to correct each violation not to exceed sixty (60) days.

3. No fine shall be assessed for any violation that is not classified as actual harm or immediate jeopardy, unless the continuum of care facility or assisted living center fails to correct the violation within the period set forth in the accepted plan of correction. Fines may be assessed at any time for any violations that are classified as actual harm or immediate jeopardy.

4. Any new violation unrelated to the original violation and not classified as actual harm or immediate jeopardy that is discovered upon a revisitation of a continuum of care facility or assisted living center shall constitute a new action and shall not be included in the original citation or assessment of fines or penalties; provided, that a preexisting violation not corrected in compliance with the approved plan of correction shall be considered still in effect.

E. If a continuum of care facility's failure to comply with the Continuum of Care and Assisted Living Act or rules involves nursing care services, the Commissioner shall have authority to exercise additional remedies provided under the Nursing Home Care Act. If a continuum of care facility's failure to comply with the Continuum of Care and Assisted Living Act or rules involves adult day care services, then the Commissioner shall have authority to exercise additional remedies provided under the Adult Day Care Act.

F. In taking any action to deny, suspend, deny renewal, or revoke a license, or to impose an administrative fee, the Commissioner shall comply with requirements of the Administrative Procedures Act.

Added by Laws 1997, c. 223, § 6, eff. July 1, 1998. Amended by Laws 1999, c. 214, § 3, eff. Nov. 1, 1999; Laws 2012, c. 12, § 2, emerg. eff. April 5, 2012; Laws 2016, c. 240, § 1, eff. Nov. 1, 2016.

§63-1-890.7. Repealed by Laws 2003, c. 16, § 1.

§63-1-890.8. Provision of home care, nursing, hospice and private services - Plan of accommodation for certain disabled residents.

A. Residents of an assisted living center may receive home care services and intermittent, periodic, or recurrent nursing care through a home care agency under the provisions of the Home Care Act.

B. Residents of an assisted living center may receive hospice home services under the provisions of the Oklahoma Hospice Licensing Act.

C. Nothing in the foregoing provisions shall be construed to prohibit any resident of an assisted living center from receiving such services from any person who is exempt from the provisions of the Home Care Act.

D. The assisted living center shall monitor and assure the delivery of those services. All nursing services shall be in accordance with the written orders of the personal or attending physician of the resident.

E. A resident of an assisted living center or the family or legal representative of the resident shall be required to disclose any third-party provider of medical services or supplies prior to service delivery.

F. Any third-party provider of medical services or supplies shall comply with the provisions of subsection D of this section.

G. Notwithstanding the foregoing provisions, a resident of an assisted living center, or the family or legal representative of the resident, may privately contract or arrange for private nursing services under the orders and supervision of the personal or attending physician of the resident, private monitoring, private sitters or companions, personal domestic servants, or personal staff.

H. If a resident of an assisted living center develops a disability or a condition that is consistent with the facility's discharge criteria:

1. The personal or attending physician of a resident, a representative of the assisted living center, and the resident or the designated representative of the resident shall determine by and through a consensus of the foregoing persons any reasonable and necessary accommodations, in accordance with the current building codes, the rules of the State Fire Marshal, and the requirements of the local fire jurisdiction, and additional services required to permit the resident to remain in place in the assisted living center as the least restrictive environment and with privacy and dignity;

2. All accommodations or additional services shall be described in a written plan of accommodation, signed by the personal or attending physician of the resident, a representative of the assisted living center and the resident or the designated representative of the resident;

3. The person or persons responsible for performing, monitoring and assuring compliance with the plan of accommodation shall be expressly specified in the plan of accommodation and shall include the assisted living center and any of the following:

a. the personal or attending physician of the resident,

b. a home care agency,

c. a hospice, or

d. other designated persons.

The plan of accommodation shall be reviewed at least quarterly by a licensed health care professional;

4. If the parties identified in paragraph 1 of this subsection fail to reach a consensus on a plan of accommodation, the assisted living center shall give written notice to the resident, the legal representative or the resident or such persons as are designated in the resident's contract with the assisted living center, of the termination of the residency of the resident in the assisted living center in accordance with the provisions of the resident's contract with the assisted living center. Such notice shall not be less than thirty (30) calendar days prior to the date of termination, unless the assisted living center or the personal or attending physician of the resident determines the resident is in imminent peril or the continued residency of the resident places other persons at risk of imminent harm;

5. If any party identified in paragraph 1 of this subsection determines that the plan of accommodation is not being met, such party shall notify the other parties and a meeting shall be held between the parties within ten (10) business days to re-evaluate the plan of accommodation; and

6. Any resident aggrieved by a decision to terminate residency may seek injunctive relief in the district court of the county in

which the assisted living center is located. Such action shall be filed no later than ten (10) days after the receipt of the written notice of termination.

I. Nothing in this section shall be construed to abrogate an assisted living center's responsibility to provide care for and oversight of a resident.

Added by Laws 2007, c. 347, § 2, eff. Nov. 1, 2007. Amended by Laws 2008, c. 22, § 1, eff. Nov. 1, 2008; Laws 2013, c. 248, § 1, eff. Nov. 1, 2013.

§63-1-891. Supervision of nurse aide trainees.

Any assisted living facility that employs an individual who is in nurse aide training shall ensure that such individual is supervised by no less than a consulting nurse licensed to practice in this state.

Added by Laws 1999, c. 418, § 2, emerg. eff. June 10, 1999.

§63-1-894. Quality of care fees – Assessment upon repeal of federal requirements.

Upon repeal of a United States Congress or federal Health Care Financing Administration requirement to assess a quality of care fee, upon all licensed nursing home beds, such fee shall only be assessed upon nursing facilities that have a Medicaid contract with the state.

Added by Laws 2000, c. 340, § 25, eff. July 1, 2000.

§63-1-895. Informal dispute resolution panel.

A. Upon written request to the State Department of Health, an assisted living center as defined in the Continuum of Care and Assisted Living Act may choose to participate in an informal dispute resolution panel to be offered by the State Department of Health as an alternative to the informal dispute resolution process outlined in Sections 1-1914.3 through 1-1914.10 and Sections 1-1914.13 through 1-1914.16 of Title 63 of the Oklahoma Statutes.

B. The State Department of Health shall appoint the informal dispute resolution panel, to be comprised of the following impartial members:

1. A licensed administrator currently working in the assisted living industry;

2. A health professional currently working in an assisted living center;

3. Two representatives from the aging and disabled community who do not represent a state agency; and

4. A representative from the State Department of Health with experience in assisted living center surveys.

Added by Laws 2013, c. 50, § 1, eff. Nov. 1, 2013.

§63-1-899.1. Repealed by Laws 2002, c. 112, § 5, eff. Dec. 31, 2002.

§63-1-901. Definitions.

A. "Bottled water" means any water, including water to which chemicals or other substances may have been added, which is placed in bottles or other containers to be sold or offered for sale for drinking, culinary or other domestic purposes involving a likelihood of the water being ingested by human beings.

B. "Bottled water plant" means any place, premises, or structure, including water supply, facilities and equipment, used in the treatment or processing of the water or the filling of containers in the preparation of bottled water.

Added by Laws 1963, c. 325, art. 9, § 901, operative July 1, 1993.
Amended by Laws 1993, c. 145, § 309, eff. July 1, 1993.

§63-1-902. Renumbered as § 2-6-701 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-903. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-904. Renumbered as § 2-6-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-905. Renumbered as § 2-4-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-906. Renumbered as § 2-6-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-907. Renumbered as § 2-6-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-908. Renumbered as § 2-6-401 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-909. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-909A. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-910. Renumbered as § 2-6-403 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-911. Renumbered as § 2-6-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-912. Renumbered as § 2-6-601 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-913. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-914. Cooperation in clearing area and controlling malaria.

All persons impounding any body of water for public use shall cooperate with the State Department of Health in clearance of the area and the measures necessary to control malaria.

Laws 1963, c. 325, art. 9, § 914, operative July 1, 1963.

§63-1-915. Bottled water - Plants - Sale or distribution - Permits required.

Any person desiring to operate a bottled water plant, or to sell or distribute bottled water, in Oklahoma shall make application to the State Commissioner of Health for a permit, and obtain a valid permit prior to the operation of the bottled water plant or the distribution and sale of bottled water. Application for such permit shall be on a form supplied by the Commissioner and shall contain such information as the Commissioner deems necessary to his determination that the operation of the bottled water plant or sale of bottled water will in no manner be injurious or hazardous to the health or safety of the people of the state. Each application for a permit and permit renewal shall be accompanied by the proper fee in the amount specified in the following section. The fee paid and permit issued shall be for the particular bottled water plant to be operated and shall not be transferred to another person or location.

Laws 1963, c. 325, art. 9, § 915, operative July 1, 1963.

§63-1-916. Fees for permits.

The fee for the issuance of a permit, and for each renewal of such permit, to operate a bottled water plant shall be Twenty-five Dollars ($25.00). All permits and permit renewals shall expire on June 30 of each year following the date of issue.

Laws 1963, c. 325, art. 9, § 916, operative July 1, 1963.

§63-1-917. Standards for bottled water plants.

All bottled water plants shall comply with the following standards of sanitation and safety:

(1) The source of water supply shall be structurally protected to prevent contamination and shall provide such treatment as necessary to insure the water to be bacteriologically and chemically safe for drinking purposes.

(2) The bottled water plant shall be maintained in a clean and sanitary condition and shall be in good repair and of such construction that will facilitate maintenance in a sanitary condition. Rooms used for bottling and bottle washing shall be well lighted and adequately ventilated. All necessary precautions shall be taken to protect against the entrance of rodents and insects.

(3) All bottles and containers shall be thoroughly cleaned and given approved bactericidal treatment prior to filling. Facilities and methods of filing bottles or containers shall be such as to minimize the possibility of contamination.

(4) Adequate and convenient handwashing and toilet facilities shall be provided and maintained in a sanitary condition.

(5) All bottles or containers shall be plainly labeled as to contents and shall show the name and address of the bottled water plant. No medicinal claims or misleading information shall be permitted on the label.

Laws 1963, c. 325, art. 9, § 917, operative July 1, 1963.

§63-1-918. Standards, rules and regulations.

The State Board of Health shall formulate, and after public hearing adopt reasonable rules and regulations establishing minimum standards of compliance for carrying out the provisions of the preceding section, and such additional rules and regulations as it deems necessary to protect the health and safety of the public in the sale of bottled water.

Laws 1963, c. 325, art. 9, § 918.

§63-1-919. Plans for bottled water plants.

Before any bottled water plant is hereafter constructed, reconstructed, or extensively altered, properly prepared plans therefor shall be approved by the State Commissioner of Health.

Laws 1963, c. 325, art. 9, § 919, operative July 1, 1963.

§63-1-931. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-932. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-933. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-935. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1001. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1001.1. Short title.

This act shall be known and may be cited as the "Oklahoma Bedding Regulation Act".

Added by Laws 1996, c. 51, § 1, eff. July 1, 1996.

§63-1-1001.2. Application of act - Exceptions.

The Oklahoma Bedding Regulation Act shall apply to all persons engaged in the business of manufacturing, repairing, renovating, germicidally treating, leasing, selling or offering to sell items of bedding. The Oklahoma Bedding Regulation Act shall not apply to:

1. Individuals who make, repair, renovate, or germicidally treat bedding for their own personal use;

2. An individual or individuals, not a corporation, who make, repair, renovate or sanitize quilts, comforters or pillow covers, including decorative pillows; or

3. Any person who offers for sale or sells goods, wares or merchandise to the highest bidder or offers for sale or sells goods, wares or merchandise at a high price and then offers the same at successive lower prices until a buyer is secured.

Added by Laws 1996, c. 51, § 2, eff. July 1, 1996.

§63-1-1001.3. Definitions.

As used in the Oklahoma Bedding Regulation Act:

1. "Bedding" means any mattress, upholstered spring, sleeping bag, pad, comforter, cushion, pillow and any other item used principally for sleeping. The term "bedding" also includes dual purpose furniture such as studio couches, futons and sofa beds;

2. "Mattress" includes padding or cushioning material which is used in conjunction with water bed liners, bladders or cylinders, but does not include water bed liners, bladders or cylinders;

3. "Itinerant vendor" means a person who sells bedding from a movable conveyance;

4. "Manufacture" means the making of bedding out of new or recycled materials;

5. "New material" means any material or article that has not been used for any other purpose;

6. "Previously used material" means any material which previously has been used for any purpose other than for the manufacture of bedding;

7. "Recycled material" means materials which have previously been used for purposes other than as a component of bedding or bedding materials, and which can be used, after processing, for bedding materials. Such processing shall result in a sanitary material which can be used safely as a bedding material without the germicidal treatment used for secondhand materials. Properly recycled materials shall be considered new materials;

8. "Renovate" means the reworking or remaking of used bedding or the making of bedding from previously used materials;

9. "Sanitize" means germicidal treatment of secondhand bedding or previously used materials to be used in renovating for the destruction of pathogenic microorganisms and arthropods and the removal of dirt and filth;

10. "Secondhand bedding" means any bedding of which prior use has been made as bedding;

11. "Sell" or "sold" means to sell, offer to sell, give away in connection with a sale, a sale's promotion or sale by consignment; or possess with intent to sell, deliver or consign in sale; and

12. "Commissioner" means the Commissioner of Health.
Added by Laws 1996, c. 51, § 3, eff. July 1, 1996.

§63-1-1001.4. Unlawful actions.

Unless otherwise provided by law, it shall be unlawful to:

1. Sell, lease, manufacture, renovate or repair bedding without the proper permit from the Commissioner;

2. Manufacture, sell or deliver, lease, hold or offer for sale any bedding or bedding material unless it is labeled in accordance with rules promulgated pursuant to the provisions of the Oklahoma Bedding Regulation Act;

3. Alter, mutilate, destroy, obliterate, or remove the whole or any part of the labeling of, or the doing of any other act with respect to, bedding or bedding materials, if such act is done while such article is held for sale and results in such article being mislabeled or unlabeled;

4. Distribute or knowingly receive in commerce any bedding, or bedding material, that is mislabeled, unlabeled or has been manufactured, renovated, held or transported under unsanitary conditions;

5. Disseminate any false or misleading advertisement;

6. Refuse to permit entry or inspection, or to permit the taking of a sample, as authorized by Section 8 of this act;

7. Remove or dispose of a detained or embargoed article in violation of Section 6 of this act;

8. Forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, or other identification device authorized or required by rules promulgated under the provisions of the Oklahoma Bedding Regulation Act;

9. Sell or lease any renovated bedding or secondhand bedding, or any portions thereof, unless it is sanitized and labeled in accordance with rules promulgated pursuant to the provisions of the Oklahoma Bedding Regulation Act;

10. Renovate into bedding or bedding material any discarded materials obtained from dump grounds, junk yards, or hospitals within or without the State of Oklahoma; and

11. Remove or dispose of any detained or embargoed article by sale or otherwise without such permission.
Added by Laws 1996, c. 51, § 4, eff. July 1, 1996.

§63-1-1001.5. Promulgation of rules.

The State Board of Health shall promulgate rules for:

1. Examinations of bedding manufactured, renovated, held, leased, sold or offered for sale in Oklahoma;

2. The disposal of bedding determined to be unsafe for human use;

3. The label requirements on bedding and bedding materials;

4. The sanitation of renovated or secondhand bedding, or bedding materials;

5. The sanitation standards for facilities or vehicles where bedding or bedding materials are manufactured, renovated, held, leased, transported, sold or offered for sale in Oklahoma;

6. The defining of categories and limitations of bedding permits;

7. The establishment of an annual permit fee;

8. Reporting requirements which may include bedding article registration fees;

9. The procedure to apply for or renew a bedding permit; and

10. Prescribing means, methods and practices to implement the provisions of the Oklahoma Bedding Regulation Act.

Added by Laws 1996, c. 51, § 5, eff. July 1, 1996.

§63-1-1001.6. Embargo of unlawful bedding.

A. Whenever a duly authorized agent of the State Department of Health finds, or has probable cause to believe, that any bedding or bedding material is in an unsanitary condition, mislabeled, or unlabeled within the meaning of the Oklahoma Bedding Regulation Act, or any rule promulgated pursuant thereto, such agent shall affix to such bedding or bedding material a tag or other appropriate marking, giving notice that such article is or is suspected of being unsanitary, mislabeled or unlabeled and has been detained or embargoed, and warning all persons not to remove or dispose of such bedding article by sale or otherwise until permission for removal or disposal is given by such agent.

B. 1. The Department shall have twenty (20) days from the time an article is embargoed in which to make a final determination as to its unsanitary condition or improper labeling. Failure to find the article to be in an unsanitary condition, mislabeled or unlabeled within such time shall result in the embargo being lifted. When such agent has found that an article so detained or embargoed is not in an unsanitary condition or mislabeled, such agent shall remove the tag or other marking.

2. When the Department has found an article to be in an unsanitary condition, mislabeled or unlabeled as provided herein, the Department shall immediately file an administrative proceeding with the Commissioner of Health for an order for the destruction of the embargoed articles. This administrative proceeding shall be conducted pursuant to Article II of the Administrative Procedures Act and shall continue the embargo period until further order of the Commissioner.

3. Any person whose interest is affected adversely by an embargo imposed under the terms of the Oklahoma Bedding Regulation Act may intervene in this administrative proceeding and may present evidence

to rebut the Department's determination that such bedding articles are in an unsanitary condition, mislabeled or unlabeled.

C. 1. Except as otherwise provided by this subsection, if the Commissioner finds that a detained or embargoed article is in an unsanitary condition, mislabeled or unlabeled, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, the costs of the supervision by such agent, and storage and other proper expenses shall be taxed against the claimant of such article or his agent.

2. If the unsanitary, mislabeled or unlabeled bedding or bedding materials can be corrected by an approved sanitization process or proper labeling of the article, the Commissioner, after entry of findings that such bedding articles can be properly sanitized or labeled and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Department.

3. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation by the Department to the Commissioner that the article is no longer in violation of the Oklahoma Bedding Regulation Act, or any rule promulgated pursuant to the provisions of the Oklahoma Bedding Regulation Act, and that the expenses of such supervision have been paid.

4. Any final order of the Commissioner of Health may be appealed to the district court in Oklahoma County pursuant to Article II of the Administrative Procedures Act.

Added by Laws 1996, c. 51, § 6, eff. July 1, 1996.

§63-1-1001.7. Permits.

A. Each person engaged in the business of selling, leasing, manufacturing, renovating or repairing any bedding shall have obtained an annual permit from the Commissioner to sell or lease bedding, or an annual permit from the Commissioner to manufacture, renovate or repair bedding. Each person shall pay for such permit a fee to be fixed by the State Board of Health. Unless otherwise provided by rule by the Board, each such permit shall expire on the 30th day of June following its issuance. It is the intent of the Legislature that any fees authorized by this section shall not exceed the fees in effect on January 1, 1995, for the regulation of bedding and bedding materials.

B. Each person who sells renovated or secondhand bedding or bedding materials on a consignment basis as an auctioneer, itinerant vendor or broker shall obtain a permit under subsection A of this section. The renovated or secondhand bedding or bedding materials

shall be sanitized by a person who holds a permit pursuant to subsection C of this section before it is sold to the public. The provisions of this section shall not apply to the sale of bedding at a private sale by a person not in the business of selling bedding or to an auctioneer at private auction at the individual's residence.

C. 1. No person shall be considered to have qualified to apply an acceptable sanitization process until such process has been registered with the Commissioner and determined to be in compliance with the rules, after which a permit shall then be issued by the Commissioner which indicates an approved sanitization process. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business.

2. Holders of permits to apply a sanitization process shall be required to keep an accurate record of all materials which have been subjected to a sanitization process, including the source of the material, the date of treatment, the type and time of treatment, and the label identification number, and such records shall be available for inspection at any reasonable time by authorized representatives of the Commissioner. Such records shall be maintained for a period of time to be adopted by rule by the Board.

D. Pursuant to the Oklahoma Administrative Procedures Act:

1. The Commissioner shall suspend or revoke or may refuse to issue or renew any permit issued in accordance with the Oklahoma Bedding Regulation Act upon proof of violation of any of the provisions of the Oklahoma Bedding Regulation Act, or any rule promulgated thereto; and

2. Any person whose permit has been revoked shall be ineligible for a bedding permit for one (1) year. An application for a permit to sell, lease, manufacture, repair or renovate bedding or bedding material by such person following the one-year revocation shall be subject to provisions as set forth in an initial permit.

Added by Laws 1996, c. 51, § 7, eff. July 1, 1996.

§63-1-1001.8. Inspections.

A. The Commissioner or duly authorized agent shall have access at all reasonable hours to any factory, warehouse, wholesale or retail establishment in which bedding or bedding material is manufactured, processed, packed, sold, leased or held for introduction into commerce, or to enter any vehicle being used to transport, sell, lease or hold such bedding or bedding material in commerce, for the purpose:

1. Of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this article are being violated; and

2. To secure samples or specimens of any bedding or bedding material after paying or offering to pay for such sample.

B. It shall be the duty of the Commissioner to make or cause to be made examination of samples secured under the provisions of this section to determine whether or not any provision of the Oklahoma Bedding Regulation Act, or any rule promulgated under the provisions of the Oklahoma Bedding Regulation Act, is being violated.
Added by Laws 1996, c. 51, § 8, eff. July 1, 1996.

§63-1-1002. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1002.1. Short title.
This act shall be known and may be cited as the "Whitney Starks Act".
Added by Laws 1998, c. 102, § 1, eff. July 1, 1998.
NOTE: Editorially renumbered from § 1-0002.1 to provide consistency in numbering.

§63-1-1002.2. Rules establishing requirements for retailers of bunk beds.
The State Board of Health shall promulgate rules establishing requirements for retailers of bunk beds which shall include, but not be limited to, requirements that:
1. Each set of bunk beds must be posted with an indelible warning which conforms with American Society for Testing and Materials Voluntary Standards or U.S. Consumer Product Safety Commission Standards; and
2. No retailer shall sell a set which does not limit the space between the lower edge of the guard rail and the upper edge of the bed frame of the upper bunk bed to three and one-half (3 1/2) inches or less.
Added by Laws 1998, c. 102, § 2, eff. July 1, 1998.
NOTE: Editorially renumbered from § 1-0002.2 to provide consistency in numbering.

§63-1-1002.3. Fines.
Any retailer violating the provisions of paragraph 1 or 2 of Section 2 of this act shall be subject to an administrative fine by the State Department of Health of not more than Five Hundred Dollars ($500.00) per violation. Each set of bunk beds sold which does not conform to the provisions of paragraph 1 or 2 of Section 2 of this act shall be considered a violation. The monies from the administrative fine shall be collected by the Department and deposited in the Public Health Special Fund pursuant to Section 1-107 of Title 63 of the Oklahoma Statutes.
Added by Laws 1998, c. 102, § 3, eff. July 1, 1998.
NOTE: Editorially renumbered from § 1-0002.3 to provide consistency in numbering.

§63-1-1002.4. Application of act.

The provisions of the Whitney Starks Act shall apply to any bunk bed sold on or after November 1, 1998.

Added by Laws 1998, c. 102, § 4, eff. July 1, 1998.

NOTE: Editorially renumbered from § 1-0002.4 to provide consistency in numbering.

§63-1-1003. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1004. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1005. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1006. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1007. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1008. Repealed by Laws 1996, c. 51, § 9, eff. July 1, 1996.

§63-1-1009. Renumbered as § 2-6-801 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1010. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1011. Health nuisances - Removal - Collection of cost of removal.

(a) The local health officer and, if authorized by appropriate ordinance of the city, the city health officer shall have such authority as to any private premises within the corporate limits of the city, and shall have the authority to order the owner or occupant of any private premises in the county to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as might be reasonable, and a failure to do so shall constitute a misdemeanor. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, or a copy thereof may be left at the last usual place of abode of such owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of such owner, occupant or agent is unknown, or is without the state, such order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the county. In the event of any conflict between the city health officer and the local health officer of the county, the county shall prevail.

(b) If such order is not complied with, the local health officer of the county or of the city may cause the order to be executed and complied with, and the cost thereof shall be certified to the county clerk, who shall add the same to the ad valorem taxes assessed against the property, and such cost shall be a lien against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property, and when collected shall be paid to the local health officer, county or city, or successor thereof, issuing the order, for reimbursement of the funds used to pay such cost.

(c) Cities and towns may enact ordinances providing for proceedings similar to those authorized by the foregoing provisions of this section, by city and town officials, and the cost of removing or abating any such nuisances may be added to municipal utility bills and collected in the same manner as such bills.

Laws 1963, c. 325, art. 10, § 1011; Laws 1968, c. 298, § 1, emerg. eff. May 3, 1968.

§63-1-1013. Definition of public bathing place.

The term "public bathing place," as used in the following sections of this article, includes all entirely artificially constructed wading pools, swimming pools, bathhouses used collectively by a number of persons for wading, swimming, recreative, or therapeutic bathing, together with all sanitary facilities, bathing suits, buildings, equipment, and appurtenances pertaining to such bathing places; provided, that such term shall not apply to those public or semipublic baths where the main object is the external cleansing of the body, to bathing places maintained by an individual for the use of family and friends, or to bathing places owned or managed by a group or association of the owners of thirty or fewer homes, the use of which is limited to the homeowner group and their nonpaying guests. The term “public bathing place” does not include spray pads or spray grounds. As used in this section, “spray pads or spray grounds” mean interactive recreation areas intended for use by children in which the water is supplied by a system of sprays and is not allowed to accumulate above ground.

Added by Laws 1963, c. 325, art. 10, § 1013, operative July 1, 1963. Amended by Laws 1995, c. 54, § 1, eff. July 1, 1995; Laws 2010, c. 382, § 1, eff. Nov. 1, 2010.

§63-1-1013.1. Annual license for public bathing places – Fees.

No person, municipality, as defined by paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes, or entity shall engage in or continue the operation of a public bathing place, as defined by Section 1-1013 of Title 63 of the Oklahoma Statutes, until an annual license has been obtained from the State Commissioner of Health for each such public bathing place. Each such operator shall pay an

annual fee for such license to be fixed by the State Board of Health. Unless otherwise provided by rules promulgated by the Board, each such license shall expire one (1) year following the date of issue. No such license shall be transferable, and application for such license shall be made upon forms prescribed by the Commissioner. Each application for such license shall be accompanied by the applicant's certification that the public bathing place for which the license is sought is in compliance with the provisions of Section 1-1017 of Title 63 of the Oklahoma Statutes, and no license shall be issued or renewed for such public bathing place until after such certification of compliance has been received by the Commissioner. Provided, municipalities of five thousand (5,000) population or less, shall not be charged more than Fifty Dollars ($50.00) for such fee.
Added by Laws 2004, c. 420, § 2, eff. Nov. 1, 2004.

§63-1-1013.2. Revocation of public bathing place license.

The State Commissioner of Health may suspend or revoke a public bathing place license on any of the following grounds:

1. Violation of any of the provisions of this act or State Board of Health rules promulgated pursuant thereto;

2. Permitting, aiding or abetting the commission of any illegal act in or on the premises of the licensed public bathing place; or

3. Conduct or practices by the owner, management or any employee of the public bathing place deemed by the Commissioner to be detrimental to the health, safety or welfare of any person.

Added by Laws 2004, c. 420, § 3, eff. Nov. 1, 2004.

§63-1-1014. Standards and rules for public bathing places.

The State Commissioner of Health shall have supervision of the sanitation, healthfulness, safety and design of public bathing places, and shall enforce all rules promulgated and adopted by the State Board of Health for carrying out the provisions of this act. The Board is hereby authorized to promulgate and adopt reasonable standards and rules pertaining to the design, construction, safety, sanitation, and sanitary operation of public bathing places and to establish fees, as it may deem necessary to effectively carry out the provisions of this act.

Added by Laws 1963, c. 325, art. 10, § 1014, operative July 1, 1963.
Amended by Laws 2004, c. 420, § 4, eff. Nov. 1, 2004.

§63-1-1015. Sanitation and safety.

(a) All public bathing places shall be maintained in a sanitary and safe condition, and all owners, managers, operators, and other attendants in charge of any public bathing place shall be responsible for the sanitation and safety of such places during the season or seasons when the public bathing place is in use.

(b) The water in a public bathing place shall, at all times during the season or seasons when the bathing place is in use, be of a safe and sanitary quality, in accordance with standards that shall be established by the State Board of Health, on turbidity, chemical content, pH value, bacterial content, and such other factors which the Board deems necessary for the protection of the health and safety of the public.

(c) All bathing suits and towels used by, and maintained for the use of, the public shall be thoroughly washed, sterilized, rinsed, and thoroughly dried each time they are used.

(d) All persons known or suspected of being infected with any transmissible condition of a communicable disease shall be excluded from the pool.

(e) A complete system of artificial lighting shall be provided for all sections of public bathing places which are to be used at night, but underwater lighting in the pool shall not be required.

(f) All interior sections or rooms of public bathing places shall be properly ventilated.

Laws 1963, c. 325, art. 10, § 1015.

§63-1-1016. Construction and finish - Toilet facilities - Drinking fountains - Hot and cold water - Lavatories and Showers - Design and operation requirements - Equipment.

The materials of construction and finish used throughout the premises of a public bathing place shall be such as will provide easily cleanable surfaces with due consideration being given to the safety of the patrons of such places. Requirements regarding toilet facilities, drinking fountains, hot and cold water supplies, lavatories, and showers may be included in standards adopted by the State Board of Health. The design of public bathing places shall be based on modern public health engineering practices and shall at least comply with the minimum design and operation requirements for the health and safety of patrons as set forth herein, and to this end the State Commissioner of Health shall cause to be printed for free distribution to architects, engineers, and others standards outlining in detail such minimum requirements. The equipment of public bathing places shall be such as to minimize accidents and to provide for the health and safety of the patrons of public bathing places.

Laws 1963, c. 325, art. 10, § 1016.

§63-1-1016A. Procedure for use of public restrooms.

All restrooms located within buildings in the State of Oklahoma built with public funds and which are accessible from corridors intended for general public travel, and which are constructed for public use, shall be available to the general public for their inspection and use, unless public restrooms are available on the same floor of said building. Said public restrooms shall be clearly

labeled by signs designating the same as public restrooms. The provisions of this act shall not apply to public buildings used as educational institutions.
Laws 1975, c. 275, § 1, emerg. eff. June 5, 1975.

§63-1-1016B. Penalty.
Every person who shall have control of a public restroom located within a building built with public funds and who shall knowingly violate this act shall be deemed guilty of a misdemeanor.
Laws 1975, c. 275, § 2, emerg. eff. June 5, 1975.

§63-1-1017. Plans and specifications.
No public bathing place shall be constructed, added to or changed unless plans and specifications therefor, prepared by a licensed professional engineer, shall have been approved by the State Commissioner of Health and a permit therefor shall have been issued by the Commissioner for such purpose. Such plans and specifications shall be accompanied by an application for a permit, and both the plans and specifications and the application shall bear the signature of the person for whom the work is to be done.
Laws 1963, c. 325, art. 10, § 1017.

§63-1-1018. Examinations and investigations.
The State Commissioner of Health, or his authorized representative, or the local health officer, may at all reasonable times enter all parts of the premises of a public bathing place to make examination and investigation to determine the sanitary conditions of such places and whether legal requirement and the rules and regulations of the State Board of Health are being violated.
Laws 1963, c. 325, art. 10, § 1018.

§63-1-1019. Records.
The operating management of any public bathing place shall keep such records of operation pertaining to sanitation as the State Board of Health may specify.
Laws 1963, c. 325, art. 10, § 1019.

§63-1-1020. Noncompliance with law.
Any public bathing place constructed, operated or maintained contrary to the foregoing provisions of this article is hereby declared to be a public nuisance dangerous to public health, but may be permitted to operate upon a compliance with such provisions.
Laws 1963, c. 325, art. 10, § 1020.

§63-1-1020.1. Reinspection of public bathing place found to be public nuisance - Fees.

Each public bathing place that has been declared, as a result of an examination or investigation conducted pursuant to the provisions of Section 1-1018 of Title 63 of the Oklahoma Statutes, to be a public nuisance pursuant to the provisions of Section 1-1020 of Title 63 of the Oklahoma Statutes shall be subject to reinspection. For each such reinspection performed, the operator of such public bathing place subject to reinspection shall pay to the State Department of Health a reinspection fee to be fixed by the State Board of Health. The reinspection fee shall be paid prior to a determination by the State Commissioner of Health, an authorized representative or the local health officer that the public bathing place is in compliance with the provisions of this act.
Added by Laws 2004, c. 420, § 5, eff. Nov. 1, 2004.

§63-1-1021. Permanently out-of-service public bathing places.

A. Public bathing places that are permanently out of service shall be deemed to be public nuisances.

B. A public bathing place is permanently out of service when it is removed from use with no intention of being reopened.

C. A public bathing place other than a wading pool will be presumed to be permanently out of service when:

1. An indoor public bathing place has not been in use for ninety (90) consecutive days;

2. An outdoor public bathing place has not been in use at any time during the period extending from June 1 to September 1 of the same year.

D. Closure or securing of a permanently out-of-service public bathing place shall be required immediately upon being presumed permanently out of service. Closure is to be completed by filling in the public bathing place with earthen material or by covering the facility with solid, rigid, weight-supporting material to make it level with the surrounding area. Securing is to be completed by constructing or utilizing an existing barrier adequate to prevent entry by unauthorized persons.

E. Municipalities shall be allowed to secure public bathing places which are out of service and have not been secured in accordance with the requirements of this section, and may charge the costs thereof against the taxes of the owner.
Added by Laws 1989, c. 177, § 3, operative July 1, 1989.

§63-1-1101. Definitions.

For the purposes of this article:

(a) The term "food" means (1) articles used for food or drink for man, (2) chewing gum, and (3) articles used for components of any such article.

(b) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a

requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper.

(c) The term "immediate container" does not include package liners.

(d) The term "labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

(e) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates, under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual.

(f) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

(g) The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(h) The provisions of this article regarding the selling of food shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food establishment.

(i) The term "Federal Act" means the Federal Food, Drug, and Cosmetic Act.

Laws 1963, c. 325, art. 11, § 1101.

§63-1-1102. Acts prohibited.

The following acts and the causing thereof within the State of Oklahoma are hereby prohibited:

(a) the manufacture, sale, or delivery, holding or offering for sale of any food that is adulterated or misbranded.

(b) the adulteration or misbranding of any food.

(c) the receipt in commerce of any food that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) the sale of food, or the offer to sell it, or its receipt into commerce, in capped glass containers, or perishable or flexible containers such as, but not limited to, paper cardboard containers, when the container has been damaged by fire or water.

(e) the sale, delivery for sale, holding for sale, or offering for sale of any article in violation of Section 1-1111 of the title.

(f) the dissemination of any false advertisement.

(g) the refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by Section 1-1115 of the title.

(h) the giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the food.

(i) the removal or disposal of a detained or embargoed article in violation of Section 1-1105 of this title.

(j) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food, if such act is done while such article is held for sale and results in such article being misbranded.

(k) forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification devise authorized or required by reasonable rules and regulations promulgated under the provisions of this title.

(l) the sale, offer to sell, dispense or release into commerce of any food or confection under a name, label or brand when the name, label or brand either precisely or by slang term or popular usage, is the name, label or brand of a controlled dangerous drug or a controlled dangerous substance by law.

Laws 1963, c. 325, art. 11, § 1102; Laws 1973, c. 114, § 1.

§63-1-1103. Injunctions authorized.

In addition to the remedies hereinafter provided, the State Commissioner of Health is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any of the provisions of the preceding section of this article, irrespective of whether or not there exists an adequate remedy at law.

Laws 1963 C. 325, Art. 11, Sec. 1103.

§63-1-1104. Violations - Punishment.

(a) Any person who violates any of the provisions of Section 1102 of this article shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than thirty (30) days, or a fine of not more than One Hundred Dollars ($100.00), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than six (6) months, or a fine of not more than Five Hundred Dollars ($500.00), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section for having violated Section 1102(a) or (c) of this article if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this article, designating this article.

(c) No publisher, radiobroadcast or television licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused on the request of the State Commissioner of Health or his duly-authorized agent to furnish the Commissioner the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency residing in the United States who caused him to disseminate such advertisement.
Laws 1963, c. 325, art. 11, § 1104.

§63-1-1105. Embargo authorized - Nuisances.

(a) Whenever a duly-authorized agent of the State Commissioner of Health finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this article, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission for a period of fifteen (15) days after such tag or other marking has been affixed thereto.

(b) When an article detained or embargoed has been found by such agent to be adulterated or misbranded, he shall petition the district court in whose jurisdiction the article is detained or embargoed for condemnation of such article. When such agent has found that an

article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of such article or his agent; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the State Commissioner of Health. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the Commissioner that the article is no longer in violation of this article and that the expenses of such supervision have been paid.

(d) Whenever the State Commissioner of Health or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substances, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner, or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food.

Laws 1963, c. 325, art. 11, § 1105.

§63-1-1106. Prosecution for violations.

It shall be the duty of each district attorney to whom the State Commissioner of Health reports any violation of this article to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law.

Amended by Laws 1986, c. 121, § 1, emerg. eff. April 10, 1986.

§63-1-1107. Discretion in prosecution.

Nothing in this article shall be construed as requiring the State Commissioner of Health to report, for the institution of proceedings under this article, minor violations, whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Laws 1963, c. 325, art. 11, § 1107.

§63-1-1108. Rules and regulations - Definitions - Standards.

Whenever in the judgment of the State Board of Health such action will promote honesty and fair dealing in the interest of consumers, the Board shall promulgate reasonable rules and regulations fixing and establishing for any food or class of food a reasonable definition and standard of identity, and/or reasonable standard of quality and/or fill of container. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted the Board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. The definitions and standards so promulgated shall conform so far as practicable to the definitions and standards promulgated under authority of the Federal Act.
Laws 1963, c. 325, art. 11, § 1108.

§63-1-1109. Adulterated food.

A food shall be deemed to be adulterated:

(a) (1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 1112 of this article; or (3) if it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been rendered diseased, unwholesome, or injurious to health; or (5) if it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

(c) if it is confectionery and it bears or contains any alcohol or nonnutritive article of substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent (4/10 of 1%), harmless natural wax not in excess of four-tenths of one percent (4/10 of 1%), harmless natural gum and pectin; provided, that this paragraph shall not apply to any

confectionery by reason of its containing less than one-half of one percent (1/2 of 1%) of volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) if it bears or contains a coal tar color other than one from a batch which has been certified under authority of the Federal Act. Laws 1963, c. 325, art. 11, § 1109.

§63-1-1110. Misbranding of food.

A food shall be deemed to be misbranded:

(a) if its labeling is false or misleading in any particular.

(b) if it is offered for sale under the name of another food.

(c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "Imitation" and immediately thereafter the name of the food imitated.

(d) if its container is so made, formed, or filled as to be misleading.

(e) if in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by reasonable rules and regulations prescribed by the State Board of Health.

(f) if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by reasonable rules and regulations as provided by Section 1108 of this article, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such reasonable rules and regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) if it purports to be or is represented as:

(1) a food for which a standard of quality has been prescribed by reasonable rules and regulations as provided by Section 1108 of this article, and its quality falls below such standard, unless its label bears, in such manner and form as such reasonable rules and regulations specify, a statement that it falls below such standard; or

(2) a food for which a standard or standards of fill of container have been prescribed by reasonable rules and regulations as provided by Section 1108 of this article, and it falls below the standard of fill or container applicable thereto, unless its label bears, in such manner and form as such reasonable rules and regulations specify, a statement that it falls below such standard.

(i) if it is not subject to the provisions of paragraph (g) of this section, unless it bears labeling clearly giving (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that to the extent that compliance with the requirements of clause (2) of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by reasonable rules and regulations promulgated by the State Board of Health; and provided, further, that the requirements of clause (2) of this paragraph shall not apply to any carbonated beverage, the ingredients of which have been fully and correctly disclosed to the extent prescribed by said clause (2) to the Board in an affidavit.

(j) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the State Board of Health determines to be, and by reasonable rules and regulations prescribed, as necessary in order to fully inform purchasers as to its value for such uses.

(k) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by reasonable rules and regulations promulgated by the State Board of Health.

Laws 1963, c. 325, art. 11, § 1110.

§63-1-1111. Permits authorized.

(a) Whenever the State Board of Health finds after investigation that the distribution in the State of Oklahoma of any class of food may, by reason of contamination with microorganisms during manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered commerce, it then, and in such case only, shall promulgate reasonable rules and regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary

period of time, as may be necessary to protect the public health; and after the effective date of such reasonable rules and regulations, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the State Commissioner of Health as provided by such reasonable rules and regulations.

(b) The State Commissioner of Health is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Commissioner shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(c) Any officer or employee duly designated by the State Commissioner of Health shall have access to any factory or establishment, the operator of which holds a permit from the Commissioner, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

Laws 1963, c. 325, art. 11, § 1111.

§63-1-1112. Adding substances to food.

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 1109(a) of this article, but when such substance is so required or cannot be so avoided, the State Board of Health shall promulgate reasonable rules and regulations limiting the quantity therein or thereon to such extent as the Board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 1109(a) of this article. While such reasonable rules and regulations are in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of Section 1109(a) of this article. In determining the quantity of such added substance to be tolerated in or on different articles of food, the Board shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the

consumer may be affected by the same or other poisonous or deleterious substances.
Laws 1963, c. 325, art. 11, § 1112.

§63-1-1113. False advertising.
An advertisement of a food shall be deemed to be false if it is false or misleading in any particular.
Laws 1963, c. 325, art. 11, § 1113.

§63-1-1114. Rules and regulations - Enforcement.
(a) The authority to promulgate reasonable rules and regulations for the efficient enforcement of this article is hereby vested in the State Board of Health. The Board is hereby authorized to make the reasonable rules and regulations promulgated under this article conform, insofar as practicable, with those promulgated under the Federal Act.
(b) Hearings authorized or required by this Article shall be conducted by the State Board of Health or such officer, agent, or employee as the Board may designate for the purpose.
(c) Before promulgating any reasonable rules and regulations contemplated by Section 1108, Section 1110(j), or Section 1111 of this article, the Board shall give appropriate notice of the proposal and of the time and place for a hearing. The reasonable rules and regulations so promulgated shall become effective on a date fixed by the Board (which date shall not be prior to thirty (30) days after its promulgation). Such reasonable rules and regulations may be amended or repealed in the same manner as is provided for their adoption, except that in the case of reasonable rules and regulations amending or repealing any such reasonable rules and regulations the Board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.
Laws 1963, c. 325, art. 11, § 1114.

§63-1-1115. Inspections.
The State Commissioner of Health or his duly-authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which foods are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods in commerce after notice to the owner, or person in charge of such factory, warehouse, establishment, or vehicle, for the purpose:
(1) of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this article are being violated, and
(2) to secure samples or specimens of any food after paying or offering to pay for such sample. It shall be the duty of the

Commissioner to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this article is being violated; provided, that a copy of the report thereof shall be furnished to the owner of such factory, warehouse, establishment, or vehicle upon written request to the Commissioner; and provided, further, that nothing in this article shall be construed to limit, modify, repeal or affect in any way the powers, duties or functions of the State Board of Agriculture.
Laws 1963, c. 325, art. 11, § 1115.

§63-1-1116. Publication of reports.

(a) The State Commissioner of Health may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this article, including the nature of the charge and the disposition thereof.

(b) The Commissioner may also cause to be disseminated such information regarding food as the Commissioner deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigation of the Commissioner.
Laws 1963, c. 325, art. 11, § 1116.

§63-1-1117. Conformity to federal requirements.

All reasonable rules, regulations, definitions and standards promulgated and/or adopted by the State Board of Health under the provisions of this article shall conform, insofar as practicable, to the reasonable rules, regulations, definitions and standards of the Federal Food and Drug Administration.
Laws 1963, c. 325, art. 11, § 1117.

§63-1-1118. Food establishment license - Exemptions - Fee-exempt license - Sanitation standards.

A. It shall be unlawful for any person to operate or maintain any establishment, stationary or otherwise, where food or drink is offered for sale, or sold, to the public, unless the person is the holder of a food establishment license issued for such purpose by the State Commissioner of Health or designee. A food establishment license shall not be required for:

1. A produce stand that offers only whole, uncut and unprocessed fresh fruits, melons, vegetables and legumes and/or whole uncracked and unprocessed nuts;

2. A manufacturer, wholesaler or broker of food licensed pursuant to Section 1-1119 of this title;

3. A kitchen in a private home if only food that does not require time and temperature control for safety is prepared for sale

or service at a function such as a nonprofit civic, charitable or religious organization's bake sale;

4. An area where food that is prepared as specified in paragraph 3 of this subsection is sold or offered for human consumption;

5. A private home that receives catered or home-delivered food;

6. A hotel licensed pursuant to Section 1-1201 of this title which provides limited food service in compliance with rules promulgated by the State Board of Health;

7. A kitchen in a private home or in a bed and breakfast that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed three, and breakfast is the only meal offered;

8. A nonprofit civic, charitable or religious organization using unpaid individuals to prepare or serve food on its behalf, for occasional fund-raising events sponsored and conducted by the organization. For the purposes of this paragraph, an "occasional fund-raising event" shall be defined as an event that occurs four times a year or less;

9. Day care centers or family day care centers, and all other child care facilities as defined and licensed pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

10. Nursing facilities and specialized facilities, as defined in and licensed pursuant to the provisions of the Nursing Home Care Act, residential care homes as defined by the Residential Care Act, adult day care centers as defined by the Adult Day Care Act, and assisted living centers and continuum of care facilities licensed pursuant to the Continuum of Care and Assisted Living Act; and

11. Other establishments exempted from food establishment licensure pursuant to state law.

B. Each license shall expire one (1) year following the date of its issuance. The State Department of Health shall charge and collect for each such license an annual fee to be fixed by the State Board of Health.

1. The Board may provide by rule for a fee-exempt license for a food establishment operated by a nonprofit, civic, charitable or religious organization that uses unpaid persons to sell or offer food on a more frequent basis than the occasional fund-raising event. A fee-exempt license shall not expire but shall remain in full force and effect until affirmatively revoked, suspended, annulled or withdrawn by the Department in accordance with applicable law.

2. The Board may by rule also provide that licenses for establishments serving events of limited duration or operating on a seasonal basis shall extend only for the term of the event or season, and may by rule adjust the fees for such licenses accordingly.

3. The Board shall provide by rule a three-day license for vendors who only sell at farmers markets as defined in 310:257-1-2 of the Oklahoma Administrative Code or at county fairs. Licenses for

vendors who only sell at farmers markets or county fairs shall not exceed Fifty Dollars ($50.00). Vendors who do not sell food and vendors who meet the exceptions provided in subsection A of this section shall not be required to obtain a three-day license or a food establishment license.

C. The State Board of Health shall promulgate reasonable standards and rules for sanitation of establishments required to be licensed, which shall include the following: buildings, vehicles, and appurtenances thereto, including plumbing, ventilation and lighting; construction, cleanliness and bactericidal treatment of equipment and utensils; cleanliness, wholesomeness, storage and refrigeration of food and drink sold or served; cleanliness and hygiene of personnel; toilet facilities; disposal of waste; water supply; and other items deemed necessary to safeguard the health, comfort, and safety of customers.

Added by Laws 1963, c. 325, art. 11, § 1118, operative July 1, 1963. Amended by Laws 1965, c. 190, §§ 1, 2, emerg. eff. June 8, 1965; Laws 1986, c. 121, § 2, emerg. eff. April 10, 1986; Laws 1989, c. 345, § 7, eff. Oct. 1, 1989; Laws 1995, c. 230, § 7, eff. July 1, 1995; Laws 2015, c. 93, § 1, eff. Nov. 1, 2015; Laws 2019, c. 505, § 1, eff. Nov. 1, 2019.

§63-1-1118.1. Unattended food establishments – Criteria - Permits.

A. As used in this section:

1. "Unattended food establishment" means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. An unattended food establishment shall not be considered a food establishment as used in Section 1-1118 of Title 63 of the Oklahoma Statutes; and

2. "Controlled entry" means selective restriction or limitation of access to a place or location.

B. The State Department of Health shall create a permit for unattended food establishments and establish criteria and a procedure for approval or denial of such permits. No unattended food establishment shall operate until the establishment has obtained a permit.

C. The unattended food establishment shall be located in the interior of a building that is not accessible by the general public. Access to the establishment shall be limited to a defined population, including but not limited to employees or occupants of the building where the establishment is located.

D. 1. Only commercially packaged foods properly labeled for individual retail sale, which meet the definition of "packaged and labeled" under Section 3-201.11(C) of the Food and Drug Administration (FDA) Food Code, shall be offered.

2. No unpackaged food shall be permitted except as provided by Section 3-302.11(B)(1) of the FDA Food Code.

3. Food shall be such that preparation by consumers is limited to heating or reheating food in a microwave oven.

4. No bulk food may be offered for sale.

5. Beverages may be dispensed by individual serving only.

E. An unattended food establishment shall be equipped with refrigeration or freezer units that have the following features:

1. Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer; and

2. Automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under Section 3-501.16(A) of the FDA Food Code; or

3. Freezer unit to maintain the product frozen, if the establishment contains frozen food.

F. 1. Multi-use, food-contact surfaces shall be cleaned on the frequency consistent with the service under Section 4-202.11 of the FDA Food Code, or shall be easily removable and replaced with cleaned surfaces.

2. No multi-use food-contact surfaces shall be used for foods that require time and temperature control for safety (TCS).

G. 1. a. An unattended food establishment shall provide continuous video surveillance of areas where consumers view, select, handle and purchase products that provides sufficient resolution to identify situations that may compromise food safety or food defense.

b. Video surveillance recordings shall be maintained and made available for inspection upon request by a representative of the State Department of Health or another applicable regulatory agency within twenty-four (24) hours of such request.

c. Video surveillance recordings shall be held by the establishment for a minimum of fourteen (14) calendar days after the date of the surveillance.

2. The permit holder shall take reasonable steps necessary to discourage individuals from returning food or beverages that have not been selected for purchase.

H. 1. The permit holder shall service the unattended food establishment on a scheduled basis and at a frequency acceptable to the State Department of Health. Service may include, but is not limited to, the following:

a. checking food supplies and equipment for signs of product damage and tampering,

b. verifying refrigeration equipment is operating properly, including the temperature display and self-locking mechanism,
c. rotating foods to better ensure first-in/first-out of food items,
d. cleaning food service equipment and food display areas,
e. stocking food and disposable single-use and single-service supplies, and
f. checking inventory for recalled foods.

2. The permit holder shall ensure that:
a. food is from an approved source,
b. packaged food is provided in tamper-evident packaging,
c. food is protected from potential sources of cross-contamination, and
d. food is maintained at safe temperatures during transport and display.

I. The unattended food establishment shall have a sign readily visible at the automated payment station stating:

1. The name and mailing address of the business entity responsible for the establishment and to whom complaints and comments should be addressed; and

2. The telephone, email or web information for the responsible business entity, when applicable.

J. The permit holder bears all responsibilities for the operation of the unattended food establishment. If the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement may be approved by the State Department of Health that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment, provision of supportive facilities or services such as janitorial and restroom facilities, pest control and removal of solid waste. This agreement shall also outline what actions must be taken by both parties to maintain the establishment in compliance with all requirements.

K. The State Department of Health shall establish an annual fee structure for unattended food establishments, not to exceed One Hundred Fifty Dollars ($150.00) per location.

L. An unattended food establishment shall obtain an Oklahoma sales tax permit prior to conducting any sales, and shall collect and remit state sales tax as provided for in the Sales Tax Code.

M. The State Commissioner of Health shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2019, c. 138, § 1, emerg. eff. April 25, 2019.

§63-1-1119. License required - Manufacturers, wholesalers, brokers of foods and drugs - Exception.

A. Any manufacturer, wholesaler or broker of food or drugs doing business in the State of Oklahoma, or bringing into and offering for

sale within the State of Oklahoma any article of food or drug, shall secure an annual license from the Commissioner of Health and shall pay for such license a fee, to be fixed by the State Board of Health; provided, that any individual who meets the requirements of paragraph 3 of subsection B of Section 1-1118 of this title shall not be required to obtain any license pursuant to this section. Unless otherwise provided by rule by the Board, each such license shall expire on the 30th day of June following its issuance.

B. Provided, that subsection A of this section shall not apply to:

1. Brokers who procure the shipment of articles of food or drugs into the State of Oklahoma directly to the wholesaler without handling such products themselves, except that such brokers shall annually list their name and address with the State Department of Health; and

2. Any person who is licensed by the Board of Pharmacy to manufacture, make, produce, package, pack, prepare or sell, or offer for sale, at wholesale or retail, compressed medical gases.

Added by Laws 1963, c. 325, art. 11, § 1119, operative July 1, 1963. Amended by Laws 1969, c. 187, § 1, emerg. eff. April 17, 1969; Laws 1989, c. 345, § 8, eff. Oct. 1, 1989; Laws 1992, c. 52, § 1, eff. Sept. 1, 1992; Laws 2019, c. 505, § 2, eff. Nov. 1, 2019.

§63-1-1120. Definitions.

For the purpose of Sections 1121 through 1134 of this article:

(a) the term "food" shall include any article used by man for food, drink, confection, ice or condiment, or which enters into the composition of the same, whether simple, blended, mixed or compounded.

(b) the term "frozen food locker plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food and is equipped with a chill room, sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, fruit and vegetables.

(c) the term "branch frozen food locker plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after preparation for storage at a frozen food locker plant.

(d) the term "sharp frozen" shall mean the freezing of food in a room in which the temperature is zero degrees (0~F) Fahrenheit or below.

Laws 1963, c. 325, art. 11, § 1120.

§63-1-1121. License.

No person shall engage or continue in the operation of a frozen food locker plant or a branch frozen food locker plant until a license has been obtained from the State Commissioner of Health for

each such location or establishment. Application for such license shall be made upon forms furnished by the Commissioner and shall contain items as to ownership, management, location, equipment, and other data concerning the business for which each license is desired.
Laws 1963, c. 325, art. 11, § 1121.

§63-1-1122. License fee.

The annual license fee for each such frozen food locker plant and each branch plant shall not exceed Fifteen Dollars ($15.00), to be fixed by the State Board of Health. Each such license shall expire on June 30th of each year following the date of issue or renewal and no license shall be transferable.
Laws 1963, c. 325, art. 11, § 1122.

§63-1-1123. Examination of plant.

Upon receipt of an application for license for a new frozen food locker plant, or branch plant, the State Commissioner of Health shall require that, within thirty (30) days, an inspection be made of the locker plant or branch locker plant, its equipment, facilities, surrounding premises, slaughtering facilities, and similar items, and, if its operations, construction and equipment comply with the provisions of law and the authorized rules and regulations of the State Board of Health applicable to such plants, the Commissioner shall issue such license.
Laws 1963, c. 325, art. 11, § 1123.

§63-1-1124. Inspection and revocation of license.

Every frozen food locker plant or branch locker plant shall be subject to inspection at any reasonable hour by the State Commissioner of Health or his authorized representatives and such locker plants shall be maintained in a sanitary condition and conducted with strict regard to the influence of such conditions upon the food handled therein. The license shall be conspicuously displayed by the licensee in each locker plant, or branch locker plant.
Laws 1963, c. 325, art. 11, § 1124.

§63-1-1125. Storing of impure foods.

No article of food shall be stored in any frozen food locker plant unless it is in a proper condition for storage and meets all the requirements of food and food sanitation laws and rules established by the State Board of Health for the sanitary preparation of food products which are to be stored.
Laws 1963, c. 325, art. 11, § 1125.

§63-1-1126. Goods not intended for human consumption.

Goods not intended for human consumption shall not be stored in a frozen food locker plant except such items of animal or vegetable matter which may have been approved by the State Commissioner of Health.
Laws 1963, c. 325, art. 11, § 1126.

§63-1-1127. Construction of plant - Equipment.

(a) The floors, walls, and ceilings of locker plants and branch locker plants, including all food processing rooms, slaughtering facilities, and similar items, shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. Walls and ceilings shall be well painted or finished in some other approved manner and shall be refinished as often as necessary. Washing facilities including hot and cold water shall be provided for proper cleansing of utensils and equipment. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration, or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

(b) Any plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the State Commissioner of Health and shall keep the same where it will be readily accessible.
Laws 1963, c. 325, art. 11, § 1127.

§63-1-1128. Sanitation and cleanliness.

All rooms of a locker plant or branch locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be clean when put into use and shall be thoroughly cleansed after each day's use and shall be so stored or protected as not to become contaminated. Lockers shall be thoroughly cleansed before they are leased or put into the possession of any patron. The premises and surroundings of locker plants and branch locker plants shall be maintained in a clean and sanitary condition. The food stored shall be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers. Tobacco shall not be used in any room where food is processed or stored. Waste or offal incident to the slaughtering, cleaning, storing or preparation of any food for storage shall be promptly removed from the premises and disposed of in a sanitary manner.

No room or rooms used for the preparation, storage, display or sale of food or for the processing of food shall be used as a living room or sleeping room nor shall dogs, cats or other domestic animals be permitted in any such room.
Laws 1963, c. 325, art. 11, § 1128.

§63-1-1129. Water supply - Toilet facilities.

Locker plants shall have an ample water supply approved by the State Commissioner of Health. Locker plants or branch locker plants shall be provided with adequate toilets so located as to be readily accessible to employees and equipped with adequate hand washing fixtures or facilities, supplied with hot and cold water under pressure, soap and approved towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition.

Laws 1963, c. 325, art. 11, § 1129.

§63-1-1130. Temperatures required.

The refrigeration system for a locker plant or branch locker plant shall be equipped with accurate and reliable controls for the automatic maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide, under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant, the following temperatures in the several rooms, respectively:

Chill room

(a) Temperature of thirty-four degrees degrees above zero Fahrenheit (340F.) plus or minus two degrees (2 degrees) with a tolerance of five degrees Fahrenheit (50F.) for a reasonable time after fresh food is put in for chilling.

Sharp freeze room. Sharp freezing compartments

(b) Temperature of ten degrees below zero Fahrenheit (-100F.) or lower or temperature of zero degrees Fahrenheit or lower when forced air circulation is employed with a tolerance of five degrees Fahrenheit (50F.) for either type of installation for a reasonable time after fresh food is put in for freezing.

Locker room

(c) Temperature of not to exceed zero degrees Fahrenheit (00F.) with a tolerance of three degrees Fahrenheit (30F.) higher.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to defrosting. For experimental purposes, the State Commissioner of Health, upon application in writing, may authorize for a limited and prescribed period the installation and use of refrigeration systems or methods which in the opinion of the Commissioner will result in improvement over present methods.

An accurate direct reading thermometer shall be provided in the chill room and in the sharp freeze room or compartment. An accurate self-registering or self-recording thermometer of a type approved by the Commissioner shall be provided in the locker room. The discs or

other temperature records of such thermometer shall be kept at the plant and shall be preserved for at least one (1) year from the date of the recording. The thermometer in the locker room shall be placed in a position where it is readily observable by patrons.
Laws 1963, c. 325, art. 11, § 1130.

§63-1-1131. Inspection, wrapping, identification of stored food.
No food shall be placed in a locker for storage unless it has been sharp frozen at the plant, or else transferred from home freezer in solid frozen condition. No foods shall be placed in a locker unless such foods have been inspected by the operator. No unwrapped meat or unwrapped or unpacked fruits or vegetables shall be placed in any locker. Only material suitable for the wrapping of meats that are to be frozen and stored shall be used. Each wrapped portion shall be marked or stamped with the correct locker number and date of wrapping.
Laws 1963, c. 325, art. 11, § 1131.

§63-1-1132. Warehousemen.
Persons who own or operate frozen food locker plants or branch locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.
Laws 1963, c. 325, art. 11, § 1132.

§63-1-1133. Storage lien.
Every lessor owning or operating a frozen food locker plant or branch plant shall have a lien upon all property of every kind in its possession for all reasonable charges and rents thereon and for the handling, keeping and caring for the same.
Laws 1963, c. 325, art. 11, § 1133.

§63-1-1134. State board of health.
For the purpose of carrying into effect the provisions of this article, the State Board of health shall promulgate reasonable rules and regulations relating to sanitation, conforming to the purpose and content of the foregoing provisions relating to frozen food locker plants.
Laws 1963, c. 325, art. 11, § 1134.

§63-1-1135. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.

§63-1-1136. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.

§63-1-1137. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.

§63-1-1138. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.

§63-1-1139. Repealed by Laws 2013, c. 2, § 3, eff. Nov. 1, 2013.

§63-1-1201. Hotels, motels, etc. - Licenses required - Rules and regulations.

(a) It shall be unlawful for any person to operate or maintain a hotel unless he shall have first obtained, and holds, a license issued for such purpose by the State Commissioner of Health. Unless otherwise provided by rule by the State Board of Health, each such license shall expire on the 30th day of June next following its issuance, and the Commissioner shall charge and collect therefor an annual fee to be fixed by the Board of Health. The term "hotel" as used in this section shall mean and include any hotel, motel, tourist court, apartment house, rooming house, or other place where sleeping accommodations are furnished, or offered, for pay for transient guests, if four or more rooms are available therein for transient guests. This section shall apply to the operation of a hotel by a state board.

(b) The State Board of Health may adopt reasonable standards, rules and regulations for hotels as to the following: buildings and appurtenances thereto, including plumbing, ventilation and lighting; construction, cleanliness and bactericidal treatment of equipment and utensils; cleanliness and hygiene of personnel; toilet facilities; disposal of wastes; water supply; and any other items deemed necessary to safeguard the health, comfort and safety of guests accommodated therein.

Laws 1963, c. 325, art. 12, § 1201.

§63-1-1301.1. Renumbered as § 7-401 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.2. Renumbered as § 7-402 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.3. Renumbered as § 7-403 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.4. Renumbered as § 7-404 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.5. Renumbered as § 7-405 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.6. Renumbered as § 7-406 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.7. Renumbered as § 7-407 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.8. Renumbered as § 7-408 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.9. Renumbered as § 7-409 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.10. Renumbered as § 7-410 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.11. Renumbered as § 7-411 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.12. Renumbered as § 7-412 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.13. Renumbered as § 7-413 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.14. Renumbered as § 7-414 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.15. Renumbered as § 7-415 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.16. Renumbered as § 7-416 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.17. Renumbered as § 7-417 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.18. Renumbered as § 7-418 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.19. Renumbered as § 7-419 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.20. Renumbered as § 7-420 of Title 2 by Laws 1994, c. 140, § 30, eff. Sept. 1, 1994.

§63-1-1301.30. Short title.

This act may be cited as the "Mello-drink Products Act."

Laws 1971, c. 96, § 1, operative July 1, 1971. Renumbered from Title 2, § 7-301 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.31. Legislative intent.

It is the legislative intent of this act to enable a purchaser at retail level to distinguish between Mello-drink products and dairy products, by eliminating the deceptive practices in advertising and promoting Mello-drink products in their unaltered state, but it is not intended to regulate the use of or sale of such products by food establishments in the preparation of food.

Laws 1971, c. 96, § 2, operative July 1, 1971. Renumbered from Title 2, § 7-302 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.32. Purpose of act.

Mello-drink products resemble milk products so closely that they lend themselves readily to substitution for and confusion with such milk products and in many cases cannot be distinguished from milk products by the ordinary consumer. The manufacture, sale, exchange, purveying, transportation, possession with intent to sell or offering for sale or exchange or purveyance of Mello-drink products creates a condition conducive to substitution, confusion, deception and fraud, and one which, if permitted to continue without some controls, tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state. It is hereby declared to be the purpose of this act to correct and eliminate the condition above referred to; to protect the public from products manufactured under unhealthy and unsanitary conditions; to protect the public from confusion, fraud and deception; to prohibit practices inimical to the general health and welfare; and to promote the orderly and fair marketing of essential foods.

Laws 1971, c. 96, § 3, operative July 1, 1971. Renumbered from Title 2, § 7-303 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.33. Labeling and advertising.

A. Mello-drink products shall not be advertised, displayed for sale or sold in any manner or under any circumstances or conditions likely to mislead, deceive or confuse the public into believing such product is a milk product.

B. No wording commonly used or associated with or which may be associated with the production, sale, advertising, distribution or marketing of a milk product, whether in liquid, powdered, frozen or any other form, shall be used with or without additional descriptive words on any label, package or wrapping of any Mello-drink product or advertisement thereof, whether such use be by word, sound or other technique or device. These provisions shall not apply to food prepared in restaurants or cafeterias.

C. No picture or representation of the animal genus bovine or any other picture, symbol, mark, design or representation commonly associated with dairy farming or any other phase of the dairy industry or associated with the production, sale, advertising, distribution or marketing of milk products, whether in liquid, powdered, frozen or any other form, shall be used on any label, package or wrapping of any Mello-drink product or when advertising any Mello-drink product.

D. No Mello-drink product shall be advertised or labeled as pasteurized or homogenized unless the whole finished product has been pasteurized, homogenized or processed in a licensed manufacturing plant in accordance with the requirements of this act. E. The label, package or wrapping of a Mello-drink product shall contain an accurate and complete listing of the ingredients preceded by the words "ingredients: vegetable oil beverage consisting of". The common name of each ingredient shall be listed in order of decreasing predominance, each accompanied by the percentage it represents of the whole product. Ingredients which represent less than one percent (1%) of the whole product shall be preceded by the words "consisting of less than one percent (1%)". The oil or fat contained in the product shall be listed by the common name given its specific type. If artificial coloring or flavoring has been added, the list of ingredients shall so state.

F. The label, package or wrapping of a Mello-drink product may contain statements and claims which are reasonable, relevant, truthful, complete and not deceptive or misleading, provided the label shall contain no statements or claims regarding milk products, except any necessary factual statement regarding any milk products which are ingredients of the Mello-drink product. The Department may require satisfactory proof of the compliance of any statement or claim with the provisions of this subsection. The Department may require such disclaimers be placed on the label, package or wrapping as it determines necessary to avoid confusion and deception of the public and as are consistent with other provisions of this act.

G. The Board shall by rule or regulation establish the size, including type size, and the location of all terms, pictures, symbols, marks, designs or other representations to be placed on the label, package or wrapping of a Mello-drink product so that the label, package or wrapping is not likely to mislead, deceive or confuse the public as to the true nature or character of the product. In no event shall the product name, Mello-drink, be less than twice the type size of any other term or representation contained on the label, package or wrapping. The name Mello-drink shall be prominently displayed to avoid confusion and no other term or representation shall appear on the same line or within the immediate area of the label, package or wrapping as the product name.

Laws 1971, c. 96, § 5, operative July 1, 1971. Amended by Laws 1987, c. 206, § 31, operative July 1, 1987; Laws 1987, c. 236, § 17, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-305 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.34. Separate display.

A. Mello-drink products shall not be displayed for sale in the same units or counters as used for milk products, unless there is a partition separating said products. In no event shall Mello-drink products be intermixed or commingled with milk products, but shall be separately displayed.

B. Units or counters containing Mello-drink products or milk products shall be clearly labeled to avoid confusion.

Laws 1971, c. 96, § 6, operative July 1, 1971. Renumbered from Title 2, § 7-306 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, eff. July 20, 1987.

§63-1-1301.35. Food establishments - notice.

A. No food establishment shall place before any patron or employee any Mello-drink product for use as beverage, unless any such Mello-drink product or products are clearly identified, in their original containers, as such or such identification shall be printed on each menu furnished to such patrons and employees, if not served in their original container, in legible type of such size as is used to denote the use of margarine on the menu.

B. No food establishment shall serve a Mello-drink product from a bulk dispenser or container of the type customarily used for or associated with or which may be associated with a milk product, unless the bulk dispenser or container is prominently labeled "Mello-drink product".

Laws 1971, c. 96, § 6, operative July 1, 1971. Renumbered from Title 2, § 7-306 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, eff. July 20, 1987.

§63-1-1301.36. Registration.

A. Any person engaged in the manufacture of a Mello-drink product shall separately register each product with the Department as provided by this section.

B. Each application for a registered product shall be in such form as prescribed by the Department and shall be accompanied by a fee of Ten Dollars ($10.00). The application shall include the ingredients of the product, and the proposed label or labels for the product. The Department shall approve such application if it determines the product will comply or has complied with the provisions of this act. The information required by this subsection shall be kept current, and shall be amended within thirty (30) days

of any change; provided, that the submission of containers for approval of minor informational changes on the label or changes in the promotional panel of the label shall not require the payment of any fee.

C. No Mello-drink product shall be sold unless it is registered with and approved by the Department.

D. In addition to any other penalty, the Department or its authorized agent may, after any hearing, revoke or suspend the registration of any Mello-drink product for violation of the provisions of this act.

E. All product registrations made pursuant to this section shall be confidential. No information contained in the application for any such registration, or in the registration, shall be divulged by the Department, except if necessary for the proper determination of any hearing before the Department or any court proceeding.

Laws 1971, c. 96, § 8, operative July 1, 1971. Amended by Laws 1987, c. 206, § 32, operative July 1, 1987; Laws 1987, c. 236, § 18, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-308 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.37. License to manufacture.

A. The Department shall issue an annual license authorizing the manufacture of Mello-drink products. The license shall expire at the end of each fiscal year.

B. Each application for a license shall be in the form as prescribed by the Department and shall be accompanied by a fee of Fifteen Dollars ($15.00).

C. The Department shall issue a license to each applicant who satisfies the requirements of this act and the rules, regulations and orders adopted pursuant to this act.

D. It is unlawful and a misdemeanor to engage in the manufacture of Mello-drink products without a license for the current fiscal year. Each separate plant or place of manufacturing shall require a license.

E. The manufacture of Mello-drink products under unhealthful or insanitary conditions or any other violation of this act shall be grounds for revocation or suspension of the manufacturer's license.

F. It is unlawful and a misdemeanor for any person to sell, give away or deliver any Mello-drink product which has been produced in a plant that is in an insanitary condition, or that is handled by any carrier or any store or depot that is in an insanitary condition.

Laws 1971, c. 96, § 9, operative July 1, 1971. Amended by Laws 1987, c. 206, § 33, operative July 1, 1987; Laws 1987, c. 236, § 19, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-309 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.38. Import license.

A. It is unlawful and a misdemeanor to import Mello-drink products into the State of Oklahoma without a license for such importation.

B. Each application for an import license shall be in the form as prescribed by the Department and shall be accompanied by a fee of Fifteen Dollars ($15.00).

C. In addition to an import license, each imported Mello-drink product must be registered and approved by the Department and otherwise meet the same requirements and standards as Mello-drink products manufactured in this state.

D. The application for product registration or the import license shall not be approved unless the provisions of this act and the rules, regulations and orders adopted pursuant to the provisions of this act are satisfied.

Laws 1971, c. 96, § 10, operative July 1, 1971. Amended by Laws 1987, c. 206, § 34, operative July 1, 1987; Laws 1987, c. 236, § 20, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-310 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.39. Rules, regulations and orders - Waiver on exports.

A. The Department shall make and enforce all rules, regulations and orders that are necessary to carry out the purposes of this act, to protect the public health and welfare and to prevent deception or confusion among consumers; providing the Department shall not make any rules, regulations, or orders, regarding signs or statements to be used in food establishments, other than those specifically required in this act. The Department shall designate the various Mello-drink products in order to facilitate the adoption and enforcement of rules, regulations and orders.

B. The Board is hereby authorized and directed to establish, by regulations, the sanitary requirements for the processing, manufacturing, distribution and sale of Mello-drink products.

C. Notwithstanding any other provisions of this act to the contrary, the Board may by regulation waive any of the provisions of this act as they may apply to Mello-drink products manufactured for sale and distribution exclusively outside of this state; provided that the regulations contain provisions ensuring that the products will not be made available or sold to consumers in this state.

Laws 1971, c. 96, § 11, operative July 1, 1971. Amended by Laws 1987, c. 206, § 35, operative July 1, 1987; Laws 1987, c. 236, § 21, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-311 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.40. Penalties.

A. Any person violating any provisions of this act or any rule, regulation or order adopted in accordance with its provisions is guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) for each violation or by imprisonment in the county jail for not to exceed ninety (90) days, or both.

B. Upon failure or refusal of a person to comply with the provisions of this act or any rule, regulation or order adopted in accordance with its provisions, the Board or its authorized agent may file an action in the district court to restrain and enjoin the person from engaging in further acts violating the provisions of this act or any rule, regulation or order. The court shall proceed as in other actions for injunctions. Any person found to be in contempt of an injunctive order of the court shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or be imprisoned in the county jail for not to exceed ninety (90) days, or both, with each day constituting a separate contempt.

Laws 1971, c. 96, § 14, operative July 1, 1971. Renumbered from Title 2, § 7-314 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1301.41. Deposit of funds.

All monies received by the Department for any purpose under this act shall be deposited to the Milk Inspection Revolving Fund.

Laws 1971, c. 96, § 15, operative July 1, 1971. Amended by Laws 1987, c. 206, § 36, operative July 1, 1987; Laws 1987, c. 236, § 22, emerg. eff. July 20, 1987. Renumbered from Title 2, § 7-315 by Laws 1987, c. 206, § 97, operative July 1, 1987; Laws 1987, c. 236, § 205, emerg. eff. July 20, 1987.

§63-1-1330. Short title - Oklahoma Honey Sales Act.

This act shall be known and may be cited as the "Oklahoma Honey Sales Act".

Added by Laws 2013, c. 20, § 1, eff. July 1, 2013.

§63-1-1331. Beekeepers - Exemptions from regulation and inspection.

A. Beekeepers with annual production of less than five hundred (500) gallons shall be exempt from regulation and inspection by the State Department of Health for the manufacture, sale, and distribution of honey and honeycomb products in Oklahoma if they meet the following requirements:

1. The beekeeper shall only sell or distribute honey or honeycomb produced from hives located wholly within the State of Oklahoma which are owned and managed by the beekeeper;

2. The honey, honeycomb, or combination thereof is raw and not blended with other products or otherwise adulterated. The honey may be in liquid or solid form or a combination of the two;

3. The honey or honeycomb shall only be sold or distributed in person to the end-use customer at the beekeeper's home, farmer's markets, roadside stands, county fairs, or similar events; by the beekeeper or members of the beekeeper's immediate family; and

4. Honey products shall be labeled with the common food product name, net weight of the honey, the beekeeper's name, current ten (10) digit phone number, an address where the honey or honeycomb was produced, and shall include the statement, "Bottled or packaged in a facility not inspected by the Oklahoma Department of Health." The statement shall be in 10-point type or greater in a color that provides clear contrast to the background label.

B. No county, municipal corporation, consolidated government, or political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting, impeding, or restricting honey sales or distribution in compliance with this law.

Added by Laws 2013, c. 20, § 2, eff. July 1, 2013.

§63-1-1401. Definitions.

For the purposes of this article:

A. The term "drug" means:

1. Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

2. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

3. Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and

4. Articles intended for use as a component of any article specified in paragraphs 1, 2 and 3 of this subsection; but does not include devices or their components, parts or accessories.

B. The term "device", except when used in subsection K of this section and in subsection (i) of Section 1-1402, subsection (c) of Section 1-1409, and subsection (c) of Section 1-1411 of this title, means instruments, apparatus and contrivances, including their components, parts and accessories, intended:

1. For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

2. To affect the structure or any function of the body of man or other animals.

C. The term "cosmetic" means:

1. Articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any

part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and

2. Articles intended for use as a component of any such articles, except that such term shall not include soap.

D. The term "official compendium" means authoritative compendia as identified by the Secretary of the United States Department of Health and Human Services.

E. The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appear on the label shall not be considered to be complied with unless such work, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

F. The term "immediate container" does not include package liners.

G. The term "labeling" means all labels and other written, printed or graphic matter:

1. Upon an article or any of its containers or wrappers; or

2. Accompanying such article.

H. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

I. The term "advertisement" means all representations disseminated in any manner or by any means, other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs, devices, or cosmetics.

J. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

K. The term "contaminated with filth" applies to any drug, device, or cosmetic not securely protected from dust, dirt, and, as

far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

L. The provisions of this article regarding the selling of drugs, devices, or cosmetics shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such article in the conduct of any drug or cosmetic manufacturing establishment.

M. The term "Federal Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

Added by Laws 1963, c. 325, art. 14, § 1401, operative July 1, 1963.
Amended by Laws 2010, c. 157, § 1, eff. Nov. 1, 2010.

§63-1-1402. Acts prohibited.

The following acts and the causing thereof within the State of Oklahoma are hereby prohibited:

(a) The manufacture, sale, or delivery, holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any drug, device, or cosmetic.

(c) The receipt in commerce of any drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The dissemination of any false advertisement.

(e) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by Section 1414 of this article.

(f) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the drug, device or cosmetic.

(g) The removal or disposal of a detained or embargoed article in violation of Section 1405 of this article.

(h) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being adulterated or misbranded.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this article.

Laws 1963, c. 325, art. 14, § 1402.

§63-1-1403. Injunction.

In addition to the remedies hereinafter provided, the Commissioner is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any of the provisions of the preceding sections of this article, irrespective of whether or not there exists an adequate remedy at law.
Laws 1963, c. 325, art. 14, § 1403.

§63-1-1404. Violations - Penalties - Exemptions.

(a) Any person who violates any of the provisions of Section 1402 of this article shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than thirty (30) days, or a fine of not more than One Hundred Dollars ($100.00), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than six (6) months, or a fine of not more than Five Hundred Dollars ($500.00), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, for having violated Section 1402(a) or (c) of this article, if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this article, designating this article.

(c) No publisher, radiobroadcast or television licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the State Commissioner of Health, or his duly-authorized agent, to furnish the Commissioner the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency residing in the United States who caused him to disseminate such advertisement.
Laws 1963, c. 325, art. 14, § 1404.

§63-1-1405. Embargo.

(a) Whenever a duly-authorized agent of the State Commissioner of Health finds, or has probable cause to believe, that any drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this article, he shall, upon approval and authorization of the Commissioner, affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to

remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

(b) The Commissioner shall have twenty (20) days from the time an article is embargoed in which to make a final determination as to its adulteration or misbranding. Failure to find the article to be adulterated or misbranded within such time shall result in the embargo being void and lifted. When the Commissioner has found an article to be adulterated or misbranded as provided herein, he shall immediately petition the district court in whose jurisdiction the article is detained or embargoed for condemnation of such article. When such agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking. Any person whose interest is affected adversely by an embargo imposed under the terms of this article may appeal direct from a ruling of the Commissioner to the district court in whose jurisdiction the article is embargoed, and a trial de novo shall be had in such court on the question of adulteration or misbranding.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of such article or his agent; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Commissioner. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the Commissioner that the article is no longer in violation of this article, and that the expenses of such supervision have been paid.

(d) Whenever the Commissioner or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure any perishable drugs, devices or cosmetics which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner, or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable.

Laws 1963, c. 325, art. 14, § 1405.

§63-1-1406. Prosecution for violations.

It shall be the duty of each district attorney to whom the Commissioner of Health reports any violation of this act to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law.

Laws 1963, c. 325, art. 14, § 1406, operative July 1, 1963; Laws 1992, c. 52, § 2, eff. Sept. 1, 1992.

§63-1-1407. Minor violations.

Nothing in this article shall be construed as requiring the State Commissioner of Health to report, for the institution of proceedings under this article, minor violations of this article, whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Laws 1963, c. 325, art. 14, § 1407.

§63-1-1408. Adulteration of drugs and devices.

A drug or device shall be deemed to be adulterated:

1. If it consists in whole or in part of any filthy, putrid or decomposed substance;

2. If it has been produced, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

3. If it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

4. If it is a drug and it bears or contains, for purposes of coloring only, a coal tar color other than one from a batch certified under the authority of the Federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 301 et seq.;

5. If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or, in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal act. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which

case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia;

6. If it is not subject to the provisions of paragraph 2 of this section and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess;

7. If it is a drug and any substance has been:

a. mixed or packed therewith so as to reduce its quality or strength, or

b. substituted wholly or in part therefor; or

8. If it is sold or offered for sale and is not lawfully marketed under the federal act for the purpose for which, and in the form in which, it is sold or offered for sale, unless the drug or device has been exempted from the requirements of this paragraph by the Commissioner of Health, or if the drug is compounded by a registered pharmacist pursuant to a prescription by a licensed practitioner.

Laws 1963, c. 325, art. 14, § 1408, operative July 1, 1963; Laws 1992, c. 52, § 3, eff. Sept. 1, 1992.

§63-1-1409. Misbranding of drugs and devices.

A drug or device shall be deemed to be misbranded:

(a) if its labeling is false or misleading in any particular.

(b) if in package form unless it bears a label containing:

(1) the name and place of business of the manufacturer of any prescription drug or device and the packer or distributor; and the name and place of business of the manufacturer, packer or distributor of any nonprescription drug or device. Manufacturer, as used herein, shall mean the person or firm which has mixed, tableted, encapsulated or otherwise prepared the drug in the form in which it is offered for sale to pharmacies.

(2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; provided that under this clause reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the State Board of Health.

(c) if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) if it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, betaeucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or

sulphonmethane; or any chemical derivative of such substance, which derivative has been by the State Commissioner of Health, after investigation, found to be, and by regulations under this article designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning-May Be Habit Forming."

(e) if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:

(1) the common or usual name of the drug, if such there be; and

(2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind, quantity and proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, arsenic digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that to the extent that compliance with the requirements of this clause is impracticable, exemptions shall be established by regulations promulgated by the Board.

(f) unless its labeling bears:

(1) adequate directions for use, and

(2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Board shall promulgate regulations exempting such drug or device from such requirements.

(g) if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Board. Whenever a drug is recognized in both the United States Pharmacopoeia, and the Homeopathic Pharmacopoeia of the United States, it shall be subject to requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

(h) if it has been found by the Commissioner to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Board shall by regulations require as necessary for the protection of public

health. No such regulation shall be established for any drug recognized in an official compendium until the Commissioner shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirement.

(i) if it is a drug and its container is so made, formed, or filled as to be misleading; if it is an imitation of another drug; or if it is offered for sale under the name of another drug.

(j) if it is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

(k) if it is a drug intended for use by man which:

(1) is a habit-forming drug to which paragraph (d) of this section applies; or

(2) because of its toxicity or other potentiality for harmful effect, or the method of use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a physician, dentist or veterinarian; or

(3) is limited by an effective application under Section 505 of the Federal Act to use under professional supervision by a physician, dentist or veterinarian, unless it is dispensed only:

(i) upon a written prescription of a physician, dentist or veterinarian, or

(ii) upon the oral prescription of a physician, dentist or veterinarian which is reduced promptly to writing and filed by the pharmacist, or

(iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is promptly reduced to writing and filed by the pharmacist; provided, that any drug dispensed by filling or refilling a written or oral prescription of a physician, dentist, or veterinarian shall be exempt from the requirements of this section, except paragraphs (a) and (i), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs, pursuant to diagnosis by mail.

(1) if the packaging, name or appearance of a prescription drug product is deceptively similar to or would cause unnecessary confusion with competitive, chemically-similar drug products which have a previously established or substantial position in the marketplace.

Laws 1963, c. 325, art. 14, § 1409; Laws 1976, c. 181, § 1, eff. Jan. 1, 1977.

§63-1-1410. Adulteration of cosmetics.

A cosmetic shall be deemed to be adulterated:

(a) if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual. Provided, that this provision shall not apply to coal tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this paragraph and paragraph (e) the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

(b) if it consists in whole or in part of any filthy, putrid, or decomposed substance.

(c) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(d) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(e) if it is not a hair dye and it bears or contains a coal tar color other than one from a batch which has been certified under authority of the Federal Act.

Laws 1963, c. 325, art. 14, § 1410.

§63-1-1411. Misbranding of cosmetics.

A cosmetic shall be deemed to be misbranded:

(a) if its labeling is false or misleading in any particular.

(b) if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the State Board of Health.

(c) if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by

the ordinary individual under customary conditions of purchase and use.

(d) if its container is so made, formed, or filled as to be misleading.

Laws 1963, c. 325, art. 14, § 1411.

§63-1-1412. Advertisements - False or misleading.

(a) An advertisement of a drug, device, or cosmetic shall be deemed to be false if it is false or misleading in any particular.

(b) For the purposes of this article, the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstone, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, or sexually transmitted infection (STI) shall also be deemed to be false, except that no advertisement not in violation of subsection (a) of this section shall be deemed to be false under this subsection if it is disseminated only to members of the medical, dental, or veterinary professions, or appears only in scientific periodicals of those professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of drugs or devices; provided, that whenever the State Commissioner of Health determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the State Board of Health shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the Board and the Commissioner may deem necessary in the interests of public health; provided, that this subsection shall not be construed as indicating that self-medication for disease other than those named herein is safe or efficacious.

Added by Laws 1963, c. 325, art. 14, § 1412, operative July 1, 1963.
Amended by Laws 2011, c. 105, § 35, eff. Nov. 1, 2011.

§63-1-1413. Regulations - Hearings - Notice.

(a) The authority to promulgate regulations for the efficient enforcement of this article is hereby vested in the State Board of Health, which is hereby authorized to make regulations promulgated under this article conform, insofar as practicable, with those promulgated under the Federal Act.

(b) Hearings authorized or required by this article shall be conducted by the State Commissioner of Health or such officer, agent, or employee as the Commissioner may designate for the purpose.

(c) Before promulgating any regulations contemplated by Section 1409(d), (e), (f), (g), (h), and (k) or 1412(b), the Board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the Board (which date shall not be prior to twenty (20) days after its promulgation). Such regulation may be amended or repealed in the same manner as is provided for its adoption, except that in the case of a regulation amending or repealing such regulation the Board, to such extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing or effective date.

Laws 1963, c. 325, art. 14, § 1413.

§63-1-1414. Inspections.

The State Commissioner of Health or his duly-authorized agent shall have free access at all reasonable hours to any factor, warehouse, or establishment in which drugs, devices, or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs, devices, or cosmetics in commerce, for the purpose: (1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this article are being violated, and (2) to secure samples or specimens of any drug, device, or cosmetic after paying or offering to pay for such sample. It shall be the duty of the Commissioner to make or cause to be made examination of samples secured under the provisions of this section to determine whether or not any provision of this article is being violated.

Laws 1963, c. 325, art. 14, § 1414.

§63-1-1415. Publication of reports and information.

(a) The State Commissioner of Health may cause to be published, from time to time, reports summarizing all judgments, decrees, and court orders which have been rendered under this article, including the nature of the charge and the disposition thereof.

(b) The Commissioner may also cause to be disseminated such information regarding drugs, devices, and cosmetics as the Commissioner deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigations of the Commissioner.

Laws 1963, c. 325, art. 14, § 1415.

§63-1-1430. Forced implantation of microchip or permanent mark prohibited.

A. No person, state, county, or local governmental entity or corporate entity may require an individual to undergo the implanting of a microchip or permanent mark of any kind or nature upon the individual.

B. The State Department of Health may impose a fine not to exceed Ten Thousand Dollars ($10,000.00) on any person who violates this act. Each day of continued violation shall constitute a separate offense.

Added by Laws 2008, c. 337, § 1, eff. Nov. 1, 2008.

§63-1-1431. Labeling requirements for cannabidiol.

A. Any manufactured product containing cannabidiol, as provided for in Section 2-101 of Title 63 of the Oklahoma Statutes, shall include a label which contains, at a minimum:

1. The country of origin of the cannabidiol; and

2. Whether the cannabidiol is synthetic or natural.

B. The provisions of this section shall not apply to any pharmaceutical product approved by the Food and Drug Administration.

C. Retail sales of industrial hemp and hemp products may be conducted without a license so long as the products and the hemp used in the products were grown and cultivated legally in this state or another state or jurisdiction and meet the same or substantially the same requirements for processing hemp products or growing hemp. The addition of derivatives of hemp, including hemp-derived cannabidiol, to cosmetics, personal care products and products intended for human or animal consumption shall be permitted without a license and shall not be considered an adulteration of such products. Nothing in this section shall exempt any individual or entity from compliance with food safety and licensure laws, rules and regulations as set forth under the Oklahoma Public Health Code.

Added by Laws 2019, c. 352, § 1, eff. Nov. 1, 2019.

§63-1-1440. Recodified as § 5-4.1 of Title 2 by Laws 2017, c. 85, § 3, eff. Nov. 1, 2017.

§63-1-1440.1. Recodified as § 5-4.2 of Title 2 by Laws 2017, c. 85, § 4, eff. Nov. 1, 2017.

§63-1-1440.2. Recodified as § 5-4.3 of Title 2 by Laws 2017, c. 85, § 5, eff. Nov. 1, 2017.

§63-1-1440.3. Recodified as § 5-4.4 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017.

§63-1-1440.4. Recodified as § 5-4.5 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017.

§63-1-1440.5. Recodified as § 5-4.6 of Title 2 by Laws 2017, c. 85, § 6, eff. Nov. 1, 2017.

§63-1-1450. Legislative findings – Short title.

A. The Legislature hereby finds that:

1. There is, in addition to cosmetic reasons, a growing need for medical micropigmentation in the treatment of clinical conditions or traumas such as cancer, surgery, and burns;

2. Medical micropigmentation is being performed in Oklahoma; and

3. Oklahoma law does not provide sufficient regulation of medical micropigmentation to assure the protection of the public.

Therefore, there is a need to provide legislation to enable the appropriate entities to regulate persons performing medical micropigmentation on the citizens of this state.

B. Sections 1 through 9 of this act shall be known and may be cited as the "Oklahoma Medical Micropigmentation Regulation Act". Added by Laws 2001, c. 384, § 1, emerg. eff. June 4, 2001.

§63-1-1451. Definitions.

As used in the Oklahoma Medical Micropigmentation Regulation Act:

1. "Licensing board" means the Oklahoma State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and/or the Board of Dentistry;

2. "Medical micropigmentation" means a medical procedure in which any color or pigment is applied with a needle or electronic machine:

a. to produce a permanent mark visible through the skin,

b. above the jawline and anterior to the ear and frontal hairline including but not limited to application of eyeliner, eye shadow, lips, eyebrows, cheeks, and scars, and/or

c. for repigmentation of areas involving reconstructive surgery or trauma.

Medical micropigmentation shall not include placing on the body any pictures, images, numbers, signs, letters of the alphabet, or designs. Medical micropigmentation shall not be construed to be included in the definition of tattooing as provided in Section 841 of Title 21 of the Oklahoma Statutes; and

3. "Physician" means a person licensed to practice:

a. allopathic medicine and surgery by the Oklahoma State Board of Medical Licensure and Supervision pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act,

b. osteopathic medicine by the State Board of Osteopathic Examiners pursuant to the Oklahoma Osteopathic Medicine Act, or

c. dentistry by the Board of Dentistry pursuant to the State Dental Act.

Added by Laws 2000, c. 142, § 1, emerg. eff. April 28, 2000. Amended by Laws 2000, c. 330, § 1, emerg. eff. June 5, 2000; Laws 2001, c. 384, § 2, emerg. eff. June 4, 2001. Renumbered from § 841.5 of Title 21 by Laws 2001, c. 384, § 12, emerg. eff. June 4, 2001.

§63-1-1452. Authorized personnel - Supervision.

On and after May 1, 2002, medical micropigmentation may only be performed in a physician's office by:

1. A physician as defined by the Oklahoma Medical Micropigmentation Regulation Act;

2. A person licensed to practice registered nursing by the Oklahoma Board of Nursing who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by the physician in whose office medical micropigmentation is being performed; and

3. A person who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by the physician in whose office medical micropigmentation is being performed.

Added by Laws 2001, c. 384, § 3, emerg. eff. June 4, 2001. Amended by Laws 2003, c. 384, § 2, eff. Nov. 1, 2003

§63-1-1453. Certification.

A. It shall be unlawful for any person to perform medical micropigmentation or to represent himself or herself as a person authorized to perform medical micropigmentation:

1. Without having first complied with the provisions of the Oklahoma Medical Micropigmentation Regulation Act; or

2. Unless otherwise authorized to perform medical micropigmentation pursuant to the Oklahoma Medical Micropigmentation Regulation Act.

B. The State Board of Health, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, shall promulgate rules to implement the provisions of the Oklahoma Medical Micropigmentation Regulation Act. The rules shall include rules of practice for medical micropigmentation training requirements and the establishment

of criteria for the certification of persons authorized to perform medical micropigmentation.

C. The State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and the Board of Dentistry may each promulgate rules relating to the performance of micropigmentation in physician offices by those physicians subject to their licensing authority. Such rules shall comply with the Oklahoma Medical Micropigmentation Regulation Act.

Added by Laws 2001, c. 384, § 4, emerg. eff. June 4, 2001. Amended by Laws 2013, c. 229, § 62, eff. Nov. 1, 2013.

§63-1-1454. Restrictions for certification - Application.

A. On and after May 1, 2002, except for a physician, any person intending to perform medical micropigmentation in this state shall first be certified by the State Department of Health.

B. The State Commissioner of Health shall not issue a certificate or renew a certificate to perform medical micropigmentation to a person who has:

1. Been convicted of or pled guilty or nolo contendere to a felony or a misdemeanor involving moral turpitude in any federal, state, territory, or District of Columbia court;

2. Been determined to have engaged in unprofessional conduct as defined by the rules promulgated by the State Board of Health;

3. Made a materially false or fraudulent statement in an application or other document relating to certification pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act; or

4. Had a health-related license, certificate, or permit suspended, revoked or not renewed or had any other disciplinary action taken, or had an application for a health-related license, certificate, or permit refused by a federal, state, territory, or District of Columbia regulatory authority for intentionally falsifying information.

C. In order to qualify for certification, an applicant shall:

1. Have received a high school diploma or its equivalent;

2. Be at least twenty-one (21) years of age; and

3. Have submitted a completed application to the Department in such form as required by the Department which shall include a notarized copy of:

a. the certificate of birth of the applicant,

b. the applicant’s driver license or other similar form of identification,

c. other professional credentials, if applicable, and

d. proof, in such form as the Department determines appropriate, of the satisfactory completion of a program of training and testing approved by the Department as specified in Section 6 of this act.

D. Upon meeting the requirements of the Oklahoma Medical Micropigmentation Regulation Act and rules promulgated pursuant thereto, the State Commissioner of Health shall issue a certificate to perform medical micropigmentation to the applicant.
Added by Laws 2001, c. 384, § 5, emerg. eff. June 4, 2001.

§63-1-1455. Training and testing - Certification by reciprocity.

A. The State Board of Health, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, and in cooperation with the Oklahoma Department of Career and Technology Education, may adopt a curriculum of required courses and establish by rule the types of courses to be offered. The complete program of instruction approved by the State Board of Health in theory and clinical training shall consist of at least three hundred (300) hours or the equivalent of competency-based instruction.

B. 1. In order to provide the State Department of Health confirmation of each applicant's competency, written theory and clinical tests shall be administered by the Oklahoma Department of Career and Technology Education.

2. Applicants otherwise qualified to practice medical micropigmentation as determined by the State Department of Health pursuant to the Oklahoma Medical Micropigmentation Regulation Act may be certified to perform medical micropigmentation without taking or completing the program of instruction specified by this section if the applicant obtains a passing score for both the written theory and clinical tests. Not later than January 1, 2002, the State Board of Health shall promulgate rules to implement the provisions of this paragraph.

3. The State Board of Health, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, shall set, by rule, a minimum passing score for both written theory and clinical tests.

C. The Oklahoma Department of Career and Technology Education may provide training and shall provide testing programs required by this section for anyone qualified to apply for a certificate pursuant to the provisions of Section 1-1454 of this title. The training and testing programs shall meet the standards established pursuant to the provisions of this section. The State Department of Health may approve training programs that meet the standards established pursuant to the provisions of this act.

D. After the initial training program offered pursuant to subsection C of this section, the Oklahoma Department of Career and Technology Education may provide a complete curriculum for the training and testing of applicants for certification as deemed needed by the Oklahoma Department of Career and Technology Education.

E. The State Department of Health may approve applicants for certification by reciprocity. An applicant shall qualify for certification by reciprocity if the applicant:

1. Has qualifications and training comparable to those required under the Oklahoma Medical Micropigmentation Regulation Act;

2. Provides documentation verifying two (2) years of experience and a minimum of two hundred (200) procedures; and

3. Has successfully completed the Oklahoma certification examination.

Added by Laws 2001, c. 384, § 6, emerg. eff. June 4, 2001. Amended by Laws 2003, c. 384, § 3, eff. Nov. 1, 2003; Laws 2013, c. 229, § 63, eff. Nov. 1, 2013.

§63-1-1456. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-1457. Fees - Effective period for certification.

A. Certificates to perform medical micropigmentation shall be valid for one (1) year from the date of issuance.

B. Fees for certification to perform medical micropigmentation as promulgated by the State Board of Health shall not exceed:

Application for Certification	$500.00
Annual Renewal of Certification	$100.00
Reinstatement of Certification	$375.00
Replacement of Certificate	$125.00

C. The State Board of Health shall make recommendations to the Legislature as to the proper and necessary fees for the regulation of the performance of medical micropigmentation pursuant to the Oklahoma Medical Micropigmentation Regulation Act.

D. All fees collected pursuant to the provisions of this section shall be deposited in the Public Health Special Fund and shall be used in implementing the provisions of the Oklahoma Medical Micropigmentation Regulation Act. Excess funds shall be available to the State Department of Health for expenditures pursuant to Section 1-107 of Title 63 of the Oklahoma Statutes.

E. Every person holding a current certificate to perform medical micropigmentation shall display the certificate in a conspicuous place in the area where medical micropigmentation is being performed.

Added by Laws 2001, c. 384, § 8, emerg. eff. June 4, 2001. Amended by Laws 2006, c. 141, § 4, eff. Nov. 1, 2006.

§63-1-1458. Violations - Application.

A. Upon receipt of a complaint by a licensing board relating to a violation of the Oklahoma Medical Micropigmentation Regulation Act or any rules promulgated thereto, the licensing board shall cause an investigation to be made. If during the investigation, the licensing board determines that the alleged violation of the Oklahoma Medical Micropigmentation Regulation Act or any rules promulgated thereto may

have been committed by any person other than a physician or any other person subject to the licensing board's regulatory authority, the licensing board shall immediately notify the Oklahoma State Department of Health.

B. 1. Upon receipt of a complaint by the Department or upon receipt of notice pursuant to subsection A of this section relating to an alleged violation of the Oklahoma Medical Micropigmentation Regulation Act or rules promulgated thereto which involve the practice of micropigmentation in the office of a physician, the Department shall:

a. notify the appropriate licensing board of the complaint and request a joint inspection, or

b. refer the complaint to the appropriate licensing board for investigation.

2. The licensing boards shall give priority to investigations of complaints for which the Department has requested a joint inspection.

C. 1. If a person other than a physician, after proper notice and hearing as provided in the Administrative Procedures Act, is found to have violated one or more provisions of the Oklahoma Medical Micropigmentation Regulation Act, the State Department of Health may impose one or more of the following penalties:

a. suspend or revoke a certificate,

b. seek injunctive relief,

c. reprimand the certificate holder,

d. place a certificate holder on probation for a specified period of time,

e. deny renewal of a certificate,

f. require a special quality review of the certificate holder, subject to such procedures as the Department by rule deems appropriate,

g. require the person or entity to pay all costs incurred as a result of hearings conducted regarding actions of the subject of the hearing including, but not limited to, investigation costs, hearing officer costs, renting of special facilities costs, and court reporter costs, or

h. in addition to any criminal penalty imposed pursuant to the Oklahoma Medical Micropigmentation Regulation Act, assess an administrative penalty not to exceed Ten Thousand Dollars ($10,000.00).

2. Any physician alleged to have violated the Oklahoma Medical Micropigmentation Regulation Act or rules promulgated by the licensing board thereto shall be subject to penalties established pursuant to law by the licensing board which has authority to regulate the physician.

B. In addition to the penalties provided for in subsection A of this section, the Department may request the district attorney to

bring an action in the district court for the prosecution of any person for a violation of any provision of the Oklahoma Medical Micropigmentation Regulation Act, or order issued or rules promulgated pursuant thereto.

C. Upon application in writing and upon good cause, the Department may reinstate a certificate which has been revoked or suspended or may modify the certificate when reinstated. A person whose certificate has been revoked or suspended may not reapply for reinstatement during the time period set by the Department which shall not exceed five (5) years.

D. 1. Administrative penalties assessed by the Department under the provisions of the Oklahoma Medical Micropigmentation Regulation Act shall be imposed and enforced pursuant to the Administrative Procedures Act and may be enforced in district court as authorized by the Administrative Procedures Act.

2. All monies, excluding costs, collected from administrative penalties authorized in this section, shall be deposited pursuant to Section 1-1701.1B of Title 63 of the Oklahoma Statutes.

E. Any person convicted of violating the provisions of the Oklahoma Medical Micropigmentation Regulation Act or orders issued or rules promulgated pursuant thereto shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days, a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Each day upon which such violation occurs shall constitute a separate violation.

F. The provisions of this section shall apply to:

1. Any person certified to perform medical micropigmentation pursuant to the Oklahoma Medical Micropigmentation Regulation Act and who is alleged to be in violation of the Oklahoma Medical Micropigmentation Regulation Act or rule or order issued pursuant thereto; and

2. Any person who does not hold a certificate or is not authorized to practice medical micropigmentation pursuant to the Oklahoma Medical Micropigmentation Regulation Act and is practicing or holding himself or herself as authorized to practice medical micropigmentation.

Added by Laws 2001, c. 384, § 9, emerg. eff. June 4, 2001.

§63-1-1501. Occupational diseases - Reports - Detection and prevention - Agreements.

(a) The State Board of Health shall design and provide suitable forms for reporting occupational diseases and illnesses, provide appropriate instructions for their use, and furnish them without charge to all licensed physicians. Such reports shall not be admissible in evidence in any court or in any proceedings before the State Industrial Court.

(b) The State Board of Health shall designate by list, or generally define, those diseases or illnesses which should be reported and request all physicians of this state to cooperate in the reporting of such diseases.

(c) The State Commissioner of Health shall utilize all available facilities, laboratory, equipment and personnel in a joint program with the State Commissioner of Labor, and industrial and employee organizations, to detect and prevent conditions leading to industrial diseases and occupational health hazards.

(d) The State Commissioner of Health may enter into agreements with other agencies of this state for the purpose of carrying out the provisions of this section, and securing uniformity of regulations pertaining to occupational diseases.

Laws 1963, c. 325, art. 15, § 1501.

§63-1-1501.1. Diagnostic X-Ray Facility Act - Short title.

Sections 313 through 316 of this act shall be known and may be cited as the Diagnostic X-Ray Facility Act.

Added by Laws 1993, c. 145, § 312, eff. July 1, 1993.

§63-1-1502. Definitions.

As used in the Diagnostic X-Ray Facility Act:

1. "Diagnostic x-ray facility" means the use of an x-ray system(s) by a facility in any procedure that involves irradiation of any part of a human or animal body for the purpose of diagnosis; and

2. "X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

Added by Laws 1963, c. 325, art. 15, § 1502, operative July 1, 1963. Amended by Laws 1968, c. 208, § 1, emerg. eff. April 22, 1968; Laws 1990, c. 233, § 1, eff. Sept. 1, 1990; Laws 1993, c. 145, § 313, eff. July 1, 1993.

§63-1-1503. Diagnostic x-ray systems - Official state agency - Healing arts practitioners.

A. The State Department of Health is hereby designated as the official agency of the State of Oklahoma for all regulatory activities pertaining to health and safety in the use of diagnostic x-ray systems, and shall act as the coordinating agency for the purpose of cooperating with other states, the United States Public Health Service and other federal agencies in the administration of programs relating to diagnostic x-ray systems, available to the State of Oklahoma under federal laws; and it shall encourage, participate in, and conduct studies, investigations, training, research and

demonstrations relating to constructive uses of diagnostic x-ray systems and the prevention and control of its associated harmful effects or unnecessary exposure, the effects to health on exposure to x-rays, and related problems.

B. Nothing in the Diagnostic X-Ray Facility Act shall interfere with the doctor-patient relationship of any licensed member of the healing arts; nor shall anything in the Diagnostic X-Ray Facility Act prohibit a licensed practitioner of the healing arts, or an individual under the direction of such licensed practitioner, from using x-rays or other sources of radiation and/or fluoroscopes for diagnostic, research or treatment purposes, as authorized under the Practitioner's Licensing Act, provided the radiation devices and the related facilities of the practitioner shall comply with the rules and regulations promulgated under the provisions of the Diagnostic X-Ray Facility Act.

Added by Laws 1963, c. 325, art. 15, § 1503, operative July 1, 1963. Amended by Laws 1963, c. 326, § 1, emerg. eff. June 18, 1963; Laws 1968, c. 208, § 2, emerg. eff. April 22, 1968; Laws 1990, c. 233, § 2, eff. Sept. 1, 1990; Laws 1993, c. 145, § 314, eff. July 1, 1993.

§63-1-1504. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1504.1. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-1505. Rules for diagnostic x-ray facilities.

The State Board of Health shall have the authority, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, to adopt reasonable rules for diagnostic x-ray facilities on the following: establishment of standards for safe levels of protection against radiation; maintenance and submission of records; determination, prevention and control of radiation hazards; reporting of radiation accidents; handling, storage and registration of diagnostic x-ray systems; periodic inspections of diagnostic x-ray facilities; review and approval of plans, and issuance and revocation of permits, for the use of diagnostic x-ray systems; prevention and control of any significant associated harmful effects of exposure to x-rays; and other items deemed necessary for the protection of the public health and safety in diagnostic x-ray facilities. Such rules shall be consistent with nationally recognized standards, which may be included by reference in the promulgated rules.

Added by Laws 1963, c. 325, art. 15, § 1505, operative July 1, 1963. Amended by Laws 1968, c. 208, § 3, emerg. eff. April 22, 1968; Laws 1993, c. 145, § 316, eff. July 1, 1993; Laws 2013, c. 229, § 64, eff. Nov. 1, 2013.

§63-1-1508. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1509. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1510. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1511. Noise control and abatement - Studies.

The State Department of Health is hereby authorized to encourage, participate in, conduct studies, investigations, training, research and demonstrations relating to:

1. The control or abatement of noise,
2. The detection and measurement of noise,
3. The effects on health resulting from exposure to noise, and
4. The consumer safety and protection aspects of devices and products which may or do produce harmful noise when such device or product is used for its intended purposes.

Laws 1971, c. 264, § 1, emerg. eff. June 17, 1971.

§63-1-1512. State Department of Health as official agency.

The State Department of Health is hereby designated as the official agency of the State of Oklahoma for all activities pertaining to the abatement and control of noise, and shall utilize such personnel, equipment, laboratories, and other resources as it shall have or which shall be made available through state appropriated funds, federal grants or from other sources to operate the noise abatement and control program authorized under the provisions of this act.

Laws 1971, c. 264, § 2, emerg. eff. June 17, 1971.

§63-1-1513. Cooperation with federal agencies.

The State Department of Health shall cooperate with other states, the United States Department of Health, Education and Welfare and other federal agencies in the administration of programs relating to the control and abatement of noise which have been or may be initiated under federal laws.

Laws 1971, c. 264, § 3, emerg. eff. June 17, 1971.

§63-1-1514. State agencies and local government to cooperate with Department.

It shall be the duty of all state agencies and departments, and city, county and other units of local government to cooperate with the State Department of Health in carrying out the purposes and intent of this act.

Laws 1971, c. 264 § 4, emerg. eff. June 17, 1971.

§63-1-1515. Clean Air in Restaurants Act - Restaurant rebate program.

A. This section shall be known and may be cited as the "Clean Air in Restaurants Act".

B. The Legislature hereby finds:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution;

2. Reliable studies have shown that breathing secondhand smoke is a cause of disease, including lung cancer, in healthy nonsmokers. At special risk are elderly people, children, people with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

3. Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm.

C. 1. The State Department of Health is hereby authorized to implement a rebate program for the purpose of reimbursing persons or entities that own restaurants located in this state for expenses incurred prior to November 1, 2010, in complying with the requirements imposed by subsection J of Section 1247 of Title 21 of the Oklahoma Statutes. The rebate shall be equal to fifty percent (50%) of the original expenditure, minus depreciation costs, and shall only be disbursed if the restaurant converts to a completely smoke-free environment no later than January 1, 2013.

2. The Department shall be required to utilize the proceeds generated by the Tobacco Prevention and Cessation Revolving Fund in funding the rebate program and shall promulgate such rules as are necessary to implement the provisions of the program.

Added by Laws 2010, c. 217, § 1, eff. Nov. 1, 2010.

§63-1-1521. Short title.

This act shall be known and may be cited as the "Smoking in Public Places and Indoor Workplaces Act".

Added by Laws 1987, c. 151, § 1, eff. Nov. 1, 1987. Amended by Laws 2003, S.J.R. No. 21, § 2, eff. Sept. 1, 2003.

§63-1-1522. Definitions.

As used in this act:

1. "Educational facility" means a building owned, leased or under the control of a technology center school district or a public or private college or university;

2. "Health facility" means an entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers;

3. "Indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual

or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed;

4. "Meeting" means a meeting as defined in the Oklahoma Open Meeting Act;

5. "Public body" means a public body as defined in the Oklahoma Open Meeting Act;

6. "Public place" means any enclosed indoor area where individuals other than employees are invited or permitted;

7. "Restaurant" means any eating establishment regardless of seating capacity;

8. "Smoking" means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device; and

9. "Stand-alone bar", "stand-alone tavern", and "cigar bar" mean an establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under twenty-one (21) years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Added by Laws 1987, c. 151, § 2, eff. Nov. 1, 1987. Amended by Laws 2003, S.J.R. No. 21, § 3, eff. Sept. 1, 2003; Laws 2015, c. 259, § 5.

§63-1-1523. Smoking in certain places prohibited - Exemptions.

A. Except as specifically provided in the Smoking in Public Places and Indoor Workplaces Act, no person shall smoke tobacco or marijuana or vape marijuana in a public place, in any part of a zoo to which the public may be admitted, whether indoors or outdoors, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate tobacco smoking rooms for residents and their

guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no tobacco smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building. Commercial airport operators may prohibit the use of lighted tobacco or lighted marijuana or the vaping of marijuana in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

B. 1. Except as otherwise provided in paragraph 2 of this subsection, a technology center school district which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit tobacco or marijuana smoking or marijuana vaping, the use of marijuana products, snuff, chewing tobacco or any other form of tobacco product in the educational facility buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

2. A technology center school district may designate tobacco smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. A technology center school district or college or university may designate tobacco smoking areas outside the educational facility buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

4. Smoking tobacco or marijuana or vaping marijuana shall be prohibited in an educational facility as defined in the 24/7 Tobacco-free Schools Act and as provided for in Section 1210.213 of Title 70 of the Oklahoma Statutes.

C. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding tobacco or marijuana smoking or marijuana vaping and the use of other marijuana or tobacco products in the buildings or on the grounds of the facility.

D. A private residence is not a "public place" within the meaning of the Smoking in Public Places and Indoor Workplaces Act except that areas in a private residence that are used as a licensed child care facility during hours of operation are "public places" within the meaning of the Smoking in Public Places and Indoor Workplaces Act.

E. Smoking tobacco or marijuana or vaping marijuana is prohibited in all vehicles owned by the State of Oklahoma and all of its agencies and instrumentalities.

F. Veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking tobacco shall only be allowed in designated outdoor smoking areas.

G. An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside, in such manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If tobacco smoking is to be permitted in any space exempted in subsection H of this section or in a tobacco smoking room pursuant to subsection I of this section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the tobacco smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake.

H. The Smoking in Public Places and Indoor Workplaces Act shall not prohibit tobacco smoking in:

1. Stand-alone bars, stand-alone taverns or cigar bars;

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

3. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

5. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;

6. Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

7. Private offices occupied exclusively by one or more smokers;

8. Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;

10. Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

11. Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment.

I. Notwithstanding any other provision of the Smoking in Public Places and Indoor Workplaces Act, until March 1, 2006, restaurants may have designated tobacco smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

Added by Laws 1987, c. 151, § 3, eff. Nov. 1, 1987. Amended by Laws 1989, c. 232, § 1, eff. Nov. 1, 1989; Laws 1994, c. 137, § 14, eff. July 1, 1994; Laws 1995, c. 274, § 51, eff. Nov. 1, 1995; Laws 2000, c. 229, § 1, eff. Nov. 1, 2000; Laws 2001, c. 188, § 1, emerg. eff. May 7, 2001; Laws 2002, c. 96, § 2, eff. July 1, 2002; Laws 2003, S.J.R. No. 21, § 4, eff. Sept. 1, 2003; Laws 2007, c. 70, § 2, eff. Nov. 1, 2007; Laws 2012, c. 30, § 2, eff. Nov. 1, 2012; Laws 2014, c. 167, § 2, eff. Nov. 1, 2014; Laws 2015, c. 259, § 6; Laws 2017, c. 110, § 2, eff. Nov. 1, 2017; Laws 2019, c. 477, § 2.

§63-1-1524. Repealed by Laws 2003, S.J.R. No. 21, § 7, eff. Sept. 1, 2003.

§63-1-1525. Measures to prevent smoking in nonsmoking areas.

The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent tobacco or marijuana smoking or marijuana vaping in public places:

1. Post conspicuous signs at entrances to and in prominent locations within places where tobacco or marijuana smoking or marijuana vaping is prohibited which state that tobacco or marijuana smoking or marijuana vaping is prohibited or that the indoor environment is free of tobacco or marijuana smoke or marijuana vapor; and

2. Ask tobacco or marijuana smokers or marijuana vapers to refrain from smoking upon observation of anyone violating the provisions of Section 1-1521 et seq. of this title.

Added by Laws 1987, c. 151, § 5, eff. Nov. 1, 1987. Amended by Laws 2003, S.J.R. No. 21, § 5, eff. Sept. 1, 2003; Laws 2017, c. 369, § 3; Laws 2019, c. 477, § 3.

§63-1-1526. Rules and regulations.

The State Board of Health shall promulgate rules necessary to implement the provisions of the Smoking in Public Places and Indoor Workplaces Act. Such rules shall not impose liability on the owner or operator of any facility for the violation of a provision of the Smoking in Public Places and Indoor Workplaces Act by another person who is not an employee of such owner or operator.

Added by Laws 1987, c. 151, § 6, eff. Nov. 1, 1987. Amended by Laws 1991, c. 168, § 10, eff. July 1, 1991; Laws 2003, S.J.R. No. 21, § 6, eff. Sept. 1, 2003.

§63-1-1526.1. Administrative fines - Nursing facilities and employees - Child care facilities.

In addition to any other penalties authorized by law, the State Board of Health or the Department of Human Services, whichever is the appropriate entity, shall impose administrative fines against nursing facilities, employees of nursing facilities, or both, and child care facilities for violations of Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes, in accordance with this section. If after a hearing in accordance with the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, the appropriate entity as specified in this section shall find any person to be in violation of subsection A of Section 14 of this act, such person shall be subject to an administrative penalty of Fifty Dollars ($50.00) for the first offense within a one-year period, One Hundred Dollars ($100.00) for the second offense within a one-year period,

and Two Hundred Dollars ($200.00) for a third or subsequent offense within a one-year period.
Added by Laws 1994, c. 137, § 16, eff. July 1, 1994.

§63-1-1527. Legislative intent.

The State Legislature by adopting this act intends to preempt any other regulation promulgated to control smoking in public places and to standardize laws that governmental subdivisions may adopt to control smoking. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this act, but the provisions of such laws shall be the same as provided in this act and the enforcement provisions under such laws shall not be more stringent than those of this act; provided, however, that cities and towns shall be authorized to enact laws restricting smoking on properties owned or operated by the respective governing bodies. Nothing in this section shall be construed as to prevent county or municipal governments, at the discretion of the respective governing bodies, from prohibiting smoking in or on property owned or operated by the respective governing bodies.
Added by Laws 1987, c. 151, § 7, eff. Nov. 1, 1987. Amended by Laws 2013, c. 187, § 2, eff. Nov. 1, 2013.

§63-1-1528. Smoking in motor vehicles whre children are present.

The State Department of Health and the Tobacco Settlement Endowment Trust shall work together to inform the public about the dangers of smoking in motor vehicles where children are present.
Added by Laws 2017, c. 369, § 4.

§63-1-1529. Use of tobacco products prohibited on all properties owned, leased or contracted for use by the state.

The use of any tobacco product shall be prohibited on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma. Provided, these prohibitions shall not apply to the Oklahoma Veterans Centers.
Added by Laws 2017, c. 369, § 5.

§63-1-1530. Development of strategies to prevent tobacco use by minors.

The Oklahoma State Department of Health and the Department of Mental Health and Substance Abuse Services shall work together to develop new and innovative strategies to prevent tobacco use by minors.
Added by Laws 2017, c. 369, § 6.

§63-1-1531. Smoking cessation fee.

A. Smoking remains the number one preventable cause of death in Oklahoma, killing more people than AIDS, alcohol, car accidents, illegal drugs, murders and suicides combined. Eighty-eight thousand Oklahoma children alive today will die prematurely of smoking-related illnesses. Increasing the price point of cigarettes is the single most effective strategy to reduce cigarette consumption by deterring children and adolescents from taking up smoking, by reducing the overall consumption of cigarettes by an estimated 26,000,000 cigarette packs in the first year, by reducing the prevalence of adult smoking by an estimated five percent (5%), by preventing an estimated 28,000 kids today from becoming adult smokers, and by reducing health-related disparities among income groups over time. For the reasons stated and in furtherance of the stated purpose of this act, there shall be assessed by the Oklahoma Tax Commission a smoking cessation fee on cigarettes, to be remitted by every wholesaler, as provided in subsection B of this section.

B. The fee provided in this subsection shall be One Dollar and fifty cents ($1.50) per twenty (20) cigarette package, and a proportionate rate on fractions thereof.

C. Beginning on the effective date of this act, and all subsequent years, the smoking cessation fee provided by this section shall be apportioned by the Oklahoma Tax Commission and transmitted to the State Treasurer, who shall deposit the same in the State Treasury to the credit of the following funds in the following percentages:

a. One Million Dollars ($1,000,000.00) to the ABLE Commission Revolving Fund created in Section 567 of Title 37 of the Oklahoma Statutes for the purpose of enhanced enforcement of the provisions of Section 600.13 of Title 37 of the Oklahoma Statutes, and

b. all amounts in excess of One Million Dollars ($1,000,000.00) to the credit of the Health Care Enhancement Fund created in Section 8 of this act.

D. For purposes of this section "cigarette" and "wholesaler" shall have the same meaning as in Section 301 of Title 68 of the Oklahoma Statutes.

E. The Oklahoma Tax Commission shall promulgate rules as needed to implement the provisions of this section.

Added by Laws 2017, c. 369, § 7.

§63-1-1532. Health Care Enhancement Fund.

There is hereby created in the State Treasury a fund to be designated the "Health Care Enhancement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to Section 7 of this act and any monies designated to the fund by law. All monies accruing to the

credit of the fund shall be appropriated at the discretion of the Legislature for the purpose of enhancing the health of Oklahomans. Added by Laws 2017, c. 369, § 8.

§63-1-1601. Definitions.

For the purposes of this article:

(a) The term "hazardous substance" means:

(1) a. any substance or mixture of substances intended or suitable for household use which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensitizer, (5) is flammable, or (6) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

b. any substances which the State Board of Health by regulation finds, pursuant to the provisions of Section 1602(a), meet the requirements of subparagraph 1.a. of this paragraph.

c. any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Board determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this article in order to protect the public health.

(2) The term "hazardous substance" shall not apply (1) to economic poisons subject to the provisions of 2 O.S.1961, Section 3-63; (2) to foods subject to the provisions of Article 11 of this Code; (3) to drugs and cosmetics subject to the provisions of Article 14 of this Code; (4) to substances intended for use as fuels when stored in containers and used in heating, cooking, or refrigeration system of a house.

(3) The term "hazardous substance" shall not include any source material, special nuclear material, or by-product material as defined in the Act of Congress known as the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(b) The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(c) (1) The term "highly toxic" means any substance which falls within any of the following categories: a. produces death within fourteen (14) days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred (200) and three hundred (300) grams, at a single dose of fifty (50) milligrams or less per kilogram of body weight, when orally administered; or b. produces death within fourteen (14) days in half or more than half of a group of ten or more laboratory white rats

each weighing between two hundred (200) and three hundred (300) grams, when inhaled continuously for a period of one (1) hour or less at an atmospheric concentration of two hundred (200) parts per million by volume or less of gas or vapor or two (2) milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or c. produces death within fourteen (14) days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred (200) milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four (24) hours or less.

(2) If the Board finds that available data on human experience with any substance indicates results different from those obtained on animals in the above-named dosages or concentrations, the human data shall take precedence.

(d) The term "corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(e) The term "irritant" means any substance not corrosive within the meaning of the preceding subparagraph which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(f) The term "strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Board. Before designating any substance as a strong sensitizer, the Board, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(g) The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit (20F.) as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which has a flash point of above twenty degrees (20) to and including eighty (80) (80F.) degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of solids and of the contents of self-pressurized containers shall be determined by methods found by the Board to be generally applicable to such materials or containers, respectively, and established by regulations issued by the Board, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

(h) The term "radioactive substance" means a substance which emits ionizing radiation.

(i) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any substance; and a requirement made by or under authority of this article that any word,

statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper, and (2) on all accompanying literature where there are directions for use, written or otherwise.

(j) The term "immediate container" does not include package liners.

(k) The term "misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use which, except as otherwise provided by or pursuant to Section 1602, fails to bear a label:

(1) Which states conspicuously (a) the name and place of business of the manufacturer, packer, distributor, or seller; (b) the common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the Board by regulation permits or requires the use of a recognized generic name; (c) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (d) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (e) an affirmative statement of the principal hazard or hazards, such as "Flammable," "Vapor Harmful," "Causes Burns," "Absorbed Through Skin," or similar wording descriptive of the hazard; (f) precautionary measures describing the action to be followed or avoided, except when modified by regulation of the Board pursuant to Section 1602; (g) instruction, when necessary or appropriate, for first aid treatment; (h) the word "Poison" for any hazardous substance which is defined as "Highly Toxic" by subsection (c) (1); (i) instructions for handling and storage of packages which require special care in handling or storage; and (j) the statement "Keep out of the reach of children" or its practical equivalent, and

(2) On which any statements required under subparagraph (1) of this paragraph are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

Laws 1963, c. 325, art. 16, § 1601.

§63-1-1602. Regulations - State Board of Health.

(a) Whenever in the judgment of the Board such action will promote the objectives of this article by avoiding or resolving uncertainty as to its application, the Board may by regulation declare to be a hazardous substance, for the purposes of this article, any substance or mixture of substances which it finds meets the requirements of subparagraph (1) a. of Section 1601(a).

(b) If the Board finds that the requirements of section 1601(k) (1) are not adequate for the protection of the public health and

safety in view of the special hazard presented by any particular hazardous substance, it may by regulation establish such reasonable variations or additional label requirements as it finds necessary for the protection of the public health and safety; and any container of such hazardous substance intended or suitable for household use which fails to bear a label in accordance with such regulations shall be deemed to be a misbranded package of a hazardous substance.

(c) If the Board finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements otherwise applicable under this article is impracticable or is not necessary for the adequate protection of the public health and safety, the Board shall promulgate regulations exempting such substance from these requirements to the extent it determines to be consistent with adequate protection of the public health and safety.

(d) The Board may exempt from the requirements established by or pursuant to this Article any container of a hazardous substance with respect to which the Board finds that adequate requirements satisfying the purposes of this article have been established by or pursuant to any other state law.

Laws 1963, c. 325, art. 16, § 1602.

§63-1-1603. Acts prohibited.

The following acts and the causing thereof are hereby prohibited:

(a) the introduction or delivery for introduction into commerce of any misbranded package of a hazardous substance.

(b) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance, if such act is done while the substance is in commerce, or while the substance is held for sale (whether or not the first sale) after shipment in commerce, and results in the hazardous substance being in a misbranded package.

(c) the receipt in commerce of any misbranded package of a hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

(d) the giving of a guarantee or undertaking referred to in Section 1604(b) (2) which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

(e) the failure to permit entry or inspection as authorized by Section 1609 or to permit access to and copying of any record as authorized by Section 1610.

(f) the introduction or delivery for introduction into commerce, or the receipt in commerce and subsequent delivery or proffered

delivery for pay or otherwise, of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification. The reuse of a food, drug, or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being in a misbranded package.

(g) the use by any person to his own advantage, or revealing other than to the State Commissioner of Health or officers or employees of the State Department of Health, or to the courts when relevant in any judicial proceeding under this article, of any information acquired under authority of Section 1609 concerning any method of process which as a trade secret is entitled to protection.
Laws 1963, c. 325, art. 16, § 1603.

§63-1-1604. Violations - Penalties - Exemptions.

(a) Any person who violates any of the provisions of Section 1603 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than Five Hundred Dollars ($500.00), or to imprisonment for not more than ninety (90) days, or both; but for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, the penalty shall be imprisonment for not more than one year, or a fine of not more than Three Thousand Dollars ($3,000.00), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section (1) for having violated Section 1603(c), if the receipt, delivery, or proffered delivery of the hazardous substance was made in good faith, unless he refuses to furnish, on request of an officer or employee duly designated by the State Commissioner of Health, the name and address of the person from whom he purchased or received such hazardous substance, and copies of all documents, if any there be, pertaining to the delivery of the hazardous substance to him; or (2) for having violated Section 1603(a), if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term in this article; or (3) for having violated subsection (a) or (c) of Section 1603 in respect of any hazardous substance shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country, but, if such hazardous substance is sold or offered for sale in domestic commerce, this clause shall not apply.
Laws 1963, c. 325, art. 16, § 1604.

§63-1-1605. Embargo.

(a) Whenever a duly authorized agent of the State Commissioner of Health finds, or has probable cause to believe, that any hazardous substance is so misbranded as to be dangerous or fraudulent, within the meaning of this article, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(b) When an article detained or embargoed has been found by such agent to be misbranded, he shall petition the district court in whose jurisdiction the article is detained or embargoed for condemnation of such article. When such agent has found that an article so detained or embargoed is not misbranded, he shall remove the tag or other marking.

(c) If the court finds that a detained or embargoed article is misbranded, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, that when the misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Commissioner. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the Commissioner that the article is no longer in violation of this article, and that the expenses of such supervision have been paid.

Laws 1963, c. 325, art. 16, § 1605.

§63-1-1606. Prosecutions for violations.

It shall be the duty of each district attorney to whom the State Commissioner of Health reports any violation of this article to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law. Before any violation of this article is reported to any district attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Commissioner or his designated agent, either orally or in writing, in person, or by attorney, with regard to such contemplated proceeding.

Laws 1963, c. 325, art. 16, § 1606.

§63-1-1607. Injunction.

In addition to the remedies hereinafter provided, the Commissioner is hereby authorized to apply to the district court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of Section 1603 of this article, irrespective of whether or not there exists an adequate remedy at law.

Laws 1963, c. 325, art. 16, § 1607.

§63-1-1608. Rules and regulations.

The authority to promulgate reasonable rules and regulations for the efficient enforcement of this article is hereby vested in the State Board of Health, which is hereby authorized to make reasonable rules and regulations promulgated under this article conform, insofar as practicable, with those promulgated under the Federal Hazardous Substances Labeling Act.

Laws 1963, c. 325, art. 16, § 1608.

§63-1-1609. Right of access - Inspections.

The State Commissioner of Health or his duly-authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which hazardous substances as defined in this article are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such product in commerce after notice to the owner or person in charge of such factory, warehouse, establishment, or vehicle, for the purpose:

(1) of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this article are being violated, and

(2) to secure samples or specimens of any product, after paying or offering to pay for such sample. The Commissioner shall make, or cause to be made, such examination as he deems necessary.

Laws 1963, c. 325, art. 16, § 1609.

§63-1-1610. Inspections of records.

For the purpose of enforcing the provisions of this Article, carriers engaged in commerce, and persons receiving hazardous substances in commerce or holding such products so received, shall upon the request of an officer or employee duly designated by the State Commissioner of Health permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in commerce of any hazardous substance or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or

person to fail to permit such access to and copying of any such records so requested when such request is accompanied by a statement in writing specifying the nature or kind of hazardous substance to which such request relates; provided, that evidence obtained under this section shall not be introduced in a criminal prosecution of the person from whom obtained.
Laws 1963, c. 325, art. 16, § 1610.

§63-1-1611. Publication of reports and information.

(a) The State Commissioner of Health may cause to be published, from time to time, reports summarizing all judgments, decrees, and court orders which have been rendered under this Article, including the nature of the charge and the disposition thereof.

(b) The Commissioner may also cause to be disseminated information regarding hazardous substances which, in the opinion of the Commissioner, involve imminent danger to health. Nothing in this section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigations of the Commissioner.
Laws 1963, c. 325, art. 16, § 1611, operative July 1, 1963.

§63-1-1701. Penalties for violation of act - Injunctive relief.

A. Unless otherwise provided in the Oklahoma Public Health Code:

1. Any person who willfully fails or refuses to comply with, or violates, a lawful order of the State Board of Health or the State Commissioner of Health, or his duly authorized representative, or of a local health officer, or who violates the terms and conditions of a quarantine or embargo, shall, upon conviction, be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not to exceed One Hundred Dollars ($100.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment;

2. Any person who fails or refuses to make or file a report, or to file a certificate, or to keep a record, that is required by the provisions of this Code, or by rules of the State Board of Health, or the State Commissioner of Health, or who gives false information in or for such report, certificate or record, shall, upon conviction, be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than Two Hundred Dollars ($200.00);

3. Any person who gives false information in an application for a license or permit, or to the Commissioner or a local health officer, shall, upon conviction, be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than Two Hundred Dollars ($200.00);

4. Any person who does any act for which a license or permit is required by the provisions of this Code, and who is not at the time the holder of such a license or permit, shall, upon conviction, be

guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment; and

5. Any person who does any act that is made unlawful or a misdemeanor by the provisions of this Code, or who violates any of the other provisions of this Code, or any standard, rule or regulation authorized by this Code, shall, upon conviction, be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than Two Hundred Dollars ($200.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

B. 1. Notwithstanding the penalties provided for in this section, district courts may also grant injunctive relief to prevent a violation of, or to compel a compliance with, any of the provisions of this Code or any rule or order issued pursuant to this Code.

2. Any action for injunctive relief to redress or restrain a violation by any person of any provision of this Code, any rule or order issued pursuant to this Code, or recovery of any administrative or civil penalty assessed pursuant to Section 1-1701.1A of this title may be filed and prosecuted by:

a. the district attorney in the appropriate district court of the State of Oklahoma, or

b. the Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma, or as otherwise authorized by law.

3. As used in this subsection, the term "this Code" includes Section 1-101 et seq. of this title and those statutes codified in Title 59 of the Oklahoma Statutes for the regulation of professions and occupations for which the Department issues a license.

Added by Laws 1963, c. 325, art. 17, § 1701, operative July 1, 1963. Amended by Laws 1981, c. 277, § 4, emerg. eff. June 26, 1981; Laws 1992, c. 201, § 5, eff. July 1, 1992; Laws 1993, c. 145, § 310, eff. July 1, 1993.

§63-1-1701.1A. Violation of rules, regulations or standards - Orders - Penalties.

A. In addition to any other remedies provided for by law, the Department, pursuant to rules and regulations, may issue a written order to any person whom the Department has reason to believe is presently in violation of any standards or rules promulgated by the State Board of Health and to whom the Department has served, no less than fifteen (15) days previously, a written notice of violation of such standards or rules. The fifteen-day notice period may be reduced as, in the opinion of the Department, may be necessary to render the order reasonably effectual.

B. The written order may require compliance with such standards or rules immediately or within a specified time period or both. The order may also assess an administrative fine for each day or part of a day that such person fails to comply with the order.

C. Any order issued pursuant to this section shall state with specificity the nature of the violation. Any penalty assessed in the order shall not exceed Ten Thousand Dollars ($10,000.00) per day of noncompliance with the order. In assessing such a penalty, the Department shall consider the seriousness of the violation and any efforts to comply with applicable requirements.

D. Any order issued pursuant to the provisions of this section shall become a final order unless, no later than fifteen (15) days after the order is served, the person or persons named therein request an administrative hearing. Upon such request the Department shall promptly conduct the hearing. The Department shall dismiss such proceedings where compliance with the order is demonstrated. A final order following a hearing may assess an administrative fine of an amount based upon consideration of the evidence but not exceeding the amount stated in the written order.

E. Such orders and hearings are subject to the Administrative Procedures Act.

Added by Laws 1986, c. 148, § 2, emerg. eff. April 29, 1986. Amended by Laws 1990, c. 196, § 1, emerg. eff. May 10, 1990; Laws 1992, c. 215, § 19, emerg. eff. May 15, 1992; Laws 1993, c. 145, § 311, eff. July 1, 1993.

§63-1-1701.1B. Collection of fines - Limiting construction of act.

A. Administrative fines collected by the Department pursuant to Section 2 of this act shall be paid into the Public Health Special Fund.

B. Nothing in this act shall be construed as amending the provisions of Sections 1-833, 1-839 or 1-2012.2 of Title 63 of the Oklahoma Statutes.

Added by Laws 1986, c. 148, § 3, emerg. eff. April 29, 1986.

§63-1-1701.2. Administrative warrants.

The Department may apply to and obtain from a judge of the district court, an administrative warrant as necessary to enforce access to premises for investigation, inquiry and inspection under the provisions of the Public Health Code and the rules and regulations promulgated by the State Board of Health.

Added by Laws 1990, c. 196, § 2, emerg. eff. May 10, 1990.

§63-1-1702. Renewal of license or permit - Grace period - Renewal fee - Penalty fee - Prohibited renewal.

The holder of any renewable license or permit issued under the provisions of this Code shall be entitled to thirty (30) days after

the expiration date thereof in which to renew the same, without penalty; and if he fails to pay the renewal fee within such thirty-day period, he shall, unless otherwise provided in this Code, be required to pay the renewal fee plus a penalty fee in an amount as promulgated by the State Board of Health by rule. Such penalty fee shall not exceed the amount of the renewal fee. In the case of any renewal fee which shall exceed Ten Thousand Dollars ($10,000.00), the penalty fee shall be one and one-half percent (1.5%) per month of the outstanding balance of the renewal fee. The Board may promulgate rules which prohibit the renewal of a license or permit which has expired by more than ninety (90) days.
Laws 1963, c. 325, art. 17, § 1702, operative July 1, 1963; Laws 1969, c. 199, § 1, emerg. eff. April 18, 1969; Laws 1992, c. 201, § 6, eff. July 1, 1992.

§63-1-1703. Old licenses continued in effect.
Any license heretofore issued by the State Commissioner of Health, State Board of Health or the State Department of Health that has not expired when this Code becomes effective shall remain valid for the purpose issued, and it shall not be necessary for the holder thereof to obtain another license required by this Code for a similar purpose, until the term for which the former license was issued has expired, unless such license is revoked or suspended for cause as provided in this Code.
Laws 1963, c. 325, art. 17, § 1703.

§63-1-1704. Status of employees under Merit System not changed.
This act, or the repeal of any law by this act, shall not change or affect the status, rights, and privileges accrued to employees of the State Commissioner of Health under the State Merit System of Personnel Administration when this act becomes effective. For the purposes of 74 O.S.1961, Sections 801 - 839, the position of State Commissioner of Health established by 63 O.S.1961, Sec. 1.2 and the position of State Commissioner of Health provided for by this Code shall be deemed to be a single continuing agency of the state government, and persons employed by the former Commissioner and continuing as employees of the latter Commissioner shall be entitled to the same status, rights, and privileges under such statutes that they would have had if the former position had remained in existence.
Laws 1963, c. 325, art. 17, § 1704.

§63-1-1707. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1708. Malpractice insurance on doctors and nurses in health departments - Liability.
The State Commissioner of Health may purchase, with public funds, insurance to protect the public against malpractice of doctors and

nurses employed by the State Department of Health full time, and to indemnify such doctors and nurses in connection therewith; and the director of any county, district or cooperative department of health may purchase, with public funds, insurance to protect the public against malpractice of doctors and nurses employed full time by such department and to indemnify such doctors and nurses in connection therewith. This section shall not be construed to make the state or a county, or any of the aforesaid departments of health, liable for damages resulting from such malpractice.
Laws 1963, c. 299, § 1.

§63-1-1708.1A. Short title.

Sections 1-1708.1A through 1-1708.1G of this title and Sections 22, 23 and 24 of this act shall be known and may be cited as the "Affordable Access to Health Care Act".
Added by Laws 2003, c. 390, § 1, eff. July 1, 2003. Amended by Laws 2004, c. 368, § 20, eff. Nov. 1, 2004.

§63-1-1708.1B. Legislative findings - Purpose.

A. FINDINGS: The Oklahoma Legislature finds:

1. EFFECT ON HEALTH CARE ACCESS AND COSTS. That the medical liability system in this state is a mechanism for resolving claims of medical liability and compensating injured patients which affects patient access to health care services; and

2. EFFECT ON STATE SPENDING. That the medical liability litigation system existing in this state has an effect on the amount, distribution, and use of state funds because of:

a. the large number of individuals who receive health care benefits under programs operated or financed by the state through the Oklahoma Health Care Authority, and

b. the large number of Oklahoma health care providers needed to provide services for which the state makes payment through the Oklahoma Health Care Authority.

B. PURPOSE. It is the purpose of the Affordable Access to Health Care Act to implement reasonable, comprehensive, and effective medical liability reforms designed to:

1. Improve the availability of health care services;

2. Lower the cost of medical liability insurance;

3. Ensure that persons with meritorious health care injury claims receive fair and adequate compensation; and

4. Improve the fairness and cost-effectiveness of this state's current medical liability system to resolve disputes over, and provide compensation for, medical liability.
Added by Laws 2003, c.390, § 2, eff. July 1, 2003.

§63-1-1708.1C. Definitions.

As used in the Affordable Access to Health Care Act, the following words, terms, or phrases shall have the following meanings, unless the context otherwise clearly indicates:

1. "Health care provider" means any person or other entity who is licensed pursuant to the provisions of Title 59 or Title 63 of the Oklahoma Statutes, or pursuant to the laws of another state, to render health care services in the practice of a profession or in the ordinary course of business;

2. "Health care services" means any services provided by a health care provider, or by an individual working for or under the supervision of a health care provider, that relate to the diagnosis, assessment, prevention, treatment or care of any human illness, disease, injury or condition;

3. "Medical liability action" means any civil action involving, or contingent upon, personal injury or wrongful death brought against a health care provider based on professional negligence;

4. "Noneconomic damages" means all subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, emotional distress, loss of enjoyment of life, loss of society and companionship, loss of consortium, injury to reputation and humiliation; provided, however, "noneconomic damages" do not include exemplary damages, as defined in Section 9.1 of Title 23 of the Oklahoma Statutes;

5. "Professional negligence" means a negligent act or omission to act by a health care provider in the rendering of health care services, provided that such services are within the scope of services for which the health care provider is licensed, certified, or otherwise authorized to render by the laws of this state, and which are not within any restriction imposed by a hospital or the licensing agency of the health care provider; and

6. "Qualified expert" means a health care provider who has knowledge of standards of care for the diagnosis, assessment, prevention, treatment or care of the illness, disease, injury or condition involved in the medical liability action. In a case involving a claim for negligent credentialing or corporate negligence, a "qualified expert" means a physician or administrator who has or has had responsibility for credentialing or served on a medical staff committee involved in a credentialing process at the licensed health care entity.

Added by Laws 2003, c.390, § 3, eff. July 1, 2003.

§63-1-1708.1D. Medical liability actions - Evidence.

A. In every medical liability action, the court shall admit evidence of payments of medical bills made to the injured party, unless the court makes the finding described in paragraph B of this section.

B. In any medical liability action, upon application of a party, the court shall make a determination whether amounts claimed by a health care provider to be a payment of medical bills from a collateral source is subject to subrogation or other right of recovery. If the court makes a determination that any such payment is subject to subrogation or other right of recovery, evidence of the payment from the collateral source and subject to subrogation or other right of recovery shall not be admitted.
Added by Laws 2003, c.390, § 4, eff. July 1, 2003.

§63-1-1708.1E. Repealed by Laws 2013, 1st Ex.Sess., c. 12, § 6.
NOTE: Laws 2009, c. 228, § 87, which originally repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-1-1708.1F-1. Noneconomic damages – Hard cap limit – Exception – Applicability and termination of section.

A. Except as provided in subsection B or D of this section, in any medical liability action not provided for in Section 1-1708.1F of Title 63 of the Oklahoma Statutes, the amount of noneconomic damages awarded shall not exceed the hard cap amount of Three Hundred Thousand Dollars ($300,000.00), regardless of the number of actions brought with respect to the personal injury, provided:

1. The defendant has made an offer of judgment pursuant to Section 1101.1 of Title 12 of the Oklahoma Statutes; and

2. The amount of the verdict awarded to the plaintiff is less than one and one-half (1 1/2) times the amount of the final offer of judgment.

B. The dollar amount prescribed by subsection A of this section shall be adjusted annually based upon any positive increase in the Consumer Price Index that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W) for the preceding calendar year. The adjustment required by this subsection shall be made on April 1 of each year or not later than thirty (30) days after the date upon which the Bureau of Labor Statistics releases the CPI-W inflationary data for the preceding calendar year, whichever date first occurs. No adjustment to the dollar amount prescribed by this section shall be made for any year in which there is a decline in the Consumer Price Index.

C. As used in this section, "noneconomic damages" means only mental pain and suffering, inconvenience, mental anguish, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; provided, however, noneconomic damages do not include exemplary damages, as provided for in Section 9.1 of Title 23 of the Oklahoma Statutes.

D. If nine or more members of the jury find by clear and convincing evidence that the defendant committed negligence or if nine or more members of the jury find by a preponderance of the evidence that the conduct of the defendant was willful or wanton, the limits on noneconomic damages provided for in subsection A of this section shall not apply; provided, however, the judge must, before submitting such determination to the jury, make a threshold determination that there is evidence from which the jury could reasonably make the findings set forth in the case.

E. If the jury returns a verdict that is greater than Three Hundred Thousand Dollars ($300,000.00) and is less than one and one-half (1 1/2) times the amount of the final offer of judgment, the court shall submit to the jury an additional form of verdict. The additional form of verdict shall be substantially as follows:

"1. Do you find by a preponderance of the evidence that the conduct of the defendant was willful or wanton? If nine or more of you answer in the affirmative, then return this verdict form in open court. If less than nine of you answer in the affirmative, then answer the following question.

2. Do you find by clear and convincing evidence that the defendant was negligent? If this question is answered affirmatively, then return this verdict form in open court. If less than nine of you find negligence by clear and convincing evidence, then answer the following question.

3. Of the amount returned in the verdict, what amount of your verdict is for economic damages and what amount is for noneconomic damages?"

F. Nothing in this section shall apply to an action brought for wrongful death.

G. The provisions of this section shall apply only to actions that accrue on or after November 1, 2004.

H. This section of law shall terminate on November 1, 2010.

Added by Laws 2004, c. 368, § 22, eff. Nov. 1, 2004.

§63-1-1708.1F. Medical liability actions - Damages.

A. Except as provided in subsection B of this section, in any medical liability action in which the health care services at issue were provided for:

1. Pregnancy or labor and delivery, including the immediate post-partum period; or

2. Emergency care in the emergency room of a hospital or as follow-up to the emergency care services provided in the emergency room;

the amount of noneconomic damages awarded shall not exceed Three Hundred Thousand Dollars ($300,000.00), regardless of the number of parties against whom the action is brought or the number of actions brought with respect to the personal injury.

B. Where the judge finds by clear and convincing evidence that the defendant committed negligence in one of the types of cases enumerated in subsection A of this section, the court shall articulate its findings into the record out of the presence of the jury and shall lift the noneconomic damage cap.

C. Nothing in this section shall apply to any nursing facility or nursing home licensed pursuant to Section 1-1903 of this title or the owners, operators, officers, agents or employees of such entities.

D. Nothing in this section shall apply to a medical liability action brought for wrongful death.

E. This section of law shall terminate on November 1, 2010. Added by Laws 2003, c. 390, § 6, eff. July 1, 2003. Amended by Laws 2004, c. 368, § 21, eff. Nov. 1, 2004.

§63-1-1708.1G. Repealed by Laws 2009, c. 228, § 87, eff. Nov. 1, 2009.

§63-1-1708.1H. Statements, conduct, etc. expressing apology, sympathy, etc. – Admissibility – Definitions.

A. In any medical liability action, any and all statements, affirmations, gestures, or conduct expressing apology, sympathy, commiseration, condolence, compassion, or a general sense of benevolence which are made by a health care provider or an employee of a health care provider to the plaintiff, a relative of the plaintiff, or a representative of the plaintiff and which relate solely to discomfort, pain, suffering, injury, or death as the result of the unanticipated outcome of the medical care shall be inadmissible as evidence of an admission of liability or as evidence of an admission against interest.

B. For purposes of this section, unless context otherwise requires, "relative" means a spouse, parent, grandparent, stepfather, child, grandchild, brother, sister, half-brother, half-sister or spouse's parents. The term includes said relationships that are created as a result of adoption. "Representative" means a legal guardian, attorney, person designated to make decisions on behalf of a patient under a durable power of attorney or health care proxy, or any person recognized in law or custom as an agent for the plaintiff. Added by Laws 2004, c. 368, § 23, eff. Nov. 1, 2004.

§63-1-1708.1I. Expert witnesses – Qualifications.

A. The court shall apply the criteria specified in subsection B of this section in determining whether an expert is qualified to offer expert testimony on the issue of whether the defendant health care provider departed from accepted standards of health care but may depart from those criteria if, under the circumstances, the court determines that there is good reason to admit the expert's testimony.

The court shall state on the record the reason for admitting the testimony if the court departs from the criteria.

B. In determining whether a witness is qualified on the basis of training or experience, the court shall consider whether, at the time the claim arose or at the time the testimony is given, the witness:

1. Is licensed to practice medicine or has other substantial training or experience, in any area of health care relevant to the claim; and

2. Is actively practicing or retired from practicing health care in any area of health care services relevant to the claim.

C. This section shall not prevent a health care provider who is a defendant, or an employee of the defendant health care provider, from qualifying as an expert.

Added by Laws 2004, c. 368, § 24, eff. Nov. 1, 2004.

§63-1-1709. Information concerning condition and treatment of patients - Restrictions - Exemption from liability - Review committees.

Any authorized person, hospital, sanatorium, nursing home or rest home, or other organization may provide information, interviews, reports, statements, memoranda or other data relating to the condition and treatment of any person to any of the following for use in the course of studies for the purpose of reducing morbidity or mortality: The State Board of Health; the Oklahoma State Medical Association, or any committee or allied society thereof; the American Medical Association, or other national organization approved by the State Board of Health, or any committee or allied medical society thereof; any in-hospital staff committee; or a city-county health department. No liability for damages or other relief shall arise or be enforced against any authorized person, institution or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies. The recipients shall use or publish such information or material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events, the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances. Any information furnished shall not contain the name of the person upon whom information is furnished and shall not violate the confidential relationship of patient and doctor. All information, interviews, reports, statements, memoranda, or other data furnished by reason of this section, and any findings or conclusions resulting from such studies, are declared to be

privileged communications which may not be used or offered or received in evidence in any legal proceeding of any kind or character, and any attempt to use or offer any such information, interviews, reports, statements, memoranda or other data, findings or conclusions, or any part thereof, unless waived by the interested parties, shall constitute prejudicial error in any such proceeding. Physicians and others appointed to hospital utilization review committees for the purpose of determining the optimum use of hospital services shall be immune from liability with respect to decisions made as to such utilization and actions thereunder so long as such physicians or others act in good faith; provided, however, that nothing in this section shall be construed to relieve any patient's personal physician of any liability which he may have in connection with the treatment of such patient.
Added by Laws 1963, c. 13, § 1. Amended by Laws 1968, c. 215, § 1, emerg. eff. April 23, 1968; Laws 2009, c. 276, § 2, eff. Nov. 1, 2009.

§63-1-1709.1. Peer review information.

A. As used in this section:

1. "Credentialing or recredentialing data" means:

a. the application submitted by a health care professional requesting appointment or reappointment to the medical staff of a health care entity or requesting clinical privileges or other permission to provide health care services at a health care entity,

b. any information submitted by the health care professional in support of such application,

c. any information, unless otherwise privileged, obtained by the health care entity during the credentialing or recredentialing process regarding such application, and

d. the decision made by the health care entity regarding such application;

2. "Credentialing or recredentialing process" means any process, program or proceeding utilized by a health care entity to assess, review, study or evaluate the credentials of a health care professional;

3. "Health care entity" means:

a. any hospital or related institution offering or providing health care services under a license issued pursuant to Section 1-706 of this title,

b. any ambulatory surgical center offering or providing health care services under a license issued pursuant to Section 2660 of this title,

c. the clinical practices of accredited allopathic and osteopathic state medical schools, and

d. any other entity directly involved in the delivery of health care services that engages in a credentialing or peer review process;

4. "Health care professional" means any person authorized to practice allopathic medicine and surgery, osteopathic medicine, podiatric medicine, optometry, chiropractic, psychology, dentistry or a dental specialty under a license issued pursuant to Title 59 of the Oklahoma Statutes;

5. "Peer review information" means all records, documents and other information generated during the course of a peer review process, including any reports, statements, memoranda, correspondence, record of proceedings, materials, opinions, findings, conclusions and recommendations, credentialing data and recredentialing data, but does not include:

a. the medical records of a patient whose health care in a health care entity is being reviewed,

b. incident reports and other like documents regarding health care services being reviewed, regardless of how the reports or documents are titled or captioned,

c. the identity of any individuals who have personal knowledge regarding the facts and circumstances surrounding the patient's health care in the health care entity,

d. factual statements regarding the patient's health care in the health care entity from any individuals who have personal knowledge regarding the facts and circumstances surrounding the patient's health care, which factual statements were generated outside the peer review process,

e. the identity of all documents and raw data previously created elsewhere and considered during the peer review process, or

f. copies of all documents and raw data previously created elsewhere and considered during the peer review process, whether available elsewhere or not; and

6. "Peer review process" means any process, program or proceeding, including a credentialing or recredentialing process, utilized by a health care entity or county medical society to assess, review, study or evaluate the credentials, competence, professional conduct or health care services of a health care professional.

B. 1. Peer review information shall be private, confidential and privileged except that a health care entity or county medical society shall be permitted to provide relevant peer review information to the state agency or board which licensed the health care professional who provided the health care services being reviewed in a peer review process or who is the subject of a

credentialing or recredentialing process, with notice to the health care professional.

2. Nothing in this section shall be construed to abrogate, alter or affect any provision in the Oklahoma Statutes which provides that information regarding liability insurance of a health care entity or health care professional is not discoverable or admissible.

C. In any civil action in which a patient or patient's legal representative has alleged that the patient has suffered injuries resulting from negligence by a health care professional in providing health care services to the patient in a health care entity, factual statements, presented during a peer review process utilized by such health care entity, regarding the patient's health care in the health care entity from individuals who have personal knowledge of the facts and circumstances surrounding the patient's health care shall not be subject to discovery.

D. 1. In any civil action in which a patient or patient's legal representative has alleged that the health care entity was independently negligent as a result of permitting the health care professional to provide health care services to the patient in the health care entity, the credentialing and recredentialing data, and the recommendations made and action taken as a result of any peer review process utilized by such health care entity regarding the health care professional prior to the date of the alleged negligence shall be subject to discovery pursuant to the Oklahoma Discovery Code.

2. Any information discovered pursuant to this subsection:

a. shall not be admissible as evidence until a judge or jury has first found the health care professional to have been negligent in providing health care services to the patient in such health care entity, and

b. shall not at any time include the identity or means by which to ascertain the identity of any other patient or health care professional.

E. No person involved in a peer review process may be permitted or required to testify regarding the peer review process in any civil proceeding or disclose by responses to written discovery requests any peer review information.

Added by Laws 1999, c. 180, § 1, eff. Nov. 1, 1999. Amended by Laws 2000, c. 354, § 1, emerg. eff. June 6, 2000; Laws 2002, c. 156, § 3, eff. Nov. 1, 2002; Laws 2004, c. 558, § 2, emerg. eff. June 9, 2004; Laws 2013, 1st Ex.Sess., c. 5, § 2, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex.Sess., c. 5, § 3, emerg. eff. Sept. 10, 2013; Laws 2014, c. 294, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2009, c. 228, § 28 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex.Sess., c. 5, § 1, emerg. eff. Sept. 10, 2013.

§63-1-1710. Retirement system.

If, pursuant to the laws of Oklahoma or of any charter provision or ordinance of a city which participates in a city-county, county, district, or cooperative health department, as authorized by the Oklahoma Public Health Code, a retirement system is established for the employees of a participating city, the employees of the city-county, county, district, or cooperative health department may be included in that retirement system on the same basis applicable to employees of the participating city, provided the applicable Board of Health so recommends and the State Commissioner of Health, the board of county commissioners, and the governing body of the city which created and operates such health department approve. Nothing otherwise provided by law shall operate to prohibit the appropriation of county funds for the payment of the pro rata share of the contribution to be made to the city or county retirement fund on behalf of the employees of the applicable health department. In the event funds become available for public health purposes pursuant to the provisions of Section 9a, Article X of the Oklahoma Constitution and 63 O.S.Supp.1963, Sections 1-223 through 1-226, the contribution on behalf of the employees of the applicable health department may be paid from such funds; provided further, that an employee of the city-county, county, district, or cooperative health department shall not participate in more than one of the city, county, or state retirement systems.

1965, c. 102, § 1, emerg. eff. May 12, 1965.

§63-1-1712. Failure to comply with or breach of certain federal laws inadmissible.

A health care provider's failure to comply with or a health care provider's breach of the federal Patient Protection and Affordable Care Act (Public Law 111-148) consolidating the amendment made by Title X of the Act and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) and any regulation, program, guideline or other provision established by such, shall not be admissible, used to determine the standard of care, or the legal basis for a presumption of negligence in any medical liability action in this state.

Added by Laws 2014, c. 416, § 1, eff. Nov. 1, 2014.

§63-1-1750. Rules and regulations.

The State Board of Health has the power and duty to issue rules and regulations, not inconsistent with the laws of this state or of the federal government, which are necessary or useful to regulate in the public interest the practice of fitting and dealing hearing aids and licensing qualified individuals for the practice.

Laws 1980, c. 230, § 1, eff. July 1, 1980.

§63-1-1751. License fees.

Fees for licenses issued by the State Board of Health to practice the fitting and dealing of hearing aids shall be set by the State Board of Health at rates not less than the following schedule:

Application for a Temporary Permit	$ 15.00
Examination Fee	35.00
Renewal of a License	50.00
Renewal within thirty-day grace period	75.00
Renewal after expiration	100.00

Any fee schedule changes must be submitted to the Legislature for approval or rejection under the Administrative Procedures Act. Applicants for examinations shall be responsible for the full cost of examinations, re-examinations, and background checks relating to licensing and certification.
Added by Laws 1980, c. 230, § 2, eff. July 1, 1980. Amended by Laws 2015, c. 15, § 1, eff. Nov. 1, 2015.

§63-1-1752. Abolition of Board of Hearing Aid Dealers and Fitters.
The Board of Hearing Aid Dealers and Fitters is hereby abolished. All unexpended funds within the Hearing Aid Dealers' and Fitters' Licensing Fund, property, records and any outstanding financial obligation and encumbrance of the Board of Hearing Aid Dealers and Fitters are hereby transferred to the State Department of Health.
Laws 1980, c. 230, § 3, eff. July 1, 1980.

§63-1-1753. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-1754. Renewal of permit or license.
As a condition for renewal of a permit to practice, the Board shall require certificate and license holders to furnish evidence of participation in continuing education in the practice of fitting and dealing in hearing aids and related devices. The Board may adopt reasonable rules and regulations regarding such continuing education.
Laws 1980, c. 230, § 5, eff. July 1, 1980.

§63-1-1801. Renumbered as § 2-5-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1802. Renumbered as § 2-5-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1803. Renumbered as § 2-5-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1804. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.

§63-1-1804.1. Renumbered as § 2-5-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1805. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.

§63-1-1805.1. Renumbered as § 2-5-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1806. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.

§63-1-1806.1. Renumbered as § 2-5-106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1807. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.

§63-1-1807.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-1808. Repealed by Laws 1992, c. 215, § 21, emerg. eff. May 15, 1992.

§63-1-1808.1. Renumbered as § 2-5-107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1809. Renumbered as § 2-5-108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1810. Renumbered as § 2-5-109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1811. Renumbered as § 2-5-110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1812. Renumbered as § 2-5-111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1813. Renumbered as § 2-5-112 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1814. Renumbered as § 2-5-113 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1815. Renumbered as § 2-5-114 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1816. Renumbered as § 2-5-115 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1817. Renumbered as § 2-5-116 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1818. Renumbered as § 2-5-117 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1819. Renumbered as § 2-5-118 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-1900.1. Long-Term Care Reform and Accountability Act of 2001.

A. This act shall be known and may be cited as the "Long-Term Care Reform and Accountability Act of 2001".

B. The purpose of the Long-Term Care Reform and Accountability Act of 2001 shall be to design, develop and implement policies and procedures that improve the quality of care provided in this state's long-care delivery system for the elderly and disabled. The purpose of the Long-Term Care Reform and Accountability Act of 2001 shall be accomplished through a series of initiatives.

Added by Laws 2001, c. 428, § 1, emerg. eff. June 5, 2001.

§63-1-1900.2. Waiver of Nursing Home Care Act provisions and rules.

A. It is the intent of the Legislature to foster the development of resident autonomy, individualization and culture change in nursing facilities licensed by the State Department of Health.

B. The Commissioner of Health is authorized to waive any provision of the Nursing Home Care Act and any rules promulgated pursuant thereto, provided:

1. The waiver will not cause the State of Oklahoma to fail to comply with any applicable requirements established by the Centers for Medicare and Medicaid Services;

2. The waiver is granted to allow a nursing facility to satisfy the spirit of a statutory or administrative requirement by alternative means;

3. The waiver will not adversely affect the health, safety or welfare of any resident of a nursing facility; and

4. The waiver is in support of a deinstitutionalization model that restores individuals to a self-contained residence in the community that is designed like a private home and houses no more than twelve individuals.

C. The State Board of Health shall promulgate rules and establish procedures necessary to implement the waiver process established by this section.
Added by Laws 2007, c. 28, § 1.

§63-1-1901. Short title.
This act shall be known and may be cited as the "Nursing Home Care Act".
Laws 1980, c. 241, § 1, eff. Oct. 1, 1980.

§63-1-1902. Definitions.
As used in the Nursing Home Care Act:
1. "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or punishment, with resulting physical harm, impairment or mental anguish;
2. "Access" means the right of a person to enter a facility to communicate privately and without unreasonable restriction when invited to do so by a resident. The state or local "ombudsman", as that term is defined by the Aging Services Division of the Department of Human Services pursuant to the Older Americans' Act, 42 U.S.C.A., Section 3001 et seq., as amended, and a case manager employed by the Department of Mental Health and Substance Abuse Services or one of its contract agencies shall have right of access to enter a facility, communicate privately and without unreasonable restriction with any resident who consents to the communication, to seek consent to communicate privately and without restriction with any resident, and to observe all areas of the facility that directly pertain to the patient care of the resident without infringing upon the privacy of the other residents without first obtaining their consent;
3. "Administrator" means the person licensed by the State of Oklahoma who is in charge of a facility. An administrator must devote at least one-third (1/3) of such person's working time to on-the-job supervision of the facility; provided that this requirement shall not apply to an administrator of an intermediate care facility for individuals with intellectual disabilities with sixteen or fewer beds (ICF/IID-16), in which case the person licensed by the state may be in charge of more than one such ICF/IID-16 facility, if such facilities are located within a circle that has a radius of not more than fifteen (15) miles, the total number of facilities and beds does not exceed six facilities and sixty-four beds, and each such ICF/IID-16 facility is supervised by a qualified professional. The facilities may be free-standing in a community or may be on campus with a parent institution. The ICF/IID-16 facility may be independently owned and operated or may be part of a larger institutional operation;
4. "Advisory Board" means the Long-Term Care Facility Advisory Board;

5. "Adult companion home" means any home or establishment, funded and certified by the Department of Human Services, which provides homelike residential accommodations and supportive assistance to three or fewer adults with intellectual or developmental disabilities;

6. "Board" means State Board of Health;

7. "Commissioner" means State Commissioner of Health;

8. "Department" means the State Department of Health;

9. "Facility" means a nursing facility and a specialized home; provided this term shall not include a residential care home or an adult companion home;

10. "Nursing facility" means a home, an establishment or an institution, a distinct part of which is primarily engaged in providing:

a. skilled nursing care and related services for residents who require medical or nursing care,

b. rehabilitation services for the rehabilitation of injured, disabled, or sick persons, or

c. on a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services beyond the level of care provided by a residential care home and which can be made available to them only through a nursing facility.

"Nursing facility" does not mean, for purposes of Section 1-851.1 of this title, a facility constructed or operated by an entity described in paragraph 7 of subsection B of Section 6201 of Title 74 of the Oklahoma Statutes or the nursing care component of a continuum of care facility, as such term is defined under the Continuum of Care and Assisted Living Act, to the extent that the facility constructed or operated by an entity described in paragraph 7 of subsection B of Section 6201 of Title 74 of the Oklahoma Statutes contains such a nursing care component;

11. "Specialized facility" means any home, establishment, or institution which offers or provides inpatient long-term care services on a twenty-four-hour basis to a limited category of persons requiring such services, including but not limited to a facility providing health or habilitation services for individuals with intellectual or developmental disabilities, but does not mean, for purposes of Section 1-851.1 of this title, a facility constructed or operated by an entity described in paragraph 7 of subsection B of Section 6201 of Title 74 of the Oklahoma Statutes or the nursing care component of a continuum of care facility, as such term is defined under the Continuum of Care and Assisted Living Act, to the extent that the facility constructed or operated by an entity described in paragraph 7 of subsection B of Section 6201 of Title 74 of the Oklahoma Statutes contains such a nursing care component;

12. "Residential care home" means any home, establishment, or institution licensed pursuant to the provisions of the Residential Care Act other than a hotel, motel, fraternity or sorority house, or college or university dormitory, which offers or provides residential accommodations, food service, and supportive assistance to any of its residents or houses any resident requiring supportive assistance. The residents shall be persons who are ambulatory and essentially capable of managing their own affairs, but who do not routinely require nursing care; provided, the term "residential care home" shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory, if the facility operates in a manner customary to its description and does not house any person who requires supportive assistance from the facility in order to meet an adequate level of daily living;

13. "Licensee" means the person, a corporation, partnership, or association who is the owner of the facility which is licensed by the Department pursuant to the provisions of the Nursing Home Care Act;

14. "Maintenance" means meals, shelter, and laundry services;

15. "Neglect" means failure to provide goods and/or services necessary to avoid physical harm, mental anguish, or mental illness;

16. "Owner" means a person, corporation, partnership, association, or other entity which owns a facility or leases a facility. The person or entity that stands to profit or lose as a result of the financial success or failure of the operation shall be presumed to be the owner of the facility. Notwithstanding the foregoing, any nonstate governmental entity that has acquired and owns or leases a facility and that has entered into an agreement with the Oklahoma Health Care Authority to participate in the nursing facility supplemental payment program ("UPL Owner") shall be deemed the owner of such facility and shall be authorized to obtain management services from a management services provider ("UPL Manager"), and to delegate, allocate and assign as between the UPL Owner and UPL Manager, compensation, profits, losses, liabilities, decision-making authority and responsibilities, including responsibility for the employment, direction, supervision and control of the facility's administrator and staff;

17. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person;

18. "Resident" means a person residing in a facility due to illness, physical or mental infirmity, or advanced age;

19. "Representative of a resident" means a court-appointed guardian or, if there is no court-appointed guardian, the parent of a minor, a relative, or other person, designated in writing by the

resident; provided, that any owner, operator, administrator or employee of a facility subject to the provisions of the Nursing Home Care Act, the Residential Care Act, or the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Act shall not be appointed guardian or limited guardian of a resident of the facility unless the owner, operator, administrator or employee is the spouse of the resident, or a relative of the resident within the second degree of consanguinity and is otherwise eligible for appointment; and

20. "Supportive assistance" means the service rendered to any person which is less than the service provided by a nursing facility but which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes but is not limited to housekeeping, assistance in the preparation of meals, assistance in the safe storage, distribution, and administration of medications, and assistance in personal care as is necessary for the health and comfort of such person. Supportive assistance shall not include medical service.

Added by Laws 1980, c. 241, § 2, eff. Oct. 1, 1980. Amended by Laws 1981, c. 182, § 1; Laws 1984, c. 128, § 2, eff. Nov. 1, 1984; Laws 1987, c. 98, § 22, emerg. eff. May 20, 1987; Laws 1989, c. 330, § 6, eff. Nov. 1, 1989; Laws 1990, c. 51, § 126, emerg. eff. April 9, 1990; Laws 1990, c. 337, § 17; Laws 1991, c. 127, § 1, emerg. eff. April 29, 1991; Laws 1993, c. 159, § 16, eff. July 1, 1993; Laws 1995, c. 230, § 8, eff. July 1, 1995; Laws 1996, c. 118, § 1, eff. Nov. 1, 1996; Laws 1997, c. 292, § 10, eff. July 1, 1997; Laws 2004, c. 436, § 10, emerg. eff. June 4, 2004; Laws 2016, c. 288, § 1, eff. July 1, 2016; Laws 2019, c. 475, § 55, eff. Nov. 1, 2019.

NOTE: Laws 1989, c. 227, § 29 repealed by Laws 1990, c. 337, § 26.

§63-1-1903. License required - Exemptions - Practice of healing arts not authorized – Application of act to facilities not receiving public funds.

A. No person shall establish, operate, or maintain in this state any nursing facility without first obtaining a license as required by the Nursing Home Care Act.

B. The Nursing Home Care Act shall not apply to residential care homes, assisted living facilities or adult companion homes which are operated in conjunction with a nursing facility, a home or facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home in which care is provided exclusively to three or fewer veterans, or to hotels, motels, boarding houses, rooming houses, or other places that furnish board or room to their residents.

C. Each Oklahoma Veterans Center nursing facility licensed pursuant to the provisions of this section shall be regulated as an

existing nursing facility for the purposes of meeting state and federal standards.

D. Certificate of need review shall not be required for any addition, deletion, modification or new construction of current or future State Veterans Center nursing facilities.

E. The Nursing Home Care Act shall not authorize any person to engage in any manner in the practice of the healing arts or the practice of medicine, as defined by law.

F. The Nursing Home Care Act shall not apply to a facility which is not charging or receiving periodic compensation for services rendered, and not receiving any county, state, or federal assistance.

Added by Laws 1980, c. 241, § 3, eff. Oct. 1, 1980. Amended by Laws 1984, c. 128, § 3, eff. Nov. 1, 1984; Laws 1987, c. 98, § 23, emerg. eff. May 20, 1987; Laws 1991, c. 127, § 2, emerg. eff. April 29, 1991; Laws 1993, c. 234, § 2, eff. July 1, 1993; Laws 1993, c. 360, § 7, eff. July 1, 1993; Laws 2003, c. 89, § 1, emerg. eff. April 15, 2003; Laws 2012, c. 12, § 3, emerg. eff. April 5, 2012; Laws 2013, c. 379, § 1, emerg. eff. May 29, 2013.

NOTE: Laws 1993, c. 159, § 17 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993.

§63-1-1904. Licensure and certification - Purpose - Procedure - Violations - Applications.

A. The State Department of Health shall establish a comprehensive system of licensure and certification for facilities in accordance with the Nursing Home Care Act for the purposes of:

1. Protecting the health, welfare and safety of residents;

2. Assuring the accountability for reimbursed care provided in certified facilities participating in a federal or state health program as provided by or through the Oklahoma Health Care Authority; and

3. Assuring consistent application of uniform inspection protocols.

B. The licensing and certification procedures and standards provided in this act, or by rules of the State Board of Health, shall be no less than provided in statute and rules currently governing nursing facilities.

C. It shall be unlawful and upon conviction thereof, punishable as a misdemeanor for any person to operate, manage or open a facility unless such operation and management shall have been approved and regularly licensed as hereinafter provided.

D. Before an initial license shall be issued pursuant to the Nursing Home Care Act to operate and manage a facility, the applicant shall provide the following:

1. An application on a form provided by the Department containing, at a minimum, the following information:

a. the name and address of the applicant, if an individual, and that the applicant is not less than twenty-one (21) years of age, of reputable and responsible character, and in sound physical and mental health; and if a firm, partnership, or association, of every member thereof; and in the case of a corporation, the name and address thereof and of its officers and its registered agent and like evidence for officers, as submitted for an individual,

b. the name and location of the facility for which a license is sought,

c. the name and address of the person or persons under whose management or supervision the facility will be conducted, and a copy of the written agreement between the manager and the applicant,

d. the name and address of any other person holding an interest of at least five percent (5%) in the ownership, operation or management of the facility,

e. the number and type of residents for which maintenance, personal care, specialized or nursing facility services are to be provided, and

f. a projected staffing pattern for providing patient care;

2. A statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance; and

3. Documentation that the administrator is the holder of a current license as a Nursing Home Administrator issued by the Oklahoma State Board of Examiners for Nursing Home Administrators.

E. Before issuing an initial license, the Department shall find that the individual applicant, or the corporation, partnership or other entity, if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five (5) years. In determining the applicant's responsibility and suitability to operate or to direct or participate in the operation of a facility, the Department may also consider the applicant's record of suspensions, receivership, administrative penalties, or noncompliance with lawful orders of this Department or of other departments of other states with similar responsibilities.

Added by Laws 1980, c. 241, § 4, eff. Oct. 1, 1980. Amended by Laws 1987, c. 98, § 25, emerg. eff. May 20, 1987; Laws 1991, c. 127, § 3, emerg. eff. April 29, 1991; Laws 2000, c. 340, § 14, eff. July 1, 2000; Laws 2002, c. 230, § 3, eff. Nov. 1, 2002.

§63-1-1905. Application fee - Form and display of license - Renewal - Transfer of ownership or operation of facility - Conditional license - Liability of transferor - Unannounced inspections.

A. An application for a license, or renewal thereof, to operate a facility shall be accompanied by a fee of Ten Dollars ($10.00) for each bed per year included in the maximum bed capacity at such facility, except that any facility operated by the Oklahoma Department of Veterans Affairs shall be exempt from the fee. All licenses shall be on a form prescribed by the State Commissioner of Health, which shall include, but not be limited to, the maximum bed capacity for which it is granted and the date the license was issued. The license shall:

1. Not be transferable or assignable;

2. Be posted in a conspicuous place on the licensed premises;

3. Be issued only for the premises named in the application; and

4. Expire three (3) years from the date of issuance, provided an initial license shall expire one hundred eighty (180) days after the date of issuance. Licenses may be issued for a period of more than twelve (12) months, but not more than thirty-six (36) months, for the license period immediately following the effective date of this provision in order to permit an equitable distribution of license expiration dates.

B. The fee for a license amendment to reflect an increase in bed capacity shall be prorated based on the number of days remaining in the licensure period and the change in the number of beds, except that any facility operated by the Oklahoma Department of Veterans Affairs shall be exempt from the fee.

C. The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the State Department of Health of its power to rely on the violation as the basis for subsequent license revocation or other enforcement action under this act arising out of the notice of violation.

D. 1. When transfer of ownership or operation of a facility is proposed, the transferee shall notify the Department of the transfer and apply for a new license at least thirty (30) days prior to final transfer.

2. The transferor shall remain responsible for the operation of the facility until such time as a license is issued to the transferee.

3. The license granted to the transferee shall be subject to the plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the previous owner. If there are outstanding violations and no approved plan of correction has been implemented, the Department may issue a conditional license and plan of correction as provided in this act.

4. The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership.

E. Nursing and specialized facilities, as defined and licensed pursuant to the Nursing Home Care Act shall be surveyed through an unannounced inspection at least once every fifteen (15) months, with a statewide average survey cycle of twelve (12) months.

Added by Laws 1980, c. 241, § 5, eff. Oct. 1, 1980. Amended by Laws 1991, c. 127, § 4, emerg. eff. April 29, 1991; Laws 1993, c. 269, § 12, eff. Sept. 1, 1993; Laws 1995, c. 230, § 9, eff. July 1, 1995; Laws 2011, c. 105, § 36, eff. Nov. 1, 2011; Laws 2013, c. 183, § 3, emerg. eff. April 29, 2013; Laws 2016, c. 288, § 2, eff. Nov. 1, 2016.

§63-1-1906. Issuance and renewal of licenses - Initial license - Denial of application - Notice of denial - Suspension or revocation - Administrative penalties - Effective date of nonrenewal or revocation - Application following revocation.

A. The State Commissioner of Health shall issue and renew licenses for the operation of facilities which are found to comply with the provisions of the Nursing Home Care Act, and standards and rules of the State Board of Health.

B. For any new facility or for any facility that has undergone a transfer of ownership or operation the State Department of Health shall issue only an initial license. An initial license shall be valid for one hundred eighty (180) days unless sooner suspended or revoked under this act. Prior to the termination of an initial license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure, shall issue a license under this act. If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the initial license may be extended once for a period not to exceed one hundred twenty (120) days from the expiration date of the initial license.

C. An application for a license may be denied for any of the following reasons:

1. Failure to meet any of the minimum standards set forth by this act or by rules promulgated by the Board under this act;

2. Conviction of the applicant, or of any member of an applicant that is a firm, partnership or association or, if a corporation, the conviction of the corporation or any of its officers or a majority stockholder, or of a person designated to manage or supervise a facility, of a felony, meaning a crime that would have a bearing on the operation of a nursing home, the conviction to be shown by a certified copy of the record of the court of conviction, if the Department determines, after investigation, that such applicant has

not been sufficiently rehabilitated to warrant the public trust, or other satisfactory evidence that the moral character of the applicant, or administrator, or manager, or supervisor of the facility is not reputable;

3. Personnel insufficient in number or unqualified by training or experience properly to care for the proposed number and type of residents to be determined by standards set by the Department with the standards not being less than those set by federal statute; or

4. Insufficient financial or other resources that would render a facility incapable of providing adequate patient care.

D. Immediately upon the denial of any application or reapplication for a license under this act, the Department shall notify the applicant in writing. Notice of denial shall include a clear and concise statement of the violations on which denial is based and notice of the opportunity for a hearing. If the applicant desires to contest the denial of a license, it shall provide written notice to the Department of a request for a hearing within ten (10) days after receipt of the notice of denial and the Department shall commence the hearing.

E. The Commissioner may suspend or revoke a license on any of the following grounds:

1. Violation of any of the provisions of this act or the rules, regulations and standards issued pursuant thereto;

2. Permitting, aiding or abetting the commission of any illegal act in a licensed facility;

3. Conduct of practices deemed by the Commissioner to be detrimental to the welfare of the patients or residents of a facility;

4. Insufficient financial or other resources that would render a facility incapable of providing adequate patient care; or

5. The facility has closed.

F. 1. The Department, after notice to the applicant or licensee, may suspend, revoke, refuse to renew a license or assess administrative penalties in any case in which the Department finds that there has been a substantial failure to comply with this act or the rules promulgated by the Board under this act;

2. Notice under this section shall include a clear and concise statement of the violations on which the nonrenewal, revocation or administrative penalty is based, the statute or rule violated and notice of the opportunity for a hearing;

3. If a facility desires to contest the nonrenewal or revocation of a license or the assessment of administrative penalties, the facility shall, within ten (10) days after receipt of notice under paragraph 2 of this section, notify the Commissioner in writing of its request for a hearing. Upon receipt of the request the Commissioner shall send notice to the facility and hold a hearing;

4. The effective date of nonrenewal or revocation of a license by the Commissioner shall be any of the following:

a. until otherwise ordered by the district court, revocation is effective on the date set by the Commissioner in the notice of revocation, or upon final action after hearing, whichever is later,

b. until otherwise ordered by the district court, nonrenewal is effective on the date of expiration of any existing license, or upon final action after hearing, whichever is later, or

c. the Department may extend the effective date of license revocation or expiration in any case in order to permit orderly removal and relocation of residents.

G. A new application, following revocation, shall be considered by the Commissioner on receipt of evidence that the conditions upon which revocation was based have been corrected; and a new license may then be granted after proper inspection has been made and all provisions of this act have been complied with, and the rules, regulations and standards of the Board have been satisfied.

H. The Department may suspend, for a period not to exceed three (3) years, the license of a facility that has temporarily closed or ceased operations for remodeling, renovation, replacement or relocation, or that has closed or ceased operations pending a change of ownership, operator or management.

1. The facility shall provide periodic reports to the Department not less than once every six (6) months demonstrating the facility's progress towards reopening.

2. The Department may extend the period of suspension upon a demonstration of extenuating or unusual circumstances, a clear showing of good faith efforts to proceed towards the reopening of the facility, and a determination by the Department that a continuation of the period of suspension poses no harm to the public.

3. Whenever, after receipt of a six-month report, the Department determines that there has been no progress towards reopening the facility, no demonstration of extenuating or unusual circumstances or clear showing of good faith efforts to proceed towards the reopening of the facility, the Department may initiate a proceeding to revoke the license of the facility.

4. At or before the conclusion of the suspension period, the facility shall meet applicable requirements for licensure and shall reopen, or the license shall expire.

5. Any closed facility that has a suspended license on the effective date of this act may be issued a suspended license for a period not to exceed three (3) years from the effective date of this act.

Added by Laws 1980, c. 241, § 6, eff. Oct. 1, 1980. Amended by Laws 1987, c. 98, § 26, emerg. eff. May 20, 1987; Laws 1991, c. 127, § 5,

emerg. eff. April 29, 1991; Laws 2002, c. 230, § 4, eff. Nov. 1, 2002.

§63-1-1907. Repealed by Laws 1991, c. 127, § 13, emerg. eff. April 29, 1991.

§63-1-1908. Fire safety standards - Vendor payments.

A. No facility shall be licensed to operate or continue to operate unless, in addition to compliance with other current licensure requirements, the building is of one-hour fire resistant construction and approved by the Department and the State Fire Marshal. If the building is not of one-hour fire resistant construction in addition to the other current licensure requirements, the facility must be approved by the State Department of Health and the State Fire Marshal. In addition, the facility must have an approved automatic sprinkler system, as rated and approved by the National Fire Protection Association Standards.

B. Each facility that proposes an increase in beds, whether through new construction or modification, shall submit construction plans to the Department for review prior to the start of construction. The Department may assess a fee for such review in an amount not more than two one-hundredths percent (0.02%) or One Thousand Dollars ($1,000.00), whichever is the least amount, per project of the total construction cost of the facility or modification. The maximum fee for plan review for a ten-bed or ten percent (10%) expansion project authorized under subsection C of Section 1-852 of this title shall be One Thousand Dollars ($1,000.00). The State Board of Health shall promulgate rules for submission and resubmission of construction plans to ensure the timely review of such plans by the Department.

C. The Department of Human Services and the Oklahoma Health Care Authority shall not make a vendor payment to any individual or facility on behalf of any person for medical care rendered in the form of nursing service outside such person's home, unless such individual or facility holds a current nursing facility, continuum of care facility, assisted living, or adult day care license issued by the Commissioner or other state agency authorized to issue such license.

Added by Laws 1980, c. 241, § 8, eff. Oct. 1, 1980. Amended by Laws 1997, c. 223, § 8, emerg. eff. May 20, 1997; Laws 2004, c. 436, § 11, emerg. eff. June 4, 2004.

§63-1-1908.1. Funding source for temporary managers, state monitors or receivers – Nursing Facility Administrative Penalties Fund.

A. The Oklahoma Health Care Authority shall amend the state Medicaid plan to provide a funding source for payment of temporary managers, state monitors or receivers in facilities certified to

provide long-term care services under Medicaid, upon request of the State Department of Health, pursuant to 42 U.S.C.A., Section 1396r(h)(z).

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Nursing Facility Administrative Penalties Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from administrative penalties imposed under the Nursing Home Care Act. Monies collected as a result of administrative penalties imposed under the Nursing Home Care Act shall be deposited into the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the protection of health or property of residents of nursing and specialized nursing facilities that have been placed under temporary managers, state monitors or receivers requested by the Department, including, but not limited to, the following purposes:

1. Relocation expenses incurred by the Department, in the event of closure of a facility;

2. Maintenance of facility operation pending correction of deficiencies or closure, such as temporary management, state monitor or receivership, in the event that the revenues of the facility are insufficient; or

3. The costs associated with informational meetings held by the Department with residents, family members, and interested parties in an affected community where the Department proceeds with appointment of a temporary manager, state monitor or receivership petition.

Added by Laws 1995, c. 230, § 10, eff. July 1, 1995. Amended by Laws 2002, c. 230, § 5, eff. Nov. 1, 2002.

§63-1-1909. Documents and papers required to be displayed.

Every long-term care facility as defined by Section 3 of this act shall conspicuously post for display in an area of its offices accessible to residents, employees and visitors the following:

1. Its current license;

2. A description, provided by the State Department of Health, of complaint procedures established under this act and the name, address and telephone number of a person authorized by the Department to receive complaints. A copy of the complaint procedure shall also be given to each resident or in certain cases, the court appointed guardian;

3. A copy of any order pertaining to the facility issued by the Department or a court which is currently in effect;

4. A copy of any notification from the local law enforcement authority of the registration of any person residing in the facility who is required to register pursuant to the provisions of the Sex

Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act; and

5. A list of the material available for public inspection under Section 1-1910 of this title.

Added by Laws 1980, c. 241, § 9, eff. Oct. 1, 1980. Amended by Laws 2005, c. 465, § 1, emerg. eff. June 9, 2005.

§63-1-1910. Records required to be retained for public inspection.

A facility shall retain the following for public inspection:

1. A complete copy of every inspection report of the facility received from the Department during the past three (3) years;

2. A copy of every order pertaining to the facility issued by the Department or a court during the past three (3) years;

3. A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;

4. A copy of the statement of ownership;

5. A record of personnel who are licensed, certified or registered and employed or retained by the facility who are responsible for patient care; and

6. A complete copy of the most recent inspection report of the facility received from the Department.

Laws 1980, c. 241, § 10, eff. Oct. 1, 1980.

§63-1-1911. Inspections - Meetings - Reports - Departmental files.

A. 1. Every building, institution, or establishment for which a license has been issued, including any facility operated by the Oklahoma Department of Veterans Affairs, shall be periodically inspected by a duly appointed representative of the State Department of Health, pursuant to rules promulgated by the State Board of Health with the advice and counsel of the Long-Term Care Facility Advisory Board, created in Section 1-1923 of this title.

2. Inspection reports shall be prepared on forms prescribed by the Commissioner with the advice and counsel of the Advisory Board.

B. 1. The Department, whenever it deems necessary, shall inspect, survey, and evaluate every facility, including any facility operated by the Oklahoma Department of Veterans Affairs, to determine compliance with applicable licensure and certification requirements and standards. All inspections of facilities shall be unannounced. The Department may have as many unannounced inspections as it deems necessary.

2. The Department shall conduct at least one unannounced inspection per calendar year of all nursing facilities operated by the Oklahoma Department of Veterans Affairs.

3. Any employee of the State Department of Health who discloses to any unauthorized person, prior to an inspection, information regarding an unannounced nursing home inspection required pursuant to

the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor. In addition, such action shall be construed to be a misuse of office and punishable as a violation of rules promulgated by the Ethics Commission.

4. a. The Department may periodically visit a facility for the purpose of consultation and may notify the facility in advance of such a visit. An inspection, survey, or evaluation, other than an inspection of financial records or a consultation visit, shall be conducted without prior notice to the facility.

b. One person shall be invited by the Department from a statewide organization of the elderly to act as a citizen observer in unannounced inspections. The individual may be a state or local ombudsman as defined by the Aging Services Division of the Department of Human Services, acting pursuant to the provisions of the Older Americans Act of 1965, Public Law No. 89-73, 42 U.S.C.A., Section 3001 et seq., as amended.

c. The citizen observer shall be reimbursed for expenses in accordance with the provisions of the State Travel Reimbursement Act.

d. An employee of a state or unit of a local government agency, charged with inspecting, surveying, and evaluating facilities, who aids, abets, assists, conceals, or conspires with a facility administrator or employee in violation of the provisions of the Nursing Home Care Act shall be guilty, upon conviction thereof, of a misdemeanor and shall be subject to dismissal from employment.

C. The Department shall hold open meetings, as part of its routine licensure survey, in each of the licensed facilities to advise and to facilitate communication and cooperation between facility personnel and the residents of facilities in their mutual efforts to improve patient care. Administrators, employees of the facility, residents, residents' relatives, friends, residents' representatives, and employees from appropriate state and federal agencies shall be encouraged to attend these meetings to contribute to this process.

D. 1. The Department shall require periodic reports and shall have access to books, records, and other documents maintained by the facility to the extent necessary to implement the provisions of the Nursing Home Care Act and the rules promulgated pursuant thereto.

2. Any holder of a license or applicant for a license shall be deemed to have given consent to any authorized officer, employee, or agent of the Department to enter and inspect the facility in accordance with the provisions of the Nursing Home Care Act. Refusal to permit said entry or inspection, except for good cause, shall

constitute grounds for remedial action or administrative penalty or both such action and penalty as provided in the Nursing Home Care Act.

E. The Department shall maintain a file on each facility in the state. All conditions and practices not in compliance with applicable standards shall be specifically stated. If a violation is corrected or is subject to an approved plan of correction, such action shall be contained in the file. Upon receiving a written request for a copy of the file documents, the Department shall send a copy of the document to any person making the written request. The Department may charge a reasonable fee for copying costs.

Added by Laws 1980, c. 241, § 11, eff. Oct. 1, 1980. Amended by Laws 1984, c. 39, § 1, operative July 1, 1984; Laws 1987, c. 98, § 24, emerg. eff. May 20, 1987; Laws 1991, c. 127, § 6, emerg. eff. April 29, 1991; Laws 1995, c. 230, § 11, eff. July 1, 1995; Laws 2000, c. 340, § 15, eff. July 1, 2000; Laws 2013, c. 379, § 2, emerg. eff. May 29, 2013.

§63-1-1912. Notice of violation and right to hearing – Emergency orders - Appeal.

A. The State Department of Health shall promptly serve a notice of violation upon a licensee whenever, upon inspection or investigation, the Department determines that:

1. The facility is in violation of the Nursing Home Care Act, any rule promulgated thereunder, or applicable federal certification criteria; or

2. The financial condition of the facility poses an immediate risk to the proper operation of the facility or to the health, safety or welfare of the residents of the facility.

B. Each notice of violation shall be prepared in writing and shall specify the nature of the violation, and the statutory provision, rule or standard alleged to have been violated. The notice of violation shall inform the licensee of its obligation to file a plan of correction within ten (10) working days of receipt of the notice of violation. In the case of a specialized facility for individuals with intellectual disabilities, the Department shall offer the licensee an informal opportunity comparable to the process offered to Medicaid-certified nursing facilities pursuant to 42 CFR 488.331, in order to dispute the alleged violations.

C. The Department shall notify the licensee of its intent to take any remedial action, impose administrative penalties, place a monitor or temporary manager in the facility, issue a conditional license, or suspend or revoke a license. The Department shall also inform the licensee of the right to an informal dispute resolution, hearing, or both.

D. Whenever the Department finds that an emergency exists requiring immediate action to protect the health, safety or welfare

of any resident of a facility licensed pursuant to the provisions of the Nursing Home Care Act, the Department may, without notice of hearing, issue an order stating the existence of such an emergency and requiring that action be taken as deemed necessary by the Department to meet the emergency. The order shall be effective immediately. Any person to whom such an order is directed shall comply with such order immediately but, upon application to the Department, shall be afforded a hearing within ten (10) business days of receipt of the application. On the basis of such hearing, the Department may continue the order in effect, revoke it, or modify it. Any person aggrieved by such order continued after the hearing provided in this subsection may appeal to the district court in Oklahoma County within thirty (30) days. Such appeal when docketed shall have priority over all cases pending on the docket, except criminal cases. For purposes of this subsection, the State Board of Health shall define by rule the term "emergency" to include, but not be limited to, a life-endangering situation.

E. Within thirty (30) days of receipt of a plan of correction by the State Department of Health from any facility operated by the Oklahoma Department of Veterans Affairs, the State Department of Health shall submit the results of the inspection, including a list of deficiencies in the condition or operation of the facility and recommendations for corrective measures in the form of a written report to the person immediately responsible for the administration of the facility inspected, to the Oklahoma Department of Veterans Affairs, to the Governor, to the Speaker of the House of Representatives, and to the President Pro Tempore of the Senate.

F. At the conclusion of an inspection, survey, or investigation, the survey team's observations and preliminary findings shall be discussed in an exit conference with the facility personnel. During the exit conference, the facility shall be provided with the opportunity to discuss and supply additional information that they believe is pertinent to the preliminary findings. The following shall be provided to the facility:

1. A written list containing preliminary areas of potential noncompliance with state requirements based on findings during the survey, inspection or investigation. The information provided should be adequate to notify staff of surveyor concerns regarding preliminary findings that indicate actual harm or substandard quality of care; and

2. Any additional noncompliance with state requirements determined during the review of field notes or in preparation of the final survey report will be communicated to the facility personnel by email or phone before issuing the final survey report.

Added by Laws 1980, c. 241, § 12, eff. Oct. 1, 1980. Amended by Laws 1991, c. 127, § 7, emerg. eff. April 29, 1991; Laws 1995, c. 230, § 12, eff. July 1, 1995; Laws 2002, c. 230, § 6, eff. Nov. 1, 2002;

Laws 2005, c. 460, § 1, eff. Nov. 1, 2005; Laws 2013, c. 379, § 3, emerg. eff. May 29, 2013; Laws 2014, c. 251, § 1, eff. Nov. 1, 2014; Laws 2019, c. 475, § 56, eff. Nov. 1, 2019.

§63-1-1913. Repealed by Laws 1991, c. 127, § 13, emerg. eff. April 29, 1991.

§63-1-1914. Plan of correction of violations to be submitted - Report of correction - Petition for time extension - Contest of department action.

A. A facility shall have ten (10) working days after receipt of notice of violation in which to prepare and submit a plan of correction. The plan of correction shall include a fixed time period, not to exceed sixty (60) days within which the violations are to be corrected. The Department may extend this period where correction involves substantial structural improvement. If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection to the facility. The facility shall have ten (10) working days after receipt of the notice of rejection in which to submit a modified plan. If the modified plan is not timely submitted, or if the modified plan is rejected, the Department shall impose a plan of correction which the facility shall follow.

B. If the violation has been corrected prior to submission and approval of a plan of correction, the facility may submit a report of correction in place of a plan of correction.

C. Upon a licensee's written request, the Department shall determine whether to grant a licensee's request for an extended correction time. Such request shall be served on the Department prior to expiration of the correction time originally approved. The burden of proof shall be on the licensee to show good cause for not being able to comply with the original correction time approved.

D. If a facility desires to contest any Department action under this section, it shall send a written request for an informal dispute resolution, hearing or both to the Department within ten (10) working days of receipt of notice of the contested action and the Department shall commence the informal dispute resolution or hearing.

Added by Laws 1980, c. 241, § 14, eff. Oct. 1, 1980. Amended by Laws 1995, c. 230, § 13, eff. July 1, 1995; Laws 2005, c. 460, § 2, eff. Nov. 1, 2005.

§63-1-1914.1. Remedies for violations - Considerations in determining appropriate remedy.

A. For violations of the Nursing Home Care Act, the rules promulgated thereto, or Medicare/Medicaid certification regulations:

1. The State Department of Health shall seek remedial action against a licensee, owner or operator of a facility and may, after

notice and opportunity for a hearing, impose the remedy most likely to:

a. gain and ensure continued compliance with the Nursing Home Care Act, the rules promulgated thereto, or federal certification standards or both rules and standards, or

b. provide for the financial operation of the facility that ensures the health, safety and welfare of the residents;

2. In the alternative or in addition to any remedial action, the State Commissioner of Health may direct the Oklahoma Health Care Authority to withhold vendor payments due to a facility under its programs until such time as the corrections are made;

3. The Department may deny, refuse to renew, suspend or revoke a license, ban future admissions to a facility, assess administrative penalties, or issue a conditional license; and

4. a. Pursuant to an investigation or inspection that reveals a willful violation of rules pertaining to minimum direct-care staffing requirements, the Commissioner shall notify the Oklahoma Health Care Authority and the Authority shall withhold as a penalty a minimum of twenty percent (20%) of the vendor payments due the facility under its programs for each day such violation continues.

b. The Commissioner shall impose an equivalent penalty amount under licensure standards for a facility that does not receive vendor payments under its program that is in willful violation of rules pertaining to minimum direct-care staffing requirements.

B. Whenever the Department takes remedial action against a facility because the financial condition of the facility has endangered or is at risk of endangering the proper operation of the facility or the health, safety or welfare of the residents of the facility, the Department shall also review the conditions of all other facilities in this state owned or operated by a person with a controlling interest as defined Section 1-851.1 of this title, and may take remedial action against the facilities as necessary or appropriate.

C. Remedial action as provided in subsection A or B of this section shall be based on current and past noncompliance or incomplete or partial compliance; repeated violations; or failure to substantially comply with the Nursing Home Care Act and rules promulgated thereto. In determining the most appropriate remedy, the Department shall consider at least the following:

1. The nature, circumstances and gravity of the violations;

2. The repetitive nature of the violations at the facility or others operated by the same or related entities;

3. The previous degree of difficulty in obtaining compliance with the rules at the facility or others operated by the same or related entities; and

4. A clear demonstration of good faith in attempting to achieve and maintain continuing compliance with the provisions of the Nursing Home Care Act.

Added by Laws 1995, c. 230, § 14, eff. July 1, 1995. Amended by Laws 2000, c. 340, § 16, eff. July 1, 2000; Laws 2002, c. 230, § 7, eff. Nov. 1, 2002; Laws 2005, c. 460, § 3, eff. Nov. 1, 2005.

§63-1-1914.2. Temporary managers.

A. The State Commissioner of Health may place a qualified person in a facility as a temporary manager to assume operating control of the facility and to ensure that the health and safety of the residents of the facility are protected when any of the following conditions exist:

1. The conditions at the facility pose immediate jeopardy to the health and safety of the residents of the facility;

2. The facility is operating without a license;

3. The State Department of Health has suspended, revoked or refused to renew the existing license of the facility;

4. The financial condition of the facility poses an immediate risk to the proper operation of the facility or to the health, safety or welfare of the residents of the facility;

5. The facility has closed or has informed the Department that it intends to close and adequate arrangements for the relocation of residents have not been made at least thirty (30) days prior to closure; or

6. The Department has terminated certification status under Medicare/Medicaid.

B. The Department shall notify the owner or operator of the action taken, the reason or reasons why such action was taken, and the right of the owner or operator to have a hearing on the matter.

C. Any owner or operator subject to placement of a temporary manager may appeal such action by filing a petition for hearing with the district court within five (5) days of the appointment of a temporary manager. The court shall conduct the hearing within ten (10) days of the filing of such petition. On the basis of the hearing, the court may continue the order in effect, revoke it or modify it. The petition for hearing, when docketed, shall have priority over all cases pending on the docket except criminal cases.

D. All funds due or available to the facility from any source, to include funds held by a predecessor temporary manager of the facility, during the pendency of the temporary management shall be made available to the temporary manager who shall use the funds to ensure the health and safety of the residents of the facility. Unless prior written approval has been obtained from the Commissioner

for such expenditure, any use of funds for a purpose other than to ensure the health and safety of the residents of the facility shall constitute a breach of the temporary manager's fiduciary duty and a violation of the Nursing Home Care Act.

E. The Commissioner shall establish qualifications for persons to be appointed as temporary managers and shall maintain a list of all such qualified persons. The Commissioner may appoint any person from the list to serve as a temporary manager, provided that the Commissioner shall not appoint any owner or affiliate of the facility as its temporary manager.

F. The temporary manager shall make provisions for the continued protection of the health and safety of all residents of the facility. The temporary manager appointed pursuant to the Nursing Home Care Act shall exercise those powers and shall perform those duties set out by the Commissioner in writing. The Commissioner shall provide for the temporary manager to have sufficient power and duties to ensure that the residents of the facility receive adequate care.

G. If funds are insufficient to meet the expenses of performing the powers and duties conferred on the temporary manager, the temporary manager may borrow the funds or contract for indebtedness as necessary; provided, any such indebtedness shall not be construed to be a debt of the state or made on behalf of the state. The State of Oklahoma is not liable, directly or indirectly, for any liability incurred by any temporary manager in the performance of the manager's official duties pursuant to law. The State Board of Health shall, by rule, establish a fund, to be drawn out of the discretionary funds of the Department, to assist temporary managers in the continuation of care of the residents of a facility where, in the judgment of the Commissioner, funds are not available from other sources; provided, any such advances by the Department shall be repaid by the temporary manager at the time the final account is rendered. If such advances are not repaid in full, any amount not repaid shall constitute a lien against any and all assets of any owner and shall also constitute a lien as provided in paragraph 4 of subsection L of this section.

H. The Commissioner shall set the compensation of the temporary manager, who shall be paid by the facility.

I. A temporary manager may be held liable in a personal capacity only for the manager's gross negligence, intentional acts or breaches of fiduciary duty. The Commissioner may require a temporary manager to post a bond.

J. The Department shall issue a conditional license to a facility in which a temporary manager is placed. The duration of a license issued under this section is limited to the duration of the temporary managership.

K. The Commissioner shall require that the temporary manager report to the Department on a regular basis as to the progress of the facility in reaching substantial compliance with the Nursing Home

Care Act and the rules promulgated thereto, and the establishment of mechanisms which will ensure the continued compliance of the facility.

L. 1. The Commissioner may release the temporary manager under any of the following circumstances:

a. the Commissioner determines that the facility is and will continue to be in substantial compliance with the Nursing Home Care Act and rules promulgated thereto,

b. a receiver or bankruptcy trustee is appointed,

c. the Commissioner appoints a new temporary manager,

d. a new owner, operator, or manager is licensed,

e. the Department, the temporary manager, or the receiver closes the facility through an orderly transfer of the residents, or

f. an administrative hearing or court order ends the temporary manager appointment.

2. a. Within thirty (30) days after release, the temporary manager shall render to the Department a complete accounting of all property of which the temporary manager has taken possession, of all funds collected, and of the expenses of the temporary managership, to include, if requested by the Department, copies of all documents supporting the reasonableness and necessity of such expenditures.

b. The rendition of such accounting may be extended only by order of the Commissioner for cause and shall in no event be extended more than one hundred twenty (120) days after release of the temporary manager.

c. Failure to timely render a complete final accounting in accordance with generally accepted accounting practices shall constitute a breach of the temporary manager's fiduciary duties.

d. Upon a temporary manager's default in the timely rendition of a complete final accounting, the Commissioner shall enter an order that the temporary manager is personally liable for all amounts or monies collected for which a final accounting is not made. Such order for disgorgement or remittance directed to a temporary manager may be filed as a judgment in any district court in the State of Oklahoma, and shall not be dischargeable in bankruptcy or other insolvency proceeding.

3. After a complete accounting, and payment of reasonable expenses incurred as a result of the temporary managership, the Commissioner shall order payment of the surplus to the owner. If funds are insufficient to pay reasonable expenses incurred as a result of the temporary managership, the owner shall be liable for

the deficiency. Any funds recovered from the owner shall be used to reimburse any unpaid expenses due and owing as a result of the temporary managership.

4. In order to protect the health, welfare and safety of the residents of any nursing facility for which a temporary manager has been appointed, the Department is authorized to provide the monies from any funds appropriated or otherwise made available to the Department to protect the residents of the nursing facility. The Department shall have a lien for any payment made pursuant to this section upon any beneficial interest, direct or indirect, of any owner in the following property:

a. the building in which the facility is located,
b. any fixtures, equipment or goods used in the operation of the facility,
c. the land on which the facility is located, or
d. the proceeds from any conveyance of property described in subparagraphs a, b, or c of this paragraph made by the owner prior to the order placing the temporary manager.

M. Nothing in the Nursing Home Care Act shall be deemed to relieve any owner, administrator or employee of a facility in which a temporary manager is placed of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the owner, administrator or employee prior to the appointment of a temporary manager; provided, nothing contained in the Nursing Home Care Act shall be construed to suspend during the temporary managership any obligation of the owner, administrator or employee for payment of taxes or other operating and maintenance expenses of the facility or of the owner, administrator, employee or any other person for the payment of mortgages or liens.

N. The Commissioner may institute any legal proceeding to recover any monies or other thing of value determined to have been expended unnecessarily or in an excessive amount necessary for the maintenance of the health and safety of the residents of a facility, or that was expended in violation of the temporary manager’s fiduciary duties, or which expenditure was otherwise unlawful under state or federal law. Such legal proceeding for wrongful expenditure of these funds may be brought against the temporary manager and against any other person or entity who receives such wrongful expenditure and who was not a bona fide vendor in good faith to the temporary manager, or who was not otherwise a bona fide recipient of such funds in good faith. Costs for such an action by the Department for funds wrongfully expended shall be awarded if the Department prevails, and shall include all court costs, interest at the statutory rate from and after the date of the wrongful expenditure, and a reasonable attorney fee. The temporary manager and the bad

faith vendor/recipient shall be jointly and severally liable for all funds wrongfully expended and for all related litigation costs.
Added by Laws 1995, c. 230, § 15, eff. July 1, 1995. Amended by Laws 2002, c. 230, § 8, eff. Nov. 1, 2002; Laws 2005, c. 202, § 1.

§63-1-1914.3. Informal dispute resolution meeting.

A. An informal dispute resolution meeting may be conducted by the State Department of Health.

B. The State Department of Health shall assign all informal dispute resolutions to the unit or section charged with performing survey or inspection activity.

Added by Laws 2005, c. 460, § 4, eff. Nov. 1, 2005.

§63-1-1914.4. Definitions.

For purposes of this act:

1. "Deficiency" means a violation or alleged violation by a facility of applicable state or federal laws, rules, or regulations governing the operation or licensure of a facility;

2. "Deficiency identification number" means an alphanumeric designation of a deficiency by the State Department of Health that denotes the applicable state or federal rule, regulation, or law allegedly violated and that is used on the statement of deficiencies;

3. "Impartial decision maker" means an individual employed by or under contract with the State Department of Health to conduct an informal dispute resolution for the agency;

4. "Informal dispute resolution" means a nonjudicial process or forum before an impartial decision maker that provides a facility cited for deficiency with the opportunity to dispute a citation for deficiency;

5. "Party" means a facility requesting an informal dispute resolution, the State Department of Health, or both;

6. "State survey agency" means the State Department of Health, the federally designated state entity that performs Medicaid and Medicare surveys and inspections of Oklahoma facilities; and

7. "Statement of deficiencies" means a statement prepared by the State Department of Health citing the applicable state or federal laws, rules, or regulations violated by a facility and the facts supporting the citation.

Added by Laws 2005, c. 460, § 5, eff. Nov. 1, 2005.

§63-1-1914.5. Written request for informal dispute resolution.

A. A facility that wishes to challenge a deficiency through the informal dispute resolution process shall make a written request to the State Department of Health within ten (10) calendar days of the receipt of the statement of deficiencies from the State Department of Health.

B. The written request for an informal dispute resolution shall include:

1. A list of all deficiencies that the facility wishes to challenge; and

2. A statement indicating whether the facility wants the informal dispute resolution to be conducted by telephone conference call, by record review of the impartial decision maker, or by a meeting in which the facility and the State Department of Health appear before the impartial decision maker.

C. A request for an informal dispute resolution shall not:

1. Stay any action for enforcement or imposition of remedies;

2. Affect or preclude the right of a facility to judicial or administrative appeal; or

3. Duplicate any procedures already held under the federal requirements for informal dispute resolution.

Added by Laws 2005, c. 460, § 6, eff. Nov. 1, 2005.

§63-1-1914.6. Informal dispute resolution - Impartial decision maker.

A. Upon receipt of a request for an informal dispute resolution from a facility, the State Department of Health shall assign the matter to an impartial decision maker.

B. The impartial decision maker shall:

1. Schedule a time and date for a meeting; and

2. Inform the parties of the time and date of the informal dispute resolution.

C. If the request for an informal dispute resolution includes a request by the facility for a meeting at which the facility may appear before the impartial decision maker, the impartial decision maker shall:

1. Arrange for facilities appropriate for conducting the meeting; and

2. Inform the parties of the location of the meeting.

D. Each party shall submit to the impartial decision maker all documentary evidence that the party believes has a bearing on or relevance to the deficiencies in dispute by the date specified by the impartial decision maker.

E. 1. If the request for an informal dispute resolution does not include a request by the facility for a meeting at which the facility may appear before the impartial decision maker, or upon agreement of the facility and the Department, the impartial decision maker may conduct the meeting by telephone conference call or by a review of documentary evidence submitted by the parties.

2. a. If the informal dispute resolution is conducted by record review, the impartial decision maker may request, and the facility shall provide, a written statement setting forth the facility's position on

accepting, rejecting, or modifying each deficiency in dispute.

b. The written statement shall specify the documentary evidence that supports the position of the facility for each deficiency in dispute.

c. The facility shall provide its written statement to the impartial decision maker and the Department.

d. The Department shall then provide its written statement in rebuttal to the impartial decision maker and the facility.

Added by Laws 2005, c. 460, § 7, eff. Nov. 1, 2005.

§63-1-1914.7. Employment status of impartial decision maker.

The impartial decision maker in the informal dispute resolution process may be an individual employed by or under contract with the State Department of Health.

Added by Laws 2005, c. 460, § 8, eff. Nov. 1, 2005.

§63-1-1914.8. Informal dispute resolution - Procedure.

A. 1. In all informal dispute resolution cases except record review, the State Department of Health shall present the initial arguments.

2. The facility shall then present its arguments.

B. 1. The informal dispute resolution shall be limited to no more than two (2) hours in length, with each party being permitted one (1) hour to present its arguments.

2. However, the impartial decision maker may grant each party additional equal time for good cause as determined by the impartial decision maker.

C. 1. Rules of evidence or procedure shall not apply to the informal dispute resolution except as provided in this section.

2. The impartial decision maker may:

a. accept any information that the impartial decision maker deems material to the issue being presented, and

b. reject any information that the impartial decision maker deems immaterial to the issue being presented.

D. 1. The informal dispute resolution may not be recorded.

2. However, the impartial decision maker may make written or recorded notes of the arguments.

E. Only employees of the facility, attending physicians of residents of the facility at the time of the deficiency, pharmacists providing medications to residents of the facility at the time of the deficiency, and consultant pharmacists or nurse consultants utilized by the facility, or the medical director of the facility may appear or participate in the informal dispute resolution for, or on the behalf of, the facility.

F. Only employees of the Department may appear or participate at the meeting for, or on behalf of, the Department.

G. The State Long-Term Care Ombudsman, or designee, may appear at, or participate in, the meeting.

H. No party may be represented by an attorney.

Added by Laws 2005, c. 460, § 9, eff. Nov. 1, 2005.

§63-1-1914.9. Determinations - Impartial decision maker – State survey agency.

A. 1. Upon the conclusion of all arguments by the parties at the informal dispute resolution, the impartial decision maker shall issue a written statement of findings that shall be entitled "Determinations".

2. The determinations shall include:

a. a recitation of the deficiency identification numbers,

b. a statement of whether a disputed deficiency should remain, be removed, or be modified on the statement of deficiencies, and

c. the facts and persuasive arguments that support the finding of the impartial decision maker for each deficiency identification number.

B. 1. The determination of the impartial decision maker shall be provided to all parties.

2. The State Department of Health shall review the determination and shall issue a written document entitled "State Survey Agency Determination".

C. A state survey agency determination is not subject to appeal, reargument, or reconsideration.

D. The Department shall deliver a copy of the state survey agency determination to the facility and to the impartial decision maker.

E. 1. In accordance with the state survey agency determination, the Department shall issue an amended state of deficiencies if the state survey agency determination results in modification to any deficiencies cited in the original statement of deficiencies.

2. If the Department determines that amendments to the statement of deficiencies should result in changes to the scope or severity assigned to any deficiency, the amended statement of deficiencies shall reflect the changes to the scope or severity of any cited deficiency.

F. The amended statement of deficiencies shall be provided to the facility.

Added by Laws 2005, c. 460, § 10, eff. Nov. 1, 2005.

§63-1-1914.10. Deficiencies.

A. The informal dispute resolution process is limited to deficiencies cited on a statement of deficiencies.

B. 1. If the impartial decision maker finds that matters not subject to informal dispute resolution are presented, the impartial decision maker shall strike all documentary evidence related to or presented for the purpose of disputing the matter not subject to informal dispute resolution.

2. The impartial decision maker may not include in the determination any matter not subject to informal dispute resolution.

Added by Laws 2005, c. 460, § 11, eff. Nov. 1, 2005.

§63-1-1914.11. Alternative informal dispute resolution - Definitions.

For purposes of Sections 3 through 8 of this act:

1. "Impartial decision-making panel" means a group of individuals who are qualified volunteers and employees or contractors with the State Department of Health and shall consist of five (5) members as follows:

a. two members shall be impartial representative volunteers who have experience in the operation of a long-term care setting, such as an administrator, operator or director of nursing,

b. one member shall be an employee of the Department who has experience in the survey process,

c. one member shall be a person representing the aging or disabled community, and

d. one member shall be an impartial person who is not employed by the Protective Health Services, Long-Term Care Division of the State Department of Health; and

2. "Alternative informal dispute resolution" means a nonjudicial process or forum before an impartial decision-making panel that provides a facility cited for deficiency with the opportunity to dispute a citation for deficiency within the pilot program established in Sections 3 through 8 of this act.

Added by Laws 2007, c. 347, § 3, eff. Nov. 1, 2007.

§63-1-1914.12. Alternative informal dispute resolution.

Upon written request, a long-term care facility may choose to participate in an informal dispute resolution panel to be offered by the State Department of Health as an alternative to the informal dispute resolution process outlined in Sections 1-1914.3 through 1-1914.10 of this title.

Added by Laws 2007, c. 347, § 4, eff. Nov. 1, 2007. Amended by Laws 2009, c. 56, § 1, eff. Nov. 1, 2009.

§63-1-1914.13. Request for alternative informal dispute resolution - Meeting with impartial decision-making panel.

A. Upon receipt of a request for an alternative informal dispute resolution from a facility, the State Department of Health shall assign the matter to an impartial decision-making panel.

B. The Department shall:

1. Schedule a time and date for a meeting; and

2. Inform the parties of the time and date of the alternative informal dispute resolution.

C. If the request for an alternative informal dispute resolution includes a request by the facility for a meeting at which the facility may appear before the decision-making panel, the Department shall:

1. Arrange for facilities appropriate for conducting the meeting; and

2. Inform the parties of the location of the meeting.

D. Each party shall submit to the impartial decision-making panel all documentary evidence that the party believes has a bearing on or relevance to the deficiencies in dispute by the date specified by the Department.

E. 1. If the request for an alternative informal dispute resolution does not include a request by the facility for a meeting at which the facility may appear before the impartial decision-making panel, or upon agreement of the facility and the Department, the impartial decision-making panel may conduct the meeting by telephone conference call or by a review of documentary evidence submitted by the parties.

2. a. If the alternative informal dispute resolution is conducted by record review, the impartial decision-making panel may request, and the facility shall provide, a written statement setting forth the facility's position on accepting, rejecting, or modifying each deficiency in dispute.

b. The written statement shall specify the documentary evidence that supports the position of the facility for each deficiency in dispute.

c. The facility shall provide its written statement to the impartial decision-making panel and the Department.

d. The Department shall then provide its written statement in rebuttal to the impartial decision-making panel and the facility.

Added by Laws 2007, c. 347, § 5, eff. Nov. 1, 2007.

§63-1-1914.14. Alternative informal dispute resolution - Procedure - Evidence.

A. 1. In all alternative informal dispute resolution cases except record review, the State Department of Health shall present the initial arguments.

2. The facility shall then present its arguments.

B. 1. The alternative informal dispute resolution shall be limited to no more than two (2) hours in length, with each party being permitted one (1) hour to present its arguments;

2. However, the impartial decision-making panel may grant each party additional equal time for good cause as determined by the impartial decision making-panel.

C. 1. Rules of evidence or procedure shall not apply to the alternative informal dispute resolution except as provided in this section.

2. The impartial decision-making panel may:

a. accept any information that the impartial decision-making panel deems material to the issue being presented, and

b. reject any information that the impartial decision-making panel deems immaterial to the issue being presented.

D. 1. The alternative informal dispute resolution may not be recorded.

2. However, the impartial decision-making panel may make written or recorded notes of the arguments.

E. Only employees of the facility, attending physicians of residents of the facility at the time of the deficiency, pharmacists providing medications to residents of the facility at the time of the deficiency, and consultant pharmacists or nurse consultants utilized by the facility, or the medical director of the facility, may appear or participate in the alternative informal dispute resolution for, or on the behalf of, the facility.

F. Only employees of the Department may appear or participate at the meeting for, or on behalf of, the Department.

G. The State Long-Term Care Ombudsman or designee, may appear at, or participate in, the meeting.

H. No party may be represented by an attorney.

Added by Laws 2007, c. 347, § 6, eff. Nov. 1, 2007.

§63-1-1914.15. Alternative informal dispute resolution - Determinations - State survey agency determination - Amended statement of deficiencies.

A. 1. Upon the conclusion of all arguments by the parties at the alternative informal dispute resolution, the impartial decision-making panel shall issue a written statement of findings that shall be entitled “Determinations”.

2. The determinations shall include:

a. a recitation of the deficiency identification numbers,

b. a statement of whether a disputed deficiency should remain, be removed, or be modified on the statement of deficiencies, and

c. the facts and persuasive arguments that support the finding of the impartial decision-making panel for each deficiency identification number.

B. 1. The determination of the impartial decision-making panel shall be provided to all parties.

2. The State Department of Health shall review the determination and shall issue a written document entitled "State Survey Agency Determination".

C. A state survey agency determination is not subject to appeal, reargument, or reconsideration.

D. The Department shall deliver a copy of the state survey agency determination to the facility and to the impartial decision-making panel.

E. 1. In accordance with the state survey agency determination, the Department shall issue an amended state of deficiencies if the state survey agency determination results in modification to any deficiencies cited in the original statement of deficiencies.

2. If the Department determines that amendments to the statement of deficiencies should result in changes to the scope or severity assigned to any deficiency, the amended statement of deficiencies shall reflect the changes to the scope or severity of any cited deficiency.

F. The amended statement of deficiencies shall be provided to the facility.

Added by Laws 2007, c. 347, § 7, eff. Nov. 1, 2007.

§63-1-1914.16. Alternative informal dispute resolution - Limitation of matters.

A. The alternative informal dispute resolution process is limited to deficiencies cited on a statement of deficiencies.

B. 1. If the impartial decision-making panel finds that matters not subject to alternative informal dispute resolution are presented, the impartial decision-making panel shall strike all documentary evidence related to or presented for the purpose of disputing the matter not subject to alternative informal dispute resolution.

2. The impartial decision-making panel may not include in the determination any matter not subject to alternative informal dispute resolution.

Added by Laws 2007, c. 347, § 8, eff. Nov. 1, 2007.

§63-1-1915. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1916. Prohibited acts - Violations - Prosecution.

A. No person, including any person at any facility operated by the Oklahoma Department of Veterans Affairs, shall:

1. Intentionally fail to correct or interfere with the correction of a violation within the time specified on the notice or

approved plan of correction under this act as the maximum period given for correction, unless an extension is granted and the corrections are made before expiration of extension;

2. Intentionally prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the Department in the investigation and enforcement of this act;

3. Intentionally prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of official duties under this act;

4. Intentionally prevent or interfere with any such representative in the preserving of evidence of any violation of this act or the rules promulgated under this act;

5. Intentionally retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized under this act;

6. Willfully file any false, incomplete or intentionally misleading information required to be filed under this act, or willfully fail or refuse to file any information; or

7. Open or operate a facility without a license.

B. A violation of this section is a misdemeanor.

C. The district attorney of the county in which the facility is located, or the Attorney General, may be requested by the Department to initiate prosecutions under this section.

Added by Laws 1980, c. 241, § 16, eff. Oct. 1, 1980. Amended by Laws 2013, c. 379, § 4, emerg. eff. May 29, 2013.

§63-1-1916.1. Violations - Penalties - Criteria for determination of amount of penalty - Appeal - Surrender of license.

A. Any person who has been determined by the State Department of Health to have violated any provision of the Nursing Home Care Act or any rule promulgated or order issued pursuant to the provisions of the Nursing Home Care Act, may be liable for an administrative penalty for each day that said violation or violations continue to exist. Penalties of not less than Fifty Dollars ($50.00) per day or more than Three Thousand Dollars ($3,000.00) per day may be imposed for deficiencies that do not constitute immediate jeopardy to residents. Penalties of not less than Three Thousand Fifty Dollars ($3,050.00) per day or more than Ten Thousand Dollars ($10,000.00) per day may be imposed for deficiencies constituting immediate jeopardy to residents; provided, however, that specialized facilities for the developmentally disabled or nursing facilities licensed pursuant to this act, which do not participate in Medicaid or Medicare, shall be liable for the maximum penalty, not to exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Department pursuant to the provisions of subsection A of this section, after

notice and opportunity for hearing. Within ten (10) working days of the inspection documenting the violation, the facility may appeal this decision pursuant to Article II of the Administrative Procedures Act. In determining the amount of the penalty, the Department shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, the repetitive nature of the violation at this facility or others operated by the same entity, the previous degree of difficulty in obtaining compliance with the rules, and, with respect to the person found to have committed the violation, the degree of culpability, the facility's financial condition and substantial show of good faith in attempting to achieve compliance with the provisions of the Nursing Home Care Act.

C. Any license holder may elect to surrender his license in lieu of said fine but shall be forever barred from obtaining a reissuance of the license or any other license issued pursuant to the Nursing Home Care Act.

Added by Laws 1989, c. 227, § 30, operative July 1, 1989. Amended by Laws 1991, c. 127, § 9, emerg. eff. April 29, 1991; Laws 1995, c. 230, § 16, eff. July 1, 1995.

§63-1-1916.2. Denial, refusal to renew, suspension or revocation of license.

The State Department of Health may deny, refuse to renew, suspend or revoke a license or assess administrative penalties to an applicant, licensee, or facility which has a history of noncompliance or incomplete or partial compliance with or repeated violations of the provisions of the Nursing Home Care Act or the standards, rules or regulations of the Board issued pursuant to the provisions of the Nursing Home Care Act or other satisfactory evidence which demonstrates that the applicant or licensee is unlikely to manage or operate a facility or to provide care or treatment to the residents of a home in a manner which warrants public trust.

Added by Laws 1989, c. 227, § 31. Amended by Laws 1991, c. 127, § 10, emerg. eff. April 29, 1991.

§63-1-1917. State agencies to assist in carrying out provisions of act.

It shall be the duty of the Department of Human Services and the Director of the Oklahoma State Bureau of Investigation to assist the Commissioner in carrying out the provisions of this act insofar as the functions of these respective offices and departments are concerned with the health, welfare and safety of any person or persons cared for in facilities as defined herein.

Laws 1980, c. 241, § 17, eff. Oct. 1, 1980.

§63-1-1918. Rights and responsibilities - Violations - Penalties.

A. All principles enumerated in this section shall be posted in a conspicuous, easily accessible location in each facility. Each resident and personally appointed representative of the resident, if any, shall be verbally advised and provided a written copy of such principles prior to or upon admission to the facility. The facility shall ensure that its staff is familiar with and observes the rights and responsibilities enumerated in this section. The facility shall make available to each resident, upon reasonable request, a current written statement of such rights and responsibilities.

B. A statement of rights and responsibilities shall include, but not be limited to, the following:

1. Every resident's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed upon and the facility shall encourage and assist in the exercise of these rights;

2. Every resident shall have the right to have private communications, including telephonic communications and visits and consultations with a physician or an attorney, and meetings of family and resident groups or any other person or persons of the resident's choice, and may send and promptly receive, unopened, the resident's personal mail;

3. a. Every resident shall have the right, without fear of reprisal or discrimination, to:

(1) present grievances with respect to treatment or care that is or fails to be furnished on behalf of the resident or others to:

(a) the facility's staff,

(b) the facility's administrator,

(c) the facility's attending physician,

(d) the resident's personal physician, if any,

(e) governmental officials, or

(f) any other person, and

(2) organize or to join with other residents or individuals within or outside of the facility to work for improvements in resident care.

b. The family of a resident shall have the right to meet in the facility with other residents' families.

c. Every resident shall have the right to prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents;

4. Every resident shall have the right to manage such resident's own financial affairs, unless the resident delegates the responsibility, in writing, to the facility. The resident shall have at least a quarterly accounting of any personal financial transactions undertaken in the resident's behalf by the facility

during any period of time the resident has delegated such responsibilities to the facility;

5. Every resident shall have the right to receive adequate and appropriate medical care consistent with established and recognized medical practice standards within the community. Every resident, unless adjudged to be mentally incapacitated, shall be fully informed by the resident's attending physician of the resident's medical condition and advised in advance of proposed treatment or changes in treatment in terms and language that the resident can understand, unless medically contraindicated, and to participate in the planning of care and treatment or changes in care and treatment. Every resident shall have the right to refuse medication and treatment after being fully informed of and understanding the consequences of such actions unless adjudged to be mentally incapacitated;

6. Every resident shall receive respect and privacy in the medical care program of the resident. Case discussion, consultation, examination and treatment shall remain confidential and shall be conducted discreetly. Personal and medical records shall be confidential, and shall include such documentation or information so as to alert a health care provider or an emergency medical care facility of the existence of a directive to physicians or a living will;

7. Every resident shall have the right to reside and to receive services with reasonable accommodation of individual needs and preferences, except where the health or safety of the individual or other residents would be endangered;

8. a. Every resident shall be informed by the facility, at the time of admission, of the facility's policy regarding the provision of hospice services. The facility's policy shall:

(1) specify whether the facility provides hospice services, either directly or through contractual arrangements with other hospice providers,

(2) specify whether the facility permits hospice services to be provided in the facility by any other hospice services or only by hospice services contracted by the facility,

(3) provide that each resident shall receive a list of hospice services with which the facility contracts, and

(4) provide for complete disclosure to the resident of the facility's relationship with any hospice service that is the result of ownership or an ownership interest of five percent (5%) or more.

b. If the facility provides hospice services through contractual arrangements with hospice providers but does not contract with at least three entities

providing hospice services within a fifty-mile radius of the facility, it shall, upon the request of a current facility resident, contract with additional hospice providers within a fifty-mile radius of the facility as necessary to provide the resident with a choice of three providers. This requirement shall cease to exist when the requesting resident is no longer living in the facility.

c. A facility shall, at the point that a resident requires hospice services, again inform the resident or the personally appointed representative of the resident, if any, verbally and in writing of the resident's right to hospice services pursuant to the facility's policy at the time of the resident's admission;

9. Every resident shall have the right to receive notice before the room or roommate of the resident in the facility is changed and if the resident has a telephone in his or her room, the resident must be informed of any charges to be incurred when moving;

10. Every resident shall have the right to retain and use personal clothing and possessions, unless medically contraindicated, and shall have the right to security in the storage and use of such clothing and possessions;

11. Every resident shall have the right to receive courteous and respectful care and treatment and a written statement of the services provided by the facility, including those required to be offered on an as-needed basis, and a statement of related charges, including any costs for services not covered under Medicare or Medicaid, or not covered by the facility's basic per diem rate;

12. Every resident shall be free from mental and physical abuse and neglect, as such terms are defined in Section 10-103 of Title 43A of the Oklahoma Statutes, corporal punishment, involuntary seclusion, and from any physical and chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms, except those restraints authorized in writing by a physician for a specified period of time or as are necessitated by an emergency where the restraint may only be applied by a physician, qualified licensed nurse or other personnel under the supervision of the physician who shall set forth in writing the circumstances requiring the use of restraint. Use of a chemical or physical restraint shall require the consultation of a physician within twenty-four (24) hours of such emergency;

13. Every resident shall receive a statement of the facility's regulations and an explanation of the resident's responsibility to obey all reasonable regulations of the facility and to respect the personal rights and private property of the other residents;

14. Every resident shall receive a statement that, should they be adjudicated incompetent and have no ability to be restored to

legal capacity, the above rights and responsibilities shall be exercised by a court-appointed representative;

15. No resident shall be required to perform services for a facility;

16. Every resident shall have privacy for spousal visits. Every resident may share a room with the resident's spouse, if the spouse is residing in the same facility;

17. When a physician indicates it is appropriate, a facility shall immediately notify the resident's next of kin, or representative of the resident's death or when the resident's death appears to be imminent;

18. Every resident shall have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility; and

19. Every resident shall have the right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the State Department of Health with respect to the facility and any plan of correction in effect with respect to the facility.

C. No licensed facility shall deny appropriate care on the basis of the resident's source of payment as defined in the regulations. Appropriate care shall not include duplication of services by a nursing home, hospice, or any combination of care providers.

D. Each facility shall prepare a written plan and provide appropriate staff training to implement each resident's rights as stated in this section.

E. Any person convicted of violating any provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars ($100.00), nor more than Three Hundred Dollars ($300.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

F. In addition to the penalties provided in this section, an action may be brought against an individual by any resident who is injured by any violation of this section, or who shall suffer injury from any person whose threats would cause a violation of this section if carried through, may maintain an action to prevent, restrain or enjoin a violation or threatened violation. If a violation or threatened violation of this section shall be established in any action, the court shall enjoin and restrain or otherwise prohibit the violation or threatened violation and assess in favor of the plaintiff and against the defendant the cost of the suit. If damages are alleged and proved in the action, the plaintiff shall be entitled to recover from the defendant the actual damages sustained by the plaintiff. If it is proved in an action that the defendant's conduct was willful or in reckless disregard of the rights provided by this section, punitive damages may be assessed.

G. Any employee of a state agency that inspects any nursing facility or special facility shall report any flagrant violations of this act or any other statute to the administrative head of the state agency, who shall immediately take whatever steps are necessary to correct the situation including, when appropriate, reporting the violation to the district attorney of the county in which the violation occurred.

H. Upon the death of a resident who has no sources of payment for funeral services, the facility shall immediately notify appropriate county officials who shall be responsible for funeral and burial procedures of the deceased in the same manner as with any indigent resident of the county.

Added by Laws 1980, c. 241, § 18, eff. Oct. 1, 1980. Amended by Laws 1981, c. 182, § 3; Laws 1982, c. 171, § 1; Laws 1991, c. 127, § 11, emerg. eff. April 29, 1991; Laws 1992, c. 173, § 1, emerg. eff. May 5, 1992; Laws 1996, c. 231, § 4, eff. July 1, 1996; Laws 2001, c. 393, § 3, emerg. eff. June 4, 2001; Laws 2002, c. 138, § 1, eff. Nov. 1, 2002; Laws 2003, c.390, § 8, eff. July 1, 2003; Laws 2018, c. 238, § 1, eff. Nov. 1, 2018.

§63-1-1918.1. Dispensation of certain drugs in bubble pack units - Pilot program.

A. The purpose of this section is to reduce expensive and unnecessary wastage of excess drugs dispensed to residents of nursing homes. In order to determine if the use of bubble pack units and the return and reissuance of unadulterated drugs is cost-effective and administratively efficient there is hereby established a pilot program for dispensing and returning anti-ulcer and antiarthritics in bubble pack units. The pilot program shall terminate January 1, 1998.

B. For the purpose of this study, upon filling a prescription for residents of nursing facilities, a pharmacist shall dispense anti-ulcer and antiarthritics in bubble pack units when available.

C. Any prescription for anti-ulcer and antiarthritics dispensed by a pharmacist in bubble pack units for a resident of a nursing home that is unused and is unadulterated may be returned for credit to the issuing pharmacy. Such medication may be dispensed by the pharmacist to other nursing home patients. The Oklahoma Health Care Authority in concert with the State Board of Pharmacy shall promulgate permanent rules that will provide for the implementation of this subsection. The permanent rules shall be promulgated by the Board pursuant to the provisions of the Administrative Procedures Act.

D. The Oklahoma State Board of Health in concert with the State Board of Pharmacy shall promulgate rules to ensure the integrity of the collection of unadulterated anti-ulcer and antiarthritics within nursing facilities. The rules shall provide for a drug manifest form that shall accompany each shipment of unadulterated anti-ulcer and

antiarthritics in bubble pack units from the nursing facility to the dispensing pharmacy.

E. The State Board of Health shall report the findings of the pilot program to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor by April 1, 1998.

F. For purposes of this section:

1. "Bubble pack units" means a sealed unit of use container packaged by a pharmacy or pharmaceutical manufacturer that bears the name of the drug, expiration date, and the name of the pharmacy dispensing the drug;

2. "Nursing facility" means a facility as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes;

3. "Unadulterated" means medications that are properly stored, labeled and not past the expiration date; and

4. "Antiarthritics" means legend nonsteroidal anti-inflammatory drugs.

Added by Laws 1995, c. 299, § 1, eff. Sept. 1, 1995.

§63-1-1918.2. Renumbered as § 367.3 of Title 59 by Laws 2004, c. 374, § 9, emerg. eff. June 3, 2004.

§63-1-1918A. Repealed by Laws 2005, c. 108, § 4, eff. July 1, 2005.

§63-1-1918B. Intent of Legislature regarding nursing home residents' pain – Nursing homes to assess residents' pain – Rules and regulations regarding pain management.

A. It is the intent of the Legislature that pain experienced by nursing home residents be assessed and treated promptly, effectively, and for as long as pain persists.

B. On and after July 1, 2005, every nursing facility licensed pursuant to the Nursing Home Care Act shall, as a condition of licensure, include pain as an item to be assessed at the same time as vital signs are taken. The nursing facility shall ensure that pain assessment is performed in a consistent manner that is appropriate to the patient. The pain assessment shall be noted in the patient's chart in a manner consistent with other vital signs.

C. The State Board of Health shall promulgate rules, pursuant to recommendations issued by the State Advisory Council on Pain Management, for assessing and documenting pain.

Added by Laws 2004, c. 388, § 2, emerg. eff. June 3, 2004.

§63-1-1919. Person authorized to have access to facilities - Violations - Exemptions.

A. Any employee or agent of a public agency or any representative of a community legal services program or any member of a nonprofit community supported agency which provides health or

social services to the elderly, or any member of a church group, association of older persons or community service club which provides volunteers for service to nursing home residents shall be permitted access at reasonable hours, which shall be 10:00 a.m. to 8:00 p.m., to any individual resident of any facility, if the purpose of such agency, program or organization includes rendering assistance to residents without charge, but only if there is neither a commercial purpose nor affect to such access and if the purpose is to do any of the following:

1. Visit, talk with and make personal, social and legal services available to all residents;

2. Inform residents of their rights and entitlements and their corresponding obligations, under federal and state laws, by means of educational materials and discussions in groups and with individual residents;

3. Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and Social Security benefits, as well as in all other matters in which residents are aggrieved. Assistance may include counseling and litigation; or

4. Engage in other methods of asserting, advising and representing residents so as to extend to them full enjoyment of their rights.

B. All persons entering a facility under this section shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area under this section.

C. This section shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility.

D. Notwithstanding subsection A of this section, the administrator of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes. Any person refused access to a facility may within ten (10) days request a hearing. In that proceeding, the burden of proof as to the right of the facility to refuse access under this section shall be on the facility.

E. This section shall not apply to any inspection team of the Department or any other agency.

Laws 1980, c. 241, § 19, eff. Oct. 1, 1980.

§63-1-1920. Protection of resident's funds.

To protect each resident's funds, the facility or home:

1. Shall reserve a portion of each resident's monthly income, in an amount not less than Twenty-five Dollars ($25.00), as a personal needs allowance for use by the resident, or for use on behalf of the resident by his guardian, or other representative designated by the resident;

2. Shall at the time of admission, provide each resident, or his representative, with a written statement explaining the resident's rights regarding personal funds and listing the services for which the resident will be charged, and obtain a signed acknowledgment from each resident or his representative that he has received the statement;

3. May accept funds from a resident for safekeeping and managing, if the facility or home receives written authorization from the resident or his guardian; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or home or its operations, and who is not connected in any way to facility or home personnel or the administrator in any manner whatsoever;

4. Shall maintain and allow each resident and responsible party access to a written record of all financial arrangements and transactions involving the individual resident's funds;

5. Shall provide each resident, or his representative with a written itemized statement on request, of all financial transactions involving the resident's funds;

6. Shall keep any funds received from a resident for safekeeping in an account separate from the facility's or home's funds and shall maintain such funds as required by the Department of Human Services and federal regulations;

7. Shall return to the resident, upon written request by the resident or his guardian, if court-appointed, all or any part of the resident's funds given the facility or home for safekeeping, including the interest accrued from deposits;

8. Shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility or home has written authorization from the resident or the resident's guardian or if the resident is a minor, his parent, to handle it differently;

9. Unless otherwise provided by state law, upon the death of a resident, shall provide the administrator or executor of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility or home; and

10. If the facility or home is sold, shall provide the buyer with a written verification by a public accountant of all residents'

monies and properties being transferred, and obtain a signed receipt from the new owner.
Amended by Laws 1984, c. 128, § 4, eff. Nov. 1, 1984; Laws 1985, c. 135, § 8, emerg. eff. June 7, 1985.

§63-1-1921. Contracts - Provisions and procedures.

A. A written contract shall be executed between a person or his guardian or responsible party or if the resident is a minor, his parent, and a facility or its agent within one hundred twenty (120) days from the time a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds; if a person is a resident of a facility on the effective date of this act and no legally enforceable contract exists, then a contract as described in this section shall be executed within sixty (60) days after the effective date of this act. If the facility receives or is to receive payment by the state or federal government, an individual contract with the nursing home is not required.

A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 1-1926 through 1-1937 of this title.

B. The contract shall be executed between the resident or the resident's guardian or, if the resident is a minor, his parent or guardian and the licensee.

C. A copy of the contract shall be given to the resident or to the resident's representative at the time of the resident's admission to the facility.

D. A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support.

E. The contract shall be written in clear and unambiguous language and shall be printed in type no smaller than standard typewriter pica or elite type. The general form of the contract shall be prescribed by the Department.

F. The contract shall specify:

1. The term of the contract;

2. The services to be provided under the contract and the charges for the services;

3. The services that may be provided to supplement the contract and the charges for the services;

4. The sources liable for payments due under the contract;

5. The amount of deposit paid; and

6. The rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a

separate document which complies with the requirements of Section 1-1918 of this title.

G. The contract shall designate the name of the resident's representative, if any.

H. The contract shall provide that if the resident dies or is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate immediately. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of his life or to continuing-care contract through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of his life.

Laws 1980, c. 241, § 21, eff. Oct. 1, 1980; Laws 1981, c. 182, § 5.

§63-1-1922. Residents' advisory council.

A. Each facility shall establish a residents' advisory council. The administrator shall designate a member of the facility staff to coordinate the establishment of, and render assistance to, said council.

B. The composition of the residents' advisory council shall be specified by Department regulation, but no employee or affiliate of a facility shall be a member of any such council.

C. The residents' advisory council shall meet at least once each month with the staff coordinator who shall provide assistance to said council in preparing and disseminating a report of each meeting as specified by the regulations to all residents, the administrator, and the staff.

D. Records of the residents' advisory council meetings shall be maintained in the office of the administrator.

E. The residents' advisory council shall communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing residents' rights, facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities.

F. The residents' advisory council shall be forum for:

1. Obtaining and disseminating information;

2. Soliciting and adopting recommendations for facility programming and improvements; and

3. Early identification and recommendation of orderly resolution of problems.

G. The residents' advisory council may present complaints as provided in Section 1-1924 of this title on behalf of a resident to the Department.

Laws 1980, c. 241, § 22, eff. Oct. 1, 1980; Laws 1981, c. 182, § 6.

§63-1-1923. Long-Term Care Facility Advisory Board.

A. There is hereby re-created, to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, a Long-Term Care Facility Advisory Board which shall be composed as follows:

1. The Governor shall appoint a twenty-seven-member Long-Term Care Facility Advisory Board which shall advise the State Commissioner of Health. The Advisory Board shall be comprised of the following persons:

a. one representative from the Office of the State Fire Marshal, designated by the State Fire Marshal,
b. one representative from the Oklahoma Health Care Authority, designated by the Administrator,
c. one representative from the Department of Mental Health and Substance Abuse Services, designated by the Commissioner of Mental Health and Substance Abuse Services,
d. one representative from the Department of Human Services, designated by the Director of Human Services,
e. one member who shall be a licensed general practitioner of the medical profession,
f. one member who shall be a general practitioner of the osteopathic profession,
g. one member who shall be a registered pharmacist,
h. one member who shall be a licensed registered nurse,
i. one member who shall be a licensed practical nurse,
j. three members who shall be of reputable and responsible character and sound physical and mental health and shall be operator-administrators of nursing homes which have current licenses issued pursuant to the Nursing Home Care Act and who shall have had five (5) years' experience in the nursing home profession as operator-administrators,
k. three members who shall be residential care home operator-administrators licensed pursuant to the provisions of the Residential Care Act,
l. three members who shall be adult day care facility owner-operators licensed pursuant to the provisions of the Adult Day Care Act,
m. three members who shall be continuum of care facility or assisted living center owner-operators licensed pursuant to the provisions of the Continuum of Care and Assisted Living Act, and

n. six members who shall be over the age of sixty-five (65) who shall represent the general public;

2. The designated representative from the Office of the State Fire Marshal, the designated representative from the Department of Mental Health and Substance Abuse Services, the designated representative from the Department of Human Services, and the designated representative from the State Department of Health shall serve at the pleasure of their designators;

3. The initial appointments of the Governor shall be for the following terms:

a. the initial term of the member of the medical profession shall be for a three-year term,

b. the initial term of the member of the osteopathic profession shall be for a three-year term,

c. the initial term of the registered pharmacist shall be for a two-year term,

d. the initial term of the licensed registered nurse shall be for a two-year term,

e. the initial term of the licensed practical nurse shall be for a one-year term,

f. of the initial terms for the twelve members who are licensed operator-administrators for facilities pursuant to the Nursing Home Care Act, residential care homes pursuant to the Residential Care Act, adult day care facilities pursuant to the Adult Day Care Act, and continuum of care facilities and assisted living centers pursuant to the Continuum of Care and Assisted Living Act, four shall be for one-year terms, four shall be for two-year terms, and four shall be for three-year terms; provided that representatives for each of the terms shall include one individual representing facilities subject to the provisions of the Nursing Home Care Act, one individual representing residential care homes subject to the Residential Care Act, one individual representing facilities subject to the provisions of the Adult Day Care Act, and one individual representing continuum of care facilities and assisted living centers subject to the provisions of the Continuum of Care and Assisted Living Act, and

g. the initial terms for the six members of the general public over the age of sixty-five (65) shall be for one-, two-, three-, four-, five- and six-year terms respectively; and

4. After the initial designations or appointments, the designated representative from the Office of the State Fire Marshal, the designated representative of the Oklahoma Health Care Authority, the designated representative of the Department of Human Services and

the designated representative of the Department of Mental Health and Substance Abuse Services shall each serve at the pleasure of their designators. All other terms shall be for a three-year period. In case of a vacancy, the Governor shall appoint individuals to fill the remainder of the term.

B. The State Department of Health shall provide a clerical staff worker to perform designated duties of the Advisory Board. The Department shall also provide space for meetings of the Advisory Board.

C. The Advisory Board shall annually elect a chair, vice-chair and secretary-treasurer, shall meet at least quarterly, and may hold such special meetings as may be necessary. The members of the Advisory Board shall be reimbursed as provided for by the State Travel Reimbursement Act.

D. The Advisory Board shall have the power and duty to:

1. Serve as an advisory body to the Department for the development and improvement of services to and care and treatment of residents of facilities subject to the provisions of the Nursing Home Care Act, homes subject to the provisions of the Residential Care Act and facilities subject to the provisions of the Adult Day Care Act;

2. Review, make recommendations regarding, and approve in its advisory capacity the system of standards developed by the Department;

3. Evaluate and review the standards, practices, and procedures of the Department regarding the administration and enforcement of the provisions of the Nursing Home Care Act, the Residential Care Act and the Adult Day Care Act, and the quality of services and care and treatment provided to residents of facilities and residential care homes and participants in adult day care centers. The Board may make recommendations to the Department as necessary and appropriate;

4. Evaluate and review financial accountability standards, policies and practices of residential care facilities regarding residents' funds for which the facility is the payee, and evaluate and review expenditures made on behalf of the resident by the facility to ensure that such funds are managed appropriately and in the best interests of the resident; and

5. Publish and distribute an annual report of its activities and any recommendations for the improvement of services and care and treatment to residents of facilities and residential care homes and participants in adult day care centers on or before January 1 of each year to the Governor, the State Commissioner of Health, the State Board of Health, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chief administrative officer of each agency affected by the report.

Added by Laws 1980, c. 241, § 23, eff. Oct. 1, 1980. Amended by Laws 1984, c. 128, § 5, eff. Nov. 1, 1984; Laws 1986, c. 16, § 1, eff. July 1, 1986; Laws 1987, c. 98, § 27, emerg. eff. May 20, 1987; Laws

1989, c. 192, § 10, eff. Nov. 1, 1989; Laws 1989, c. 345, § 3, eff. Oct. 1, 1989; Laws 1990, c. 51, § 127, emerg. eff. April 9, 1990; Laws 1992, c. 109, § 1, emerg. eff. April 20, 1992; Laws 1995, c. 230, § 17, eff. July 1, 1995; Laws 1998, c. 42, § 1; Laws 2001, c. 17, § 1, eff. July 1, 2001; Laws 2004, c. 25, § 1; Laws 2010, c. 29, § 1; Laws 2014, c. 60, § 1.

§63-1-1923.1. Residents and Family State Council - Toll free hotline.

The State Department of Health shall:

1. Establish a Residents and Family State Council which shall be composed of fifteen (15) members who are, or who have been within the last twelve (12) months, residents, family members, resident volunteer representatives or guardians of residents of nursing facilities licensed pursuant to the Nursing Home Care Act, but shall not include persons representing residents in facilities for the developmentally disabled. The Council shall annually elect a chair and vice-chair, and shall meet at least quarterly. Meetings shall be conducted in the various areas of the state with at least one meeting in each of the four quadrants of the state to allow for participation by family members and residents where possible. The members of the Council shall be reimbursed pursuant to the State Travel Reimbursement Act. The Council may present recommendations to the Long-Term Care Facility Advisory Board created in Section 1-1923 of this title and shall have the power and duty to advise the State Department of Health concerning the development and improvement of services to and care and treatment of residents of facilities subject to the provisions of the Nursing Home Care Act and make recommendations to the Department as necessary and appropriate. The members shall serve at the pleasure of the State Commissioner of Health; and

2. Establish a toll free, twenty-four-hour hotline for filing of complaints against facilities licensed pursuant to the provisions of the Nursing Home Care Act.

Added by Laws 1995, c. 230, § 18, eff. July 1, 1995. Amended by Laws 2013, c. 229, § 52, eff. Nov. 1, 2013.

§63-1-1924. Information which may be disclosed by department.

The following information is subject to disclosure to the public from the Department:

1. Information submitted under Section 40 of this act except information concerning the remuneration of personnel licensed, registered or certified by the Department and monthly charges for an individual private resident;

2. Records of license and certification inspections, surveys and evaluations of facilities, other reports of inspections, surveys and evaluations of resident care, and reports concerning a facility

prepared pursuant to Titles XVIII and XIX of the Social Security Act, subject to the provisions of the Social Security Act; and

3. Complaints filed against a facility and complaint investigation reports, except that a complaint or complaint investigation report shall not be disclosed to a person other than the complainant or complainant's representative before it is disclosed to a facility as provided in Section 40 of this act and, further, except that a complainant or resident's name shall not be disclosed except as provided in Section 40 of this act.

Laws 1980, c. 241, § 24, eff. Oct. 1, 1980.

§63-1-1924.1. Notification of clergy upon impending death.

A. Nursing home personnel shall notify clergy of the faith of a patient, upon the impending death of the patient, when practicable.

B. The State Department of Health shall not use the provisions of subsection A of this section for any purpose relating to inspections or investigations.

Added by Laws 2008, c. 281, § 1, eff. Nov. 1, 2008.

§63-1-1925. Minimum standards for facilities.

The State Department of Health shall prescribe minimum standards for facilities. These standards shall regulate:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety and comfort of residents and protection from fire hazards;

2. Number and qualifications of all personnel, including management and nursing personnel, having responsibility for any part of the care given to residents; specifically, the Department shall establish staffing ratios for facilities which shall specify the number of staff hours per resident of care that are needed for professional nursing care for various types of facilities or areas within facilities;

3. All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents;

4. Diet related to the needs of each resident based on sound nutritional practice and on recommendations which may be made by the physicians attending the resident;

5. Equipment essential to the health and welfare of the residents;

6. Minimum levels of supplies including, but not limited to, food and other perishables;

7. Minimum financial solvency standards to ensure the operation of facilities; and

8. A program of rehabilitation for those residents who would benefit from such programs.
Added by Laws 1980, c. 241, § 25, eff. Oct. 1, 1980. Amended by Laws 2002, c. 230, § 9, eff. Nov. 1, 2002.

§63-1-1925.1. Long-term care facilities - Visiting or residential animals.

The State Board of Health shall establish rules and regulations allowing the use of visiting or residential animals in selected long-term health care facilities in this state. Long-term health care facilities which want animals shall be required to apply to the State Department of Health for approval for residential animals. Such rules and regulations shall be established giving consideration to disease prevention, sanitation, prevention of injury to patients and animals, and other concerns deemed appropriate by the Board.
Added by Laws 1984, c. 52, § 1, eff. Nov. 1, 1984.

§63-1-1925.2. See the following versions:

OS 63-1-1925.2v1 (HB 2341, Laws 2019, c. 475, § 48).

OS 63-1-1925.2v2 (SB 280, Laws 2019, c. 489, § 3).

§63-1-1925.2v1. Reimbursements from Nursing Facility Quality of Care Fund - Staffing ratios - Name and title posting - Rule promulgation - Appeal - Nursing Facility Funding Advisory Committee.

A. The Oklahoma Health Care Authority shall fully recalculate and reimburse nursing facilities and intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) from the Nursing Facility Quality of Care Fund beginning October 1, 2000, the average actual, audited costs reflected in previously submitted cost reports for the cost-reporting period that began July 1, 1998, and ended June 30, 1999, inflated by the federally published inflationary factors for the two (2) years appropriate to reflect present-day costs at the midpoint of the July 1, 2000, through June 30, 2001, rate year.

1. The recalculations provided for in this subsection shall be consistent for both nursing facilities and intermediate care facilities for individuals with intellectual disabilities (ICFs/IID), and shall be calculated in the same manner as has been mutually understood by the long-term care industry and the Oklahoma Health Care Authority.

2. The recalculated reimbursement rate shall be implemented September 1, 2000.

B. 1. From September 1, 2000, through August 31, 2001, all nursing facilities subject to the Nursing Home Care Act, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain the following minimum direct-care-staff-to-resident ratios:

a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every eight residents, or major fraction thereof,
b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every twelve residents, or major fraction thereof, and
c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every seventeen residents, or major fraction thereof.

2. From September 1, 2001, through August 31, 2003, nursing facilities subject to the Nursing Home Care Act and ICFs/IID with seventeen or more beds shall maintain, in addition to other state and federal requirements related to the staffing of nursing facilities, the following minimum direct-care-staff-to-resident ratios:
a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every seven residents, or major fraction thereof,
b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every ten residents, or major fraction thereof, and
c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every seventeen residents, or major fraction thereof.

3. On and after September 1, 2003, subject to the availability of funds, nursing facilities subject to the Nursing Home Care Act and ICFs/IID with seventeen or more beds shall maintain, in addition to other state and federal requirements related to the staffing of nursing facilities, the following minimum direct-care-staff-to-resident ratios:
a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every six residents, or major fraction thereof,
b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every eight residents, or major fraction thereof, and
c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every fifteen residents, or major fraction thereof.

4. Effective immediately, facilities shall have the option of varying the starting times for the eight-hour shifts by one (1) hour before or one (1) hour after the times designated in this section without overlapping shifts.

5. a. On and after January 1, 2004, a facility that has been determined by the State Department of Health to have been in compliance with the provisions of paragraph 3 of this subsection since the implementation date of this subsection, may implement flexible staff scheduling; provided, however, such facility shall continue to maintain a direct-care service rate of at least two and eighty-six one-hundredths (2.86) hours of direct-care service per resident per day.
b. At no time shall direct-care staffing ratios in a facility with flexible staff-scheduling privileges fall below one direct-care staff to every sixteen residents, and at least two direct-care staff shall be on duty and awake at all times.

c. As used in this paragraph, "flexible staff-scheduling" means maintaining:
(1) a direct-care-staff-to-resident ratio based on overall hours of direct-care service per resident per day rate of not less than two and eighty-six one-hundredths (2.86) hours per day,
(2) a direct-care-staff-to-resident ratio of at least one direct-care staff person on duty to every sixteen residents at all times, and
(3) at least two direct-care staff persons on duty and awake at all times.

6. a. On and after January 1, 2004, the Department shall require a facility to maintain the shift-based, staff-to-resident ratios provided in paragraph 3 of this subsection if the facility has been determined by the Department to be deficient with regard to:
(1) the provisions of paragraph 3 of this subsection,
(2) fraudulent reporting of staffing on the Quality of Care Report,
(3) a complaint and/or survey investigation that has determined substandard quality of care, or
(4) a complaint and/or survey investigation that has determined quality-of-care problems related to insufficient staffing.

b. The Department shall require a facility described in subparagraph a of this paragraph to achieve and maintain the shift-based, staff-to-resident ratios provided in paragraph 3 of this subsection for a minimum of three (3) months before being considered eligible to implement flexible staff scheduling as defined in subparagraph c of paragraph 5 of this subsection.

c. Upon a subsequent determination by the Department that the facility has achieved and maintained for at least three (3) months the shift-based, staff-to-resident ratios described in paragraph 3 of this subsection, and has corrected any deficiency described in subparagraph a of this paragraph, the Department shall notify the facility of its eligibility to implement flexible staff-scheduling privileges.

7. a. For facilities that have been granted flexible staff-scheduling privileges, the Department shall monitor and evaluate facility compliance with the flexible staff-scheduling staffing provisions of paragraph 5 of this subsection through reviews of monthly staffing reports, results of complaint investigations and inspections.

b. If the Department identifies any quality-of-care problems related to insufficient staffing in such facility, the Department shall issue a directed plan of correction to the facility found to be out of compliance with the provisions of this subsection.

c. In a directed plan of correction, the Department shall require a facility described in subparagraph b of this paragraph to maintain shift-based, staff-to-resident ratios for the following periods of time:

(1) the first determination shall require that shift-based, staff-to-resident ratios be maintained until full compliance is achieved,

(2) the second determination within a two-year period shall require that shift-based, staff-to-resident ratios be maintained for a minimum period of six (6) months, and

(3) the third determination within a two-year period shall require that shift-based, staff-to-resident ratios be maintained for a minimum period of twelve (12) months.

C. Effective September 1, 2002, facilities shall post the names and titles of direct-care staff on duty each day in a conspicuous place, including the name and title of the supervising nurse.

D. The State Commissioner of Health shall promulgate rules prescribing staffing requirements for intermediate care facilities for individuals with intellectual disabilities serving six or fewer clients (ICFs/IID-6) and for intermediate care facilities for individuals with intellectual disabilities serving sixteen or fewer clients (ICFs/IID-16).

E. Facilities shall have the right to appeal and to the informal dispute resolution process with regard to penalties and sanctions imposed due to staffing noncompliance.

F. 1. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma Health Care Authority to increase the direct-care, flexible staff-scheduling staffing level from two and eighty-six one-hundredths (2.86) hours per day per occupied bed to three and two-tenths (3.2) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based

on an overall three and two-tenths (3.2) hours per day per occupied bed.

2. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma Health Care Authority to increase the direct-care flexible staff-scheduling staffing level from three and two-tenths (3.2) hours per day per occupied bed to three and eight-tenths (3.8) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and ICFs/IID with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based on an overall three and eight-tenths (3.8) hours per day per occupied bed.

3. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma Health Care Authority to increase the direct-care, flexible staff-scheduling staffing level from three and eight-tenths (3.8) hours per day per occupied bed to four and one-tenth (4.1) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and ICFs/IID with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based on an overall four and one-tenth (4.1) hours per day per occupied bed.

4. The Commissioner shall promulgate rules for shift-based, staff-to-resident ratios for noncompliant facilities denoting the incremental increases reflected in direct-care, flexible staff-scheduling staffing levels.

5. In the event that the state Medicaid program reimbursement rate for facilities subject to the Nursing Home Care Act, and ICFs/IID having seventeen or more beds is reduced below actual audited costs, the requirements for staffing ratio levels shall be adjusted to the appropriate levels provided in paragraphs 1 through 4 of this subsection.

G. For purposes of this subsection:

1. "Direct-care staff" means any nursing or therapy staff who provides direct, hands-on care to residents in a nursing facility; and

2. Prior to September 1, 2003, activity and social services staff who are not providing direct, hands-on care to residents may be included in the direct-care-staff-to-resident ratio in any shift. On

and after September 1, 2003, such persons shall not be included in the direct-care-staff-to-resident ratio.

H. 1. The Oklahoma Health Care Authority shall require all nursing facilities subject to the provisions of the Nursing Home Care Act and ICFs/IID with seventeen or more beds to submit a monthly report on staffing ratios on a form that the Authority shall develop.

2. The report shall document the extent to which such facilities are meeting or are failing to meet the minimum direct-care-staff-to-resident ratios specified by this section. Such report shall be available to the public upon request.

3. The Authority may assess administrative penalties for the failure of any facility to submit the report as required by the Authority. Provided, however:

a. administrative penalties shall not accrue until the Authority notifies the facility in writing that the report was not timely submitted as required, and

b. a minimum of a one-day penalty shall be assessed in all instances.

4. Administrative penalties shall not be assessed for computational errors made in preparing the report.

5. Monies collected from administrative penalties shall be deposited in the Nursing Facility Quality of Care Fund and utilized for the purposes specified in the Oklahoma Healthcare Initiative Act.

I. 1. All entities regulated by this state that provide long-term care services shall utilize a single assessment tool to determine client services needs. The tool shall be developed by the Oklahoma Health Care Authority in consultation with the State Department of Health.

2. a. The Oklahoma Nursing Facility Funding Advisory Committee is hereby created and shall consist of the following:

(1) four members selected by the Oklahoma Association of Health Care Providers,

(2) three members selected by the Oklahoma Association of Homes and Services for the Aging, and

(3) two members selected by the State Council on Aging.

The Chair shall be elected by the committee. No state employees may be appointed to serve.

b. The purpose of the advisory committee will be to develop a new methodology for calculating state Medicaid program reimbursements to nursing facilities by implementing facility-specific rates based on expenditures relating to direct care staffing. No nursing home will receive less than the current rate at the time of implementation of facility-specific rates pursuant to this subparagraph.

c. The advisory committee shall be staffed and advised by the Oklahoma Health Care Authority.

d. The new methodology will be submitted for approval to the Board of the Oklahoma Health Care Authority by January 15, 2005, and shall be finalized by July 1, 2005. The new methodology will apply only to new funds that become available for Medicaid nursing facility reimbursement after the methodology of this paragraph has been finalized. Existing funds paid to nursing homes will not be subject to the methodology of this paragraph. The methodology as outlined in this paragraph will only be applied to any new funding for nursing facilities appropriated above and beyond the funding amounts effective on January 15, 2005.

e. The new methodology shall divide the payment into two components:

(1) direct care which includes allowable costs for registered nurses, licensed practical nurses, certified medication aides and certified nurse aides. The direct care component of the rate shall be a facility-specific rate, directly related to each facility's actual expenditures on direct care, and

(2) other costs.

f. The Oklahoma Health Care Authority, in calculating the base year prospective direct care rate component, shall use the following criteria:

(1) to construct an array of facility per diem allowable expenditures on direct care, the Authority shall use the most recent data available. The limit on this array shall be no less than the ninetieth percentile,

(2) each facility's direct care base-year component of the rate shall be the lesser of the facility's allowable expenditures on direct care or the limit,

(3) other rate components shall be determined by the Oklahoma Nursing Facility Funding Advisory Committee in accordance with federal regulations and requirements, and

(4) rate components in divisions (2) and (3) of this subparagraph shall be re-based and adjusted for inflation when additional funds are made available.

3. The Department of Human Services shall expand its statewide toll-free, Senior-Info Line for senior citizen services to include

assistance with or information on long-term care services in this state.

4. The Oklahoma Health Care Authority shall develop a nursing facility cost-reporting system that reflects the most current costs experienced by nursing and specialized facilities. The Oklahoma Health Care Authority shall utilize the most current cost report data to estimate costs in determining daily per diem rates.

J. 1. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs, over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period, and the direct-care, flexible staff-scheduling staffing level has been prospectively funding at four and one-tenth (4.1) hours per day per occupied bed, the Authority may apportion funds for the implementation of the provisions of this section.

2. The Authority shall make application to the United States Centers for Medicare and Medicaid Service for a waiver of the uniform requirement on health-care-related taxes as permitted by Section 433.72 of 42 C.F.R.

3. Upon approval of the waiver, the Authority shall develop a program to implement the provisions of the waiver as it relates to all nursing facilities.

Added by Laws 2000, c. 340, § 4, eff. July 1, 2000. Amended by Laws 2001, c. 428, § 7, emerg. eff. June 5, 2001; Laws 2002, c. 22, § 22, emerg. eff. March 8, 2002; Laws 2002, c. 470, § 1, eff. July 1, 2002; Laws 2004, c. 294, § 1, emerg. eff. May 11, 2004; Laws 2005, c. 216, § 1, eff. Nov. 1, 2005; Laws 2019, c. 475, § 48, eff. Nov. 1, 2019.
NOTE: Laws 2001, c. 331, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§63-1-1925.2v2. Reimbursements from Nursing Facility Quality of Care Fund - Staffing ratios - Name and title posting - Rule promulgation - Appeal - Nursing Facility Funding Advisory Committee.

A. The Oklahoma Health Care Authority shall fully recalculate and reimburse nursing facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) from the Nursing Facility Quality of Care Fund beginning October 1, 2000, the average actual, audited costs reflected in previously submitted cost reports for the cost-reporting period that began July 1, 1998, and ended June 30, 1999, inflated by the federally published inflationary factors for the two (2) years appropriate to reflect present-day costs at the midpoint of the July 1, 2000, through June 30, 2001, rate year.

1. The recalculations provided for in this subsection shall be consistent for both nursing facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID).

2. The recalculated reimbursement rate shall be implemented September 1, 2000.

B. 1. From September 1, 2000, through August 31, 2001, all nursing facilities subject to the Nursing Home Care Act, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain the following minimum direct-care-staff-to-resident ratios:

a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every eight residents, or major fraction thereof,

b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every twelve residents, or major fraction thereof, and

c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every seventeen residents, or major fraction thereof.

2. From September 1, 2001, through August 31, 2003, nursing facilities subject to the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds shall maintain, in addition to other state and federal requirements related to the staffing of nursing facilities, the following minimum direct-care-staff-to-resident ratios:

a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every seven residents, or major fraction thereof,

b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every ten residents, or major fraction thereof, and

c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every seventeen residents, or major fraction thereof.

3. On and after October 1, 2019, nursing facilities subject to the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds shall maintain, in addition to other state and federal requirements related to the staffing of nursing facilities, the following minimum direct-care-staff-to-resident ratios:

a. from 7:00 a.m. to 3:00 p.m., one direct-care staff to every six residents, or major fraction thereof,

b. from 3:00 p.m. to 11:00 p.m., one direct-care staff to every eight residents, or major fraction thereof, and

c. from 11:00 p.m. to 7:00 a.m., one direct-care staff to every fifteen residents, or major fraction thereof.

4. Effective immediately, facilities shall have the option of varying the starting times for the eight-hour shifts by one (1) hour before or one (1) hour after the times designated in this section without overlapping shifts.

5. a. On and after January 1, 2020, a facility may implement twenty-four-hour-based staff scheduling; provided, however, such facility shall continue to maintain a direct-care service rate of at least two and nine tenths (2.9) hours of direct-care service per resident

per day, the same to be calculated based on average direct care staff maintained over a twenty-four-hour period.

b. At no time shall direct-care staffing ratios in a facility with twenty-four-hour-based staff-scheduling privileges fall below one direct-care staff to every fifteen residents or major fraction thereof, and at least two direct-care staff shall be on duty and awake at all times.

c. As used in this paragraph, "twenty-four-hour-based-scheduling" means maintaining:

(1) a direct-care-staff-to-resident ratio based on overall hours of direct-care service per resident per day rate of not less than two and ninety one-hundredths (2.90) hours per day,

(2) a direct-care-staff-to-resident ratio of at least one direct-care staff person on duty to every fifteen residents or major fraction thereof at all times, and

(3) at least two direct-care staff persons on duty and awake at all times.

6. a. On and after January 1, 2004, the State Department of Health shall require a facility to maintain the shift-based, staff-to-resident ratios provided in paragraph 3 of this subsection if the facility has been determined by the Department to be deficient with regard to:

(1) the provisions of paragraph 3 of this subsection,

(2) fraudulent reporting of staffing on the Quality of Care Report, or

(3) a complaint or survey investigation that has determined substandard quality of care as a result of insufficient staffing.

b. The Department shall require a facility described in subparagraph a of this paragraph to achieve and maintain the shift-based, staff-to-resident ratios provided in paragraph 3 of this subsection for a minimum of three (3) months before being considered eligible to implement twenty-four-hour-based staff scheduling as defined in subparagraph c of paragraph 5 of this subsection.

c. Upon a subsequent determination by the Department that the facility has achieved and maintained for at least three (3) months the shift-based, staff-to-resident ratios described in paragraph 3 of this subsection, and has corrected any deficiency described in subparagraph a of this paragraph, the Department shall notify the

facility of its eligibility to implement twenty-four-hour-based staff-scheduling privileges.

7. a. For facilities that utilize twenty-four-hour-based staff-scheduling privileges, the Department shall monitor and evaluate facility compliance with the twenty-four-hour-based staff-scheduling staffing provisions of paragraph 5 of this subsection through reviews of monthly staffing reports, results of complaint investigations and inspections.

b. If the Department identifies any quality-of-care problems related to insufficient staffing in such facility, the Department shall issue a directed plan of correction to the facility found to be out of compliance with the provisions of this subsection.

c. In a directed plan of correction, the Department shall require a facility described in subparagraph b of this paragraph to maintain shift-based, staff-to-resident ratios for the following periods of time:

(1) the first determination shall require that shift-based, staff-to-resident ratios be maintained until full compliance is achieved,

(2) the second determination within a two-year period shall require that shift-based, staff-to-resident ratios be maintained for a minimum period of twelve (12) months, and

(3) the third determination within a two-year period shall require that shift-based, staff-to-resident ratios be maintained. The facility may apply for permission to use twenty-four-hour staffing methodology after two (2) years.

C. Effective September 1, 2002, facilities shall post the names and titles of direct-care staff on duty each day in a conspicuous place, including the name and title of the supervising nurse.

D. The State Commissioner of Health shall promulgate rules prescribing staffing requirements for Intermediate Care Facilities for Individuals with Intellectual Disabilities serving six or fewer clients (ICFs/IID-6) and for Intermediate Care Facilities for Individuals with Intellectual Disabilities serving sixteen or fewer clients (ICFs/IID-16).

E. Facilities shall have the right to appeal and to the informal dispute resolution process with regard to penalties and sanctions imposed due to staffing noncompliance.

F. 1. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma

Health Care Authority to increase the direct-care, flexible staff-scheduling staffing level from two and eighty-six one-hundredths (2.86) hours per day per occupied bed to three and two-tenths (3.2) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based on an overall three and two-tenths (3.2) hours per day per occupied bed.

2. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma Health Care Authority to increase the direct-care flexible staff-scheduling staffing level from three and two-tenths (3.2) hours per day per occupied bed to three and eight-tenths (3.8) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based on an overall three and eight-tenths (3.8) hours per day per occupied bed.

3. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11), plus the increases in actual audited costs over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period and the costs estimated by the Oklahoma Health Care Authority to increase the direct-care, flexible staff-scheduling staffing level from three and eight-tenths (3.8) hours per day per occupied bed to four and one-tenth (4.1) hours per day per occupied bed, all nursing facilities subject to the provisions of the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds, in addition to other state and federal requirements related to the staffing of nursing facilities, shall maintain direct-care, flexible staff-scheduling staffing levels based on an overall four and one-tenth (4.1) hours per day per occupied bed.

4. The Board shall promulgate rules for shift-based, staff-to-resident ratios for noncompliant facilities denoting the incremental increases reflected in direct-care, flexible staff-scheduling staffing levels.

5. In the event that the state Medicaid program reimbursement rate for facilities subject to the Nursing Home Care Act, and

Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) having seventeen or more beds is reduced below actual audited costs, the requirements for staffing ratio levels shall be adjusted to the appropriate levels provided in paragraphs 1 through 4 of this subsection.

G. For purposes of this subsection:

1. "Direct-care staff" means any nursing or therapy staff who provides direct, hands-on care to residents in a nursing facility;

2. Prior to September 1, 2003, activity and social services staff who are not providing direct, hands-on care to residents may be included in the direct-care-staff-to-resident ratio in any shift. On and after September 1, 2003, such persons shall not be included in the direct-care-staff-to-resident ratio, regardless of their licensure or certification status; and

3. The administrator shall not be counted in the direct-care-staff-to-resident ratio regardless of the administrator's licensure or certification status.

H. 1. The Oklahoma Health Care Authority shall require all nursing facilities subject to the provisions of the Nursing Home Care Act and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) with seventeen or more beds to submit a monthly report on staffing ratios on a form that the Authority shall develop.

2. The report shall document the extent to which such facilities are meeting or are failing to meet the minimum direct-care-staff-to-resident ratios specified by this section. Such report shall be available to the public upon request.

3. The Authority may assess administrative penalties for the failure of any facility to submit the report as required by the Authority. Provided, however:

a. administrative penalties shall not accrue until the Authority notifies the facility in writing that the report was not timely submitted as required, and

b. a minimum of a one-day penalty shall be assessed in all instances.

4. Administrative penalties shall not be assessed for computational errors made in preparing the report.

5. Monies collected from administrative penalties shall be deposited in the Nursing Facility Quality of Care Fund and utilized for the purposes specified in the Oklahoma Healthcare Initiative Act.

I. 1. All entities regulated by this state that provide long-term care services shall utilize a single assessment tool to determine client services needs. The tool shall be developed by the Oklahoma Health Care Authority in consultation with the State Department of Health.

2. a. The Oklahoma Nursing Facility Funding Advisory Committee is hereby created and shall consist of the following:
   (1) four members selected by the Oklahoma Association of Health Care Providers,
   (2) three members selected by the Oklahoma Association of Homes and Services for the Aging, and
   (3) two members selected by the State Council on Aging.

The Chair shall be elected by the committee. No state employees may be appointed to serve.

b. The purpose of the advisory committee will be to develop a new methodology for calculating state Medicaid program reimbursements to nursing facilities by implementing facility-specific rates based on expenditures relating to direct care staffing. No nursing home will receive less than the current rate at the time of implementation of facility-specific rates pursuant to this subparagraph.

c. The advisory committee shall be staffed and advised by the Oklahoma Health Care Authority.

d. The new methodology will be submitted for approval to the Board of the Oklahoma Health Care Authority by January 15, 2005, and shall be finalized by July 1, 2005. The new methodology will apply only to new funds that become available for Medicaid nursing facility reimbursement after the methodology of this paragraph has been finalized. Existing funds paid to nursing homes will not be subject to the methodology of this paragraph. The methodology as outlined in this paragraph will only be applied to any new funding for nursing facilities appropriated above and beyond the funding amounts effective on January 15, 2005.

e. The new methodology shall divide the payment into two components:
   (1) direct care which includes allowable costs for registered nurses, licensed practical nurses, certified medication aides and certified nurse aides. The direct care component of the rate shall be a facility-specific rate, directly related to each facility's actual expenditures on direct care, and
   (2) other costs.

f. The Oklahoma Health Care Authority, in calculating the base year prospective direct care rate component, shall use the following criteria:

(1) to construct an array of facility per diem allowable expenditures on direct care, the Authority shall use the most recent data available. The limit on this array shall be no less than the ninetieth percentile,

(2) each facility's direct care base-year component of the rate shall be the lesser of the facility's allowable expenditures on direct care or the limit,

(3) other rate components shall be determined by the Oklahoma Nursing Facility Funding Advisory Committee in accordance with federal regulations and requirements,

(4) prior to July 1, 2020, the Authority shall seek federal approval to calculate the upper payment limit under the authority of CMS utilizing the Medicare equivalent payment rate, and

(5) if Medicaid payment rates to providers are adjusted, nursing home rates and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) rates shall not be adjusted less favorably than the average percentage-rate reduction or increase applicable to the majority of other provider groups.

g. (1) Effective October 1, 2019, if sufficient funding is appropriated for a rate increase, a new average rate for nursing facilities shall be established. The rate shall be equal to the statewide average cost as derived from audited cost reports for SFY 2018, ending June 30, 2018, after adjustment for inflation. After such new average rate has been established, the facility specific reimbursement rate shall be as follows:

(a) amounts up to the existing base rate amount shall continue to be distributed as a part of the base rate in accordance with the existing State Plan, and

(b) to the extent the new rate exceeds the rate effective before the effective date of this act, fifty percent (50%) of the resulting increase on October 1, 2019, shall be allocated toward an increase of the existing base reimbursement rate and distributed accordingly. The remaining fifty percent (50%) of the increase shall be allocated in accordance with the currently approved 70/30

reimbursement rate methodology as outlined in the existing State Plan.

(2) Any subsequent rate increases, as determined based on the provisions set forth in this subparagraph, shall be allocated in accordance with the currently approved 70/30 reimbursement rate methodology. The rate shall not exceed the upper payment limit established by the Medicare rate equivalent established by the federal CMS.

h. Effective October 1, 2019, in coordination with the rate adjustments identified in the preceding section, a portion of the funds shall be utilized as follows:

(1) effective October 1, 2019, the Oklahoma Health Care Authority shall increase the personal needs allowance for residents of nursing homes and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) from Fifty Dollars ($50.00) per month to Seventy-five Dollars ($75.00) per month per resident. The increase shall be funded by Medicaid nursing home providers, by way of a reduction of eighty-two cents ($0.82) per day deducted from the base rate. Any additional cost shall be funded by the Nursing Facility Quality of Care Fund, and

(2) effective January 1, 2020, all clinical employees working in a licensed nursing facility shall be required to receive at least four (4) hours annually of Alzheimer's or Dementia training, to be provided and paid for by the facilities.

3. The Department of Human Services shall expand its statewide toll-free, Senior-Info Line for senior citizen services to include assistance with or information on long-term care services in this state.

4. The Oklahoma Health Care Authority shall develop a nursing facility cost-reporting system that reflects the most current costs experienced by nursing and specialized facilities. The Oklahoma Health Care Authority shall utilize the most current cost report data to estimate costs in determining daily per diem rates.

5. The Oklahoma Health Care Authority shall provide access to the detailed Medicaid payment audit adjustments and implement an appeal process for disputed payment audit adjustments to the provider. Additionally, the Oklahoma Health Care Authority shall make sufficient revisions to the nursing facility cost reporting forms and electronic data input system so as to clarify what expenses are allowable and appropriate for inclusion in cost calculations.

J. 1. When the state Medicaid program reimbursement rate reflects the sum of Ninety-four Dollars and eleven cents ($94.11),

plus the increases in actual audited costs, over and above the actual audited costs reflected in the cost reports submitted for the most current cost-reporting period, and the direct-care, flexible staff-scheduling staffing level has been prospectively funded at four and one-tenth (4.1) hours per day per occupied bed, the Authority may apportion funds for the implementation of the provisions of this section.

2. The Authority shall make application to the United States Centers for Medicare and Medicaid Service for a waiver of the uniform requirement on health-care-related taxes as permitted by Section 433.72 of 42 C.F.R.

3. Upon approval of the waiver, the Authority shall develop a program to implement the provisions of the waiver as it relates to all nursing facilities.

Added by Laws 2000, c. 340, § 4, eff. July 1, 2000. Amended by Laws 2001, c. 428, § 7, emerg. eff. June 5, 2001; Laws 2002, c. 22, § 22, emerg. eff. March 8, 2002; Laws 2002, c. 470, § 1, eff. July 1, 2002; Laws 2004, c. 294, § 1, emerg. eff. May 11, 2004; Laws 2005, c. 216, § 1, eff. Nov. 1, 2005; Laws 2019, c. 489, § 3, eff. Oct. 1, 2019.
NOTE: Laws 2001, c. 331, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§63-1-1925.3. Repealed by Laws 2002, c. 112, § 10, eff. Dec. 31, 2002.

§63-1-1925.4. Disaster and emergency evacuation plans - Disclosure.

A. Upon admittance into the facility, nursing facilities and specialized facilities that do not have emergency power generators available or a written disaster plan on file during an emergency situation shall provide a written disclosure to any resident or resident's caregiver stating that the facility does not have either a generator available or a written disaster plan on file during an emergency situation.

B. All nursing facilities, assisted living centers, residential care homes and specialized facilities shall have an emergency evacuation plan in place. Such plan shall be coordinated and on file at the local emergency management agency. Such plan shall also be filed with the State Department of Health.

C. For purposes of this section, “assisted living center” shall have the same meaning as specified in Section 1-890.2 of Title 63 of the Oklahoma Statutes, and "nursing facility", “residential care home” and "specialized facility" shall have the same meaning as specified in Section 1-1902 of Title 63 of the Oklahoma Statutes.

D. The State Board of Health may promulgate rules as necessary to implement the provisions of this section, including, but not limited to, requirements for disclosure and enforcement.

Added by Laws 2012, c. 265, § 1, eff. Nov. 1, 2012.

§63-1-1926. Involuntary transfer or discharge of resident - Grounds.

A facility shall not involuntarily transfer or discharge a resident except for medical reasons, for the resident's safety or for the safety of other residents, or for nonpayment for the resident's stay, unless limited by the Federal Social Security Act.

Laws 1980, c. 241, § 26, eff. Oct. 1, 1980.

§63-1-1927. Notice of involuntary transfer or discharge.

Involuntary transfer or discharge of a resident from a facility shall be preceded by a minimum written notice of ten (10) days. The ten day requirement shall notapply in any of the following instances:

1. When an emergency transfer or discharge is mandated by the resident's health care needs and is in accordance with the written orders and medical justification of the attending physician; or

2. When the transfer or discharge is necessary for the physical safety of other residents as documented in the clinical record.

Added by Laws 1980, c. 241, § 27, eff. Oct. 1, 1980.

§63-1-1928. Rules and regulations for transfer of residents by facility or home.

The Department shall develop reasonable rules and regulations that establish appropriate criteria for the transfer of residents initiated by a facility or a residential care home, including notice and hearings if the resident is aggrieved by the decision. The primary purpose and emphasis of the departmental rules and regulations shall be the preservation of the health, welfare, and safety of the residents.

The process of developing these rules and regulations shall include the consideration of advice and comments from the Long-Term Care Facility Advisory Board, representatives of nursing homes, residential care homes, and representatives of statewide organizations for the elderly.

Amended by Laws 1984, c. 128, § 6, eff. Nov. 1, 1984; Laws 1987, c. 98, § 28, emerg. eff. May 20, 1987.

§63-1-1929. Rules and regulations for transfer of resident by Department.

The Department shall develop reasonable rules and regulations that establish appropriate criteria for the transfer of residents initiated by the Department in emergency situations, including notice and hearings if the resident is aggrieved by the decision. The primary purpose and emphasis of the departmental rules and regulations shall be the preservation of the health, welfare, and safety of the residents. In addition, the Department of Human Services shall cooperate with the Health Department and the Department of Mental Health and Substance Abuse Services to provide

assistance in relocation of residents, to provide casework services, and in other ways to minimize the impact of the transfer on the residents.

In the development of these rules and regulations, the Department shall consider advice and comments from the Long-Term Care Facility Advisory Board, representatives of the nursing home residential care home industries, and representatives of statewide organizations for the elderly.

Amended by Laws 1984, c. 128, § 7, eff. Nov. 1, 1984; Laws 1987, c. 98, § 29, emerg. eff. May 20, 1987; Laws 1990, c. 51, § 128, emerg. eff. April 9, 1990.

§63-1-1930. Voluntary closing of facility - Notice - Alternative placement of residents - Relocation assistance.

Any owner of a facility licensed under this act shall give ninety (90) days' notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than ten percent (10%) of the residents. Such notice shall be given to the Department, to any resident who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The facility shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternative placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. The Department may place a relocation team in the facility if needed. Also, the Department may promulgate rules and regulations that establish criteria for the acceleration of the notice requirement if extraordinary circumstances warrant it.

Laws 1980, c. 241, § 30, eff. Oct. 1, 1980.

§63-1-1930.1. Notification of Department of certain events.

A. The owner of a nursing facility shall notify the State Department of Health within twenty-four (24) hours of the occurrence of any of the events specified in subsection B of this section. Such notification may be in written form. When initial notification to the Department is made by telephone or telephone facsimile, it shall be followed by a written confirmation within five (5) calendar days.

B. The occurrence of any of the following events shall require notification pursuant to the provisions of subsection A of this section:

1. The owner of a facility receives notice that a judgment or tax lien has been levied against the facility or any of the assets of the facility or the licensee;

2. A financial institution refuses to honor a check or other instrument issued by the owner, operator or manager to its employees for a regular payroll;

3. The supplies, including food items and other perishables, on hand in the facility fall below the minimum specified in the Nursing Home Care Act or rules promulgated thereto by the State Board of Health;

4. The owner, operator or manager fails to make timely payment of any tax of any governmental agency;

5. The filing of a bankruptcy petition under Title 7 or Title 11 of the United States Code or any other laws of the United States, by any person or entity with a controlling interest in the facility;

6. The appointment of a trustee by the bankruptcy court; and

7. The filing of a petition in any jurisdiction by any person seeking appointment of a receiver for the facility.

Added by Laws 2002, c. 230, § 10, eff. Nov. 1, 2002. Amended by Laws 2003, c. 429, § 1, emerg. eff. June 6, 2003.

§63-1-1930.2. Petition to place facility under control of receiver - Hearing - Emergency hearing - Ex parte receivership.

A. Whenever a determination is made that one of the following conditions exists, the State Commissioner of Health shall take whatever steps necessary to protect the health, welfare and safety of the residents including, if necessary, petitioning the court to place the facility under the control of a receiver to ensure that the residents receive adequate care:

1. The facility is operating without a license;

2. The State Department of Health has suspended, revoked or refused to renew the existing license of the facility;

3. The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure;

4. An emergency exists, whether or not the Department has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the licensee to remedy the emergency, the appointment of a receiver is necessary; or

5. It is necessary to ensure that the residents get adequate care in a situation in which the residents' health and safety are threatened.

B. The court shall hold a hearing within five (5) days of the filing of the petition. The petition and notice of the hearing shall be served on the owner, administrator or designated agent of the facility and the petition and notice of hearing shall be posted in a

conspicuous place in the facility not later than three (3) days before the time specified for the hearing, unless a different time limit is fixed by order of the court. The court shall appoint a receiver for a limited time period, not to exceed one hundred eighty (180) days, which shall automatically terminate the receivership unless extended by the court.

C. If a petition filed under this section alleges an emergency exists, the court may set the matter for hearing at the earliest possible time. The petitioner shall notify the licensee, administrator of the facility or registered agent of the licensee more than five (5) days prior to the hearing. Any form of written notice may be used. A receivership shall not be established ex parte by the court unless the Commissioner, under oath, has provided a statement that the Commissioner has personally determined that there is a life-endangering situation. A waiver of the five-day notice requirement may be approved by the court in life-endangering situations as determined and confirmed under oath, by the Commissioner.

Added by Laws 2002, c. 230, § 11, eff. Nov. 1, 2002.

§63-1-1930.3. Powers and duties of receiver – Liability - Limited duration license.

A. The court may appoint any qualified person as a receiver, except it shall not appoint any owner or affiliate of the facility which is in receivership as its receiver. The State Department of Health shall maintain a list of such persons to operate facilities which the court may consider.

B. The receiver shall make provisions for the continued health, safety and welfare of all residents of the facility.

C. A receiver appointed under this section shall exercise those powers and shall perform those duties set out by the court. These powers and duties may include those generally ascribed to receivers and receiverships and may also include the powers and duties of trustees under the 1978 Bankruptcy Code. The court shall provide for the receiver to have sufficient power and duties to ensure that the residents receive adequate care.

D. All funds due to the facility from any source during the pendency of the receivership shall be made available to the receiver who shall use the funds to assure the health and safety of the facility’s residents.

E. A receiver may be held liable in a personal capacity only for the receiver’s own gross negligence, intentional acts or breaches of fiduciary duty.

F. Other provisions of this section notwithstanding, the Department may issue a license to a facility placed in receivership. The duration of a license issued under this section is limited to the duration of the receivership.

Added by Laws 2002, c. 230, § 12, eff. Nov. 1, 2002.

§63-1-1930.4. Termination of receivership.

A. The court may terminate a receivership:

1. If the time period specified in the order appointing the receiver elapses and is not extended;

2. If the court determines that the receivership is no longer necessary because the conditions which gave rise to the receivership no longer exist or the State Department of Health grants the facility a new license; or

3. If all of the residents in the facility have been transferred or discharged.

B. 1. Within thirty (30) days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected, and of the expenses of the receivership.

2. If the operating funds exceed the reasonable expenses of the receivership, the court shall order payment of the surplus to the owner. If the operating funds are insufficient to cover the reasonable expenses of the receivership, the owner shall be liable for the deficiency.

3. The Department shall have a lien for any payment made to the receiver upon any beneficial interest, direct or indirect, of any owner in the following property:

a. the building in which the facility is located,

b. any fixtures, equipment or goods used in the operation of the facility,

c. the land on which the facility is located, or

d. the proceeds from any conveyance of property described in subparagraph a, b or c of this paragraph, made by the owner within one (1) year prior to the filing of the petition for receivership.

4. The receiver shall, within sixty (60) days after termination of the receivership, file a notice of any lien created under this section.

Added by Laws 2002, c. 230, § 13, eff. Nov. 1, 2002.

§63-1-1930.5. Liability of facility owner, administrator or employee notwithstanding receivership.

Notwithstanding the general rules of receiverships and trustees, nothing in Sections 10 through 13 of this act shall be deemed to relieve any owner, administrator or employee of a facility placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the owner, administrator or employee prior to the appointment of a receiver; provided, that nothing contained in this act shall be construed to suspend during the receivership any obligation of the owner,

administrator or employee for payment of taxes or other operating and maintenance expenses of the facility or of the owner, administrator, employee or any other person for the payment of mortgage or liens. The owner shall retain the right to sell or mortgage any facility under receivership, subject to approval of the court which ordered the receivership.
Added by Laws 2002, c. 230, § 14, eff. Nov. 1, 2002.

§63-1-1931. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1932. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1933. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1934. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1935. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1936. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1937. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1938. Repealed by Laws 1995, c. 230, § 21, eff. July 1, 1995.

§63-1-1939. Liability to residents - Injunctive and declaratory relief - Damages - Waiver of rights - Jury trial - Retaliation against residents - Immunity - Report of abuse or neglect and other serious incidents.

A. The owner and licensee are liable to a resident for any intentional or negligent act or omission of their agents or employees which injures the resident. In addition, any state employee that aids, abets, assists, or conspires with an owner or licensee to perform an act that causes injury to a resident shall be individually liable.

B. A resident may maintain an action under the Nursing Home Care Act for any other type of relief, including injunctive and declaratory relief, permitted by law.

C. Any damages recoverable under this section, including minimum damages as provided by this section, may be recovered in any action which a court may authorize to be brought as a class action. The remedies provided in this section, are in addition to and cumulative with any other legal remedies available to a resident. Exhaustion of any available administrative remedies shall not be required prior to commencement of suit hereunder.

D. Any waiver by a resident or the legal representative of the resident of the right to commence an action under this section,

whether oral or in writing, shall be null and void, and without legal force or effect.

E. Any party to an action brought under this section shall be entitled to a trial by jury and any waiver of the right to a trial by a jury, whether oral or in writing, prior to the commencement of an action, shall be null and void, and without legal force or effect.

F. A licensee or its agents or employees shall not transfer, discharge, evict, harass, dismiss or retaliate against a resident, a resident's guardian or an employee or agent who makes a report, brings, or testifies in, an action under this section, or files a complaint because of a report, testimony or complaint.

G. Any person, institution or agency, under the Nursing Home Care Act, participating in good faith in the making of a report, or in the investigation of such a report shall not be deemed to have violated any privileged communication and shall have immunity from any liability, civil or criminal, or any other proceedings, civil or criminal, as a consequence of making such report. The good faith of any persons required, or permitted to report cases of suspected resident abuse or neglect under this act shall be presumed.

H. A facility employee or agent who becomes aware of abuse, neglect or exploitation of a resident prohibited by the Nursing Home Care Act shall immediately report the matter to the facility administrator. A facility administrator who becomes aware of abuse, neglect, or exploitation of a resident shall immediately act to rectify the problem and shall make a report of the incident and its correction to the Department.

I. 1. The facility shall be responsible for reporting the following serious incidents to the Department within twenty-four (24) hours:

a. communicable diseases,

b. deaths by unusual occurrence, including accidental deaths or deaths other than by natural causes, and deaths that may be attributed to a medical device,

c. missing residents. In addition, the facility shall make a report to local law enforcement agencies within two (2) hours if the resident is still missing,

d. situations arising where a rape or a criminal act is suspected. Such situations shall also be reported to local law enforcement immediately. The facility shall make every effort to preserve the scene of the suspected rape or crime until local law enforcement has arrived, and

e. resident abuse, neglect and misappropriation of the property of a resident.

2. All other incident reports shall be made in accordance with federal law.

3. All initial written reports of incidents or situations shall be mailed to the Department within five (5) working days after the incident or situation. The final report shall be filed with the Department when the full investigation is complete.
Added by Laws 1980, c. 241, § 39, eff. Oct. 1, 1980. Amended by Laws 2003, c. 429, § 2, emerg. eff. June 6, 2003; Laws 2010, c. 221, § 1, eff. Nov. 1, 2010.

§63-1-1940. Violations declared public nuisance - Injunction - Complaints.

A. The operation or maintenance of a facility in violation of the Nursing Home Care Act or rules promulgated by the State Board of Health, pursuant thereto, is hereby declared a public nuisance, inimical to the public welfare.

B. The State Commissioner of Health or the Department of Human Services, in the name of the people of the state, through the Attorney General, or the district attorney of the county in which the facility is located, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such facility.

C. 1. Any person with personal knowledge or substantial specific information who believes that the Nursing Home Care Act, a rule promulgated thereto, or a federal certification rule applying to a facility may have been violated may file a complaint.

2. The complaint may be submitted to the State Department of Health, in writing, by telephone, or personally. An oral complaint shall be reduced to writing by the Department.

3. Any person who willfully or recklessly makes a false complaint or a report without a reasonable basis in fact for such a complaint, under the provisions of the Nursing Home Care Act, shall be liable in a civil suit for any actual damages suffered by a facility for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury when deemed proper by the court or jury.

4. The substance of the complaint shall be provided to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility which takes place pursuant to the complaint.

5. Upon receipt of a complaint pursuant to this subsection, the Department shall determine whether the Nursing Home Care Act, a rule promulgated pursuant thereto, or a federal certification rule for facilities has been or is being violated and whether the Department has jurisdiction over the complaint area. If the Department does not have jurisdiction over the complaint area, the complaint shall not be investigated by the Department and notice of the decision not to investigate shall be given to the complainant. The complaint shall

be immediately referred to the appropriate agency having jurisdiction over the complaint area. A report summarizing the complaint investigation shall be made in writing. The Department shall give priority to investigations of complaints which allege continuing violations or which threaten the health and safety of residents.

6. In all cases, the Department shall inform the complainant of its findings within ten (10) working days of its determination unless otherwise indicated by the complainant. The complainant may direct the Department to send a copy of such findings to one other person. The notice of such findings shall include a copy of the written determination, the remedial action taken, if any, and the state licensure or federal certification, or both, on which the violation is listed.

D. 1. Upon receipt of a complaint submitted to the State Department of Health by the Department of Human Services or the Attorney General which alleges a violation of the Nursing Home Care Act, any rule promulgated thereto, or federal certification rules, and which also alleges that such violation is a serious threat to the health, safety and welfare of a resident of a nursing facility, the State Department of Health shall take immediate action to remedy the violation based upon the complaint of the Department of Human Services.

2. The Department of Human Services or the Attorney General as applicable shall be deemed a party pursuant to the Administrative Procedures Act for purposes of any complaint made by the Department of Human Services or the Attorney General as applicable to the State Department of Health for violations of the Nursing Home Care Act, rules promulgated thereto or federal certification rules.

a. Within thirty (30) days of receipt of a final investigative report submitted by the Department of Human Services or the Attorney General as applicable pursuant to this section, the State Department of Health shall provide the Department of Human Services with a written summary of any action taken pertaining to the complaint including, but not limited to, any inspection or actions which may be taken by the State Department of Health.

b. Whenever the Department of Human Services or the Attorney General as applicable believes that the conditions giving rise to a complaint alleging a serious threat to the health, safety and welfare of a resident of a nursing facility have not been adequately addressed, the Department of Human Services may request a hearing on the complaint as provided by Section 309 of Title 75 of the Oklahoma Statutes.

E. A written determination, notice of violation and remedial action taken concerning a complaint shall be available for public inspection at the facility.

F. The Department shall seek any remedial action provided under the Nursing Home Care Act for violations documented during complaint investigations.

G. The State Board of Health shall promulgate rules governing the receipt, investigation and resolution of complaints and reports of violations. The rules promulgated by the Board shall provide for the expeditious investigation and resolution of a complaint or report including, but not limited to:

1. An easily understood and readily accessible method of submitting complaints and reports regarding complaints;

2. Actions to be taken upon the receipt of a complaint or report of a complaint;

3. Establishing a priority for investigations of complaints. Specifically, the Department shall give higher priority to investigations of complaints which allege continuing violations or which threaten the health, safety or welfare of residents;

4. The timely investigation of the complaint or report of a complaint;

5. Written reports to the complainants or persons filing the complaint report;

6. Any necessary or appropriate remedial action as determined by the findings of the investigation;

7. The protection of the identity of the complainant, provided that the person is a current or past resident or resident's representative or designated guardian or a current or past employee of a facility;

8. Specific information to be included in investigative protocols which must include at a minimum an interview with:

a. the complainant,

b. the resident, if possible, and

c. any potential witness, collateral resource or affected resident; and

9. Any additional rules necessary for the timely and thorough investigation and resolution of complaints.

H. The Department is authorized to employ hearing officers, and hire attorneys to represent the Department and Commissioner to ensure that this and other laws pertaining to the Department are properly executed.

Added by Laws 1980, c. 241, § 40, eff. Oct. 1, 1980. Amended by Laws 1995, c. 230, § 19, eff. July 1, 1995; Laws 2000, c. 340, § 17, eff. July 1, 2000; Laws 2001, c. 379, § 1, emerg. eff. June 4, 2001.

NOTE: Laws 2001, c. 393, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§63-1-1941. Copies of complaints, inspection or survey results to Ombudsman Program of Special Unit on Aging.

All state agencies receiving complaints on, or conducting surveys or inspections of, nursing home facilities shall forward complete copies of complaints or of inspection or survey results to the Ombudsman Program of the Special Unit on Aging.

Laws 1980, c. 241, § 41, eff. Oct. 1, 1980.

§63-1-1942. Rules and regulations.

The Department shall have the power to adopt rules and regulations in furtherance of the purpose of this act.

Laws 1980, c. 241, § 42, eff. Oct. 1, 1980.

§63-1-1943. Application of Administrative Procedure Act.

The provisions of the Oklahoma Administrative Procedures Act shall apply to all administrative rules and procedures of the Department under this act.

Laws 1980, c. 241, § 43, eff. Oct. 1, 1980.

§63-1-1943.1. Administrator of record for multiple facilities.

The State Department of Health may authorize long-term care administrators to be the administrator of record for more than one facility, provided that the facilities are within a fifty-mile radius of each other, the sum total of the administrator's responsibility does not exceed more than one hundred twenty (120) occupied beds, and each facility retains an assistant administrator. This provision shall not apply to direct care staff.

Added by Laws 2007, c. 347, § 9, eff. Nov. 1, 2007.

§63-1-1944. Short title.

Sections 2 through 6 of this act shall be known and may be cited as the "Long-term Care Security Act".

Added by Laws 2005, c. 465, § 2, emerg. eff. June 9, 2005.

§63-1-1945. Definitions.

For purposes of the Long-term Care Security Act:

1. "Long-term care facility" means:
    a. a nursing facility, specialized facility, or residential care home as defined by Section 1-1902 of this title,
    b. an adult day care center as defined by Section 1-872 of this title,
    c. skilled nursing care provided in a distinct part of a hospital as defined by Section 1-701 of this title,
    d. an assisted living center as defined by Section 1-890.2 of this title,

e. the nursing care component of a continuum of care facility as defined under the Continuum of Care and Assisted Living Act,
f. the nursing care component of a life care community as defined by the Long-term Care Insurance Act, or
g. a residential care home as defined by Section 1-820 of this title;

2. "Ombudsman" means the individual employed by the Department of Human Services as the State Long-Term Care Ombudsman;

3. "Nurse aide" means any person who provides, for compensation, nursing care or health-related services to residents in a nursing facility, a specialized facility, a residential care home, continuum of care facility, assisted living center or an adult day care center and who is not a licensed health professional. Such term also means any person who provides such services to individuals in their own homes as an employee or contract provider of a home health or home care agency, or as a contract provider of the Oklahoma Personal Care Program;

4. "Employer" means any of the following facilities, homes, agencies or programs which are subject to the provisions of Section 1-1947 of this title:

a. a nursing facility or specialized facility as such terms are defined in the Nursing Home Care Act,
b. a residential care home as such term is defined by the Residential Care Act,
c. an adult day care center as such term is defined in the Adult Day Care Act,
d. an assisted living center as such term is defined by the Continuum of Care and Assisted Living Act,
e. a continuum of care facility as such term is defined by the Continuum of Care and Assisted Living Act,
f. a home health or home care agency,
g. the Department of Human Services, in its capacity as an operator of any hospital or health care institution or as a contractor with providers under the Oklahoma Personal Care Program,
h. a hospice agency as such term is defined in the Oklahoma Hospice Licensing Act,
i. a Medicaid home- and community-based services waivered provider as defined in Section 1915(c) or 1915(i) of the Federal Social Security Act,
j. a staffing agency with a contracted relationship to provide staff with direct patient access to service recipients of one or more of the other employers listed in this paragraph, and
k. an independent contractor where the independent contractor has a contracted relationship to provide

staff or services with direct patient access to service recipients for one or more of the employers listed in this paragraph;

5. "Home health or home care agency" means any person, partnership, association, corporation or other organization which administers, offers or provides health care services or supportive assistance for compensation to three or more ill, disabled, or infirm persons in the temporary or permanent residence of such persons, and includes any subunits or branch offices of a parent home health or home care agency;

6. "Bureau" means the Oklahoma State Bureau of Investigation;

7. "FBI" means the Federal Bureau of Investigation;

8. "Applicant" means an individual who applies for employment with an employer, applies to work as an independent contractor to an employer, applies to provide services to service recipients through the granting of clinical privileges by an employer, or applies to a nurse aide scholarship program;

9. "Direct patient access" means access to a service recipient of an employer, through employment, independent contract, or the granting of clinical privileges, in which the performance of duties involves, or may involve one-on-one contact with a service recipient of the employer on an ongoing basis. The term shall include access to a service recipient's property, medical information or financial information. The term does not include a volunteer unless the volunteer has duties that are equivalent to the duties of a direct patient access employee and those duties involve one-on-one contact with a service recipient of an employer, without line-of-sight supervision by employer staff;

10. "Independent contract" means a contract entered into by an employer with an individual who provides the contracted services independently or a contract entered into by an employer with an organization or agency that employs or contracts with an individual after complying with the requirements of this section to provide the contracted services to the employer on behalf of the organization or agency;

11. "Medicare" means benefits under the Federal Medicare Program established under Title XVIII of the Social Security Act, Title 42 of the United States Code, Sections 1395 to 1395hhh;

12. "Registry screening" means a review of those registries identified in subsection D of Section 1-1947 of this title;

13. "Department" means the State Department of Health;

14. "Nurse aide scholarship program" means a nurse aide training program operated under contract with the Oklahoma Health Care Authority for the purpose of providing free training to prospective nurse aides in exchange for employment in a SoonerCare contracted facility; and

15. "Service recipient" means a patient, resident, participant, consumer, client, or member receiving services from an employer.
Added by Laws 2005, c. 465, § 3, emerg. eff. June 9, 2005. Amended by Laws 2012, c. 358, § 1, eff. Nov. 1, 2012.

§63-1-1946. Notification of sex or violent offender status.

A. 1. The Department of Corrections shall immediately notify the State Department of Health of any person who is registered pursuant to the Sex Offenders Registration Act or any person who is registered pursuant to the Mary Rippy Violent Crime Offenders Registration Act who is seeking placement from a Department of Corrections facility to any long-term care facility in this state. Upon receipt of such notification, the State Department of Health shall notify the long-term care facility in which the sex offender is seeking placement.

2. The State Board of Health shall promulgate rules requiring long-term care facilities to determine from the local law enforcement authority or the Department of Corrections the registration status of the following individuals who are required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act:

a. an applicant for admission to a long-term care facility,
b. a resident of a long-term care facility, and
c. an employee of a long-term care facility.

3. Once a long-term care facility is notified that an individual who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act is residing at such facility, the facility shall immediately in writing notify the State Department of Health.

B. Upon the effective date of this act, when the Department of Corrections knows of an offender who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act is being released from Department of Corrections jurisdiction, the Department of Corrections shall immediately notify the State Department of Health.
Added by Laws 2005, c. 465, § 4, emerg. eff. June 9, 2005.

§63-1-1947. Employee background checks.

A. 1. The State Department of Health and the Department of Human Services shall conduct criminal history background checks on all current employees and applicants for employment of the State Department of Health and Department of Human Services whose responsibilities include working inside long-term care facilities on behalf of the State Department of Health or the Department of Human Services.

2. A criminal history background check shall be conducted on the following individuals whose responsibilities include working inside long-term care facilities:

a. any current employee of or applicant for employment with the State of Oklahoma,
b. any individual contracting with the State of Oklahoma,
c. any individual volunteering for a state-sponsored program,
d. any individual contracting with the Department of Human Services Advantage Waiver Program who enters any long-term care facility,
e. any individual providing services to the disabled or elderly in a facility or client's home, and
f. any individual employed by or volunteering for the State Long-term Care Ombudsman Program.

3. The State Department of Health and the Department of Human Services shall not hire or continue employment of an individual that has been convicted of the crimes listed in Section 1-1950.1 of this title. The criminal history background checks required by this section shall follow the requirements of Section 1-1950.1 of this title.

B. The State Department of Health and the Department of Human Services shall also submit a list of all employees of the State Department of Health and the Department of Human Services who work inside long-term care facilities to the Department of Corrections. The Department of Corrections shall promptly notify the State Department of Health and the Department of Human Services of any employee who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.

C. The State Department of Health shall conduct an employment screening prior to an offer of employment to a Health Facilities Surveyor applicant. Each applicant shall fully disclose all employment history and professional licensure history, including actions taken regarding licensure. The Department shall review the compliance history of the facilities during the time of the applicant's employment. If the applicant served as Director of Nursing or as an administrator during a survey that resulted in substandard quality of care and the facility failed to achieve compliance in an appropriate and timely manner, the applicant shall not be considered for employment. The Department shall also review professional licensure history of each applicant, including actions to suspend or revoke licenses by the Board of Nursing Home Administrators, Board of Nurse Licensure, or other applicable related licenses. Failure to fully disclose employment history and professional licensure actions shall constitute grounds for dismissal or prohibit employment as a surveyor.

D. Except as otherwise provided by subsection F of this section, an employer shall not employ, independently contract with, or grant clinical privileges to any individual who has direct patient access to service recipients of the employer, if one or more of the following are met:

1. If the results of a state and national criminal history records check reveal that the subject person has failed to act in conformity with all federal, state and municipal laws as applicable to his or her professional license, certification, permit or employment class, as established by the authority having jurisdiction for the subject person's professional license, certification, permit, or employment class;

2. If the individual is currently subject to an exclusion as described under Title 42 of the United States Code, Section 1320a-7;

3. If the individual is currently the subject of a substantiated finding of neglect, abuse, verbal abuse, misappropriation of property, maltreatment, or exploitation, by any state or federal agency pursuant to an investigation conducted in accordance with Title 42 of the United States Code, Section 1395i-3(g)(1)(c) or 1396r(g)(1)(c), or Section 1-1950.7 or 1-1951 of this title;

4. If the individual is entered on the community services worker registry pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

5. If the individual is recorded on the Child Care Restricted Registry pursuant to Section 405.3 of Title 10 of the Oklahoma Statutes;

6. If the individual is registered pursuant to the Sex Offenders Registration Act, the Mary Rippy Violent Crime Offenders Registration Act, or registered on another state's sex offender registry; or

7. If the individual has direct patient access in an employment class not otherwise described in this subsection and is subject to a disqualifying condition identified in subsection B of Section 1-1950.1 of this title.

E. If the results of a registry screening or criminal history check reveal that an employee or a person hired, contracted with, or granted clinical privileges on a temporary basis pursuant to subsection L of this section has been disqualified pursuant to subsection D of this section, the Department shall advise the employer or requesting agency to immediately terminate the person's employment or contract.

F. Except as otherwise provided in subsection L of this section, an employer shall not employ, independently contract with, or grant privileges to, an individual who regularly has direct patient access to service recipients of the employer until the employer conducts a registry screening and criminal history record check in compliance with subsection I of this section. This subsection and subsection D of this section shall not apply to the following:

1. An individual who is employed by, under independent contract to, or granted clinical privileges with, an employer on or before November 1, 2012. An individual who is exempt under this subsection is not limited to working within the employer with which he or she is employed, under independent contract to, or granted clinical privileges. That individual may transfer to another employer that is under the same ownership with which he or she was employed, under contract, or granted privileges. If that individual wishes to transfer to another employer that is not under the same ownership, he or she may do so provided that a registry screening and criminal history record check are conducted by the new employer in accordance with subsection I of this section.

a. If an individual who is exempt under this subsection is subsequently found, upon seeking transfer to another employer, ineligible for employment, independent contract, or clinical privileges, as provided in subsection D of this section, then the individual is no longer exempt and shall be terminated from employment or denied employment.

b. If an individual who is exempt under this subsection is subsequently found ineligible for employment, independent contract, or clinical privileges, as provided in subsection D of this section, based on disqualifying events occurring after November 1, 2012, then the individual is no longer exempt and shall be terminated from employment; and

2. An individual who is an independent contractor to an employer, if the services for which he or she is contracted are not directly related to the provision of services to a service recipient or if the services for which he or she is contracted allow for direct patient access to service recipients but are not performed on an ongoing basis. This exception includes, but is not limited to, an individual who independently contracts with the employer to provide utility, maintenance, construction, or communications services.

G. A nurse aide scholarship program shall not accept into its training program candidates seeking eligibility for listing on the nurse aide registry pursuant to 42 U.S.C. 1395i-3(e)(2)(A) or 42 U.S.C. 1396r(e)(2)(A) until the training program conducts a registry screening and criminal history record check in compliance with subsection I of this section. The candidate shall be subject to the administrative fee in paragraph 1 of subsection J of this section. A nurse aide scholarship program shall not accept into enrollment a candidate ineligible for employment pursuant to Section 1-1950.1 of this title.

H. An applicant shall provide the employer a government photo identification of the applicant and written consent for the employer to conduct a registry screening and the Bureau to conduct a state and

national criminal history record check under this section. The employer shall maintain the written consent and information regarding the individual's identification in their files for audit purposes.

I. 1. Upon receipt of the written consent and identification required under subsection H of this section, an employer shall submit an applicant's name, any aliases, address, former states in which the applicant resided, social security number, and date of birth, through an Internet portal maintained by the Department, as provided in subsection V of this section, for the purpose of conducting a check of all relevant registries established pursuant to federal and state law and regulations for any findings barring employment. If the findings of the check do not reveal any basis that would prevent the employment of the applicant pursuant to subsection D of this section, and where the applicant does not have a monitored employment record pursuant to the provisions in subsection S of this section, the Department shall authorize the collection and submission of fingerprints through an authorized collection site to the Bureau for the performance of a criminal history record check on the applicant, pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and in accordance with U.S. Public Law 111-148. Results of such search conducted through both the Bureau and FBI databases shall be returned electronically to the Department.

2. The Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System and submit the other set to the FBI for a national criminal history records search.

3. Fingerprint images may be rejected by the Bureau or the FBI. A rejection of the fingerprints by the Bureau or the FBI shall require the applicant to be fingerprinted again.

4. The applicant shall have ten (10) calendar days, after receipt of authorization as provided in this subsection, to submit his or her fingerprints through an authorized collection site or his or her application shall be deemed withdrawn and the applicant shall be required to commence the application process from the beginning.

5. Medicaid home and community-based services waivered providers as defined in Section 1915 (c) or 1915 (i) of the federal Social Security Act may voluntarily participate in the submission of fingerprints for applicants. In lieu of fingerprinting, said providers shall obtain a name-based state criminal history record check from the Bureau at the fee established in Section 150.9 of Title 74 of the Oklahoma Statutes. No other fees shall apply to said providers relying on a name-based state criminal history record check. The determination of employment eligibility shall be made by said providers based on the criteria established in subsection D of this section.

J. 1. The employer shall pay a fee of Nineteen Dollars ($19.00) to the Department for each applicant submitted for fingerprinting or criminal history monitoring or both fingerprinting and criminal

history monitoring pursuant to subsection S of this section. The prospective employee, independent contractor or clinical privileges candidate authorized for fingerprint collection by the Department shall pay an administrative fee of Ten Dollars ($10.00) at the time of fingerprinting. Subsequent fingerprinting shall not be required of an applicant if the applicant has a monitored employment record pursuant to subsection S of this section.

2. The Department shall be responsible for screening and fingerprinting and criminal history monitoring fees for persons participating in a Medicaid program who self-direct their own care, and the applicants of such self-directed care employers.

3. The Department shall use National Background Check grant funds, employer fees and administrative fee collections, and available Medicaid matching funds, to reimburse fingerprint collection vendors, pay administrative expenses, and reimburse the Bureau and FBI for each processed fingerprint review and automatic notification services for subsequent arrest. The Department shall reimburse fingerprint collection vendors, the Bureau, and the FBI, the applicable costs for those identified in paragraph 2 of this subsection.

4. At the consent of the current employee and request of an employer, the Department shall authorize the collection and submission of fingerprints for the purposes of conducting a criminal history record check on any person excluded from the criminal history requirements pursuant to subsection F of this section. The employer shall pay a fee of Sixty-five Dollars ($65.00) to the Department for the cost of registry screening, fingerprint collection and submission, and arrest record monitoring. The collection of fingerprints from those employed, contracted, or granted clinical privileges, prior to the effective date established by rule as authorized in subsection Y of this section, is voluntary and not required for the purposes of this section.

K. 1. If the criminal history record check results reveal information that precludes the Department from making a final determination of employment eligibility, the employer and applicant shall be given notice of such and the applicant shall have sixty (60) days to make any necessary corrections or additions for the Department to review.

2. If the applicant is unable to make corrections or additions to the record within the sixty (60) days, the Department shall deny employment based on the disqualifying results and shall notify the applicant of his or her right to appeal. The notice shall include the reasons why the applicant is not eligible for employment and a statement that the applicant has a right to appeal the decision made by the Department regarding the employment eligibility. The notice shall also include information regarding where to file and describe the appellate procedures.

L. If an employer determines it necessary to employ, contract with, or grant clinical privileges to an applicant before receiving the results of the applicant's criminal history record check under this section, the employer may conditionally employ, conditionally contract with, or grant conditional clinical privileges to the applicant if all of the following apply:

1. The employer requests the criminal history record check under this section upon conditionally employing, contracting with, or granting clinical privileges to the individual;

2. The individual signs a statement in writing that indicates the applicant affirms and agrees to all of the following:

a. that the applicant is not disqualified from employment, an independent contract, or clinical privileges, based on the disqualifying criteria defined in subsection D of this section,

b. that the applicant agrees that, if the information in the registry screening and criminal history record check conducted under this section does not confirm the individual's statements under subparagraph a of this paragraph, his or her employment, independent contract, or clinical privileges shall be terminated by the employer as required under subsection D of this section unless and until the individual appeals and can provide that the information is incorrect, and

c. that the applicant understands that the conditions described in subparagraphs a and b of this paragraph may result in the termination of his or her employment, independent contract, or clinical privileges, and that those conditions are good cause for termination; and

3. The period of provisional employment shall not exceed sixty (60) days pending the completion of the required background check. During this time the employee shall be subject to direct on-site supervision. The sixty-day time period may only be extended for those employees who are appealing the results of the background check. The time period shall only be extended for the duration of the appeal.

M. The Department shall develop and distribute a model form for the statement required under paragraph 2 of subsection L of this section. The Department shall make the model form available to health facilities or agencies subject to this section upon request at no charge.

N. If an individual is employed as a conditional employee, has a conditional independent contract, or is granted conditional clinical privileges under subsection L of this section, and the report described in subsection I of this section does not confirm the individual's statement under subparagraph a of paragraph 2 of subsection L of this section, the employer shall terminate the

individual's employment, independent contract, or clinical privileges, as required by subsection E of this section.

O. An individual who knowingly provides false information regarding his or her identity, criminal convictions, or substantiated findings on a statement described in subparagraph a of paragraph 2 of subsection L of this section is guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00), imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

P. The Department shall use criminal history record information obtained under subsection I of this section only for the purpose of evaluating an applicant's qualifications for employment, an independent contract, or clinical privileges, in the position for which he or she has applied and for the purposes of subsections H and N of this section. The Department shall not disclose criminal history record information. An individual who knowingly uses or disseminates the criminal history record information obtained under subsection I of this section in violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than thirty (30) days or a fine of not more than Five Hundred Dollars ($500.00), or both. Except for a knowing or intentional release of false information, the Department or employer has no liability in connection with a criminal history record check conducted under this section.

Q. As a condition of continued employment, each employee, independent contractor, or individual granted clinical privileges shall agree in writing to report to the employer immediately upon being arraigned or indicted for one or more of the criminal offenses listed in subsection D of this section, upon being convicted of, or pleading guilty or nolo contendere to, one or more of the criminal offenses listed in subsection D of this section, or upon being the subject of a substantiated finding on a relevant registry as described in subsection D of this section. Reporting of an arraignment under this subsection may be cause for leave without pay, placement under direct supervision, restriction from direct patient access, termination, or denial of employment.

R. An employer convicted for knowingly and willfully failing to conduct the criminal history checks as required under this section may be found guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Three Thousand Dollars ($3,000.00), imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

S. The Department shall establish a database to store the records of an employer's prospective and enrolled employees, the results of the screening and criminal arrest records search, and an identifier issued by the Bureau for the purposes of receiving an

automatic notification from the Bureau if and when a subsequent criminal arrest record submitted into the system matches a set of fingerprints previously submitted in accordance with this section. Upon such notification, the Bureau shall immediately notify the Department and the Department shall immediately notify the respective employee. Information in the database established under this subsection is confidential, is not subject to disclosure under the Oklahoma Open Records Act, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes. The employee shall promptly respond to Department inquiries regarding the status of an arraignment or indictment. Reporting of an arraignment or indictment under this subsection may be cause for leave without pay, placement under direct supervision, restriction from direct patient access, termination, or denial of employment.

T. 1. Any individual who has been disqualified from or denied employment by an employer pursuant to this section may file an appeal with the Department within thirty (30) days of the receipt of the notice of disqualification, if the applicant believes that the criminal history report is inaccurate or that consideration of the passage of time, extenuating circumstances, demonstration of rehabilitation, or relevancy of the particular disqualifying information with respect to the current or proposed employment of the individual merits a waiver of the disqualification or employment denial.

2. The Department shall specify in rule the criteria for issuing a waiver of the disqualification or employment denial. The criteria shall include consideration of the passage of time, extenuating circumstances, demonstration of rehabilitation, and relevancy of the particular disqualifying information with respect to the current or proposed employment of the individual.

3. The appeal shall be conducted as an individual proceeding pursuant to the Administrative Procedures Act.

U. An employer who has acted in good faith to comply with the requirements of this section of law shall be immune from liability in carrying out the provisions of this section.

V. The Department shall maintain an electronic web-based system to assist employers, and nurse aide scholarship programs, required to check relevant registries and conduct criminal history record checks of its prospective students, employees, independent contractors, and those to whom the employer would grant clinical privileges. The employer shall maintain the status of the employment, contract, or privileges in the system, and the Department shall provide for an automated notice to employers for those employees, independent contractors, and those granted clinical privileges, who, since the initial check, have been convicted of a disqualifying offense or have been the subject of a substantiated finding on a relevant registry.

W. The Department is authorized to obtain any criminal history records maintained by the Bureau and FBI which the Department is required or authorized to request by the provisions of this section.

X. There is hereby created in the State Treasury a revolving fund for the Department to be designated the "Oklahoma National Background Check Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from employers and administrative fees collected pursuant to this section. Screening and administrative fees collected pursuant to this section shall be deposited into the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the following purposes:

1. Obtaining available Medicaid funds for screening, fingerprinting, the cost of criminal history records obtained from the Bureau and FBI, and program administration;

2. Reimbursement of fingerprint collection vendors;

3. Reimbursement to the Bureau and FBI for criminal history records; and

4. Administrative and other applicable expenses of the Department related to the background check program.

Y. The Department is authorized to phase in implementation of subsections D through V of this section by category of employer. The State Board of Health shall promulgate rules prescribing effective dates and procedures for the implementation of a national criminal history record check for the employers and nurse aide scholarship programs defined in Section 1-1945 of this title. Said dates may be staggered to facilitate implementation of the requirements of this section.

Z. On or before November 1, 2015, the Department shall submit a written report to the Legislature detailing the fee collections and costs for the previous three (3) years and revolving fund projections for the next five (5) years. A plan shall be provided to cover the costs of the criminal history checks required under this section if funding is inadequate to cover the costs of the criminal history checks required under this section after November 1, 2020.

Added by Laws 2005, c. 465, § 5, emerg. eff. June 9, 2005. Amended by Laws 2012, c. 358, § 2, eff. Nov. 1, 2012.

§63-1-1948. Employment of sex or violent offenders prohibited.

The State Long-Term Care Ombudsman is prohibited from employing or designating any state, area or local long-term care ombudsman whether paid or unpaid, who is registered pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.

Added by Laws 2005, c. 465, § 6, emerg. eff. June 9, 2005.

§63-1-1950. Dispensing of nonprescription drugs - Maintaining bulk supplies.

A. A nursing facility or a residential care facility is authorized to maintain bulk supplies of nonprescription drugs for dispensing to residents of such facility pursuant to the provisions of this section.

B. If ordered or otherwise authorized by a physician currently licensed to practice medicine in this state, nonprescription drugs may be dispensed to a resident of the nursing facility or residential care facility for nonscheduled dosage regimens.

C. 1. The State Board of Health shall promulgate rules necessary for proper control and dispensing of nonprescription drugs in nursing facilities and residential care facilities, relating to:

a. specific nonprescription drugs to be dispensed,
b. recordkeeping,
c. storage of nonprescription drugs, and
d. dispensing requirements.

2. Rules promulgated by the State Board of Health shall not require facilities to package nonprescription drugs in individual containers with individual labels.

Added by Laws 1993, c. 119, § 1, eff. Sept. 1, 1993.

§63-1-1950.1. Definitions - Criminal history background check on certain persons to be offered employment.

A. For purposes of this section:

1. "Nurse aide" means any person who provides, for compensation, nursing care or health-related services to residents in a nursing facility, a specialized facility, a residential care home, continuum of care facility, assisted living center or an adult day care center and who is not a licensed health professional. Such term also means any person who provides such services to individuals in their own homes as an employee or contract provider of a home health or home care agency, or as a contract provider of the Medicaid State Plan Personal Care Program;

2. "Employer" means any of the following facilities, homes, agencies or programs which are subject to the provision of this section:

a. a nursing facility or specialized facility as such terms are defined in the Nursing Home Care Act,
b. a residential care home as such term is defined by the Residential Care Act,
c. an adult day care center as such term is defined in the Adult Day Care Act,
d. an assisted living center as such term is defined by the Continuum of Care and Assisted Living Act,

e. a continuum of care facility as such term is defined by the Continuum of Care and Assisted Living Act,
f. a home health or home care agency,
g. the Department of Human Services, in its capacity as an operator of any hospital or health care institution or as a contractor with providers under the Medicaid State Plan Personal Care Program,
h. any facility operated by the Oklahoma Department of Veterans Affairs, and
i. any facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home in which care is provided exclusively to three or fewer veterans;

3. "Home health or home care agency" means any person, partnership, association, corporation or other organization which administers, offers or provides health care services or supportive assistance for compensation to three or more ill, disabled, or infirm persons in the temporary or permanent residence of such persons, and includes any subunits or branch offices of a parent home health or home care agency;

4. "Bureau" means the Oklahoma State Bureau of Investigation; and

5. "Completion of the sentence" means the last day of the entire term of the incarceration imposed by the sentence including any term that is deferred, suspended or subject to parole.

B. Before any employer makes an offer to employ or to contract with a nurse aide to provide nursing care, health-related services or supportive assistance to any individual, the employer shall provide for a criminal history background check to be made on the nurse aide pursuant to the provisions of the Long-Term Care Security Act. If the employer is a facility, home or institution which is part of a larger complex of buildings, the requirement of a criminal history background check shall apply only to an offer of employment or contract made to a person who will work primarily in the immediate boundaries of the facility, home or institution.

Where the provisions of the Long-Term Care Security Act pertaining to registry screenings and national criminal history record check are not in effect pending an effective date established in rulemaking, an employer is authorized to obtain any criminal history background records maintained by the Bureau pursuant to the following:

1. The employer shall request the Bureau to conduct a criminal history background check on the nurse aide and shall provide to the Bureau any relevant information required by the Bureau to conduct the check. The employer shall pay a fee of Fifteen Dollars ($15.00) to the Bureau for each criminal history background check that is conducted pursuant to such a request;

2. An employer may make an offer of temporary employment to a nurse aide pending the results of the criminal history background check. The employer in such instance shall provide to the Bureau the name and relevant information relating to the person within seventy-two (72) hours after the date the person accepts temporary employment. The employer shall not hire or contract with the nurse aide on a permanent basis until the results of the criminal history background check are received;

3. An employer may accept a criminal history background report less than one (1) year old of a person to whom such employer makes an offer of employment. The report shall be obtained from the previous employer or contractor of such person and shall only be obtained upon the written consent of such person; and

4. Every employer while subject to the provisions of this subsection shall inform each applicant for employment, or each prospective contract provider, as applicable, that the employer is required to obtain a criminal history background record before making an offer of permanent employment or contract to a nurse aide.

C. 1. If the results of a criminal history background check reveal that the subject person has been convicted of, pled guilty or no contest to, or received a deferred sentence for, a felony or misdemeanor offense for any of the following offenses in any state or federal jurisdiction, the employer shall not hire or contract with the person:

a. abuse, neglect or financial exploitation of any person entrusted to the care or possession of such person,
b. rape, incest or sodomy,
c. child abuse,
d. murder or attempted murder,
e. manslaughter,
f. kidnapping,
g. aggravated assault and battery,
h. assault and battery with a dangerous weapon, or
i. arson in the first degree.

2. If less than seven (7) years have elapsed since the completion of sentence, and the results of a criminal history check reveal that the subject person has been convicted of, or pled guilty or no contest to, a felony or misdemeanor offense for any of the following offenses, in any state or federal jurisdiction, the employer shall not hire or contract with the person:

a. assault,
b. battery,
c. indecent exposure and indecent exhibition, except where such offense disqualifies the applicant as a registered sex offender,
d. pandering,
e. burglary in the first or second degree,

f. robbery in the first or second degree,
g. robbery or attempted robbery with a dangerous weapon, or imitation firearm,
h. arson in the second degree,
i. unlawful manufacture, distribution, prescription, or dispensing of a Schedule I through V drug as defined by the Uniform Controlled Dangerous Substances Act,
j. grand larceny, or
k. petit larceny or shoplifting.

D. An employer shall not employ or continue employing a person addicted to any Schedule I through V drug as specified by the Uniform Controlled Dangerous Substances Act unless the person produces evidence that the person has successfully completed a drug rehabilitation program.

E. All employment eligibility determination records received by the employer pursuant to this section are confidential and are for the exclusive use of the State Department of Health and the employer which requested the information. Except on court order or with the written consent of the person being investigated, the records shall not be released or otherwise disclosed to any other person or agency. These records shall be destroyed after one (1) year from the end of employment of the person to whom such records relate.

F. As part of the inspections required by the Nursing Home Care Act, Continuum of Care and Assisted Living Act, the Residential Care Act, and the Adult Day Care Act, the State Department of Health shall review the employment files of any facility, home or institution required to obtain a criminal history background determination to ensure such facilities, homes or institutions are in compliance with the provisions of this section.

Added by Laws 1990, c. 149, § 1, eff. Oct. 1, 1990. Amended by Laws 1991, c. 315, § 1, eff. Jan. 1, 1992; Laws 1992, c. 139, § 1, eff. Sept. 1, 1992; Laws 1992, c. 249, § 5, eff. Sept. 1, 1992; Laws 2004, c. 287, § 1, eff. July 1, 2004; Laws 2004, c. 436, § 12, emerg. eff. June 4, 2004; Laws 2010, c. 185, § 1, eff. Nov. 1, 2010; Laws 2012, c. 358, § 3, eff. Nov. 1, 2012; Laws 2013, c. 379, § 5, emerg. eff. May 29, 2013; Laws 2015, c. 8, § 1, eff. Nov. 1, 2015.

§63-1-1950.2. Nontechnical medical care providers - Employment by department.

Nothing contained in this act shall be construed as creating an employer-employee relationship between the Department of Human Services and anyone contracting with the Department of Human Services as a nontechnical medical care provider.

Added by Laws 1991, c. 315, § 2, eff. Jan. 1, 1992.

§63-1-1950.3. Nurses aides - Employment of persons not licensed – Medication aides – Rules for medication administration.

A. 1. A nursing facility, specialized facility, continuum of care facility, assisted living center, adult day care or residential home, or facility operated by the Oklahoma Department of Veterans Affairs, shall not employ as a nurse aide, on a full-time, temporary, per diem, or any other basis, any individual who is not certified as a nurse aide in good standing and is not eligible for placement on the nurse aide registry maintained by the State Department of Health.

2. The Department may grant a temporary emergency waiver to the provisions of this paragraph to any nursing facility, continuum of care facility, assisted living center or adult day care or residential home which can demonstrate that such facility, home or institution has been unable to successfully meet its staffing requirements related to the provisions of this paragraph.

B. Such waiver shall require the following:

1. An individual employed as a nurse aide who is enrolled in a Department-approved training and competency evaluation program for nurse aides shall successfully complete such training and competency evaluations within four (4) months of entering the training program;

2. The individual shall obtain certification, and the Department shall place the nurse aide on the registry within thirty (30) days after demonstration of competency;

3. Any nursing facility, specialized facility, continuum of care facility, assisted living center, adult day care or residential care home that employs an individual who is in nurse aide training, as provided in this section, shall ensure that the trainee shall:

a. complete the required training and competency program as provided in rules prior to any direct contact with a resident or client,

b. not perform any service for which the trainee has not trained and been determined proficient by the instructor, and

c. be supervised at all times by no less than a licensed practical nurse; and

4. No employer may use as a nurse aide an individual who has not completed the nurse aide training and competency program within the required four-month period.

C. For purposes of this section, "four (4) months" means the equivalent of four (4) months of full-time employment as a nurse aide by any employer in any nursing facility, specialized facility, continuum of care facility, assisted living center, adult day care or residential care home.

D. 1. The Department may grant a trainee a one-time extension of the four-month training requirement if:

a. such requirement causes an undue hardship for the trainee due to unusual circumstances or illness, and

b. the trainee has demonstrated a good faith effort to complete the training and competency evaluation program.

2. The State Board of Health shall promulgate rules related to the review of and the process and conditions for such an extension.

E. 1. Certified medication aides, upon successful completion of competency standards or prescribed training courses, shall be eligible to distribute medications or treatments provided by paragraph 2 of this subsection within a:

a. correctional facility, as set forth in Section 623 of Title 57 of the Oklahoma Statutes,
b. correctional facility operated by a contractor of the Department of Corrections,
c. county or municipal jail,
d. nursing facility,
e. specialized facility,
f. continuum of care facility,
g. assisted living center,
h. adult day care,
i. residential care home, or
j. facilities operated by the Oklahoma Department of Veterans Affairs.

2. Certified medication aides may:

a. perform fingerstick blood sugars,
b. administer diabetic medications, including subcutaneous injections of insulin, provided that the certified medication aide has completed a Department-approved advanced training program on diabetes and the administration of diabetes medications, including injections,
c. administer medications, first aid treatments and nutrition; by oral, rectal, vaginal, otic, ophthalmic, nasal, skin, topical, transdermal, and nasogastric/gastrostomy tubes routes, and
d. administer oral metered dose inhalers and nebulizers;

3. The State Board of Health shall establish rules necessary to ensure the safety of medication administration by certified medication aides, including but not limited to:

a. competency and practice standards for medication aides,
b. maintaining a list of skills and functions that medication aides will be able to perform upon completion of certification course work,
c. certification and recertification requirements for medication aides,
d. development of criteria and procedures for approval or disapproval of training and competency evaluation programs, and

e. procedures for denying, suspending, withdrawing, or refusing to renew certification for a medication aide;

4. Each facility shall develop policies and procedures that comply with the provisions of this subsection and rules promulgated by the State Board of Health. This policy shall be reviewed and approved by the facility Medical Director, Director of Nurses and/or Registered Nurse Consultant.

F. Any person convicted of violating any of the provisions of this section or Section 1-1950.1 of this title shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00), imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1991, c. 315, § 3, eff. Jan. 1, 1992. Amended by Laws 1999, c. 129, § 1, eff. Nov. 1, 1999; Laws 2002, c. 230, § 15, eff. Nov. 1, 2002; Laws 2003, c. 429, § 3, emerg. eff. June 6, 2003; Laws 2004, c. 436, § 13, emerg. eff. June 4, 2004; Laws 2005, c. 460, § 12, eff. Nov. 1, 2005; Laws 2006, c. 79, § 2, emerg. eff. April 21, 2006; Laws 2011, c. 255, § 1, eff. Nov. 1, 2011; Laws 2013, c. 379, § 6, emerg. eff. May 29, 2013.

NOTE: Laws 2004, c. 420, § 1 repealed by Laws 2005, c. 1, § 92, emerg. eff. March 15, 2005.

§63-1-1950.4. Nurse aides – Uniform employment application.

A. 1. The State Department of Health, in conjunction with the Office of the State Long-term Care Ombudsman of the Department of Human Services, shall develop a uniform employment application to be used in the hiring of nurse aide staff by a nursing facility or a specialized facility as such terms are defined in the Nursing Home Care Act, a residential care home, as such term is defined by the Residential Care Act, an assisted living center as such term is defined by the Continuum of Care and Assisted Living Act, a continuum of care facility as defined by the Continuum of Care and Assisted Living Act, a hospice inpatient facility or program providing hospice services as such terms are defined by the Hospice Licensing Act, an adult day care center as such term is defined by the Adult Day Care Act, and a home care agency as defined by the Home Care Act. Such uniform application shall be used as the only application for employment of nurse aides in such facilities on and after January 1, 2001.

2. Nothing in this section shall prohibit the State Department of Health or any other state agency from requiring applicants for any position in the classified service to be certified by the state using the State of Oklahoma Employment Application.

B. The uniform employment application shall be designed to gather all pertinent information for entry into the nurse aide

registry maintained by the State Department of Health. The uniform application shall also contain:

1. A signature from the applicant to confirm or deny any previous felony conviction;

2. A release statement for the applicant to sign giving the State Department of Health and the Oklahoma State Bureau of Investigation the authority to proceed with the state or national criminal history record checks; and

3. Such other information deemed necessary by the Department.

C. The Department shall provide implementation training on the use of the uniform employment application.

Added by Laws 2000, c. 340, § 23, eff. July 1, 2000. Amended by Laws 2001, c. 381, § 25, eff. July 1, 2001; Laws 2003, c. 339, § 5, eff. Nov. 1, 2003; Laws 2012, c. 358, § 4, eff. Nov. 1, 2012.

§63-1-1950.4a. Uniform employment application for nurse aides - Providing false information - Penalties.

A. It shall be unlawful for any person to provide false information regarding a criminal conviction on the uniform employment application for nurse aides. The State Department of Health shall amend the uniform employment application to include a statement informing the applicant of this provision.

B. Any violation of the provisions of subsection A of this section shall constitute a misdemeanor. Every violator, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00), by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 2003, c. 344, § 1, emerg. eff. May 29, 2003.

§63-1-1950.5. Caregiver - Solicitation or acceptance of gifts - Offense.

A. 1. It shall be unlawful for a caregiver to solicit or accept anything of value greater than One Dollar ($1.00) from any person in the caregiver's care; provided, however, nothing in this section shall be construed as prohibiting a group of individuals, including family members and friends of residents, from establishing an employee recognition program consisting of voluntary, anonymous and confidential donations to care providers; provided further, no care provider shall be included in the group making decisions regarding the disbursement. Such donations may be disbursed pursuant to procedures established by the group.

2. As used in this section, "caregiver" means a person who is:

a. the paid agent or employee of:

(1) an assisted living center,

(2) a nursing facility, specialized facility, or residential care home as such terms are defined in Section 1-1902 of this title,

(3) an adult day care center as such term is defined in Section 1-872 of this title,
(4) a home health or home care agency, or
(5) the Department of Human Services, in its capacity as an operator of any hospital or health care institution, or as a contractor with providers under the Personal Care Services Program, or

b. a personal care attendant hired by a consumer under the Oklahoma Consumer-Directed Personal Assistance and Support Services (Oklahoma CD-PASS) Program.

"Caregiver" does not include a guardian, limited guardian, or conservator as such terms are defined in the Oklahoma Guardianship and Conservatorship Act.

B. Any person who violates the provisions of paragraph 1 of subsection A of this section, upon conviction, shall be guilty of a misdemeanor.

Added by Laws 2001, c. 393, § 5, eff. Nov. 1, 2001. Amended by Laws 2003, c. 71, § 1, eff. Nov. 1, 2003; Laws 2004, c. 285, § 3, eff. July 1, 2004.

NOTE: Laws 2004, c. 249, § 4 repealed by Laws 2005, c. 1, § 93, emerg. eff. March 15, 2005.

§63-1-1950.6. Effective date - Definitions.

A. Sections 1-1950.6 through 1-1950.9 of this title shall be effective September 1, 2005.

B. As used in Sections 1-1950.6 through 1-1950.9 of this title:

1. "Board" means the State Board of Health;
2. "Bureau" means the Oklahoma State Bureau of Investigation;
3. "Department" means the State Department of Health;
4. "Nursing facility" means a nursing facility and specialized facility as such terms are defined in Section 1-1902 of this title;
5. "Nontechnical services worker" means a person employed by a nursing facility to provide, for compensation, nontechnical services in or upon the premises of a nursing facility. The term "nontechnical services worker" shall not include a nurse aide, or any person who is exempt from the criminal arrest check provisions of Section 1-1950.1 of this title; and
6. "Nontechnical services" means services that:

a. are performed in or on the premises of a nursing facility and that are predominantly physical or manual in nature, and

b. involve or may involve patient contact including, but not limited to, housekeeping, janitorial or maintenance services, food preparation and administrative services.

Added by Laws 2002, c. 470, § 2, eff. July 1, 2002. Amended by Laws 2005, c. 465, § 7, emerg. eff. June 9, 2005.

§63-1-1950.7. Nontechnical services worker abuse registry.

A. The State Department of Health shall establish a registry for those nontechnical services workers that have been noted to have committed abuse, verbal abuse, or exploitation of a resident in a nursing facility.

B. The State Board of Health shall promulgate rules to establish and maintain the nontechnical services worker abuse registry. Such rules may include, but need not be limited to:

1. A procedure for notation in the abuse registry of a final State Department of Health investigative finding or an Administrative Law Judge finding of abuse, verbal abuse, or exploitation, as these terms are defined in Section 10-103 of Title 43A of the Oklahoma Statutes, of an individual by a nontechnical services worker;

2. A procedure for notice and due process for a nontechnical services worker or applicant before the entering of such person's name in the abuse registry as having a final Department investigative finding or Administrative Law Judge finding of abuse, verbal abuse, or exploitation of an individual; and

3. Disclosure requirements for information in the abuse registry.

C. The nontechnical services worker abuse registry shall include, but not be limited to, the following information on each nontechnical services worker:

1. The individual's full name;

2. Information necessary to identify each individual;

3. The date the individual's name was placed in the abuse registry; and

4. Information on any final Department investigative finding or Administrative Law Judge finding of abuse, verbal abuse or exploitation, as these terms are defined in Section 10-103 of Title 43A of the Oklahoma Statutes, concerning the nontechnical services worker.

D. A nontechnical services worker or applicant who is adversely affected by an Administrative Law Judge finding of abuse, verbal abuse or exploitation of an individual may seek judicial review pursuant to the provisions of Article II of the Administrative Procedures Act. The finding of the Administrative Law Judge may be appealed to the district court in which the nontechnical services worker or applicant resides within thirty (30) days of the date of the decision. A copy of the petition shall be served by mail upon the general counsel of the Department.

Added by Laws 2002, c. 470, § 3, eff. July 1, 2002.

§63-1-1950.8. Criminal history records and nontechnical services worker abuse registry search – Temporary employment.

A. 1. Before any nursing facility makes an offer to employ a nontechnical services worker applicant subject to subsection A of Section 1-1950.7 of this title on or after the effective date of Sections 1-1950.6 through 1-1950.9 of this title, to provide nontechnical services, the nursing facility shall:

a. provide for a criminal history records search to be conducted upon the nontechnical services worker applicant pursuant to the provisions of the Long-Term Care Security Act, and

b. check with the Department to determine whether the name of the applicant seeking employment appears on the nontechnical services worker abuse registry created pursuant to the provisions of Section 1-1950.7 of this title. If the name of the applicant seeking employment with the nursing facility is listed on the abuse registry as having a final Department investigative finding or an Administrative Law Judge finding pursuant to the requirements of Section 1-1950.7 of this title, and the Department has allowed for notice and opportunity for due process for such applicant, the nursing facility shall not hire the applicant.

2. Where the provisions of the Long-Term Care Security Act pertaining to registry screenings and national criminal history record checks are not in effect pending an effective date in rulemaking, an employer is authorized to obtain any criminal history background records maintained by the Oklahoma State Bureau of Investigation pursuant to the following:

a. the employer shall request the Bureau to conduct a criminal history background check on the nontechnical services worker and shall provide to the Bureau any relevant information required by the Bureau to conduct the check. The employer shall pay a fee of Fifteen Dollars ($15.00) to the Bureau for each criminal history background check that is conducted pursuant to such a request,

b. an employer may make an offer of temporary employment to a nontechnical services worker pending the results of the criminal history background check. The employer in such instance shall provide to the Bureau the name and relevant information relating to the person within seventy-two (72) hours after the date the person accepts temporary employment. The employer shall not hire or contract with the nontechnical services worker on a permanent basis until the results of the criminal history background check are received,

c. an employer may accept a criminal history background report less than one (1) year old of a nontechnical services worker to whom such employer makes an offer of employment or employment contract. The report shall be obtained from the previous employer or contractor of such person and shall only be obtained upon the written consent of such person, and

d. every employer while subject to the provisions of this subsection shall inform each applicant for employment, or each prospective contract provider, as applicable, that the employer is required to obtain a criminal history background record before making an offer of permanent employment or contract to a nontechnical services worker.

B. Every nursing facility shall inform each nontechnical services worker applicant for employment of the requirement to obtain a criminal check and an abuse registry review before making an offer of permanent employment with a nontechnical services worker applicant.

C. A nursing facility shall not hire or contract with and shall immediately terminate the employment, contract or volunteer arrangement of any applicant, contract worker or employee for whom the results of a criminal history records search from any jurisdiction reveals that such person has a disqualifying criminal offense listed in subsection C of Section 1-1950.1 of this title.

D. All employment eligibility determination records received by the nursing facility are for the exclusive use of the State Department of Health and the nursing facility that requested the information. Except as otherwise provided by Sections 1-1950.6 through 1-1950.9 of this title or upon court order or with the written consent of the person being investigated, the employment eligibility determination records shall not be released or otherwise disclosed to any other person or agency.

E. Any person releasing or disclosing any information in violation of this section, upon conviction thereof, shall be guilty of a misdemeanor.

F. As part of any inspections required by law, the Department shall review the employment files of the nursing facility required to conduct a criminal history records search to ensure compliance with the provisions of this section.

Added by Laws 2002, c. 470, § 4, eff. July 1, 2002. Amended by Laws 2012, c. 358, § 5, eff. Nov. 1, 2012.

§63-1-1950.9. Fine and imprisonment.

Any violation of the provisions of Sections 2 through 4 of this act shall be deemed a misdemeanor and, upon conviction or plea of guilty or nolo contendere, shall be punishable by a fine of not

less than Three Hundred Dollars ($300.00), but not more than One Thousand Dollars ($1,000.00). In addition to the fine, such violator may be imprisoned in the county jail for not more than thirty (30) days. Each day that the violation continues shall be considered to be a separate violation.
Added by Laws 2002, c. 470, § 5, eff. July 1, 2002.

§63-1-1951. Certification, training and registration.

A. The State Department of Health shall have the power and duty to:

1. Issue certificates of training and competency for nurse aides;

2. Approve training and competency programs including, but not limited to, education-based programs and employer-based programs, including those programs established pursuant to Section 223.1 of Title 72 of the Oklahoma Statutes;

3. Determine curricula and standards for training and competency programs. The Department shall require such training to include a minimum of ten (10) hours of training in the care of Alzheimer's patients;

4. Establish and maintain a registry for certified nurse aides and for nurse aide trainees;

5. Establish categories and standards for nurse aide certification and registration, including feeding assistants as defined in 42 CFR Parts 483 and 488;

6. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of this section; and

7. Suspend or revoke any certification issued to any nurse aide, if:

a. the nurse aide is found to meet any of the requirements contained in subsection D of Section 1-1947 of this title,

b. the nurse aide is found to meet any of the requirements contained in subsection C of Section 1-1950.1 of this title, or

c. the nurse aide is found to have committed abuse, neglect or exploitation of a resident or misappropriation of resident or client property pursuant to the requirements contained in paragraph 7 of subsection D of this section. The action to revoke or suspend may be included with the filing of any action pursuant to the requirements of paragraph 7 of subsection D of this section.

B. The State Board of Health shall promulgate rules to implement the provisions of this section and shall have power to assess fees.

1. Each person certified as a nurse aide pursuant to the provisions of this section shall be required to pay certification and

recertification fees in amounts to be determined by the State Board of Health, not to exceed Fifteen Dollars ($15.00).

2. In addition to the certification and recertification fees, the State Board of Health may impose fees for training or education programs conducted or approved by the Department, except for those programs operated by the Oklahoma Department of Veterans Affairs.

3. All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Public Health Special Fund.

C. Only a person who has qualified as a certified nurse aide and who holds a valid current nurse aide certificate for use in this state shall have the right and privilege of using the title Certified Nurse Aide and to use the abbreviation CNA after the name of such person. Any person who violates the provisions of this section shall be subject to a civil monetary penalty to be assessed by the Department.

D. A person qualified by the Department as a certified nurse aide shall be deemed to have met the requirements to work as a home health aide pursuant to the provisions of the Home Care Act and shall require no further licensure for performing services within the scope of practice of home health aides.

E. 1. The State Department of Health shall establish and maintain a certified nurse aide, nurse aide trainee and feeding assistant registry that:

a. is sufficiently accessible to promptly meet the needs of the public and employers, and

b. provides a process for notification and investigation of alleged abuse, exploitation or neglect of residents of a facility or home, clients of an agency or center, or of misappropriation of resident or client property.

2. The registry shall contain information as to whether a nurse aide has:

a. successfully completed a certified nurse aide training and competency examination,

b. met all the requirements for certification, or

c. received a waiver from the Board.

3. The registry shall include, but not be limited to, the following information on each certified nurse aide or nurse aide trainee:

a. the full name of the individual,

b. information necessary to identify each individual. Certified nurse aides and nurse aide trainees shall maintain with the registry current residential addresses and shall notify the registry, in writing, of any change of name. Notification of change of name shall require certified copies of any marriage license or other court document which reflects the change of

name. Notice of change of address or telephone number shall be made within ten (10) days of the effected change. Notice shall not be accepted over the phone,

c. the date the individual became eligible for placement in the registry, and

d. information on any finding of the Department of abuse, neglect or exploitation by the certified nurse aide or nurse aide trainee, including:

(1) documentation of the Department's investigation, including the nature of the allegation and the evidence that led the Department to confirm the allegation,

(2) the date of the hearing, if requested by the certified nurse aide or nurse aide trainee, and

(3) statement by the individual disputing the finding if the individual chooses to make one.

4. The Department shall include the information specified in subparagraph d of paragraph 3 of this subsection in the registry within ten (10) working days of the substantiating finding and it shall remain in the registry, unless:

a. it has been determined by an administrative law judge, a district court or an appeal court that the finding was in error, or

b. the Board is notified of the death of the certified nurse aide or nurse aide trainee.

5. Upon receipt of an allegation of abuse, exploitation or neglect of a resident or client, or an allegation of misappropriation of resident or client property by a certified nurse aide or nurse aide trainee, the Department shall place a pending notation in the registry until a final determination has been made. If the investigation, or administrative hearing held to determine whether the certified nurse aide or nurse aide trainee is in violation of the law or rules promulgated pursuant thereto, reveals that the abuse, exploitation or neglect, or misappropriation of resident or client property was unsubstantiated, the pending notation shall be removed within twenty-four (24) hours of receipt of notice by the Department.

6. The Department shall, after notice to the individuals involved and a reasonable opportunity for a hearing, make a finding as to the accuracy of the allegations.

7. If the Department after notice and opportunity for hearing determines with clear and convincing evidence that abuse, neglect or exploitation, or misappropriation of resident or client property has occurred and the alleged perpetrator is the person who committed the prohibited act, notice of the findings shall be sent to the nurse aide and to the district attorney for the county where the abuse, neglect or exploitation, or misappropriation of resident or client property occurred and to the Medicaid Fraud Control Unit of the

Attorney General's Office. Notice of ineligibility to work as a nurse aide in a long-term care facility, a residential care facility, assisted living facility, day care facility, or any entity that requires certification of nurse aides, and notice of any further appeal rights shall also be sent to the nurse aide.

8. In any proceeding in which the Department is required to serve notice or an order on an individual, the Department may send written correspondence to the address on file with the registry. If the correspondence is returned and a notation of the United States Postal Service indicates "unclaimed" or "moved" or "refused" or any other nondelivery markings and the records of the registry indicate that no change of address as required by this subsection has been received by the registry, the notice and any subsequent notices or orders shall be deemed by the court as having been legally served for all purposes.

9. The Department shall require that each facility check the nurse aide registry before hiring a person to work as a nurse aide. If the registry indicates that an individual has been found, as a result of a hearing, to be personally responsible for abuse, neglect or exploitation, that individual shall not be hired by the facility.

10. If the state finds that any other individual employed by the facility has neglected, abused, misappropriated property or exploited in a facility, the Department shall notify the appropriate licensing authority and the district attorney for the county where the abuse, neglect or exploitation, or misappropriation of resident or client property occurred.

11. Upon a written request by a certified nurse aide or nurse aide trainee, the Board shall provide within twenty (20) working days all information on the record of the certified nurse aide or nurse aide trainee when a finding of abuse, exploitation or neglect is confirmed and placed in the registry.

12. Upon request and except for the names of residents and clients, the Department shall disclose all of the information relating to the confirmed determination of abuse, exploitation and neglect by the certified nurse aide or nurse aide trainee to the person requesting such information, and may disclose additional information the Department determines necessary.

13. A person who has acted in good faith to comply with state reporting requirements and this section of law shall be immune from liability for reporting allegations of abuse, neglect or exploitation.

F. Each nurse aide trainee shall wear a badge which clearly identifies the person as a nurse aide trainee. Such badge shall be furnished by the facility employing the trainee. The badge shall be nontransferable and shall include the first and last name of the trainee.

G. 1. For purposes of this section, "feeding assistant" means an individual who is paid to feed residents by a facility or who is used under an arrangement with another agency or organization and meets the requirements cited in 42 CFR Parts 483 and 488.

2. Each facility that employs or contracts employment of a feeding assistant shall maintain a record of all individuals, used by the facility as feeding assistants, who have successfully completed a training course approved by the state for paid feeding assistants.

Added by Laws 1996, c. 336, § 8, eff. Nov. 1, 1996. Amended by Laws 2002, c. 230, § 16, eff. Nov. 1, 2002; Laws 2005, c. 460, § 13, eff. Nov. 1, 2005; Laws 2006, c. 16, § 44, emerg. eff. March 29, 2006; Laws 2012, c. 358, § 6, eff. Nov. 1, 2012; Laws 2013, c. 379, § 7, emerg. eff. May 29, 2013; Laws 2015, c. 122, § 1, eff. Nov. 1, 2015; Laws 2017, c. 77, § 2, eff. Nov. 1, 2017.

NOTE: Laws 2005, c. 235, § 1 repealed by Laws 2006, c. 16, § 45, emerg. eff. March 29, 2006.

§63-1-1951.1. Rules and implementation.

The State Board of Health and the War Veterans Commission shall promulgate rules to implement the provisions of this act.

Added by Laws 2013, c. 379, § 8, emerg. eff. May 29, 2013.

§63-1-1952. Repealed by Laws 2007, c. 93, § 8, eff. Nov. 1, 2007.

§63-1-1953.1. Definitions.

As used in this act:

1. "Authorized electronic monitoring" means the placement of electronic monitoring devices in the common areas or room of a resident of a nursing facility and the tapes or recordings from such devices pursuant to the provisions of this act;

2. "Authorized electronic monitoring devices" means:

a. video surveillance cameras installed in the common areas or resident's room under the provisions of this act, or

b. audio devices installed in the room of a resident under the provisions of this act that are designed to acquire communications or other sounds occurring in the room;

3. "Nursing facility" means the term as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes;

4. "Representative of a resident" means the term as is defined in Section 1-1902 of Title 63 of the Oklahoma Statutes;

5. "Resident" means the term as is defined in Section 1-1902 of Title 63 of the Oklahoma Statutes; and

6. "Unauthorized electronic monitoring" means electronic, mechanical, or other devices that do not meet the provisions of this act and that are specifically used for the nonconsensual interception of wire or electronic communications.

Added by Laws 2013, c. 204, § 1, eff. Nov. 1, 2013.

§63-1-1953.2. Notice of electronic monitoring - Refusal to admit - Signs.

A. A nursing facility shall provide written notice to each resident, or to the representative of a resident, that authorized electronic monitoring of a resident's room conducted under the provisions of this act is not compulsory and shall only be conducted with the written consent of the resident or the representative of the resident.

B. A nursing facility shall not refuse to admit an individual to residency in the facility and shall not remove a resident from a facility because of authorized electronic monitoring of a resident's room.

C. A nursing facility shall post at or near its main entrances a sign that clearly states that electronic monitoring and audio devices may be in use in the facility.

Added by Laws 2013, c. 204, § 2, eff. Nov. 1, 2013.

§63-1-1953.3. Obstruction of electronic monitoring devices - Penalties.

A. No person or entity shall intentionally hamper, obstruct, tamper with, or destroy an electronic monitoring device installed in a nursing facility.

B. Any person or entity that intentionally hampers, obstructs, tampers with, or destroys a recording or an electronic monitoring device installed in a nursing facility shall be subject to the penalties prescribed in Section 1993 of Title 21 of the Oklahoma Statutes.

C. No person or entity shall intercept a communication or disclose or use an intercepted communication of an electronic monitoring device placed or installed in a common area of a nursing facility without the express written consent of the facility, or, for an electronic monitoring device installed in a resident's room, the express written consent of the resident or the representative of the resident.

Added by Laws 2013, c. 204, § 3, eff. Nov. 1, 2013.

§63-1-1953.4. Admission into evidence.

Subject to the provisions of law, a tape or recording created through the use of authorized electronic monitoring pursuant to this act may be admitted into evidence in a civil or criminal court action or administrative proceeding.

Added by Laws 2013, c. 204, § 4, eff. Nov. 1, 2013.

§63-1-1953.5. Electronic monitoring in nursing homes.

A. A resident or the representative of a resident may conduct authorized electronic monitoring of the resident's room through the use of authorized electronic monitoring devices placed in the room pursuant to the provisions of this act at the expense of such person or representative of the resident and with the written consent of any other resident living in the room.

B. A resident who conducts authorized electronic monitoring or the representative of the resident may post and maintain a notice at the entrance to the resident's room stating that the room is being monitored by an electronic monitoring device.

C. Nothing in this act shall be construed to prevent a resident or the representative of the resident from placing an electronic monitoring device in the resident's room at the expense of such person; however, if such resident is sharing a room with any other resident, the resident or the representative of the resident shall obtain written consent from such other resident or the representative of the resident living in the room and such consent shall be on a form prescribed by the State Department of Health and shall be placed on file with the administrator of the facility.

D. If a resident residing in a shared room, or the representative of a resident residing in a shared room, desires to utilize an authorized electronic monitoring device and another resident living in such shared room refuses to consent to the use of an authorized electronic monitoring device, the nursing facility shall accommodate the resident or the representative of the resident desiring to utilize an authorized electronic monitoring device to move to another room if the resident or resident's representative requests such a room change within a reasonable amount of time.
Added by Laws 2013, c. 204, § 5, eff. Nov. 1, 2013.

§63-1-1953.6. Consent for electronic monitoring in nursing homes.

A. A resident or representative of a resident who wishes to conduct authorized electronic monitoring shall be required to notify the nursing facility on the consent form prescribed by the State Department of Health.

B. The consent form prescribed by the Department shall require the resident or the representative of a resident to obtain the consent of any other resident in the room or the representative of a resident, using the consent form prescribed for this purpose by the Department, if the resident resides in a room with another resident.

C. Consent may be given only:

1. By the resident or any other resident in the room; or

2. By the representative of the resident or representative of any other resident in the room.

D. Another resident in the room may:

1. When the proposed electronic monitoring device is a video surveillance camera, condition consent on the camera being pointed away from the consenting resident; and

2. Condition consent on the use of an audio electronic monitoring device being limited or prohibited.

E. Except as provided for in Section 7 of this act, authorized electronic monitoring may begin only after the required consent forms specified in this act have been completed and returned to the nursing facility and placed on file with the administrator of such facility.

F. If authorized electronic monitoring is being conducted in the room of a resident, another resident may not be moved into the room unless the resident or representative of the resident has consented to the use of existing electronic monitoring, in accordance with this act.

G. The Department may include other information that it considers to be appropriate on any form it is required to prescribe under the provisions of this act.

H. The Department shall prescribe the forms required by this act no later than November 1, 2013, and shall make such forms available on its website.

Added by Laws 2013, c. 204, § 6, eff. Nov. 1, 2013.

§63-1-1953.7. Residents utilizing existing electronic monitoring devices.

Any resident or the representative of the resident utilizing existing electronic monitoring devices prior to November 1, 2013, shall comply with all written consent and disclosure provisions of this act no later than January 1, 2014.

Added by Laws 2013, c. 204, § 7, eff. Nov. 1, 2013.

§63-1-1955.1. Short title.

This act shall be known and may be cited as the "Oklahoma Long-Term Care Partnership Act".

Added by Laws 2004, c. 283, § 1.

§63-1-1955.2. Definitions.

As used in the Oklahoma Long-Term Care Partnership Act, unless the context clearly indicates otherwise:

1. "Asset disregard" means the total assets an individual owns and may retain upon application for the state Medicaid program and still qualify for benefits if the individual:

a. is a beneficiary of a Long-Term Care Partnership Program approved policy, and

b. has exhausted the benefits of such policy.

Asset disregard is increased by One Dollar ($1.00) for each One Dollar ($1.00) of benefit paid out under the individual's long-term

insurance policy if the individual purchased the policy through the Oklahoma Long-Term Care Partnership Program;

2. "Authority" means the Oklahoma Health Care Authority;

3. "State Medicaid program" means the federal medical assistance program established under Title XIX of the Social Security Act; and

4. "Oklahoma Long-Term Care Partnership Program approved policy" means a long-term care insurance policy that is approved by the Insurance Department and provided through state-approved long-term care insurers through the Oklahoma Long-Term Care Partnership Program.

Added by Laws 2004, c. 283, § 2.

§63-1-1955.3. Oklahoma Long-Term Care Partnership Program - Purposes - Exhaustion of benefits - Asset disregard.

A. Upon repeal of the restrictions to asset protection contained in the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, 107 Stat. 312, there shall be established the Oklahoma Long-Term Care Partnership Program, to be administered by the Oklahoma Health Care Authority, with the assistance of the Insurance Department, to do the following:

1. Provide incentives for individuals to insure against the costs of providing for their long-term care needs;

2. Provide a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under the state Medicaid program without first being required to substantially exhaust their resources;

3. Provide counseling services to individuals in planning for their long-term care needs; and

4. Alleviate the financial burden on the state's Medicaid program by encouraging the pursuit of private initiatives.

B. Upon exhaustion of benefits under a Long-Term Care Partnership Program policy, certain resources of an individual, as described in subsection C of this section, shall not be considered by the Authority when determining any of the following:

1. Medicaid eligibility;

2. The amount of any Medicaid payment; and

3. Any subsequent recovery by the state of a payment for medical services.

C. The Oklahoma Health Care Authority shall amend the state Medicaid program to allow for asset disregard. The Authority shall provide for asset disregard by counting insurance benefits paid under a policy toward asset disregard to the extent the payments are for covered services under the Oklahoma Long-Term Care Partnership Program for purchasers of an Oklahoma Long-Term Care Partnership Program approved policy.

Added by Laws 2004, c. 283, § 3.

§63-1-1955.4. Eligibility for assistance under state Medicaid program - Continuing eligibility for asset disregard - Reciprocal agreements.

A. An individual who is a beneficiary of an Oklahoma Long-Term Care Partnership Program approved policy is eligible for assistance under the state Medicaid program using asset disregard pursuant to the provisions of subsection C of Section 3 of the Oklahoma Long-Term Care Partnership Act.

B. If the Oklahoma Long-Term Care Partnership Program is discontinued, an individual who purchased an Oklahoma Long-Term Care Partnership Program approved policy prior to the date the program was discontinued shall be eligible to receive asset disregard.

C. The Oklahoma Health Care Authority may enter into reciprocal agreements with other states to extend the asset disregard to residents of the state who purchase long-term care policies in another state which has an asset disregard program that is substantially similar to the asset disregard program as established under the Oklahoma Long-Term Care Partnership Act.

Added by Laws 2004, c. 283, § 4.

§63-1-1955.5. Promulgation of rules.

The Oklahoma Health Care Authority and the Insurance Department are hereby authorized to promulgate rules to implement and administer the provisions of the Oklahoma Long-Term Care Partnership Act.

Added by Laws 2004, c. 283, § 5.

§63-1-1955.6. Long-term care insurance policies - Notice regarding asset disregard and asset tests.

A. A long-term care insurance policy issued after the effective date of this act shall contain a notice provision to the consumer detailing in plain language the current law pertaining to asset disregard and asset tests.

B. The notice to the consumer under subsection A of this section shall be developed by the Insurance Commissioner.

Added by Laws 2004, c. 283, § 6.

§63-1-1960. Short title.

This act shall be known and may be cited as the "Home Care Act".

Added by Laws 1992, c. 139, § 2, eff. Sept. 1, 1992.

§63-1-1961. Definitions.

As used in the Home Care Act:

1. “Board” means the State Board of Health;

2. “Certification” means verification of appropriate training and competence established by the State Board of Health by rules promulgated pursuant to the Home Care Act for home health aides and home care agency administrators;

3. “Department” means the State Department of Health;

4. “Home care agency” means any sole proprietorship, partnership, association, corporation or other organization which administers, offers or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence. The term “home care agency” shall not include:

a. individuals who contract with the Department of Human Services to provide personal care services, provided such individuals shall not be exempt from certification as home health aides,

b. organizations that contract with the Oklahoma Health Care Authority as Intermediary Services Organizations (ISO) to provide federal Internal Revenue Service fiscal and supportive services to Consumer-Directed Personal Assistance Supports and Services (CD-PASS) waiver program participants who have employer responsibility for hiring, training, directing and managing an individual personal care attendant, or

c. CD-PASS waiver program employer participants;

5. “Home care services” means skilled or personal care services provided to clients in their place of residence for a fee;

6. “Home health aide” means an individual who provides personal care to clients in their temporary or permanent place of residence for a fee;

7. “Home care agency administrator” means a person who operates, manages, or supervises, or is in charge of a home care agency;

8. “Personal care” means assistance with dressing, bathing, ambulation, exercise or other personal needs;

9. “Skilled care” means home care services performed on a regular basis by a trained Respiratory Therapist/Technician or by a person currently licensed by this state, including but not limited to a Licensed Practical Nurse, Registered Nurse, Physical Therapist, Occupational Therapist, Speech Therapist, or Social Worker;

10. “Standby assistance” means supervision of client directed activities with verbal prompting and infrequent, incidental hands-on intervention only; and

11. “Supportive home assistant” means an individual employed by a home care agency who provides standby assistance to ambulatory clients, in conjunction with other companionship or homemaker services, in the temporary or permanent place of residence of the client for a fee.

Added by Laws 1992, c. 139, § 3, eff. Sept. 1, 1992. Amended by Laws 1995, c. 169, § 1, emerg. eff. May 4, 1995; Laws 1996, c. 349, § 1, eff. Nov. 1, 1996; Laws 2004, c. 249, § 1, eff. Nov. 1, 2004; Laws 2009, c. 370, § 1, eff. Nov. 1, 2009.

§63-1-1962. Home care agency license – Supervisory requirements - Exemptions.

A. No home care agency as that term is defined by the Home Care Act shall operate without first obtaining a license as required by the Home Care Act.

B. 1. No home care agency, except as otherwise provided by this subsection, shall place an individual in the role of supportive home assistant with a client on a full-time, temporary, per diem, or other basis, unless the individual has completed agency-based supportive home assistant training taught by a registered nurse in the sections applicable to the assistance required by the client. Each supportive home assistant who successfully completes agency-based training shall demonstrate competence by testing through an independent entity approved by the State Department of Health. The requirements related to application, approval, renewal, and denial of such testing entities shall be set forth in administrative rules promulgated by the State Board of Health.

2. The home care agency shall develop a written training plan that shall include, at a minimum, the following:

a. observation, reporting, and documentation of client status and the standby assistance or other services furnished,

b. maintenance of a clean, safe, and healthy environment,

c. recognizing an emergency and necessary emergency procedures,

d. safe techniques to provide standby assistance with bathing, grooming, and toileting,

e. assistance with meal preparation and safe food handling and storage,

f. client rights and responsibilities and the need for respect for the client and for the privacy and property of the client, and

g. basic infection control practices to include, at a minimum, instruction in acceptable hand hygiene techniques and the application of standard precautions.

3. Supervisory visits shall be made according to the client need, as determined by the nursing supervisor, but no less than once every six (6) months.

4. No supportive home assistant shall provide services to a client until a criminal history background check and a check of the nurse aide registry maintained by the State Department of Health is performed in accordance with Section 1-1950.1 of this title and the assistant is found to have no notations of abuse of any kind on the registry and no convictions of the crimes listed in subsection F of Section 1-1950.1 of this title.

5. No home care agency may employ a supportive home assistant listed on the Department of Human Services Community Services Worker Registry.

6. No licensed health care facility, licensed physician, advanced practice registered nurse, physician assistant, or state agency employee acting in the performance of his or her duties shall refer a client for personal care services as defined in paragraph 8 of Section 1-1961 of this title or for companion or sitter services as defined in paragraph 1 of subsection A of Section 1-1972 of this title, except to an agency licensed to provide such services. For purposes of this subsection, "licensed health care facility" shall include acute care hospitals, long-term acute care hospitals, rehabilitation hospitals, skilled nursing facilities, assisted living facilities, residential care homes, home care agencies, adult day care centers and hospice agencies.

C. 1. No employer or contractor, except as otherwise provided by this subsection, shall employ or contract with any individual as a home health aide for more than four (4) months, on a full-time, temporary, per diem or other basis, unless the individual is a licensed health professional or unless the individual has satisfied the requirements for certification and placement on the home health aide registry maintained by the State Department of Health.

2. a. Any person in the employment of a home care agency as a home health aide on June 30, 1992, with continuous employment through June 30, 1993, shall be granted home health aide certification by the Department on July 1, 1993. The home care agency shall maintain responsibility for assurance of specific competencies of the home health aide and shall only assign the home health aide to tasks for which the aide has been determined to be competent.

b. Any home health aide employed between the dates of July 1, 1992, and June 30, 1993, shall be eligible for certification by passing a competency evaluation and testing as required by the Department.

c. Any home health aide employed on and after July 1, 1996, shall complete any specified training, competency evaluation and testing required by the Department.

D. The provisions of the Home Care Act shall not apply to:

1. A person acting alone who provides services in the home of a relative, neighbor or friend;

2. A person who provides maid services only;

3. A nurse service or home aide service conducted by and for the adherents to any religious denomination, the tenets of which include reliance on spiritual means through prayer alone for healing;

4. A person providing hospice services pursuant to the Oklahoma Hospice Licensing Act;

5. A nurse-midwife;

6. An individual, agency, or organization that contracts with the Oklahoma Health Care Authority to provide services under the Home- and Community-Based Waiver for persons with developmental disabilities or that contracts with the Department of Human Services to provide community services to persons with developmental disabilities; provided, that staff members and individuals providing the services shall receive a level of training, approved by the Department of Human Services, which meets or exceeds the level required pursuant to the Home Care Act. An individual, agency or organization otherwise covered under the Home Care Act shall be exempt from the act only for those paraprofessional direct care services provided under contracts referenced in this paragraph;

7. An individual, agency or organization that provides or supports the provision of personal care services to an individual who performs individual employer responsibilities of hiring, training, directing and managing a personal care attendant as part of the Oklahoma Health Care Authority Consumer-Directed Personal Assistance Supports and Services (CD-PASS) waiver program. An individual, agency or organization otherwise covered under the provisions of the Home Care Act shall be exempt from the act only for those paraprofessional direct care services provided under Oklahoma Health Care Authority contracts referenced in this paragraph, but shall not be exempt from the criminal history background check required under the Home Care Act and Section 1-1950.1 of this title for other paraprofessional direct care service providers. A personal care attendant hired by a consumer under the CD-PASS program shall be exempt from certification as a home health aide, provided such personal care attendant receives the training required and approved by the Department of Human Services;

8. An individual who only provides Medicaid home- and community-based personal care services pursuant to a contract with the Oklahoma Health Care Authority;

9. An individual who:

a. is employed by a licensed home care agency exclusively to provide personal care services on a live-in basis,

b. has no convictions pursuant to a criminal history investigation as provided in Section 1-1950.1 of this title,

c. is being continuously trained by a registered nurse to provide care that is specific to the needs of the particular client receiving the care, and

d. is supervised by a registered nurse via an on-site visit at least once each month;

10. A home or facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home in which care is provided exclusively to three or fewer veterans; or

11. A person qualified by the Department as a certified nurse aide pursuant to the provisions of Section 1-1951 of this title.
Added by Laws 1992, c. 139, § 4, eff. Sept. 1, 1992. Amended by Laws 1996, c. 157, § 1, eff. July 1, 1996; Laws 1997, c. 407, § 20, eff. Nov. 1, 1997; Laws 1998, c. 5, § 19, emerg. eff. March 4, 1998; Laws 2004, c. 249, § 2, eff. Nov. 1, 2004; Laws 2009, c. 370, § 2, eff. Nov. 1, 2009; Laws 2012, c. 12, § 4, emerg. eff. April 5, 2012; Laws 2012, c. 265, § 2, eff. Nov. 1, 2012; Laws 2017, c. 77, § 3, eff. Nov. 1, 2017.
NOTE: Laws 1997, c. 219, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§63-1-1962a. Certification of home care agency administrators.

A. 1. The State Board of Health shall have authority to determine the qualifications, skill and fitness of any person employed to serve as an administrator of a home care agency. The State Board of Health in promulgating rules pursuant to this section may consider advice and comments from representatives of home care agencies, home care agency administrators and representatives of statewide organizations for home care agency clients.

2. The State Board of Health shall develop standards which must be met by individuals in order to receive certification as a home health agency administrator, which standards shall be designed to ensure that home health agency administrators will be individuals who are of good character and are suitable, and who, by training or experience, are qualified to serve as home health agency administrators.

B. The State Department of Health, pursuant to rules promulgated by the Board, shall:

1. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards as established in paragraph 2 of subsection A of this section;

2. Certify individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend certification previously issued by the Department in any case where the individual holding any such certification is determined substantially to have failed to conform to the requirements of such standards;

3. Establish and carry out procedures designed to ensure that individuals certified as home health agency administrators will, during any period that they serve as such, comply with the requirements of such standards; and

4. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Department to the effect that any individual certified as a home care agency

administrator has failed to comply with the requirements of such standards.

C. 1. In order to further ensure minimum standards for certification, the Board shall require a home care agency administrator to receive education or training which shall include, but not be limited to, training in administration, supervision, fiscal management, ethics, community relations, public information and human relations, concerning the issues associated with the operation of home care agencies and programs. Any person employed as an administrator after November 1, 1996, shall have completed the education or training specified by this subsection.

2. On and after August 1, 1997, proof of successful completion of the education, training or continuing education, as applicable, for the home care agency administrator shall be required prior to issuance or renewal of a license for a home care agency pursuant to the provisions of the Home Care Act.

D. It shall be unlawful and a misdemeanor for any person to act or serve in the capacity as a home care agency administrator unless such individual is the holder of a certification as a home care agency administrator, issued in accordance with the provisions of the Home Care Act.

E. Each person certified as a home care agency administrator pursuant to the provisions of this section shall be required to pay an annual certification fee in an amount to be determined by the State Board of Health not to exceed Two Hundred Dollars ($200.00). Each such certificate shall expire on the 31st day of July following its issuance and shall be renewable for twelve (12) months beginning August 1, upon payment of the annual certification fee.

F. In addition to the annual certification fees, the State Board of Health may impose fees for training or education programs conducted or approved by the Board.

G. All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Public Health Special Fund.

Added by Laws 1996, c. 349, § 4, eff. Nov. 1, 1996.

§63-1-1963. State Department of Health - Powers and duties - Rules and regulations for investigation and hearing of complaints.

A. The State Department of Health shall have the power and duty to:

1. Issue, renew, deny, modify, suspend and revoke licenses and deny renewal of licenses for agencies, and issue, renew, deny, modify, suspend and revoke certificates and deny renewal of certificates for home health aides pursuant to the provisions of the Home Care Act;

2. Establish and enforce qualifications, standards and requirements for licensure of home care agencies and certification of

home health aides; provided, nothing in this paragraph shall be construed as to require a hospice to employ a home health aide as a condition of licensure;

3. Issue or renew a license to establish or operate a home care agency if the Department determines that the agency meets the requirements of or is accredited or certified by one of the following accrediting or certifying organizations or programs. In addition, the accredited home care agency through this paragraph will not be subject to an inspection or examination by the Department unless necessary to investigate complaints under subsection B of this section:

a. Title XVIII or XIX of the federal Social Security Act,

b. the Joint Commission on Accreditation of Healthcare Organizations/Home Care Accreditation Services (JCAHO),

c. the Community Health Accreditation Program of the National League for Nursing (CHAP), or

d. the Accreditation Commission for Health Care (ACHC);

4. Establish and maintain a registry of certified home health aides;

5. Enter any home care agency when reasonably necessary for the sole purpose of inspecting and investigating conditions of the agency for compliance with the provisions of the Home Care Act, or compliance with the standards and requirements for licensure or certification developed by the Department pursuant to the provisions of the Home Care Act;

6. Establish administrative penalties for violations of the provisions of the Home Care Act; and

7. Exercise all incidental powers as necessary and proper for the administration of the Home Care Act.

B. 1. The State Board of Health shall promulgate rules necessary for the investigation and hearing of complaints regarding a home care agency or home health aide.

2. The Department shall establish procedures for receipt and investigation of complaints regarding a home care agency or home health aide.

3. A complaint regarding a home care agency or home health aide shall not be made public unless a completed investigation substantiates the violations alleged in the complaint.

Added by Laws 1992, c. 139, § 5, eff. Sept. 1, 1992. Amended by Laws 2011, c. 107, § 1, eff. Nov. 1, 2011; Laws 2017, c. 77, § 4, eff. Nov. 1, 2017.

§63-1-1964. Contents, coverage and scope of rules.

The State Board of Health shall promulgate rules necessary to implement the provisions of the Home Care Act. Such rules shall include, but shall not be limited to:

1. Minimum standards for home care services. In establishing such standards, the Board shall consider those standards adopted by state and national home care associations;

2. Requirements for the certification and renewal certification of home health aides and home care agency administrators;

3. Provisions for transfer of ownership of a licensed agency;

4. A requirement that each licensed agency create and disclose to its clients a statement of clients' rights and responsibilities;

5. Establishing continuing education requirements for renewal of certifications for home care agency administrators;

6. Requirements for financial resources to ensure a home care agency's ability to provide adequate home care services;

7. Standards for assessing an applicant's business and professional experience as demonstrated in prior health care provider operations including, but not limited to, nursing homes, residential care homes, and home care and in previous compliance with all lawful orders of suspension, receivership, administrative penalty or sanction issued by the State Department of Health or by other administrative agencies in other states with similar responsibilities;

8. Restrictions on any agency, agency employee, or agency contractor providing skilled care or conducting an in-home assessment of the need for skilled care unless and until the agency receives a physician's order to provide skilled care or to conduct an in-home assessment of the need for skilled care; provided, however, such restrictions shall not prevent an agency from providing personal care to a client without a physician's order. Provided further, such restrictions shall not apply to in-home assessments of home and community-based waiver clients in the state Medicaid program;

9. Restrictions on any agency, agency employee, or agency contractor soliciting, coercing, or harassing a consumer of home care services or who may need home care services; and

10. Standards or other provisions which do not conflict with any federal requirements relating to the federal Medicaid and Medicare programs.

Added by Laws 1992, c. 139, § 6, eff. Sept. 1, 1992. Amended by Laws 1996, c. 349, § 2, eff. Nov. 1, 1996; Laws 1997, c. 238, § 7, eff. Nov. 1, 1997; Laws 2004, c. 249, § 3, eff. Nov. 1, 2004.

§63-1-1965. Procedures for licensure.

A. Every person, corporation, partnership, association or other legal entity desiring to obtain a license to establish, or to obtain a renewal license to operate, a home care agency in this state shall make application to the State Department of Health in such form and accompanied by such information as the State Commissioner of Health shall prescribe. Such information shall include, but not be limited to:

1. The name and location of the home care agency for which a license is sought; and

2. The name and address of the person or persons under whose ownership, operation, management, or supervision the home care agency will be conducted.

B. 1. An application for an initial license to establish or operate a new home care agency shall be accompanied by a nonrefundable application fee of up to Three Thousand Dollars ($3,000.00) not to exceed the reasonable costs incurred by the Department in implementing the Home Care Act.

2. An application for a license, or renewal thereof, to operate an existing home care agency shall be accompanied by a nonrefundable licensing fee of Five Hundred Dollars ($500.00).

3. An application for license, or renewal thereof, to establish or operate a home care agency branch office of an agency licensed in the State of Oklahoma shall be accompanied by a nonrefundable licensing fee of Twenty-five Dollars ($25.00).

4. Funds collected pursuant to this section shall be deposited in the Home Health Care Revolving Fund.

C. Disclosure statements shall be completed by the applicant and all affiliated persons and such other legal entities specified by this subsection. The disclosure statements shall be made a part of the application and shall include, but not be limited to, the following information:

1. The full name and address of the applicant, and all affiliated persons;

2. The full name and address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant;

3. A description of any ongoing organizational relationships as they may impact operations within the state; and

4. The names, locations, and dates of ownership, operation, or management for all current and prior home care agencies owned, operated or managed in this state or in any other state by the applicant or by any affiliated persons.

D. An application for a license for a home care agency may be denied by the Commissioner for any of the following reasons:

1. Failure to meet any of the minimum standards of the Home Care Act or rules of the Board promulgated pursuant thereto; or

2. Conviction of the applicant, or any affiliated persons, for any offense listed in subsection F of Section 1-1950.1 of this title.

E. The license issued by the Commissioner shall:

1. Not be transferable or assignable except to any affiliated person, parent company or subsidiary of the applicant or legal entity which has an ongoing organizational relationship with the applicant;

2. Be posted in a conspicuous place, open to the public, on the licensed premises;

3. Be issued only for the premises named in the application; and

4. Except as otherwise provided by this paragraph, expire on July 31 of each year. The Department shall promulgate rules which will authorize or allow:

a. the term of a renewal license issued pursuant to the Home Care Act prior to the effective date of this act which will expire prior to July 1, 1997, to be extended or any application fee or other fee required by the Home Care Act to be prorated so that a renewal license may be issued on August 1, 1997, and

b. the issuance of a new license, or a renewal license, prior to or after the effective date of this act to establish or operate a home care agency pursuant to the Home Care Act for less than one (1) year or the proration of any application fee or other fee so required so that a renewal license may be issued on August 1, 1997.

F. After issuing a license, the Commissioner may revoke or suspend the license based on any of the following grounds:

1. Violation of any of the provisions of the Home Care Act or the rules or standards promulgated by the Board; or

2. Permitting, aiding, or abetting the commission of any illegal act by a licensed home care agency.

G. The issuance or renewal of a license after notice of a violation shall not constitute a waiver by the Department of its power to rely on the violation as the basis for subsequent revocation of a license or other enforcement action authorized by the Home Care Act.

H. For purposes of this section:

1. "Affiliated person" means:

a. any officer, director or partner of the applicant,

b. any person employed by the applicant as a general or key manager who directs the operations of the facility which is the subject of the application, and

c. any person owning or controlling more than five percent (5%) of the applicant's debt or equity; and

2. "Subsidiary" means any person, firm, corporation or other legal entity which:

a. controls or is controlled by the applicant,

b. is controlled by an entity that also controls the applicant, or

c. the applicant or an entity controlling the applicant has directly or indirectly the power to control.

Added by Laws 1992, c. 139, § 7, eff. Sept. 1, 1992. Amended by Laws 1994, c. 283, § 18, eff. Sept. 1, 1994; Laws 1994, c. 382, § 30, eff. Sept. 1, 1994; Laws 1996, c. 349, § 3, eff. Nov. 1, 1996.

§63-1-1966. Violations - Penalties.

Any home care agency, home care agency administrator, or home health aide covered by the Home Care Act that has been determined by the State Department of Health to have violated any provision of the Home Care Act or any rule promulgated thereto may be liable for an administrative penalty of not more than One Hundred Dollars ($100.00) per violation for each day on which a violation occurs or continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations. Funds collected pursuant to this section shall be deposited in the Home Health Care Revolving Fund created in Section 1-1971 of this title.
Added by Laws 1992, c. 139, § 8, eff. Sept. 1, 1992. Amended by Laws 1994, c. 283, § 20, eff. Sept. 1, 1994; Laws 1994, c. 382, § 31, eff. Sept. 1, 1994; Laws 1997, c. 219, § 2, emerg. eff. May 19, 1997.

§63-1-1967. Violations - Equitable relief - Jurisdiction.

The State Department of Health may bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Home Care Act or any rule promulgated pursuant to the provisions of the Home Care Act. Said court shall have jurisdiction to determine said action, and to grant the necessary or appropriate relief, including but not limited to mandatory or prohibitive injunctive relief or interim equitable relief.
Added by Laws 1992, c. 139, § 9, eff. Sept. 1, 1992.

§63-1-1967a. Civil actions.

A. Any person, other legal entity, or any governmental agency may bring a civil action to restrain a provider of home care services, or a person acting on behalf of the provider or under the provider's control from, or for the collection of damages caused by:

1. Making or enforcing unconscionable terms or provisions of a provider agreement;

2. Fraudulent or unconscionable conduct in inducing a patient to enter into an agreement; or

3. Fraudulent or unconscionable conduct in collecting fees for services.

B. In an action brought pursuant to this section, the court may grant relief if it finds:

1. That the defendant has made unconscionable agreements or has engaged in or is likely to engage in a course of fraudulent or unconscionable conduct;

2. That the agreements or conduct of the defendant has caused or is likely to cause injury to a patient; or

3. That the defendant has been able to cause or will be able to cause injury primarily because of the nature of the services involved.

C. In applying this section, consideration shall be given to each of the following factors:

1. Belief by the defendant at the time the services were provided that there was no reasonable probability of injury;

2. Knowledge by the defendant at the time the services were provided of the inability of the patient to receive substantial benefit from the services provided;

3. Gross disparity between the price of the services provided measured by the price at which similar services are readily available or obtainable by like patients;

4. The fact that the defendant contracted for or received separate or additional charges for services with the effect of making the cost for the services provided, considered as a whole, unconscionable;

5. The fact that the defendant has knowingly taken advantage of the inability of the patient reasonably to protect the patient's interests by reason of physical or mental infirmities, ignorance, illiteracy, or inability to understand the language of the agreements or similar factors; and

6. Any other fact.

D. In an action brought pursuant to this section, conduct, a charge, or a practice expressly specified in this section shall not in itself be deemed unconscionable.

E. With respect to an action brought to restrain actions pursuant to the provisions of the Home Care Act, or unconscionable agreements or fraudulent or unconscionable conduct, a person may apply to the court for temporary relief against a defendant, pending final determination. If the court finds after a hearing held upon notice to the defendant that there is reasonable cause to believe that the defendant should be restrained, it may grant any temporary relief or restraining order it deems appropriate.

F. In addition, after demand, a person, other legal entity or governmental agency may bring a civil action against a provider of home care services, or a person acting on behalf of the provider or under the provider's control, to recover damages incurred as a result of any action taken by the provider or such person, subject to the provisions of this section.

G. The provisions of this section shall not affect any other remedies available under other principles of law or equity.

Added by Laws 1996, c. 349, § 5, eff. Nov. 1, 1996.

§63-1-1968. Eligibility to serve as guardian.

No agency, employee of any agency, or home health aide shall serve as the guardian of a client unless such home care provider is related to the client by blood or marriage and is otherwise eligible to serve as a guardian.

Added by Laws 1992, c. 139, § 10, eff. Sept. 1, 1992.

§63-1-1969. Administrative Procedures Act - Application.

The provisions of the Administrative Procedures Act shall apply to all administrative rules and procedures of the State Board of Health promulgated pursuant to the Home Care Act.

Added by Laws 1992, c. 139, § 11, eff. Sept. 1, 1992.

§63-1-1970. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-1971. Home Health Care Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated as the "Home Health Care Revolving Fund". Said fund shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of all monies collected pursuant to the provisions of Section 1-1965 and Section 1-1966 of this title. All monies accruing to said fund are hereby appropriated and shall be budgeted and expended by the State Department of Health for licensure and regulation of home care agencies and branch offices. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1994, c. 283, § 19, eff. Sept. 1, 1994. Amended by Laws 2012, c. 304, § 488.

§63-1-1972. Companion and sitter service licensure – Requirements - Violations.

A. As used in this section:

1. “Companion” or “sitter” means assistance with household tasks, shopping, meal preparation or planning, and provision of fellowship and other nonpersonal care for the individual including transportation, letter writing, socialization, and is intended to enable the individual to remain safely and comfortably in their place of residence in exchange for consideration; and

2. “Agency” means any partnership, firm, corporation, association, limited liability company, and any other legal entity authorized to do business in Oklahoma.

B. The State Board of Health, with the advice and consent of the Home Health Advisory Board, is authorized to promulgate rules in accordance with the Home Care Act to cover agencies providing companion and sitter services that at a minimum require:

1. An individual to be designated by the legal entity to provide supervision of the companion or sitter services;

2. Criminal background checks;

3. Workers’ compensation coverage;

4. A nonrefundable application fee of One Thousand Dollars ($1,000.00) for an initial license;

5. A nonrefundable renewal application fee of Five Hundred ($500.00);

6. Liability insurance in amounts determined by the Department; and

7. A system of record keeping that shall include:

a. the name, address, and services provided for all clients,

b. duties performed for each day of service,

c. criminal background checks of companions or sitters which shall meet the criteria established for certified nurse aides as provided for in Section 1-1950.1 of this title, and

d. any other related information.

C. The State Department of Health shall investigate complaints of noncompliance with the requirements provided in subsection B of this section concerning agencies that provide companion or sitter services in this state. Any agency, employer, employee, or designated agent thereof that provides, offers, or advertises companion or sitter services shall become licensed with the State Department of Health pursuant to the Home Care Act.

D. Any agency that:

1. Is represented by the title "home care agency", without having first complied with the provisions of the Home Care Act;

2. Otherwise offers to perform personal care or home care services, as defined in Section 1-1961 of this title;

3. Uses any other name, style, or description denoting that the agency is licensed to provide personal care or home care services; or

4. Is in violation of subsection C of this section,

upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) for each offense, by imprisonment for a term not to exceed six (6) months in the county jail, or by both fine and imprisonment.

E. It shall be unlawful for any agency not licensed in accordance with the Home Care Act to advertise or otherwise offer personal care, companion or sitter services, home care services, to use the title "home care agency", "home health agency", or "senior care agency", or to provide personal care, companion or sitter services, or home care services. Such action shall be subject to equitable relief in accordance with Section 1-1967 of this title.

F. The provisions of this section shall not apply to those persons exempted under subsection C of Section 1-1962 of this title and any individual not employed by an agency.

G. The State Board of Health shall promulgate rules necessary for the investigation and hearing of complaints regarding a companion or sitter service. The rules shall include provisions for a review process to be presided over by a mediator or arbitrator, acceptable

to all parties, and who is not an employee of the State Department of Health.

H. An entity that holds a valid license as a home care agency under the Home Care Act and meets the requirements of this section may provide companion or sitter services in addition to home care services under an existing license.

Added by Laws 2007, c. 255, § 1, eff. Nov. 1, 2007. Amended by Laws 2008, c. 41, § 1, emerg. eff. April 18, 2008.

§63-1-1973. Self-administration of medication – Assistance from certified nurse aide.

A. Patients who are capable of self-administering their own medications without assistance shall be encouraged and allowed to do so. However, a certified nurse aide may assist a patient whose condition is medically stable with the self-administration of routine, regularly scheduled medications that are intended to be self-administered, if the following conditions are met:

1. For an oral medication, the medication shall have been placed in a medication planner by a registered nurse, a relative of the patient or nursing staff of an Oklahoma licensed home health or hospice agency that is currently serving the patient; and

2. For all other forms, the certified nurse aide shall assist with self-administration consistent with a dispensed prescription's label or the package directions of an over-the-counter medication.

B. For purposes of this section, self-administered medications include both legend and over-the-counter oral dosage forms, topical dosage forms and topical ophthalmic, otic and nasal dosage forms, including solutions, suspensions, sprays and inhalers.

C. Assistance with self-administration of medication by a certified nurse aide may occur only upon a documented request by, and the written informed consent of, a patient or the patient's surrogate, guardian or attorney-in-fact.

D. For purposes of this section, assistance with self-administration of medication includes:

1. Taking an oral medication out of a pill planner and bringing it to the patient;

2. Placing an oral dosage in the patient's hand or placing the dosage in another container and helping the patient by lifting the container to his or her mouth;

3. If ordered by a physician, placing an oral medication in food before the patient self-administers;

4. Crushing an oral medication pursuant to orders given by a physician or health care professional;

5. Applying topical medications; and

6. Keeping a record of when a patient receives assistance with self-administration pursuant to this section.

E. For purposes of this section, assistance with self-administration of medication does not include:

1. Removing oral medication from any container other than a pill planner;

2. Mixing, compounding, converting or calculating medication doses;

3. The preparation of syringes for injection or the administration of medications by any injectable route;

4. Administration of medications through intermittent positive pressure breathing machines;

5. Administration of medications by way of a tube inserted in a cavity of the body;

6. Administration of parenteral preparations;

7. Irrigations or debriding agents used in the treatment of a skin condition;

8. Rectal, urethral, or vaginal preparations;

9. Medications ordered by the physician or health care professional with prescriptive authority to be given "as needed", unless the order is written with specific parameters that preclude independent judgment on the part of the certified nurse aide, and at the request of a competent patient;

10. Medications for which the time of administration, the amount, the strength of dosage, the method of administration or the reason for administration requires judgment or discretion on the part of the certified nurse aide; or

11. Assistance with the self-administration of medication by a certified nurse aide in an assisted living center through home care services as provided for in Section 1-890.8 of Title 63 of the Oklahoma Statutes.

F. Assistance with the self-administration of medication by a certified nurse aide as described in this section does not constitute administration as defined in Section 353.1 of Title 59 of the Oklahoma Statutes.

G. The State Commissioner of Health may by rule establish procedures and interpret terms as necessary to implement the provisions of this section.

H. For purposes of this section:

1. "Informed consent" means advising the patient, or the patient's surrogate, guardian or attorney-in-fact, that the patient may be receiving assistance with self-administration of medication from a certified nurse aide; and

2. "Attorney-in-fact" means an attorney-in-fact authorized to act pursuant to the Uniform Durable Power of Attorney Act, Sections 1071 through 1077 of Title 58 of the Oklahoma Statutes, with authority to act regarding the patient's health and medical care decisions, subject to the limitations under paragraph 1 of subsection B of Section 1072.1 of Title 58 of the Oklahoma Statutes.

Added by Laws 2019, c. 214, § 1, eff. Nov. 1, 2019.

§63-1-1980. Use of fee proceeds for business expenses.

The owner of any nursing home, assisted living center, residential care home, continuum of care facility, independent living facility, life care community, long-term care facility or any other facility offering similar services which may or may not be subject to the licensing requirements of the State Department of Health shall be authorized to use the proceeds from any fees required by and paid to the facility unless named and specifically prohibited by the Long-Term Care Insurance Act for business expenses, including the payment of principal, interest or costs of borrowing related to debt incurred for purposes of capital asset acquisition or the improvement or expansion of the facility.

Added by Laws 2008, c. 305, § 9, emerg. eff. June 2, 2008.

§63-1-1990.1. Silver Alert Act.

This act shall be known and may be cited as the "Silver Alert Act".

Added by Laws 2009, c. 50, § 1, eff. Nov. 1, 2009.

§63-1-1990.2. Definitions.

As used in the Silver Alert Act:

1. "Alert" means the statewide silver alert for missing senior citizens;

2. "Local law enforcement agency" includes, but is not limited to, a county sheriff's office, a police department of a municipality or city, or the state highway patrol;

3. "Media outlet" includes but is not limited to radio stations, television stations, newspapers and local support organizations; and

4. "Missing senior citizen" means a person:

a. whose whereabouts are unknown,

b. whose age at the time the person is first reported missing is sixty (60) years of age or older and who is believed to be suffering from dementia or other cognitive impairment, and

c. whose disappearance poses a credible threat to the safety and health of the person, as determined by a local law enforcement agency.

Added by Laws 2009, c. 50, § 2, eff. Nov. 1, 2009.

§63-1-1990.3. Development and implementation.

The Department of Public Safety shall develop and implement a statewide silver alert system to be activated on behalf of a missing senior citizen in cooperation with the Department of Transportation, the Department of Human Services, any local law enforcement agency,

the Oklahoma Association of Broadcasters and any other appropriate state or local agencies.
Added by Laws 2009, c. 50, § 3, eff. Nov. 1, 2009.

§63-1-1990.4. Statewide coordinator – Adoption of rules – Issuance of directives.

The Commissioner of Public Safety is the statewide coordinator of the silver alert system and shall:

1. Adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules and directives shall include:

a. the procedures to be used by a local law enforcement agency to verify whether a senior citizen:
(1) is missing,
(2) is believed to be suffering from dementia or other cognitive impairment, and
(3) is one whose disappearance is believed to pose a credible risk to the health and safety of the missing person,

b. the criteria for local law enforcement agencies to consider in circumstances in which a missing person may not meet the age requirements of a silver alert but whose safety would be best protected by the issuance of a silver alert,

c. the procedures for local law enforcement agencies to follow in initiating a statewide silver alert,

d. the method whereby information is distributed to statewide media outlets,

e. the procedures for the receipt and evaluation of information received from the public about the missing senior citizen, and

f. the procedure for the termination of a silver alert; and

2. Coordinate with local and statewide media outlets for the rapid and accurate announcement of a silver alert to the public.
Added by Laws 2009, c. 50, § 4, eff. Nov. 1, 2009.

§63-1-1990.5. Activation of silver alert procedure - Procedure.

A. A silver alert shall be activated if a local law enforcement agency:

1. Receives notice of a missing senior citizen;

2. Verifies that at the time the senior citizen is reported missing:

a. the person reported missing is sixty (60) years of age or older,

b. the location of the senior citizen is unknown, or

c. the senior citizen has dementia or other cognitive impairment;

3. Determines that the disappearance of the senior citizen poses a credible threat to the health and safety of the senior citizen; and

4. Determines that information which may assist in the safe recovery of the missing senior citizen is available.

B. The local law enforcement agency shall:

1. Require the family or legal guardian of the missing senior citizen to provide documentation of the impaired mental condition of the senior citizen;

2. Determine identifying information about the missing senior citizen and any other information which might be useful to the general public in the safe recovery of the missing senior citizen; and

3. Report the individual through the national crime information center immediately upon the issuance of a silver alert.

Added by Laws 2009, c. 50, § 5, eff. Nov. 1, 2009.

§63-1-1990.6. Silver alert information and statements.

The silver alert shall include:

1. All appropriate information that is provided by the local law enforcement agency that may lead to the safe recovery of the missing senior citizen; and

2. A statement instructing any person with information related to the missing senior citizen to contact a local law enforcement agency.

Added by Laws 2009, c. 50, § 6, eff. Nov. 1, 2009.

§63-1-1990.7. Termination of a silver alert – Senior citizen.

A. The local law enforcement agency responsible for the issuance of a silver alert shall terminate any silver alert with respect to a particular missing senior citizen not later than the earlier of the date on which:

1. The missing senior citizen is located or the situation is otherwise resolved; or

2. The notification period ends, as determined by Department rule.

B. A local law enforcement agency that locates a missing senior citizen who is the subject of a silver alert shall immediately notify the Department of Public Safety.

Added by Laws 2009, c. 50, § 7, eff. Nov. 1, 2009.

§63-1-1991. Training for Alzheimer's and dementia care.

A. The State Board of Health shall promulgate rules that require all medical and direct care staff of nursing and specialized facilities, adult day care centers, assisted living centers and home health agencies licensed by the State Department of Health to

complete, at a minimum, one (1) hour of in-service training per year in Alzheimer's- and dementia-related care.

B. The curricula for the training shall include, but not be limited to, learning ways to decode behavior messages, identifying common behavioral triggers and determining the types of positive communication that can take place between persons with Alzheimer's disease and professional caregivers.

C. The Board shall also promulgate rules establishing appropriate training requirements for support staff working in the facilities listed in subsection A of this section who do not provide direct care for patients.

Added by Laws 2017, c. 231, § 1, eff. Nov. 1, 2017.

§63-1-2001. Renumbered as § 2-7-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2001.1. Renumbered as § 2-7-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2002. Renumbered as § 2-7-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2002.a. Renumbered as § 2-7-122 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2003. Renumbered as § 2-7-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2003.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2004. Renumbered as § 2-7-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2004.1. Renumbered as § 2-7-106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2004.2. Renumbered as § 2-7-107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2004.3. Renumbered as § 2-7-109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2005.1. Renumbered as § 2-7-123 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.2. Renumbered as § 2-7-119 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.3. Renumbered as § 2-7-115 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.3A. Renumbered as § 2-7-121 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.3B. Renumbered as § 2-7-120 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.3C. Renumbered as § 2-7-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2005.4. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2006. Renumbered as § 2-7-113 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2006.1. Renumbered as § 2-7-110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2007. Renumbered as § 2-7-112 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2008. Renumbered as § 2-7-116 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2008.1. Renumbered as § 2-7-117 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2009. Renumbered as § 2-7-124 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2009.1. Renumbered as § 2-7-108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2010. Renumbered as § 2-7-125 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2011. Renumbered as § 2-7-130 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2012. Renumbered as § 2-7-129 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2012.1. Renumbered as § 2-7-126 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2012.2. Renumbered as § 2-7-128 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2012.3. Renumbered as § 2-7-127 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2012.4. Renumbered as § 2-7-132 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2013. Renumbered as § 2-7-131 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2013.1. Renumbered as § 2-7-133 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2014. Renumbered as § 2-7-111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2014.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2014.2. Renumbered as § 2-7-118 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2014.3. Renumbered as § 2-7-114 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2015. Renumbered as § 2-7-301 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2016. Renumbered as § 2-7-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2017. Renumbered as § 2-7-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2018. Renumbered as § 2-7-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2019. Renumbered as § 2-7-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2020. Renumbered as § 2-7-306 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2021. Renumbered as § 2-7-307 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2053. Renumbered as § 2-11-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2101. Renumbered as § 2-8-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2102. Renumbered as § 2-8-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2103. Renumbered as § 2-8-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2104. Renumbered as § 2-8-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2105. Renumbered as § 2-8-202 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2106. Renumbered as § 2-8-203 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2107. Renumbered as § 2-8-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2201. Renumbered as § 1150.2 of Title 59 by Laws 1993, c. 145, § 360, eff. July 1, 1993.

§63-1-2202. Renumbered as § 1150.7 of Title 59 by Laws 1993, c. 145, § 360, eff. July 1, 1993.

§63-1-2203. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2211. Short title.

This act shall be known and may be cited as the "Long-Term Care Ombudsman Act".

Added by Laws 1989, c. 326, § 1, emerg. eff. May 26, 1989.

§63-1-2212. Definitions.

As used in the Long-Term Care Ombudsman Act:

1. "Office" means the Office of the State Long-Term Care Ombudsman. For purposes of the Long-Term Care Ombudsman Act, any area or local ombudsman entity designated by the State Long-Term Care Ombudsman shall be deemed to be a subdivision of this Office;

2. "State Long-Term Care Ombudsman" means the individual employed by the Department of Human Services to be the chief administrative officer of the Office;

3. "Department" means the Department of Human Services;

4. "Representative" means the State Long-Term Care Ombudsman, and any state, area or local long-term care ombudsman designated by the State Long-Term Care Ombudsman, whether paid or unpaid; and

5. "Resident" means any person residing in a long-term care facility.

Added by Laws 1989, c. 326, § 2, emerg. eff. May 26, 1989. Amended by Laws 1996, c. 336, § 10, emerg. eff. June 12, 1996.

§63-1-2213. Office of the State Long-Term Care Ombudsman.

A. There is hereby created within the Department of Human Services the Office of the State Long-Term Care Ombudsman. The Office, under the auspices and general direction of the State Long-Term Care Ombudsman, shall carry out a long-term care ombudsman program in accordance with the Older Americans Act of 1965, as amended, and in accordance with federal regulations issued pursuant to the Older Americans Act or as provided by the Long-Term Care Ombudsman Act.

B. The State Long-Term Care Ombudsman shall, personally or through representatives of the Office:

1. Identify, investigate and resolve complaints that:

a. are made by, or on behalf of, residents, and

b. relate to action, inaction or decisions, of:

(1) providers, or representatives of providers, of long-term care services,

(2) public agencies, or

(3) health and social service agencies,

that may adversely affect the health, safety, welfare or rights of the residents;

2. Provide services to assist the residents in protecting their health, safety, welfare and rights;

3. Inform residents about means of obtaining services offered by providers or agencies;

4. Ensure that the residents have regular and timely access to the services provided through the Office;

5. Ensure that the residents and complainant receive timely responses from the Office and representatives of the Office regarding complaints;

6. Represent the interests of residents before governmental agencies and seek administrative, legal and other remedies to protect the health, safety, welfare and rights of the residents;

7. Provide administrative and technical assistance to area or local ombudsman entities to assist the entities in participating in the State Long-Term Care Ombudsman Program;

8. a. analyze, comment on and monitor the development and implementation of federal, state and local laws, rules and other government policies and actions that pertain to the health, safety, welfare and rights of the residents, with respect to the adequacy of long-term care facilities and services in this state,

   b. recommend any changes in such laws, rules, policies and actions as the Office determines to be appropriate, and

   c. facilitate public comment on the laws, rules, policies and actions;

9. a. provide for training representatives of the Office,

   b. promote the development of citizen organizations, to participate in the State Long-Term Care Ombudsman Program, and

   c. provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

10. Carry out such other activities as the Commission for Human Services determines to be appropriate.

C. 1. In carrying out the duties of the Office, the State Long-Term Care Ombudsman may designate an entity as an area or local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

2. An individual so designated shall, in accordance with the policies and procedures established by the Office and Commission for Human Services, carry out such duties and activities as required by the State Long-Term Care Ombudsman pursuant to the authority granted by the Long-Term Care Ombudsman Act and rules promulgated by the Commission thereto.

3. Entities eligible to be designated as area or local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall:

   a. have demonstrated capability to carry out the responsibilities of the Office,

   b. be free of conflicts of interest,

   c. in the case of the entities, be public or nonprofit private entities, and

   d. meet such additional requirements as the Ombudsman may specify.

D. 1. In accordance with the Older Americans Act of 1965, as amended and in accordance with federal regulations issued pursuant

thereto, or as otherwise provided by the Long-Term Care Ombudsman Act, the State Long-Term Care Ombudsman and representatives of the Office shall have:

a. access to long-term care facilities and residents,

b. (1) access to review the medical and social records of a resident, if:

(a) the representative of the Office has the permission of the resident, or the legal representative of the resident, or

(b) the resident is unable to consent to the review and has no legal representative and the representative of the Office obtains the approval of the State Long-Term Care Ombudsman, or

(2) access to the records as is necessary to investigate a complaint if:

(a) a legal guardian of the resident refuses to give the permission,

(b) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident, and

(c) the representative obtains the approval of the State Long-Term Care Ombudsman,

c. access to the administrative records, policies and documents, to which the residents have, or the general public has access, of long-term care facilities, and

d. access to copies of all licensing and certification records maintained by the Department or any other agency of this state with respect to long-term care facilities.

2. For purposes of this subsection, the term "Representative of the Office" shall not include any unpaid or volunteer state, area, or local ombudsman.

Added by Laws 1989, c. 326, § 3, emerg. eff. May 26, 1989. Amended by Laws 1994, c. 89, § 1, emerg. eff. April 20, 1994; Laws 1996, c. 336, § 11, emerg. eff. June 12, 1996.

§63-1-2214. Liability of long-term care ombudsman - Legal representation.

A. For purposes of the Governmental Tort Claims Act, any state, area or local long-term care ombudsman shall be deemed to be an employee of this state and as such shall not be personally liable for any act or omission made within the "scope of employment", as such term is defined by the Governmental Tort Claims Act.

B. 1. The Department of Human Services shall assure that adequate legal counsel is available to the Office of the State Long-

Term Care Ombudsman for the advice and consultation needed to protect the health, safety, welfare and rights of residents, and that legal representation is provided to any representative of the Office:

a. against whom suit or other legal action is brought in connection with any act or omission of a representative made within the scope of employment, or

b. to assist the ombudsman and representatives of the Office in the performance of their official duties.

2. The provisions of this section shall not be construed to require or authorize any legal counsel provided by the Department of Human Services to represent any resident of a nursing facility in an individual capacity.

Added by Laws 1989, c. 326, § 4, emerg. eff. May 26, 1989. Amended by Laws 1994, c. 89, § 2, emerg. eff. April 20, 1994.

§63-1-2215. Willful interference with official duties - Retaliation or reprisal for filing complaint - Penalty.

A. No person shall willfully interfere with a representative of the Office of the State Long-Term Care Ombudsman in the performance of official duties.

B. No person shall engage in retaliation or reprisal against any resident or employee of a long-term care facility or other entity for having filed a complaint with or provided information to the Office.

C. Any person convicted of violating any provisions of this section shall be guilty of a misdemeanor.

Added by Laws 1989, c. 326, § 5, emerg. eff. May 26, 1989.

§63-1-2216. Duties of Commission for Human Services - Advisory capacity of State Council on Aging.

A. The Commission for Human Services shall promulgate rules regarding:

1. The powers and official duties of the State Long-Term Care Ombudsman consistent with applicable federal law and rules or as provided by the Long-Term Care Ombudsman Act;

2. Minimum qualifications for persons to serve as representatives of the Office of the State Long-Term Care Ombudsman;

3. Initial and continuing training requirements for ombudsman staff and volunteers which shall provide for a minimum of eighteen (18) hours of continuing education relevant to the care of the aging and disabled;

4. The minimum number of visits that must be made by an ombudsman to the assigned facilities;

5. The proper documentation and reporting of visits made to facilities by the ombudsman;

6. Procedures to ensure that officers, employees or other representatives of the Office are not subject to a conflict of

interest which would impair their ability to carry out their official duties in an impartial manner; and

7. The disclosure by the State Long-Term Care Ombudsman or area or local Ombudsman entities of files maintained by the State Long-Term Care Ombudsman Program. Such rules shall:

a. provide that such files and records may be disclosed only at the discretion of the State Long-Term Care Ombudsman or the person designated by the State Long-Term Care Ombudsman to disclose the files and records, and

b. prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless:

(1) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing,

(2) (a) the complainant or resident gives consent orally, and

(b) the consent is documented contemporaneously in a writing made by a State Long-Term Care Ombudsman representative of the Office in accordance with such rules as the Commission shall promulgate, or

(3) the disclosure is required by court order.

B. The Oklahoma State Council on Aging, established by the Commission for Human Services to review, monitor and evaluate programs targeted to older persons, shall serve in an advisory capacity to the State Long-Term Care Ombudsman through establishment of a committee with equal provider and consumer representation. Added by Laws 1989, c. 326, § 6, emerg. eff. May 26, 1989. Amended by Laws 1996, c. 336, § 12, emerg. eff. June 12, 1996; Laws 2005, c. 465, § 8, emerg. eff. June 9, 2005.

§63-1-2217. Oklahoma Long-term Care Services and Supports Advisory Committee.

A. There is hereby created the Oklahoma Long-term Care Services and Supports Advisory Committee. The purpose of the Committee shall be to develop a long-range plan for long-term care service and supports, the financial impact of these services, and stable, sustainable funding to support projected growth of these services in the state in the future. The Committee shall consist of the following members:

1. Two members representing for-profit nursing homes, one member to be appointed by the Speaker of the House of Representatives and one member to be appointed by the President Pro Tempore of the Senate;

2. Two members representing not-for-profit nursing homes, one member to be appointed by the Speaker of the House of Representatives and one member to be appointed by the President Pro Tempore of the Senate;

3. Four members representing each sector of home- and community-based services as follows:

a. the members representing The Program of All-Inclusive Care for the Elderly (PACE) and home care to be appointed by the Speaker of the House of Representatives, and

b. the members representing ADvantage waiver and adult day care to be appointed by the President Pro Tempore of the Senate;

4. Two members representing the State Council on Aging, one member to be appointed by the Speaker of the House of Representatives and one member to be appointed by the President Pro Tempore of the Senate;

5. One member representing a volunteer from the Office of the State Ombudsman, to be appointed by the Governor; and

6. Two members representing the general public who shall have no financial interest in long-term care nor any personal relationship with any long-term care provider, to be appointed by the Governor.

B. No state employee shall be eligible for membership on the Committee.

C. Members of the Committee shall serve at the pleasure of the appointing authority. Vacancies in a position shall be filled in the same manner as the original appointment. The members of the Committee shall elect a Chairperson at its initial meeting.

D. The Committee shall hold its first meeting no later than November 1, 2018, shall meet monthly, and shall publish a report of its final plan no later than November 1, 2019, the date on which members' terms shall end.

E. The Committee may use the expertise and services of the staff of the Oklahoma Health Care Authority.

F. Proceedings of all meetings of the Committee shall comply with the provisions of the Oklahoma Open Meeting Act.

Added by Laws 2018, c. 154, § 1, eff. Nov. 1, 2018.

§63-1-2300. Renumbered as § 2-10-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2301. Renumbered as § 2-10-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2302. Renumbered as § 2-10-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2302.a. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2303. Repealed by Laws 1993, c. 94, § 1, emerg. eff. April 18, 1993 and by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2304. Renumbered as § 2-10-801 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2304.1. Repealed by Laws 1993, c. 145, § 362, eff. July 1, 1993.

§63-1-2304.2. Renumbered as § 2-10-404 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2305. Renumbered as § 2-10-802 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2306. Renumbered as § 2-10-302 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2307. Renumbered as § 2-10-803 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2308. Renumbered as § 2-10-403 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2309. Renumbered as § 2-10-405 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2324. Renumbered as § 2-10-602 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2325. Renumbered as § 2-10-601 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2401. Renumbered as § 2-10-1101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2402. Renumbered as § 2-10-1102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2403. Renumbered as § 2-10-1103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2404. Renumbered as § 2-10-1104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2405. Renumbered as § 2-10-1105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2406. Renumbered as § 2-10-1106 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2407. Renumbered as § 2-10-1107 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2408. Renumbered as § 2-10-1108 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2409. Renumbered as § 2-10-1109 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2410. Renumbered as § 2-10-1110 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2411. Renumbered as § 2-10-1111 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2412. Renumbered as § 2-10-901 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2413. Renumbered as § 2-10-1001 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2414. Renumbered as § 2-10-301 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2414.1. Renumbered as § 2-10-305 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2414.2. Renumbered as § 2-10-306 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2415. Renumbered as § 2-10-303 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2416. Renumbered as § 2-10-701 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2416.1. Renumbered as § 2-10-501 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2417. Renumbered as § 2-10-201 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2418. Renumbered as § 2-10-202 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2419. Renumbered as § 2-10-203 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2420. Renumbered as § 2-10-204 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2421. Renumbered as § 2-10-304 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2440. Renumbered as § 2-11-101 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2441. Renumbered as § 2-11-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2443. Renumbered as § 2-11-103 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-1-2501. Short title.

Sections 1-2502 through 1-2521 of this title shall be known and may be cited as the "Oklahoma Emergency Response Systems Development Act".

Added by Laws 1990, c. 320, § 5, emerg. eff. May 30, 1990. Amended by Laws 1999, c. 156, § 1, eff. Nov. 1, 1999.

NOTE: Editorially renumbered from § 1-2401 of this title to avoid a duplication in numbering.

§63-1-2502. Legislative findings and declaration.

The Legislature hereby finds and declares that:

1. There is a critical shortage of providers of emergency care for:

   a. the delivery of fast, efficient emergency medical care for the sick and injured at the scene of a medical emergency and during transport to a health care facility, and

   b. the delivery of stabilizing and definitive care at a health care facility; and

2. Improved emergency service is required to reduce the mortality rate during the first critical minutes immediately following the onset of a medical emergency.

Added by Laws 1990, c. 320, § 6, emerg. eff. May 30, 1990. Amended by Laws 1999, c. 156, § 2, eff. Nov. 1, 1999.
NOTE: Editorially renumbered from § 1-2402 of this title to avoid a duplication in numbering.

§63-1-2503. See the following versions:
OS 63-1-2503v1 (HB 2742, Laws **2016**, c. 246, § 1).
OS 63-1-2503v2 (SB 1018, Laws 2019, c. 93, § 1).

§63-1-2503v1. Definitions.

As used in the Oklahoma Emergency Response Systems Development Act:

1. "Ambulance" means any ground, air or water vehicle which is or should be approved by the Commissioner of Health, designed and equipped to transport a patient or patients and to provide appropriate on-scene and en route patient stabilization and care as required. Vehicles used as ambulances shall meet such standards as may be required by the State Board of Health for approval, and shall display evidence of such approval at all times;

2. "Ambulance authority" means any public trust or nonprofit corporation established by the state or any unit of local government or combination of units of government for the express purpose of providing, directly or by contract, emergency medical services in a specified area of the state;

3. "Ambulance patient" or "patient" means any person who is or will be transported in a reclining position to or from a health care facility in an ambulance;

4. "Ambulance service" means any private firm or governmental agency which is or should be licensed by the State Department of Health to provide levels of medical care, including but not limited to comprehensive integrated medical care in emergency and nonemergency settings under the supervision of a physician, based on certification standards promulgated by the Board;

5. "Ambulance service district" means any county, group of counties or parts of counties formed together to provide, operate and finance emergency medical services as provided by Section 9C of Article X of the Oklahoma Constitution or Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes;

6. "Board" means the State Board of Health;

7. "Certified emergency medical responder" means an individual certified by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

8. "Certified emergency medical response agency" means an organization of any type certified by the Department to provide emergency medical care, but not transport. Certified emergency

medical response agencies may utilize certified emergency medical responders or licensed emergency medical personnel; provided, however, that all personnel so utilized shall function under the direction of and consistent with guidelines for medical control;

9. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

10. "CoAEMSP" means the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions;

11. "Commissioner" means the State Commissioner of Health;

12. "Community paramedic" means a licensed paramedic who meets the requirements of Section 1-2505 of this title;

13. "Community paramedic services" means services that include interventions intended to prevent unnecessary ambulance transportation or hospital emergency department use.

a. Community paramedic services must be part of a care plan ordered by a primary health care provider or a hospital provider in consultation with the medical director of an ambulance service. Such care plan must ensure that the services provided by a community paramedic do not duplicate services already provided to the patient, including home health and waiver services.

b. Community paramedic services shall include health assessment, chronic disease monitoring and education, medication compliance, immunizations and vaccinations, laboratory specimen collection, hospital discharge follow-up care and minor medical procedures compliant with the community paramedic's scope of practice and approved by the ambulance medical director;

14. "Council" means the Trauma and Emergency Response Advisory Council created in Section 1-103a.1 of this title;

15. "Critical care paramedic" or "CCP" means a licensed paramedic who has successfully completed critical care training and testing requirements in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

16. "Department" means the State Department of Health;

17. "Emergency medical services system" means a system which provides for the organization and appropriate designation of personnel, facilities and equipment for the effective and coordinated local, regional and statewide delivery of health care services primarily under emergency conditions;

18. "Letter of review" means the official designation from CoAEMSP to a paramedic program that is in the "becoming accredited" process;

19. "Licensed emergency medical personnel" means an emergency medical technician (EMT), an intermediate emergency medical

technician (IEMT), an advanced emergency medical technician (AEMT), or a paramedic licensed by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and the rules and standards promulgated by the Board;

20. "Licensure" means the licensing of emergency medical care providers and ambulance services pursuant to rules and standards promulgated by the Board at one or more of the following levels:

a. basic life support,
b. intermediate life support,
c. paramedic life support,
d. advanced life support,
e. stretcher aid van, and
f. specialty care, which shall be used solely for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel provided by paramedic life support.

Requirements for each level of care shall be established by the Board. Licensure at any level of care includes a license to operate at any lower level, with the exception of licensure for specialty care; provided, however, that the highest level of care offered by an ambulance service shall be available twenty-four (24) hours each day, three hundred sixty-five (365) days per year.

Licensure shall be granted or renewed for such periods and under such terms and conditions as may be promulgated by the Board;

21. "Medical control" means local, regional or statewide medical direction and quality assurance of health care delivery in an emergency medical service system. On-line medical control is the medical direction given to licensed emergency medical personnel, certified emergency medical responders and stretcher aid van personnel by a physician via radio or telephone. Off-line medical control is the establishment and monitoring of all medical components of an emergency medical service system, which is to include stretcher aid van service including, but not limited to, protocols, standing orders, educational programs, and the quality and delivery of on-line control;

22. "Medical director" means a physician, fully licensed without restriction, who acts as a paid or volunteer medical advisor to a licensed ambulance service and who monitors and directs the care so provided. Such physicians shall meet such qualifications and requirements as may be promulgated by the Board;

23. "Region" or "emergency medical service region" means two or more municipalities, counties, ambulance districts or other political subdivisions exercising joint control over one or more providers of

emergency medical services and stretcher aid van service through common ordinances, authorities, boards or other means;

24. "Regional emergency medical services system" means a network of organizations, individuals, facilities and equipment which serves a region, subject to a unified set of regional rules and standards which may exceed, but may not be in contravention of, those required by the state, which is under the medical direction of a single regional medical director, and which participates directly in the delivery of the following services:

a. medical call-taking and emergency medical services dispatching, emergency and routine, including priority dispatching of first response agencies, stretcher aid van and ambulances,

b. emergency medical responder services provided by emergency medical response agencies,

c. ambulance services, both emergency, routine and stretcher aid van including, but not limited to, the transport of patients in accordance with transport protocols approved by the regional medical director, and

d. directions given by physicians directly via radio or telephone, or by written protocol, to emergency medical response agencies, stretcher aid van or ambulance personnel at the scene of an emergency or while en route to a hospital;

25. "Regional medical director" means a licensed physician, who meets or exceeds the qualifications of a medical director as defined by the Oklahoma Emergency Response Systems Development Act, chosen by an emergency medical service region to provide external medical oversight, quality control and related services to that region;

26. "Registration" means the listing of an ambulance service in a registry maintained by the Department; provided, however, registration shall not be deemed to be a license;

27. "Stretcher aid van" means any ground vehicle which is or should be approved by the State Commissioner of Health, which is designed and equipped to transport individuals on a stretcher or gurney type apparatus. Vehicles used as stretcher aid vans shall meet such standards as may be required by the State Board of Health for approval and shall display evidence of such approval at all times. Stretcher aid van services shall only be permitted and approved by the Commissioner in emergency medical service regions, ambulance service districts, or counties with populations in excess of four hundred thousand (400,000) people. Notwithstanding the provisions of this paragraph, stretcher aid van transports may be made to and from any federal or state veterans facility;

28. "Stretcher aid van patient" means any person who is or will be transported in a reclining position on a stretcher or gurney, who

is medically stable, nonemergent and does not require any medical monitoring equipment or assistance during transport; and

29. "Transport protocol" means the written instructions governing decision-making at the scene of a medical emergency by ambulance personnel regarding the selection of the hospital to which the patient shall be transported. Transport protocols shall be developed by the regional medical director for a regional emergency medical services system or by the Department if no regional emergency medical services system has been established. Such transport protocols shall adhere to, at a minimum, the following guidelines:

a. nonemergency, routine transport shall be to the facility of the patient's choice,

b. urgent or emergency transport not involving life-threatening medical illness or injury shall be to the nearest facility, or, subject to transport availability and system area coverage, to the facility of the patient's choice, and

c. life-threatening medical illness or injury shall require transport to the nearest health care facility appropriate to the needs of the patient as established by regional or state guidelines.

Added by Laws 1990, c. 320, § 7, emerg. eff. May 30, 1990. Amended by Laws 1999, c. 156, § 3, eff. Nov. 1, 1999; Laws 2001, c. 411, § 5, eff. Nov. 1, 2001; Laws 2005, c. 433, § 1, eff. July 1, 2005; Laws 2006, c. 171, § 1, emerg. eff. May 17, 2006; Laws 2007, c. 1, § 49, emerg. eff. Feb. 22, 2007; Laws 2013, c. 23, § 1, eff. Nov. 1, 2013; Laws 2013, c. 229, § 65, eff. Nov. 1, 2013; Laws 2016, c. 246, § 1, eff. Nov. 1, 2016.

NOTE: Editorially renumbered from § 1-2403 of this title to avoid duplication in numbering.

NOTE: Laws 2006, c. 155, § 1 repealed by Laws 2007, c. 1, § 50, emerg. eff. Feb. 22, 2007.

§63-1-2503v2. Definitions.

As used in the Oklahoma Emergency Response Systems Development Act:

1. "Ambulance" means any ground, air or water vehicle which is or should be approved by the State Commissioner of Health, designed and equipped to transport a patient or patients and to provide appropriate on-scene and en route patient stabilization and care as required. Vehicles used as ambulances shall meet such standards as may be required by the Commissioner for approval, and shall display evidence of such approval at all times;

2. "Ambulance authority" means any public trust or nonprofit corporation established by the state or any unit of local government or combination of units of government for the express purpose of

providing, directly or by contract, emergency medical services in a specified area of the state;

3. "Ambulance patient" or "patient" means any person who is or will be transported in a reclining position to or from a health care facility in an ambulance;

4. "Ambulance service" means any private firm or governmental agency which is or should be licensed by the State Department of Health to provide levels of medical care based on certification standards promulgated by the Commissioner;

5. "Ambulance service district" means any county, group of counties or parts of counties formed together to provide, operate and finance emergency medical services as provided by Section 9C of Article X of the Oklahoma Constitution or Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes;

6. "Board" means the State Board of Health;

7. "Certified emergency medical responder" means an individual certified by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Commissioner;

8. "Certified emergency medical response agency" means an organization of any type certified by the Department to provide emergency medical care, but not transport. Certified emergency medical response agencies may utilize certified emergency medical responders or licensed emergency medical personnel; provided, however, that all personnel so utilized shall function under the direction of and consistent with guidelines for medical control;

9. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

10. "CoAEMSP" means the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions;

11. "Commissioner" means the State Commissioner of Health;

12. "Council" means the Trauma and Emergency Response Advisory Council created in Section 1-103a.1 of this title;

13. "Critical care paramedic" or "CCP" means a licensed paramedic who has successfully completed critical care training and testing requirements in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Commissioner;

14. "Department" means the State Department of Health;

15. "Emergency medical services system" means a system which provides for the organization and appropriate designation of personnel, facilities and equipment for the effective and coordinated local, regional and statewide delivery of health care services primarily under emergency conditions;

16. "Letter of review" means the official designation from CoAEMSP to a paramedic program that is in the "becoming accredited" process;

17. "Licensed emergency medical personnel" means an emergency medical technician (EMT), an intermediate, an advanced emergency medical technician (AEMT), or a paramedic licensed by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and the rules and standards promulgated by the Commissioner;

18. "Licensure" means the licensing of emergency medical care providers and ambulance services pursuant to rules and standards promulgated by the Commissioner at one or more of the following levels:

a. Basic life support,
b. Intermediate life support,
c. Paramedic life support,
d. Advanced life support,
e. Stretcher van, and
f. Specialty care, which shall be used solely for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel provided by paramedic life support.

Requirements for each level of care shall be established by the Commissioner. Licensure at any level of care includes a license to operate at any lower level, with the exception of licensure for specialty care; provided, however, that the highest level of care offered by an ambulance service shall be available twenty-four (24) hours each day, three hundred sixty-five (365) days per year.

Licensure shall be granted or renewed for such periods and under such terms and conditions as may be promulgated by the Commissioner;

19. "Medical control" means local, regional or statewide medical direction and quality assurance of health care delivery in an emergency medical service system. On-line medical control is the medical direction given to licensed emergency medical personnel, certified emergency medical responders and stretcher van personnel by a physician via radio or telephone. Off-line medical control is the establishment and monitoring of all medical components of an emergency medical service system, which is to include stretcher van service including, but not limited to, protocols, standing orders, educational programs, and the quality and delivery of on-line control;

20. "Medical director" means a physician, fully licensed without restriction, who acts as a paid or volunteer medical advisor to a licensed ambulance service and who monitors and directs the care so

provided. Such physicians shall meet such qualifications and requirements as may be promulgated by the Commissioner;

21. "Region" or "emergency medical service region" means two or more municipalities, counties, ambulance districts or other political subdivisions exercising joint control over one or more providers of emergency medical services and stretcher van service through common ordinances, authorities, boards or other means;

22. "Regional emergency medical services system" means a network of organizations, individuals, facilities and equipment which serves a region, subject to a unified set of regional rules and standards which may exceed, but may not be in contravention of, those required by the state, which is under the medical direction of a single regional medical director, and which participates directly in the delivery of the following services:

a. medical call-taking and emergency medical services dispatching, emergency and routine, including priority dispatching of first response agencies, stretcher van and ambulances,

b. emergency medical responder services provided by emergency medical response agencies,

c. ambulance services, both emergency, routine and stretcher van including, but not limited to, the transport of patients in accordance with transport protocols approved by the regional medical director, and

d. directions given by physicians directly via radio or telephone, or by written protocol, to emergency medical response agencies, stretcher van or ambulance personnel at the scene of an emergency or while en route to a hospital;

23. "Regional medical director" means a licensed physician, who meets or exceeds the qualifications of a medical director as defined by the Oklahoma Emergency Response Systems Development Act, chosen by an emergency medical service region to provide external medical oversight, quality control and related services to that region;

24. "Registration" means the listing of an ambulance service in a registry maintained by the Department; provided, however, registration shall not be deemed to be a license;

25. "Stretcher van" means any ground vehicle which is or should be approved by the State Commissioner of Health, which is designed and equipped to transport individuals on a stretcher or gurney type apparatus. Vehicles used as stretcher vans shall meet such standards as may be required by the Commissioner for approval and shall display evidence of licensure at all times. The Commissioner shall not establish Federal Specification KKK-A-1822 ambulance standards for stretcher vans; provided, a stretcher van shall meet Ambulance Manufacturers Division (AMD) Standards 004, 012 and 013, and shall

pass corresponding safety tests. Stretcher van services shall only be permitted and approved by the Commissioner in emergency medical service regions, ambulance service districts, or counties with populations in excess of five hundred thousand (500,000) people. Notwithstanding the provisions of this paragraph, stretcher van transports may be made to and from any federal or state veterans facility. Stretcher vans may carry and provide oxygen and may carry and utilize any equipment necessary for the provision of oxygen;

26. "Stretcher van passenger" means any person who is or will be transported in a reclining position on a stretcher or gurney, who is medically stable, nonemergent and does not require any medical monitoring equipment or assistance during transport except oxygen. Passengers must be authorized as qualified to be transported by stretcher van. Passengers shall be authorized through screening provided by a certified medical dispatching protocol approved by the Department. All patients being transported to or from any medically licensed facility shall be screened before transport. Any patient transported without screening shall be a violation of Commissioner rule by the transporting company and subject to administrative procedures of the Department; and

27. "Transport protocol" means the written instructions governing decision-making at the scene of a medical emergency by ambulance personnel regarding the selection of the hospital to which the patient shall be transported. Transport protocols shall be developed by the regional medical director for a regional emergency medical services system or by the Department if no regional emergency medical services system has been established. Such transport protocols shall adhere to, at a minimum, the following guidelines:

a. nonemergency, routine transport shall be to the facility of the patient's choice,

b. urgent or emergency transport not involving life-threatening medical illness or injury shall be to the nearest facility, or, subject to transport availability and system area coverage, to the facility of the patient's choice, and

c. life-threatening medical illness or injury shall require transport to the nearest health care facility appropriate to the needs of the patient as established by regional or state guidelines.

Added by Laws 1990, c. 320, § 7, emerg. eff. May 30, 1990. Amended by Laws 1999, c. 156, § 3, eff. Nov. 1, 1999; Laws 2001, c. 411, § 5, eff. Nov. 1, 2001; Laws 2005, c. 433, § 1, eff. July 1, 2005; Laws 2006, c. 171, § 1, emerg. eff. May 17, 2006; Laws 2007, c. 1, § 49, emerg. eff. Feb. 22, 2007; Laws 2013, c. 23, § 1, eff. Nov. 1, 2013; Laws 2013, c. 229, § 65, eff. Nov. 1, 2013; Laws 2016, c. 236, § 1, eff. Nov. 1, 2016; Laws 2017, c. 30, § 1, eff. July 1, 2017; Laws 2019, c. 93, § 1, emerg. eff. April 18, 2019.

NOTE: Editorially renumbered from § 1-2403 of this title to avoid duplication in numbering.
NOTE: Laws 2006, c. 155, § 1 repealed by Laws 2007, c. 1, § 50, emerg. eff. Feb. 22, 2007.

§63-1-2504. Utilization of emergency medical personnel in hospital or health care facilities - EMT students - Nurses.

A. Any hospital or health care facility operating within the state may utilize emergency medical technician, intermediate emergency medical technician, advanced emergency medical technician or paramedic, community paramedic or critical care paramedic personnel for the delivery of emergency medical patient care within the hospital or health care facility. All licensed ambulance services shall use emergency medical technician, intermediate emergency medical technician, advanced emergency medical technician or paramedic personnel for on-scene patient care and stabilization and the delivery of prehospital and en route emergency medical care.

B. Any hospital or health care facility operating within the state may utilize community paramedic personnel for the delivery of community paramedic services for patients who come to the hospital or health care facility who reside in this state.

C. While participating in an emergency medical technician, intermediate emergency medical technician, advanced emergency medical technician, community paramedic or paramedic training course approved by the State Department of Health, the student shall be allowed to perform in the hospital, clinic or prehospital setting, while under the direct supervision of a physician, registered nurse, or licensed emergency medical personnel who are licensed at a level equal to or above the level of training of the student, or other allied health preceptor, any of the skills determined to be appropriate for the training level of the student by the Department.

D. The student shall be allowed to perform any of the skills determined to be appropriate by the Department for the training level of the student while performing community paramedic services under the direct supervision of a physician, registered nurse or emergency medical personnel who are licensed at a level equal to or above the level of training of the student, or other allied health preceptor.

E. A registered nurse or licensed practical nurse may be used in the back of an ambulance during an interhospital transfer to supplement the skills of licensed emergency medical personnel. A registered nurse or licensed practical nurse functioning in this fashion must be following written orders of a physician or be in direct radio or telephone contact with a physician.
Added by Laws 1990, c. 320, § 8, emerg. eff. May 30, 1990.
Amended by Laws 2013, c. 23, § 2, eff. Nov. 1, 2013; Laws 2016, c. 246, § 2, eff. Nov. 1, 2016.

§63-1-2504.1. Duty to act - Mutual aid - Exemption.

A. There is a required duty to act within the licensed area upon the acceptance of an ambulance service license. All licensed ambulance services shall respond appropriately, consistent with the level of licensure, when called for emergency service regardless of the patient's ability to pay.

B. If the ambulance service cannot physically respond within the limits of the Ambulance Service Districts Act, then the ambulance service called shall immediately call for mutual aid from a neighboring licensed ambulance service. Nonemergency, interfacility transfers are exempt from the requirements of this subsection.

Added by Laws 2010, c. 295, § 21, emerg. eff. June 6, 2010.

§63-1-2504.2. Quality Assurance reviews.

A. Licensed Emergency Medical Services shall conduct Quality Assurance reviews of operations and medical care provided. This activity shall be in accordance with standards developed by Emergency Medical Services Administration and Medical Control.

B. The proceedings and records of these Quality Assurance reviews and continuous quality improvement activities conducted by Emergency Medical Services shall be confidential and not subject to disclosure by subpoena or otherwise.

C. Quality Assurance and Continuous Quality Improvement activity, records and proceedings of any licensed Emergency Medical Service shall be confidential and not subject to the Oklahoma Open Meeting Act nor the Oklahoma Open Records Act.

Added by Laws 2016, c. 236, § 2, eff. Nov. 1, 2016.

§63-1-2505. Licensed personnel - Levels of care.

Personnel licensed in the following levels of care may perform as designated under their classification:

1. "Emergency medical technician (EMT)" means an individual licensed by the State Department of Health following completion of a standard basic emergency medical technician training program approved by the Department, who has met such other standards of competence and character as may be required, and who has passed a standard licensing examination of knowledge and skill, administered by the Department or other entity designated by the Department. The licensed emergency medical technician is allowed to perform such skills as may be designated by the Department;

2. "Intermediate emergency medical technician (IEMT)" means an individual licensed as an EMT, who has completed an intermediate training program approved by the Department, who has met such other standards of competence and character as may be required, and who has passed a standard licensing examination of knowledge and skill administered by the Department or other entity designated by the

Department. The intermediate emergency medical technician is allowed to perform such skills as may be designated by the Department;

3. "Advanced emergency medical technician (AEMT)" means an individual licensed as an emergency medical technician or intermediate emergency medical technician who has completed an AEMT training program approved by the Department, who has met such other standards of competence and character as may be required, and who has passed a standard licensing examination of knowledge and skills administered by the Department or other entity designated by the Department. The advanced emergency medical technician is allowed to perform such skills as may be designated by the Department;

4. "Community paramedic" means an individual who meets the provisions of paragraph 5 of this section and:

a. possesses two (2) years of full-time service as a paramedic or its part-time equivalent, and

b. completes a training program from an entity approved by the Department; and

5. "Paramedic", including community paramedic, means an individual licensed as an EMT, IEMT or AEMT, who has completed a standard paramedic training program, who has met such other standards of competence and character as may be required, and who has passed a standard licensing examination of knowledge and skill administered by the Department or other entity designated by the Department. The paramedic is allowed to perform such skills as may be designated by the Department.

Added by Laws 1990, c. 320, § 9, emerg. eff. May 30, 1990. Amended by Laws 2013, c. 23, § 3, eff. Nov. 1, 2013; Laws 2016, c. 246, § 3, eff. Nov. 1, 2016.

§63-1-2505.1. Emergency medical technician and medical responder death benefit.

A. In the event of the death of any licensed emergency medical personnel or a certified emergency medical responder resulting from the official duties of such licensed emergency medical personnel or certified emergency medical responder performed while in the line of duty, the State Department of Health shall pay the designated beneficiary of the deceased the sum of Five Thousand Dollars ($5,000.00).

B. If the designated beneficiary predeceases the emergency medical personnel or certified emergency medical responder and there is not an alternate or contingent beneficiary, the death benefit shall be payable to the personal representative of the decedent.

C. All payments made pursuant to the provisions of this section shall be paid from the Emergency Medical Personnel Death Benefit Revolving Fund created pursuant to Section 1-2505.2 of this title.

Added by Laws 2008, c. 43, § 1, eff. July 1, 2008. Amended by Laws 2010, c. 94, § 1, eff. July 1, 2010; Laws 2013, c. 23, § 4, eff. Nov. 1, 2013.

§63-1-2505.2. Emergency Medical Personnel Death Benefit Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Emergency Medical Personnel Death Benefit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from the fees imposed pursuant to Section 1-2505.3 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of making death benefit payments to the named beneficiary or personal representative of a deceased licensed emergency medical personnel or certified emergency medical responder pursuant to Section 1-2505.1 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2008, c. 43, § 2, eff. July 1, 2008. Amended by Laws 2010, c. 94, § 2, eff. July 1, 2010; Laws 2012, c. 304, § 489; Laws 2013, c. 23, § 5, eff. Nov. 1, 2013.

§63-1-2505.3. Application fee – Apportionment to revolving fund.

A. In addition to any other fee that may be authorized by law or pursuant to administrative rule of the State Department of Health effective July 1, 2010, there shall be imposed a fee of:

1. Ten Dollars ($10.00) for each original application for licensed emergency medical personnel;

2. Two Dollars and fifty cents ($2.50) for each renewal application for licensed emergency medical personnel;

3. Ten Dollars ($10.00) for each original application for a certified emergency medical responder; and

4. Five Dollars ($5.00) for each renewal application for a certified emergency medical responder.

B. The fees authorized by subsection A of this section shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created pursuant to Section 1-2505.2 of this title.

Added by Laws 2008, c. 43, § 3, eff. July 1, 2008. Amended by Laws 2010, c. 94, § 3, eff. July 1, 2010; Laws 2013, c. 23, § 6, eff. Nov. 1, 2013.

§63-1-2506. Performance of medical procedures.

Licensed and certified emergency medical personnel, while a duty to act is in effect, shall perform medical procedures to assist patients to the best of their abilities under the direction of a medical director or in accordance with written protocols, which may include standing orders, authorized and developed by the medical director and approved by the State Department of Health when not in conflict with standards approved by the State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act. Licensure, certification and authorization for emergency medical personnel to perform medical procedures must be consistent with provisions of this act, and rules adopted by the Board. Medical control and medical directors shall meet such requirements as prescribed through rules adopted by the Board.
Added by Laws 1990, c. 320, § 10, emerg. eff. May 30, 1990. Amended by Laws 2005, c. 204, § 1, eff. July 1, 2005; Laws 2013, c. 229, § 66, eff. Nov. 1, 2013.

§63-1-2506.1. Administration of opiate antagonists.

A. As used in this section:

1. "Certified alcohol and drug counselor" means any person who is not exempt pursuant to the provisions of Section 1872 of Title 59 of the Oklahoma Statutes and is not licensed under the Licensed Alcohol and Drug Counselors Act, but who provides alcohol and drug counseling services within the scope of practice while employed by an entity certified by the Department of Mental Health and Substance Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor. A certified alcohol and drug counselor may provide counseling services for co-occurring disorders if he or she has been certified by the Board to provide counseling as provided in this section for co-occurring disorders;

2. "Licensed alcohol and drug counselor" means any person who provides alcohol and drug counseling services within the scope of practice, including co-occurring disorders, for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by Section 1872 of Title 59 of the Oklahoma Statutes; and

3. "Medical personnel at schools" means a certified school nurse or any other nurse employed by or under contract with a school, any licensed practitioner of the healing arts, or any person designated by the school administration to administer an opiate antagonist in the event of a suspected overdose pursuant to Section 2 of this act.

B. First responders shall have the authority to administer, without prescription, opiate antagonists when encountering an individual exhibiting signs of an opiate overdose.

C. First responders may provide, without prescription, opiate antagonists to individuals who experienced or witnessed an opiate overdose for use by those individuals at a later date.

D. For the purposes of this provision, a first responder shall include:

1. Law enforcement officials;
2. Emergency medical technicians;
3. Firefighters;
4. Medical personnel at schools including any public or charter schools, technology center schools and institutions of higher education;
5. Forensic laboratory personnel of the Oklahoma State Bureau of Investigation as designated by the Executive Director;
6. Personnel of the Department of Corrections or of any entity that contracts with the Department of Corrections to provide housing or services for inmates of the Department of Corrections; and
7. Certified alcohol and drug counselors and licensed alcohol and drug counselors.

E. Any first responder administering or providing an opiate antagonist in a manner consistent with addressing opiate overdose shall be covered under the Good Samaritan Act.

Added by Laws 2013, c. 322, § 1, eff. Nov. 1, 2013. Amended by Laws 2017, c. 36, § 1, eff. Nov. 1, 2017; Laws 2019, c. 157, § 1, eff. Nov. 1, 2019; Laws 2019, c. 504, § 1, eff. July 1, 2019.

§63-1-2506.2. Prescription of opiate antagonists to family members.

A. Upon request, a provider may prescribe an opiate antagonist to an individual for use by that individual when encountering a family member exhibiting signs of an opiate overdose.

B. When an opiate antagonist is prescribed in accordance with subsection A of this section, the provider shall provide:

1. Information on how to spot symptoms of an overdose;
2. Instruction in basic resuscitation techniques;
3. Instruction on proper naloxone administration; and
4. The importance of calling 911 for help.

C. Any family member administering an opiate antagonist in a manner consistent with addressing opiate overdose shall be covered under the Good Samaritan Act.

D. Any provider prescribing or administering an opiate antagonist in a manner consistent with addressing opiate overdose shall be covered under the Good Samaritan Act.

Added by Laws 2013, c. 322, § 2, eff. Nov. 1, 2013. Amended by Laws 2018, c. 106, § 13, eff. Nov. 1, 2018.

§63-1-2507. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2508. Repealed by Laws 2013, c. 23, § 8, eff. Nov. 1, 2013.

§63-1-2509. Operation of ambulance service - Violation of act - Penalties - Public nuisance - Injunctions.

A. 1. No person, company, governmental entity or trust authority may operate an ambulance service within this state except as provided in this section. The State Commissioner of Health, the district attorney of the county wherein the ambulance service operates or may be found, or the Attorney General of this state shall have the authority to bring an action to enjoin the operation of any ambulance service not in compliance with the provisions of this act.

2. A ground ambulance service based outside of this state that is licensed and in good standing in its home state may respond to an emergency request for care and transport of a patient within this state provided no local licensed ambulance service is readily available, and may be exempt from the licensing requirements of this state pursuant to rules promulgated by the State Board of Health.

3. Requests for service must be referred by an Oklahoma emergency dispatch center. The Board may require such exempt ambulance service to subsequently provide documentation of emergency response activities performed within this state.

4. The State Department of Health shall have the authority to investigate any complaint associated with an emergency response by an out-of-state ambulance service in the same manner as ambulance services licensed by the Department within this state.

B. The Commissioner shall have the authority to revoke or suspend any license, to issue probationary licenses, or to levy such administrative fines and penalties as may be deemed necessary, for violations of the provisions of this act, subject to the provisions of the Administrative Procedures Act. The powers afforded the Commissioner within the general enforcement provisions of the Public Health Code are additionally incorporated herein.

C. In addition to any other penalties, any person, company, governmental entity or trust authority who violates any of the provisions of this act relating to compliance with the provisions of this act or of standards, specifications, procedures and rules adopted by the Board may be punished by the assessment of a civil penalty of not more than One Hundred Dollars ($100.00) for each violation. Each day a violation continues shall be considered a separate offense.

D. The operation or maintenance of an ambulance service in violation of this act, or the rules promulgated by the Board, is declared a public nuisance inimical to the public welfare. The Commissioner in the name of the people of the state, through the Attorney General, or the district attorney of the county in which the

ambulance service is located, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulance service.
Added by Laws 1990, c. 320, § 13, emerg. eff. May 30, 1990. Amended by Laws 2005, c. 191, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 46, emerg. eff. March 29, 2006.
NOTE: Editorially renumbered from § 1-2409 of this title to avoid duplication in numbering.
NOTE: Laws 2005, c. 204, § 2 repealed by Laws 2006, c. 16, § 47, emerg. eff. March 29, 2006.

§63-1-2509.1. Promulgation of rules for the Oklahoma Emergency Response Systems Development Act.

The State Board of Health shall promulgate rules to implement the provisions of the Oklahoma Emergency Response Systems Development Act.
Added by Laws 2016, c. 246, § 4, eff. Nov. 1, 2016.

§63-1-2510. Division of Emergency Medical Services created.

There is hereby created within the State Department of Health the Division of Emergency Medical Services, for the operation of an Oklahoma Emergency Medical Services Program.
Added by Laws 1990, c. 320, § 14, emerg. eff. May 30, 1990.

§63-1-2511. Commissioner - Powers and duties relating to Oklahoma Emergency Medical Services Improvement Program.

The State Commissioner of Health shall have the following powers and duties with regard to an Oklahoma Emergency Medical Services Improvement Program:

1. Administer and coordinate all federal and state programs, not specifically assigned by state law to other state agencies, which include provisions of the Federal Emergency Medical Services Systems Act and other federal laws and programs relating to the development of emergency medical services in this state. The administration and coordination of federal and state laws and programs relating to the development, planning, prevention, improvement and management of emergency medical services shall be conducted by the Division of Emergency Medical Services, as prescribed by Section 1-2510 of this title;

2. Assist private and public organizations, emergency medical and health care providers, ambulance authorities, district boards and other interested persons or groups in improving emergency medical services at the local, municipal, district or state levels. This assistance shall be through professional advice and technical assistance;

3. Coordinate the efforts of local units of government to establish service districts and set up boards of trustees or other authorities to operate and finance emergency medical services in the state as provided under Section 9C of Article X of the Oklahoma Constitution or under Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes. The Commissioner shall evaluate all proposed district areas and operational systems to determine the feasibility of their economic and health services delivery;

4. Prepare, maintain and utilize a comprehensive plan and program for emergency medical services development throughout the state to be adopted by the State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, and incorporated within the State Health Plan. The plan shall establish goals, objectives and standards for a statewide integrated system and a timetable for accomplishing and implementing different elements of the system. The plan shall also include, but not be limited to, all components of an emergency medical services system; regional and statewide planning; the establishment of standards and the appropriate criteria for the designation of facilities; data collection and quality assurance; and funding;

5. Maintain a comprehensive registry of all ambulance services operating within the state, to be published annually and maintain a registry of critical care paramedics. All ambulance service providers shall register annually with the Commissioner on forms supplied by the State Department of Health, containing such requests for information as may be deemed necessary by the Commissioner;

6. Develop a standard report form which may be used by local, regional and statewide emergency medical services and emergency medical services systems to facilitate the collection of data related to the provision of emergency medical and trauma care. The Commissioner shall also develop a standardized emergency medical services data set and an electronic submission standard. Each ambulance service shall submit the information required in this section at such intervals as may be prescribed by rules promulgated by the State Board of Health;

7. Evaluate and certify all emergency medical services training programs and emergency medical technician training courses and operational services in accordance with specifications and procedures approved by the Board. Nonaccredited paramedic training programs shall begin their final paramedic training class by December 31, 2012. Only paramedic training programs accredited or receiving a Letter of Review (LOR) by CoAEMSP may enroll new paramedic students after January 1, 2013;

8. Provide an emergency medical personnel and ambulance service licensure program to include a requirement that ambulance services licensed as specialty care ambulance providers shall be used solely

for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceeds the capabilities of the equipment and personnel provided by paramedic life support;

9. Employ and prescribe the duties of employees as may be necessary to administer the provisions of the Oklahoma Emergency Response Systems Development Act;

10. Apply for and accept public and private gifts, grants, donations and other forms of financial assistance designed for the support of emergency medical services;

11. Develop a classification system for all hospitals that treat emergency patients. The classification system shall:

a. identify stabilizing and definitive emergency services provided by each hospital, and

b. require each hospital to notify the regional emergency medical services system control when treatment services are at maximum capacity and that emergency patients should be diverted to another hospital; and

12. Develop and monitor a statewide emergency medical services and trauma analysis system designed to:

a. identify emergency patients and severely injured trauma patients treated in Oklahoma,

b. identify the total amount of uncompensated emergency care provided each fiscal year by each hospital and ambulance service in Oklahoma, and

c. monitor emergency patient care provided by emergency medical service and hospitals.

Added by Laws 1990, c. 320, § 15, emerg. eff. May 30, 1990. Amended by Laws 1994, c. 236, § 1, eff. Sept. 1, 1994; Laws 1999, c. 156, § 4, eff. Nov. 1, 1999; Laws 2001, c. 411, § 6, eff. Nov. 1, 2001; Laws 2005, c. 204, § 3, eff. July 1, 2005; Laws 2013, c. 23, § 7, eff. Nov. 1, 2013; Laws 2013, c. 229, § 67, eff. Nov. 1, 2013.

§63-1-2512. Rules.

A. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council as created in Section 44 of this act, shall promulgate rules to enact the provisions of the Oklahoma Emergency Response Systems Development Act.

B. Such rules shall specify which vehicles of licensed ambulance service providers shall be considered authorized emergency vehicles pursuant to the provisions of Section 1-103 of Title 47 of the Oklahoma Statutes. The rules shall provide that vehicles transporting licensed ambulance service personnel or life saving equipment that meet all other specifications required by the Board shall be considered authorized emergency vehicles.

Added by Laws 1990, c. 320, § 16, emerg. eff. May 30, 1990. Amended by Laws 1991, c. 167, § 2, eff. July 1, 1991; Laws 2001, c. 411, § 7, eff. Nov. 1, 2001; Laws 2013, c. 229, § 68, eff. Nov. 1, 2013.

§63-1-2512.1. Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund - Rules.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received by the State Department of Health in accordance with state law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of funding assessment activities, stabilization and/or reorganization of at-risk emergency medical services, development of regional emergency medical services, training for emergency medical directors, access to training front line emergency medical services personnel, capital and equipment needs. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The State Board of Health shall promulgate rules establishing a formula and procedure for the distribution of funds from the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund.

Added by Laws 2008, c. 393, § 8, eff. Nov. 1, 2008. Amended by Laws 2012, c. 304, § 490.

§63-1-2513. Operation of ambulance service - Application for license – Air Ambulance providers.

A. All persons, companies, governmental entities or trust authorities desiring to operate an ambulance service shall file with the State Commissioner of Health an application for a license to operate the service. The Commissioner shall, within two (2) months of the date of the application, notify the applicant in writing of the granting or rejection of the license and shall, in the event of rejection, specify the reasons for the rejection.

B. The Commissioner may issue an Oklahoma Air Ambulance Provider License to an Air Ambulance provider, duly licensed in good standing and operating from bases in an adjoining state, that makes application and provides documentation pursuant to rules promulgated by the State Board of Health. Such ambulance provider staff shall not be required to be licensed in this state but shall be required to meet the licensure requirements in the state of origin.

Added by Laws 1990, c. 320, § 17, emerg. eff. May 30, 1990. Amended by Laws 2005, c. 191, § 2, eff. Nov. 1, 2005.

NOTE: Editorially renumbered from § 1-2413 of this title to avoid duplication in numbering.

§63-1-2514. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2515. EMS Regions, Ambulance Service districts or municipalities - Regulation and control of Ambulance Service transports - Exemptions.

A. Notwithstanding any other provision of this title, Emergency Medical Services (EMS) Regions, Ambulance Service districts or municipalities are hereby authorized to regulate and control, pursuant to duly enacted ordinance or regulation, Ambulance Service transports originating within the jurisdiction of such EMS Regions, Ambulance Service districts or municipalities.

B. Any ordinance or regulation adopted pursuant to subsection A of this section shall meet and may exceed, but shall not be in contravention of, the standards promulgated by the State Board of Health for Ambulance Service transports.

C. 1. Any ordinance or regulation adopted by an EMS Region, Ambulance Service district or a municipality may establish a sole-provider system for stretcher van and/or Ambulance Service transports; provided, however, any such designated or contracted sole-provider which is not an EMS Region, Ambulance Service district, municipality, or other public entity shall be selected by competitive bidding.

2. A contract entered into pursuant to such bidding shall be with the lowest and best bidder and may be for an initial term of such duration as deemed operationally and fiscally prudent by the contracting agency. The term of such sole-provider contract shall be made public at the time bids are solicited, which solicitation shall be not less than sixty (60) days prior to the contract start date.

D. Any EMS Region, Ambulance Service district or municipality may establish a sole-provider system for stretcher van and/or Ambulance Service transports and may allow additional geographic or political subdivisions to join such a system at any time. Whenever such a geographic or political subdivision joins such a sole-provider system, competitive bidding shall not be required and provision for servicing the new jurisdiction may be accomplished by amending the existing sole-provider contract. Furthermore, in the event the expansion of the service area of the EMS Region, Ambulance Service district or the municipality is substantial (in the sole opinion of the governing body of the EMS Region, Ambulance Service district or municipality), the existing sole-provider contract may be extended for a period sufficient to allow reasonable opportunity for recovery of capital costs of expansion, as determined by the contracting agency.

E. The provisions of this section shall not be construed or applied to limit the operation of any emergency medical service district established and operating pursuant to Section 9C of Article 10 of the Oklahoma Constitution; provided, however, that, upon invitation and approval of a majority of the voters of the district, any such district is hereby authorized to join by appropriate agreement any system established by an EMS Region, Ambulance Service district or a municipality pursuant to the provisions of this section.

F. The following types of patient transports shall be exempt from regulation by EMS Regions, Ambulance Service districts or municipalities:

1. Any ambulance owned or operated by, or under contract to perform ambulance transport services for, the Federal or State government, or any agency thereof;

2. Any ambulance owned and operated by a hospital and in use to transport a patient of the owner-hospital, which patient has been admitted to and not been discharged from the owner-hospital, to or from another hospital or medical care facility at which the patient receives a diagnostic or therapeutic procedure not available at the owner-hospital;

3. Any ambulance engaged in a routine transport call to transport a patient from a hospital, nursing home, or dialysis center located within an EMS Region, Ambulance Service district or municipality to any location outside the EMS Region, Ambulance Service district or municipality;

4. Any ambulance engaged in the transport of a patient from a location outside an EMS Region, Ambulance Service district or municipality to a location inside an EMS Region, Ambulance Service district or municipality; or

5. Any ambulance engaged in the interstate transport of a patient.

Added by Laws 1990, c. 320, § 18, emerg. eff. May 30, 1990. Amended by Laws 1991, c. 167, § 3, eff. July 1, 1991; Laws 1995, c. 194, § 4, eff. Nov. 1, 1995; Laws 1997, c. 281, § 1, eff. July 1, 1997; Laws 2001, c. 411, § 8, eff. Nov. 1, 2001; Laws 2016, c. 236, § 3, eff. Nov. 1, 2016.

§63-1-2516. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-2517. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2518. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2519. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2520. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2521. Repealed by Laws 2005, c. 204, § 5, eff. July 1, 2005.

§63-1-2522. Renumbered as Title 63, § 1-2530.9 by Laws 2004, c. 459, § 11, emerg. eff. June 4, 2004.

§63-1-2523. Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Oklahoma Institute for Disaster and Emergency Medicine Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from state appropriations for such fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health as follows:

The State Department of Health is authorized to develop and support the Oklahoma Institute for Disaster and Emergency Medicine (the "Institute") at the OU College of Medicine in Tulsa. The primary duties and responsibilities of the Institute shall include:

1. Creation and delivery of educational initiatives related to trauma systems development and trauma systems coordination, in order to strengthen the quality of trauma care services rendered statewide;

2. Development and support of an emergency medical response infrastructure to include statewide planning and training functions;

3. Establishment and support of an allopathic emergency medicine residency program in Oklahoma; and

4. In partnership with the State Department of Health, to further develop an injury prevention research program to identify significant risks and design and implement effective interventions to mitigate those risks.

Up to Five Hundred Thousand Dollars ($500,000.00) of this fund may be used for delivery of urgent care in under-served areas.

Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, 2nd Ex. Sess., c. 59, § 13. Amended by Laws 2012, c. 304, § 491.

§63-1-2530. Short title.

This act shall be known and may be cited as the “Oklahoma Trauma Systems Improvement and Development Act”.

Added by Laws 2004, c. 459, § 1, emerg. eff. June 4, 2004.

§63-1-2530.1. Legislative findings and intent.

A. The Legislature hereby finds and declares that:

1. Traumatic injury is the leading cause of death for persons under forty (40) years of age, and the third leading cause of death overall for persons of all ages. Traumatic injury is the leading cause of lost years of potential life for Oklahomans sixty-five (65) years of age and younger;

2. In addition to the physical and emotional losses that result from traumatic injury, the economic costs of such injuries, which include lost wages, medical expenses and indirect costs, far exceed losses for other diseases such as cancer, heart disease, stroke and diabetes;

3. Trauma systems dramatically reduce morbidity and mortality from major injuries; and

4. Development and improvement of trauma systems is beneficial to all citizens.

B. In order to improve the health and well-being of the people of this state, it is necessary to improve and further develop trauma systems by encouraging hospitals and emergency medical service providers to provide an organized system of trauma care.

Added by Laws 2004, c. 459, § 2, emerg. eff. June 4, 2004.

§63-1-2530.2. Definitions.

As used in the Oklahoma Trauma Systems Improvement and Development Act:

1. "Ambulance" means any ground, air or water vehicle operated by an ambulance service licensed pursuant to the provisions of Section 1-2513 of this title;

2. "Ambulance service" means any private firm or governmental agency which is licensed by the State Department of Health to provide levels of medical care based on certification standards promulgated by the State Board of Health;

3. "Board" means the State Board of Health;

4. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

5. "Commissioner" means the State Commissioner of Health;

6. "Council" means the Trauma and Emergency Response Advisory Council created in Section 44 of this act;

7. "Department" means the State Department of Health;

8. "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical or traumatic condition manifesting itself by acute symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in:

a. a patient's health being placed in serious jeopardy,

b. serious impairment to bodily functions, or

c. serious dysfunction of any bodily organ or part;

9. "Hospital" means a hospital licensed pursuant to the provisions of Section 1-704 of this title;

10. "Regional trauma care system" means an arrangement of available resources that are coordinated for the effective delivery of emergency trauma services within a geographic region consistent with an established plan;

11. "Trauma and emergency operative services facility" means a hospital that is classified and recognized by the Department as providing emergency trauma and operative surgical services on a twenty-four-hour basis;

12. "Trauma patient" means a severely or seriously injured person who has been:

a. evaluated by a physician, a registered nurse, or emergency medical services personnel, and

b. found to require medical care in a hospital classified as a trauma and emergency operative services facility; and

13. "Trauma services" includes services provided to a severely or seriously injured patient.

Added by Laws 2004, c. 459, § 3, emerg. eff. June 4, 2004.
Amended by Laws 2013, c. 229, § 69, eff. Nov. 1, 2013.

§63-1-2530.3. Rules - Classification of trauma and emergency care - Requirements for distribution of trauma patients.

A. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 1-103a.1 of this title, shall promulgate rules establishing minimum standards and objectives to implement the development, regulation and improvement of trauma systems on a statewide basis. Rules shall provide for the classification of trauma and emergency care provided by all hospitals based on the level of service provided and for triage, transport and transfer guidelines. The Board shall consider guidelines developed by the American College of Surgeons in promulgating rules under this section.

B. The rules shall provide specific requirements for the distribution of trauma patients, ensure that trauma care is fully coordinated with all hospitals and emergency medical services in a regional area, and reflect the geographic areas of the state, considering time and distance.

C. The rules shall include:

1. Pre-hospital care management guidelines for triage and transport of trauma patients;

2. Establishment of referral patterns of trauma patients and geographic boundaries regarding trauma patients;

3. Requirements for licensed hospitals providing trauma and emergency operative services to provide quality care to trauma patients referred to these facilities;

4. Minimum requirements for resources and equipment needed by a trauma and emergency operative services facility to treat trauma patients;

5. Minimum standards for the availability and qualifications of health care personnel, including physicians and surgeons, treating trauma patients within a hospital;

6. Minimum requirements for data collection including, but not limited to, trauma incidence reporting, system operation and patient outcome, and continuous quality improvement activities;

7. Minimum requirements for periodic performance evaluation of the system and its components through continuous quality improvement activities;

8. Minimum requirements for reviews of trauma patient transfers;

9. Requirements that hospitals with the capacity and capability to provide care not refuse to accept the transfer of a trauma patient from another facility solely because of the person's inability to pay for services or because of the person's age, sex, race, religion or national origin;

10. Requirements for transferring hospitals to enter into reciprocal agreements with receiving hospitals that specify that the transferring hospital will accept the return transfer of trauma patients at such time as the hospital has the capability and capacity to provide care; provided, however, such reciprocal agreements shall not incorporate financial provisions for transfers; and

11. Minimum requirements for data collection for responses to time-sensitive medical conditions including but not limited to stroke and ST-Elevated Myocardial Infarction (STEMI). The responses to stroke and STEMI incidents shall be subject to review by the regional trauma advisory boards created pursuant to Section 1-2530.5 of this title.

Added by Laws 2004, c. 459, § 4, emerg. eff. June 4, 2004. Amended by Laws 2013, c. 229, § 70, eff. Nov. 1, 2013; Laws 2019, c. 393, § 1, eff. Nov. 1, 2019.

§63-1-2530.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-2530.5. Recognition of geographic regions with functioning trauma system - Regional trauma advisory boards - Funding.

A. Each geographic region identified in the statewide trauma systems plan that has a functioning trauma system shall be recognized by the State Department of Health.

B. Licensed hospitals and ambulance service providers in these regions shall establish a regional trauma advisory board to represent

the region and conduct continuous quality improvement activities of the system for the region. Licensed hospitals and ambulance service providers in the region shall designate regional trauma advisory board members. Regional trauma advisory board members shall consist of individuals who provide trauma services in the regional system, or individuals employed by licensed hospitals or ambulance service providers in the region. The maximum number of board members for any region shall be twenty.

C. As funds are available, regional trauma advisory boards may receive funding from the Department to support their administrative and continuous quality improvement activities.

D. 1. Meetings of regional trauma advisory boards and their subcommittees conducted to review patient-specific care for the purpose of conducting continuous quality improvement activities of the system for the region to include but not be limited to trauma, stroke and ST-Elevated Myocardial Infarction (STEMI), shall not be subject to the provisions of the Oklahoma Open Meeting Act.

2. The proceedings and records of the meetings referenced in paragraph 1 of this subsection to include patient care records, reports and other related materials generated for the purposes of conducting continuous quality improvement activities of the system for the region and to include but not be limited to trauma, stroke and STEMI, shall be confidential and not subject to the Oklahoma Open Records Act, or disclosure by subpoena or otherwise.

3. The proceedings and records of the meetings referenced in paragraph 1 of this subsection may be used by the regional trauma advisory boards and the State Commissioner of Health in the exercise of proper quality review functions to improve trauma patient care. Added by Laws 2004, c. 459, § 6, emerg. eff. June 4, 2004. Amended by Laws 2013, c. 229, § 71, eff. Nov. 1, 2013; Laws 2019, c. 393, § 2, eff. Nov. 1, 2019.

§63-1-2530.6. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-2530.7. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§63-1-2530.8. Recognition and certification of trauma transfer and referral centers - Rules establishing minimum standards - Data - Funding.

A. The State Department of Health shall recognize and certify a trauma transfer and referral center in each county and contiguous communities with populations in excess of three hundred thousand (300,000) persons for the purpose of directing ambulance patients to facilities with the clinical capacity and capability to appropriately care for the emergent medical needs of a patient.

B. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, shall promulgate rules establishing minimum certification standards for such centers which shall include, but not be limited to, staff certification, data management and communications equipment, medical control and oversight, record keeping, quality improvement activities, and such other issues as the State Commissioner of Health deems appropriate.

C. Certified centers shall submit data as required by the Department for the purpose of trauma system continuous quality improvement activities. Such reports shall be confidential as provided in Section 1-2530.7 of this title.

D. The Board, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, shall promulgate rules requiring emergency medical services providers to contact the appropriate regional trauma transfer and referral center while transporting injured patients into or within that region in order to ensure that patients are directed to the appropriate hospital based on the regional plan and the current capability and capacity of hospitals in the system.

E. As funding is available, the Department may reimburse operators of certified trauma transfer and referral centers for the operations of the centers on an annual basis.

Added by Laws 2004, c. 459, § 9, emerg. eff. June 4, 2004. Amended by Laws 2013, c. 229, § 72, eff. Nov. 1, 2013.

§63-1-2530.9. Trauma Care Assistance Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Trauma Care Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from monies apportioned thereto for purposes of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department as follows:

1. Ninety percent (90%) of such monies shall be used to reimburse recognized trauma facilities, licensed ambulance service providers and physicians for uncompensated trauma care expenditures as documented in the statewide emergency medical services and trauma analysis system developed pursuant to the provisions of Section 1-2511 of this title. In lieu of or in combination with reimbursement for uncompensated care, monies from the fund may also be used to support readiness costs incurred by recognized trauma facilities associated with ensuring a stable trauma care system with availability of twenty-four-hour physician services for the provision of trauma care. Any monies used for the treatment of Medicaid-eligible patients that are subsequently used to establish federal

matching fund requirements shall also be reimbursed to eligible trauma facilities, licensed ambulance service providers and physicians; and

2. Ten percent (10%) of such monies shall be used by the Department in the furtherance of its powers and duties set forth in the Oklahoma Emergency Response Systems Development Act.

B. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The State Board of Health shall establish by rule a formula and procedure for the distribution of funds for uncompensated trauma care and/or readiness costs that shall provide for the allocation of funds to hospitals, ambulance service providers and physicians.

D. Annually, monies accumulated in the fund may be transferred to the Oklahoma Health Care Authority, by order of the State Commissioner of Health, to maximize Medicaid reimbursement of trauma care. The Oklahoma Health Care Authority shall use these funds with federal matching funds to reimburse hospitals, ambulance service providers and physicians for trauma care provided to severely injured patients who are participants in Medicaid.

E. An annual report detailing the disbursements from the fund shall be provided on January 1 of each year to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Chair of each health-related committee of both the House of Representatives and the Senate.

Added by Laws 1999, c. 278, § 1, eff. July 1, 1999. Amended by Laws 2000, c. 223, § 1, eff. July 1, 2000. Renumbered from § 330.97 of this title by Laws 2002, c. 374, § 11, eff. July 1, 2002. Amended by Laws 2003, c. 367, § 1, emerg. eff. June 3, 2003; Laws 2004, c. 459, § 10, emerg. eff. June 4, 2004. Renumbered from § 1-2522 of this title by Laws 2004, c. 459, § 11, emerg. eff. June 4, 2004. Amended by Laws 2005, c. 1, § 94, emerg. eff. March 15, 2005; Laws 2005, c. 404, § 1, eff. Nov. 1, 2005; Laws 2012, c. 304, § 492.

NOTE: Laws 2004, c. 386, § 3 repealed by Laws 2005, c. 1, § 95, emerg. eff. March 15, 2005. Laws 2004, c. 396, § 10 repealed by Laws 2005, c. 1, § 96, emerg. eff. March 15, 2005.

§63-1-2600. Short title.

This act shall be known and may be cited as the "Kidney Health Planning Act of Oklahoma".

Added by Laws 1993, c. 250, § 1, eff. Sept. 1, 1993.

§63-1-2601. Purpose of act.

The purpose of the Kidney Health Planning Act of Oklahoma is to provide financial assistance to persons who have permanent kidney failure which requires either dialysis or transplantation.

Added by Laws 1993, c. 250, § 2, eff. Sept. 1, 1993.

§63-1-2602. Eligibility requirements - Areas of financial assistance.

A. The State Department of Health shall establish eligibility requirements for financial assistance from the Kidney Health Revolving Fund. Financial assistance shall include, but shall not be limited to, the following areas:

1. Payment for three (3) months of Hemodialysis treatments prior to establishment of Medicare eligibility;

2. Payment for the Social Security deductible in situations where the patient is unable to meet the deductible;

3. Monthly medications;

4. Transportation to and from dialysis;

5. Pretransplant and posttransplant costs including lab work, tissue typing and the medication Cyclosporine;

6. Certain physician's fees; and

7. Such other financial assistance to indigent persons with permanent kidney failure as the Department deems appropriate.

B. The State Department of Health shall promulgate rules for the proper administration of the Kidney Health Revolving Fund in accordance with the requirements of this section.

Added by Laws 1993, c. 250, § 3, eff. Sept. 1, 1993.

§63-1-2603. Kidney Health Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Kidney Health Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from state appropriations for such fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of implementing the provisions of the Kidney Health Planning Act of Oklahoma. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1993, c. 250, § 4, eff. Sept. 1, 1993. Amended by Laws 2012, c. 304, § 493.

§63-1-2604. Individual policy coverage for prescription drugs for cancer treatment or study of oncology - Exclusion prohibited.

No individual policy of accident and health insurance issued which provides coverage for prescription drugs, nor any group blanket policy of accident and health insurance issued which provides coverage for prescription drugs shall exclude coverage of

prescription drugs for cancer treatment or the study of oncology because the off-label use of such prescription drug has not been approved by the Federal Food and Drug Administration for that indication in one of the standard reference compendia, as defined in paragraph (d) of Section 1-1401 of Title 63 of the Oklahoma Statutes.

Any coverage of a prescription drug required by this section shall also include provisions for coverage of medically necessary services associated with the administration of the prescription drug.

Nothing in this section shall be construed as altering existing law with regard to provisions limiting the coverage of prescription drugs that have not been approved by the Federal Food and Drug Administration.

Added by Laws 1993, c. 250, § 5, eff. Sept. 1, 1993.

§63-1-2605. Off-label uses of prescription drugs for cancer treatment - Coverage under health maintenance contracts.

Any group or non-group health maintenance contract which provides coverage for prescription drugs shall also provide coverage of off-label uses of prescription drugs used in the treatment of cancer or the study of oncology.

Added by Laws 1993, c. 250, § 6, eff. Sept. 1, 1993.

§63-1-2701. Repealed by Laws 2004, c. 22, § 1 and by Laws 2004, c. 92, § 6, eff. July 1, 2004.

§63-1-2702. Agency responsible for telemedicine and Oklahoma Telemedicine Network - Duties.

A. 1. With available state or federal funds, the State Department of Health shall be the state entity responsible for telemedicine and development of a statewide Oklahoma telemedicine network. The Department shall also be responsible for the continued development and implementation of a statewide system for the delivery of medical and other health care services through a telehealth system.

2. In order to achieve these duties, the State Board of Health shall establish a separate office within the State Department of Health which shall be known as the Oklahoma Center for Telemedicine. The State Commissioner of Health shall appoint or employ a director of the office who shall report to the Commissioner and the Board. The Commissioner shall also employ such other personnel as necessary to carry out the duties of the Center. The director and other Center personnel shall have no other duties within the Department except those directly related to the duties and responsibilities of the Center.

3. The Center shall have the power and duty to:

a. assess the current status and needs of the telemedicine network and telehealth in the state,

b. utilize available state and federal funds to the maximum extent possible,
c. for the purposes of the continued development of telehealth services in the state, engage with any and all parties to encourage and assist communications between entities requiring telemedicine services and entities offering or providing telemedicine services,
d. resolve problems and otherwise improve the delivery of telemedicine services,
e. assist and facilitate the coordination efforts of hospitals and other health care facilities and providers in the development and delivery of telemedicine services,
f. explore ways to provide reimbursement to providers for telehealth services,
g. explore the feasibility of providing health education services through a telehealth system,
h. study issues of compatibility of technology, and
i. establish and maintain a website and a clearinghouse for grant information as provided by Section 1-2703 of this title.

B. The Department shall enter into agreements with appropriate entities to provide the Center with assistance in carrying out the provisions of this section.

C. The director of the Center may form advisory groups as is necessary to work with the Center on telehealth issues.

D. The State Board of Health shall promulgate rules for the implementation of the teleradiology responsibilities outlined in this section. The rules shall be based on the American College of Radiology Standards for Teleradiology.

Added by Laws 1998, c. 389, § 2, eff. July 1, 1998. Amended by Laws 2000, c. 31, § 1, eff. Nov. 1, 2000; Laws 2001, c. 317, § 4, eff. Nov. 1, 2001; Laws 2004, c. 92, § 7, eff. July 1, 2004.

NOTE: Laws 2004, c. 22, § 2 repealed by Laws 2005, c. 1, § 97, emerg. eff. March 15, 2005.

§63-1-2702.1. Telehealth website – Establishment - Purpose.

A. The Oklahoma Center for Telemedicine shall establish and maintain a telehealth website for the State of Oklahoma. A direct link to the telehealth website shall be maintained on the State of Oklahoma government website page.

B. The purpose of the telehealth website shall be to promote the utilization and expansion of telemedicine in this state by:

1. Facilitating the exchange of information between telemedicine service providers and current or potential service users within the state;

2. Providing links to additional telemedicine websites; and

3. Providing a current listing of public and private grants available for:

a. the development of telehealth,

b. support or improvement of rural health facilities or services, and

c. enhancing the delivery of health care services to rural and underserved populations.

C. The Oklahoma Center for Telemedicine shall provide information and assistance to hospitals and community health centers seeking technical assistance for the development and submission of grant applications and proposals.

Added by Laws 2001, c. 317, § 5, eff. Nov. 1, 2001.

§63-1-2703. Telemedicine grants – Rural assistance.

A. Contingent upon the provision of appropriated funds designated for Telemedicine Services Programs, the State Department of Health is authorized to award one or more competitive grants to public hospitals or health care facilities for programs which deliver medical and other health care services through a telemedicine system. The goal of the grant program shall be to assist in the development of telemedicine programs which in turn have the effect of:

1. Empowering rural health facilities;

2. Expanding the range of services to rural areas;

3. Providing greater access to patients in rural areas;

4. Reducing the number of patient transfers to urban areas;

5. Enhancing rural economic development; and

6. Reducing the costs of medical care.

B. Funding may cover the cost of equipment, software, or the connection costs of either upstream or downstream users.

C. All grants shall be matched with funds from the grant recipient or in-kind contributions.

D. In order to be eligible for a grant, the program shall:

1. State clear and measurable program goals and objectives;

2. Provide verifiable data on how the program is meeting its stated goals and objectives; and

3. Include an evaluation component including an annual written self-evaluation.

E. The State Board of Health shall promulgate rules as necessary to administer the Telemedicine Service Program grants and the process by which the grant funding shall be allocated.

Added by Laws 1999, c. 185, § 1, eff. July 1, 1999.

§63-1-2710. Short title.

This act shall be known and may be cited as the "Oklahoma Dental Loan Repayment Act".

Added by Laws 2006, c. 237, § 1, eff. Nov. 1, 2006.

§63-1-2711. Legislative findings - Purpose.

A. The Legislature recognizes that there is a need to:

1. Upgrade the availability of quality dental care services for the people of Oklahoma;

2. Improve the balance of dental manpower distribution in the state by geographic location; and

3. Increase access to dental care to those who are dependent on the state for necessary dental care.

B. The purpose of the Oklahoma Dental Loan Repayment Act shall be to:

1. Increase the number of dentists serving and caring for those dependent upon the state for dental care; and

2. Ensure that dental care and services are accessible throughout the state, and specifically, that quality dental care and services be accessible to underserved dental areas in rural and metropolitan areas of the state, and to those dependent upon the state for dental care.

Added by Laws 2006, c. 237, § 2, eff. Nov. 1, 2006.

§63-1-2712. Oklahoma Dental Loan Repayment Program - Administration of program - Eligibility and obligations of dentists.

A. 1. The State Department of Health shall administer the Oklahoma Dental Loan Repayment Program.

2. The Program, depending upon available funding, shall provide educational loan repayment assistance for up to a total of twenty-five full-time equivalent Oklahoma licensed dentists per year, including new and continuing contract renewable participants.

3. Each award shall be for a contracted period and shall be distributed to the participant by drafts made payable to the participant and the appropriate loan agency in equal monthly disbursements, not to exceed Fifty Thousand Dollars ($50,000.00) per year for a maximum five-year period. Prior to any disbursement, the Department shall certify and properly review monthly reports submitted by the participating dentist detailing performance of activities in accordance with the Oklahoma Dental Loan Repayment Act.

4. At the conclusion of the minimum service obligation, the Department shall review the performance in the Program of the participating dentist and determine whether an award may be granted for an additional period not to exceed a total participation in the Program of five (5) years pursuant to rules promulgated by the Department.

B. Any dentist entering the Program each year as a nonfaculty participant shall agree to provide dental care and services to Medicaid recipients as authorized by the Oklahoma Health Care Authority. The Department shall be responsible for ensuring that at least thirty percent (30%) of the patients treated by the dentist will be Medicaid recipients.

1. Any general practice dentist entering the Program each year as a nonfaculty participant shall agree to provide dental care and services in a designated Dental Health Professional Shortage Area (DHPSA) of this state.

2. Any dentist licensed to practice as a Pediatric Dentistry Specialist as defined by the State Dental Act or any dentist practicing in a Federally Qualified Health Center (FQHC), FQHC look-alike, county health department, or city-county health department may be exempt from the requirement to practice in a Dental Health Professional Shortage Area (DHPSA).

C. A dentist entering the Program as a faculty participant shall agree to teach at the University of Oklahoma College of Dentistry. In the event there are no appropriate faculty applicants, the Program may award additional nonfaculty dentists.

D. A dentist shall be eligible to participate in the Program if the dentist:

1. Is a new dental school graduate. Preference will be given to graduates of the University of Oklahoma College of Dentistry;

2. Is licensed to practice dentistry in Oklahoma; and

3. Has demonstrated financial need.

E. The dentist shall execute a contract with the Department to provide dental services pursuant to the terms of the contract and in accordance with rules promulgated by the Department.

F. If the dentist does not fulfill the service obligation, the Department may collect from the participant the entire amount of loan payments made under the Program plus interest.

G. The Department shall present a report on the operation of the Program to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate within one (1) month of the beginning of each regular session of the Legislature, including but not limited to the progress made in accomplishing the goal of the Program.

Added by Laws 2006, c. 237, § 3, eff. Nov. 1, 2006. Amended by Laws 2012, c. 182, § 1, eff. Nov. 1, 2012; Laws 2014, c. 165, § 1, eff. Nov. 1, 2014.

§63-1-2713. Amount of award.

The amount of the award of educational loan repayment assistance shall be established at the discretion of the Department and based upon a determination of:

1. Actual funds available to the Oklahoma Dental Loan Repayment Program for expenditure; and

2. The existing student loan indebtedness of the participating dentist.

Added by Laws 2006, c. 237, § 4, eff. Nov. 1, 2006. Amended by Laws 2014, c. 165, § 2, eff. Nov. 1, 2014.

§63-1-2714. Dental Loan Repayment Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Dental Loan Repayment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of repaying dental student loans. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2007, c. 122, § 2, eff. Nov. 1, 2007. Amended by Laws 2012, c. 304, § 494.

§63-1-2720. Oklahoma Medical Loan Repayment Program.

Sections 1 through 3 of this act shall be known and may be cited as the “Oklahoma Medical Loan Repayment Program”.

Added by Laws 2010, c. 292, § 1, eff. Nov. 1, 2010.

§63-1-2721. Physician and physician assistant requirements.

A. 1. The Physician Manpower Training Commission shall administer the Oklahoma Medical Loan Repayment Program.

2. For the purposes of this section, "primary care physicians" shall mean physicians practicing in family medicine, geriatrics, general internal medicine, general pediatrics, obstetrics/gynecology, or emergency medicine.

3. For the purposes of this section, "health center" shall mean a federally qualified health center as defined by 42 U.S.C., Section 1905(1)(2)(B).

4. For the purposes of this section, "teaching health center" shall mean a health center that supports the residencies of primary care physicians within the operations of the health center.

5. The Program, depending upon and limited to available funding, shall provide educational loan repayment assistance to Oklahoma licensed primary care physicians and physician assistants who agree to establish a practice in a community located in Oklahoma approved by the Commission.

6. Each award shall be for a contracted period and shall be distributed to the participant by drafts made payable to the participant at the end of each contract year with disbursements not to exceed an amount to be established annually by the Commission. Prior to any disbursement, the Commission shall certify and properly review reports submitted by the participating physician or physician assistant detailing performance of activities in accordance with the Program.

7. The Commission shall review the performance in the Program of the participating physician or physician assistant and determine whether an award may be granted for additional years pursuant to rules promulgated by the Commission.

B. The physicians and physician assistants entering the Program each year shall agree to provide medical care and services in areas designated by the Commission to provide medical care and services to Medicaid recipients as authorized by the Oklahoma Health Care Authority.

C. A physician or physician assistant shall be eligible to participate in the loan repayment program if the individual:

1. Is a physician that holds a current Oklahoma medical license;

2. Is a new primary care graduate physician or physician assistant. Preference will be given to graduates of the primary care residency programs affiliated with the Oklahoma State University College of Osteopathic Medicine, the University of Oklahoma College of Medicine and the teaching hospitals affiliated with both schools of medicine and teaching health centers located in this state; or

3. Is a current practicing physician or physician assistant and has met criteria established by the Commission.

D. The Commission may accept donations of public or private funds to assist in funding the Medical Loan Repayment Program. The Commission may, at its discretion, contract with other public entities and non-profit corporations for the endowment, management and administration of such funds.

E. The Commission shall present a report on the operation of the Program to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate within one (1) month of the beginning of each regular session of the Legislature, including but not limited to the progress made in accomplishing the goal of the Program.

Added by Laws 2010, c. 292, § 2, eff. Nov. 1, 2010. Amended by Laws 2011, c. 33, § 1, eff. Nov. 1, 2011; Laws 2016, c. 22, § 1, eff. Nov. 1, 2016; Laws 2018, c. 286, § 1, eff. Nov. 1, 2018.

§63-1-2722. Amount of educational loan repayment award.

The amount of the award of educational loan repayment assistance shall not exceed any maximum or minimum amount as promulgated by rules of the Physician Manpower Training Commission pursuant to the Oklahoma Medical Loan Repayment Program. The actual amount of the award shall be based upon a determination of:

1. Actual funds available to the Program for expenditure; and

2. The existing student loan indebtedness of the participating physician.

Added by Laws 2010, c. 292, § 3, eff. Nov. 1, 2010. Amended by Laws 2011, c. 33, § 2, eff. Nov. 1, 2011.

§63-1-2723. Physician Manpower Training Commission - Program funding.

A. The Physician Manpower Training Commission shall have the option of utilizing available funding in excess of the amount necessary to fund the Oklahoma Medical Loan Repayment Program described in Section 1-2721 of this title to fund new or expanded primary care residency programs in rural and underserved areas of the state. Such new or expanded primary care residency program funding shall include but not be limited to:

1. Payments to hospitals or teaching health centers desiring to establish new primary care residency programs. Such payments shall be made to cover the costs of salaries, benefits and educational costs of residents in training at the facility; or

2. Payments to hospitals or teaching health centers with existing primary residency programs desiring to expand the number of residents participating in those programs. Such payments shall be made to cover the costs of salaries, benefits and educational costs of residents in training at the facility.

B. Provisions of this section shall be subject to the promulgated rules of the Commission.

Added by Laws 2011, c. 33, § 3, eff. Nov. 1, 2011. Amended by Laws 2016, c. 22, § 2, eff. Nov. 1, 2016; Laws 2018, c. 286, § 2, eff. Nov. 1, 2018.

§63-1-2730. Short title - Oklahoma Mental Health Loan Repayment Act.

This act shall be known and may be cited as the "Oklahoma Mental Health Loan Repayment Act".

Added by Laws 2019, c. 269, § 1, eff. Nov. 1, 2019.

§63-1-2731. Assistance for providers in Health Professional Shortage Areas - Requirements.

A. 1. The Department of Mental Health and Substance Abuse Services shall administer the Oklahoma Mental Health Loan Repayment Program.

2. The Program, depending upon available funding, shall provide educational loan repayment assistance for mental health or substance abuse treatment providers who provide services in Health Professional Shortage Areas (HPSAs) for mental health.

3. Each award shall be for a contracted period and shall be distributed to the participant by drafts made payable to the participant and the appropriate loan agency following a completed year of service. Prior to any disbursement, the Department shall certify and properly review reports submitted by the participating provider detailing performance of activities in accordance with this act.

4. At the conclusion of the minimum service obligation, the Department shall review the performance in the Program of the

participating mental health or substance abuse provider and determine whether an award may be granted for an additional period not to exceed a total participation in the Program of five (5) years pursuant to rules promulgated by the Board of Mental Health and Substance Abuse Services.

B. Any participating mental health or substance abuse treatment provider shall agree to provide mental health or substance abuse treatment services to Medicaid recipients as authorized by the Oklahoma Health Care Authority and individuals lacking health insurance coverage. The Department of Mental Health and Substance Abuse Services shall be responsible for ensuring that at least twenty-five percent (25%) of the patients treated by the provider are Medicaid beneficiaries, uninsured, or a combination of Medicaid and uninsured recipients.

C. The mental health or substance abuse treatment provider shall execute a contract with the Department to provide mental health or substance abuse treatment services pursuant to the terms of the contract and in accordance with rules promulgated by the Board.

D. The Department shall present a report on the operation of the Program to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives within one (1) month of the beginning of each regular session of the Legislature, including but not limited to the progress made in accomplishing the goal of the Program.

Added by Laws 2019, c. 269, § 2, eff. Nov. 1, 2019.

§63-1-2732. Factors to determine amount of award.

The amount of the award of educational loan repayment assistance shall be established at the discretion of the Department of Mental Health and Substance Abuse Services and based upon a determination of:

1. Actual funds available to the Oklahoma Mental Health Loan Repayment Program for expenditure; and

2. The existing student loan indebtedness of the participating mental health or substance abuse treatment provider.

Added by Laws 2019, c. 269, § 3, eff. Nov. 1, 2019.

§63-1-2733. Mental Health Loan Repayment Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Mental Health and Substance Abuse to be designated the "Mental Health Loan Repayment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Mental Health and Substance Abuse Services for the purpose of repaying mental health and substance treatment provider

student loans. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2019, c. 269, § 4, eff. Nov. 1, 2019.

§63-2-101. See the following versions:
OS 63-2-101v1 (SB 868, Laws 2019, c. 91, § 10).
OS 63-2-101v2 (SB 848, Laws 2019, c. 428, § 16).

§63-2-101.1. Drug paraphernalia - Factors used in determining.

In determining whether an object is "drug paraphernalia", a court or jury shall consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Dangerous Substances Act;

3. The proximity of the object to controlled dangerous substances;

4. The existence of any residue of controlled dangerous substances on the object;

5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person who intends to use the object to facilitate a violation of the Uniform Controlled Dangerous Substances Act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or fashioned specifically for use, as drug paraphernalia;

6. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled substances;

7. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled substances;

8. The manner in which the object is displayed for sale;

9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

10. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

11. The existence and scope of legitimate uses for the object in the community; and

12. Expert testimony concerning its use.

Added by Laws 1981, c. 62, § 2, emerg. eff. April 13, 1981. Amended by Laws 1982, c. 12, § 2, operative Oct. 1, 1982; Laws 2004, c. 301, § 2, eff. Nov. 1, 2004.

§63-2-101.2. Definitions.

A. As used in this section:

1. "Glass tube" means an object which meets all of the following requirements:

a. a hollow glass cylinder, either open or closed at either end,

b. not less than two (2) nor more than seven (7) inches in length,

c. not less than one-eighth (1/8) inch nor more than three-fourths (3/4) inch in diameter,

d. may be used to facilitate, or intended or designed to facilitate, violations of the Uniform Controlled Dangerous Substances Act including, but not limited to, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body, and

e. sold individually, or in connection with another object such as a novelty holder, flower vase, or pen. The foregoing descriptions are intended to be illustrative and not exclusive;

2. “Patron” means a person who enters a business for the purpose of purchasing or viewing as a shopper, merchandise offered for sale at the business; and

3. "Retailer" means a person, corporation, or partnership primarily engaged in the sale of consumable goods and services including, but not limited to, food and gasoline, at retail to the general public. A retailer shall not include any person, corporation, or partnership that sells specialized laboratory equipment for research or educational purposes.

B. It shall be unlawful for a retailer within the State of Oklahoma to offer for retail sale to any patron a glass tube, as defined in subsection A of this section.

C. A retailer, or an employee of the retailer, who willfully and knowingly violates the provisions of subsection B of this section shall, upon conviction, be guilty of a misdemeanor punishable by incarceration in the county jail for not more than one (1) year, or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

D. The provisions of this section shall not be construed to prohibit the sale of cigars packaged by the manufacturer in

containers or tubes made of glass to facilitate the sale of the item and not for another purpose prohibited by law.
Added by Laws 2010, c. 323, § 1, eff. Nov. 1, 2010. Amended by Laws 2011, c. 20, § 1.

§63-2-101v1. Definitions.

As used in the Uniform Controlled Dangerous Substances Act:

1. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

a. a practitioner (or, in the presence of the practitioner, by the authorized agent of the practitioner), or

b. the patient or research subject at the direction and in the presence of the practitioner;

2. "Agent" means a peace officer appointed by and who acts on behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act;

3. "Board" means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

4. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

5. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

6. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

8. "Controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law;

9. "Counterfeit substance" means a controlled substance which, or the container or labeling of which without authorization, bears the trademark, trade name or other identifying marks, imprint, number

or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance;

10. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled dangerous substance or drug paraphernalia, whether or not there is an agency relationship;

11. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution. "Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject;

12. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

13. "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

14. "Drug" means articles:

a. recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them,

b. intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals,

c. other than food, intended to affect the structure or any function of the body of man or other animals, and

d. intended for use as a component of any article specified in this paragraph;

provided, however, the term "drug" does not include devices or their components, parts or accessories;

15. "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

16. "Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or

pursuant to a contract for such services, to clients in their place of residence;

17. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

18. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program if such program is licensed pursuant to the provisions of Section 2-101 et seq. of this title. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

19. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance. In the event the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance", the court or authority concerned should consider, in addition to all other factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,
b. statements made to the recipient that the substance may be resold for inordinate profit,
c. whether the substance is packaged in a manner normally used for illicit controlled substances,
d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal

compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

22. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

23. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

a. the mature stalks of such plant or fiber produced from such stalks,

b. oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the industrial hemp plant,

c. any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake of the industrial hemp plant,

d. the sterilized seed of such plant which is incapable of germination,

e. for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,

f. for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity

due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid,

g. any federal Food and Drug Administration-approved cannabidiol drug or substance, or

h. industrial hemp, from the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis which shall only be grown pursuant to the Oklahoma Industrial Hemp Program and may be shipped intrastate and interstate;

24. "Medical purpose" means an intention to utilize a controlled dangerous substance for physical or mental treatment, for diagnosis, or for the prevention of a disease condition not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

25. "Mid-level practitioner" means an advanced practice nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified animal euthanasia technician as defined in Section 698.2 of Title 59 of the Oklahoma Statutes, or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under subsection B of Section 2-301 of this title within the parameters of such officer's duty under Sections 501 through 508 of Title 4 of the Oklahoma Statutes;

26. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. opium, coca leaves and opiates,

b. a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,

c. cocaine, its salts, optical and geometric isomers, and salts of isomers,

d. ecgonine, its derivatives, their salts, isomers and salts of isomers, and

e. a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through d of this paragraph, except that the words "narcotic drug" as used in Section 2-101

et seq. of this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

27. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;

28. "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof;

29. "Peace officer" means a police officer, sheriff, deputy sheriff, district attorney's investigator, investigator from the Office of the Attorney General, or any other person elected or appointed by law to enforce any of the criminal laws of this state or of the United States;

30. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

31. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

32. "Practitioner" means:

a. (1) a medical doctor or osteopathic physician,
(2) a dentist,
(3) a podiatrist,
(4) an optometrist,
(5) a veterinarian,
(6) a physician assistant under the supervision of a licensed medical doctor or osteopathic physician,
(7) a scientific investigator, or
(8) any other person,
licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or

b. a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

33. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

34. "State" means the State of Oklahoma or any other state of the United States;

35. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;

36. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act including, but not limited to:

a. kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,

b. kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,

c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,

d. testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,

e. scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,

f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,

g. separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana,

h. blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,

i. capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,

j. containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

k. hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

l. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,

(2) water pipes,

(3) carburetion tubes and devices,

(4) smoking and carburetion masks,

(5) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand,

(6) miniature cocaine spoons and cocaine vials,

(7) chamber pipes,

(8) carburetor pipes,

(9) electric pipes,

(10) air-driven pipes,

(11) chillums,

(12) bongs, or

(13) ice pipes or chillers,

m. all hidden or novelty pipes, and

n. any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

37. a. "Synthetic controlled substance" means a substance:
(1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,
(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or
(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

b. The designation of gamma butyrolactone or any other chemical as a precursor, pursuant to Section 2-322 of this title, does not preclude a finding pursuant to subparagraph a of this paragraph that the chemical is a synthetic controlled substance.

c. "Synthetic controlled substance" does not include:
(1) a controlled dangerous substance,
(2) any substance for which there is an approved new drug application,
(3) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or
(4) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

d. Prima facie evidence that a substance containing salvia divinorum has been enhanced, concentrated or chemically or physically altered shall give rise to a rebuttable presumption that the substance is a synthetic controlled substance;

38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana;

39. "Isomer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsections C and F of Section 2-204 of this title, "isomer" means the optical, positional or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term "isomer" means the optical or geometric isomer;

40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;

41. "Anhydrous ammonia" means any substance that exhibits cryogenic evaporative behavior and tests positive for ammonia;

42. "Acute pain" means pain, whether resulting from disease, accidental or intentional trauma or other cause, that the practitioner reasonably expects to last only a short period of time. "Acute pain" does not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life care, or pain being treated as part of palliative care;

43. "Chronic pain" means pain that persists beyond the usual course of an acute disease or healing of an injury. "Chronic pain" may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years;

44. "Initial prescription" means a prescription issued to a patient who:

a. has never previously been issued a prescription for the drug or its pharmaceutical equivalent in the past year, or

b. requires a prescription for the drug or its pharmaceutical equivalent due to a surgical procedure or new acute event and has previously had a prescription for the drug or its pharmaceutical equivalent within the past year.

When determining whether a patient was previously issued a prescription for a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the medical record and prescription monitoring information of the patient;

45. "Patient-provider agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using a Schedule II controlled substance or any opioid drug which is a prescription drug, as a means to:

a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,

b. document the understanding of both the practitioner and the patient regarding the pain-management plan of the patient,
c. establish the rights of the patient in association with treatment and the obligations of the patient in relation to the responsible use, discontinuation of use, and storage of Schedule II controlled dangerous substances, including any restrictions on the refill of prescriptions or the acceptance of Schedule II prescriptions from practitioners,
d. identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation or psychological counseling, that are included as a part of the pain-management plan,
e. specify the measures the practitioner may employ to monitor the compliance of the patient including, but not limited to, random specimen screens and pill counts, and
f. delineate the process for terminating the agreement, including the consequences if the practitioner has reason to believe that the patient is not complying with the terms of the agreement. Compliance with the "consent items" shall constitute a valid, informal consent for opioid therapy. The provider shall be held harmless from civil litigation for failure to treat pain if the event occurs because of nonadherence by the patient with any of the provisions of the patient-provider agreement;

46. "Serious illness" means a medical illness or physical injury or condition that substantially affects quality of life for more than a short period of time. "Serious illness" includes, but is not limited to, Alzheimer's disease or related dementias, lung disease, cancer, heart failure, renal failure, liver failure or chronic, unremitting or intractable pain such as neuropathic pain; and

47. "Surgical procedure" means a procedure that is performed for the purpose of structurally altering the human body by incision or destruction of tissues as part of the practice of medicine. This term includes the diagnostic or therapeutic treatment of conditions or disease processes by use of instruments such as lasers, ultrasound, ionizing, radiation, scalpels, probes or needles that cause localized alteration or transportation of live human tissue by cutting, burning, vaporizing, freezing, suturing, probing or manipulating by closed reduction for major dislocations or fractures, or otherwise altering by any mechanical, thermal, light-based, electromagnetic or chemical means.

Added by Laws 1971, c. 119, § 2-101, operative Sept. 1, 1971.
Amended by Laws 1975, c. 133, § 1, emerg. eff. May 15, 1975; Laws

1981, c. 62, § 1, emerg. eff. April 13, 1981; Laws 1982, c. 12, § 1, operative Oct. 1, 1982; Laws 1985, c. 186, § 1, eff. July 1, 1985; Laws 1987, c. 138, § 1, emerg. eff. June 19, 1987; Laws 1988, c. 43, § 1, operative June 1, 1988; Laws 1989, c. 237, § 1, eff. Nov. 1, 1989; Laws 1994, c. 52, § 4; Laws 1996, c. 306, § 1, emerg. eff. June 10, 1996; Laws 1997, c. 2, § 14, emerg. eff. Feb. 26, 1997; Laws 1997, c. 250, § 10, eff. Nov. 1, 1997; Laws 1998, c. 128, § 5, eff. Nov. 1, 1998; Laws 2000, c. 199, § 6, eff. Nov. 1, 2000; Laws 2001, c. 373, § 1, eff. July 1, 2001; Laws 2003, c. 338, § 2, eff. Nov. 1, 2003; Laws 2004, c. 301, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 98, emerg. eff. March 15, 2005; Laws 2006, c. 251, § 1, emerg. eff. June 7, 2006; Laws 2012, c. 80, § 1, eff. Nov. 1, 2012; Laws 2014, c. 154, § 1, eff. Nov. 1, 2014; Laws 2015, c. 203, § 2, emerg. eff. April 30, 2015; Laws 2016, c. 299, § 1, eff. Nov. 1, 2016; Laws 2017, c. 43, § 1, eff. Nov. 1, 2017; Laws 2018, c. 175, § 3, eff. Nov. 1, 2018; Laws 2019, c. 25, § 34, emerg. eff. April 4, 2019; Laws 2019, c. 91, § 10, emerg. eff. April 18, 2019.
NOTE: Laws 1996, c. 186, § 9 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2004, c. 116, § 1 repealed by Laws 2005, c. 1, § 99, emerg. eff. March 15, 2005. Laws 2018, c. 64, § 11 repealed by Laws 2019, c. 25, § 35, emerg. eff. April 4, 2019.

§63-2-101v2. Definitions.

As used in the Uniform Controlled Dangerous Substances Act:

1. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

a. a practitioner (or, in the presence of the practitioner, by the authorized agent of the practitioner), or

b. the patient or research subject at the direction and in the presence of the practitioner;

2. "Agent" means a peace officer appointed by and who acts on behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act;

3. "Board" means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

4. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

5. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

6. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

8. "Controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law;

9. "Counterfeit substance" means a controlled substance which, or the container or labeling of which without authorization, bears the trademark, trade name or other identifying marks, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance;

10. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled dangerous substance or drug paraphernalia, whether or not there is an agency relationship;

11. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution. "Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject;

12. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

13. "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

14. "Drug" means articles:

a. recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them,

b. intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals,

c. other than food, intended to affect the structure or any function of the body of man or other animals, and

d. intended for use as a component of any article specified in this paragraph;

provided, however, the term "drug" does not include devices or their components, parts or accessories;

15. "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

16. "Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence;

17. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

18. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program if such program is licensed pursuant to the provisions of the Uniform Controlled Dangerous Substances Act. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

19. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance. In the event the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance", the court or authority concerned should consider, in addition to all other factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,
b. statements made to the recipient that the substance may be resold for inordinate profit,
c. whether the substance is packaged in a manner normally used for illicit controlled substances,
d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

22. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

23. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

a. the mature stalks of such plant or fiber produced from such stalks,
b. oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marijuana plant,
c. any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except

the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,

d. the sterilized seed of such plant which is incapable of germination,

e. for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,

f. for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid,

g. any federal Food and Drug Administration-approved cannabidiol drug or substance, or

h. industrial hemp, from the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis which shall not be grown anywhere in the State of Oklahoma but may be shipped to Oklahoma pursuant to the provisions of subparagraph e or f of this paragraph;

24. "Medical purpose" means an intention to utilize a controlled dangerous substance for physical or mental treatment, for diagnosis, or for the prevention of a disease condition not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

25. "Mid-level practitioner" means an Advanced Practice Registered Nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified animal euthanasia technician as defined in Section 698.2 of Title 59 of the Oklahoma Statutes, or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under subsection B of Section 2-301 of this title within the

parameters of such officer's duty under Sections 501 through 508 of Title 4 of the Oklahoma Statutes;

26. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. opium, coca leaves and opiates,

b. a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,

c. cocaine, its salts, optical and geometric isomers, and salts of isomers,

d. ecgonine, its derivatives, their salts, isomers and salts of isomers, and

e. a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through d of this paragraph, except that the words "narcotic drug" as used in Section 2-101 et seq. of this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

27. "Opiate" or "opioid" means any Schedule II, III, IV or V substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. The terms do not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). The terms do include the racemic and levorotatory forms;

28. "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof;

29. "Peace officer" means a police officer, sheriff, deputy sheriff, district attorney's investigator, investigator from the Office of the Attorney General, or any other person elected or appointed by law to enforce any of the criminal laws of this state or of the United States;

30. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

31. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

32. "Practitioner" means:

a. (1) a medical doctor or osteopathic physician,

(2) a dentist,

(3) a podiatrist,

(4) an optometrist,

(5) a veterinarian,
(6) a physician assistant or Advanced Practice Registered Nurse under the supervision of a licensed medical doctor or osteopathic physician,
(7) a scientific investigator, or
(8) any other person,

licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or

b. a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

33. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

34. "State" means the State of Oklahoma or any other state of the United States;

35. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;

36. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act including, but not limited to:

a. kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,

b. kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,

c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the

potency of any species of plant which is a controlled dangerous substance,

d. testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,

e. scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,

f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,

g. separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana,

h. blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,

i. capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,

j. containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

k. hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

l. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,

(2) water pipes,

(3) carburetion tubes and devices,

(4) smoking and carburetion masks,

(5) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand,

(6) miniature cocaine spoons and cocaine vials,

(7) chamber pipes,
(8) carburetor pipes,
(9) electric pipes,
(10) air-driven pipes,
(11) chillums,
(12) bongs, or
(13) ice pipes or chillers,

m. all hidden or novelty pipes, and

n. any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

37. a. "Synthetic controlled substance" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

b. The designation of gamma butyrolactone or any other chemical as a precursor, pursuant to Section 2-322 of this title, does not preclude a finding pursuant to subparagraph a of this paragraph that the chemical is a synthetic controlled substance.

c. "Synthetic controlled substance" does not include:

(1) a controlled dangerous substance,

(2) any substance for which there is an approved new drug application,

(3) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or

(4) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

d. Prima facie evidence that a substance containing salvia divinorum has been enhanced, concentrated or chemically or physically altered shall give rise to a rebuttable presumption that the substance is a synthetic controlled substance;

38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana;

39. "Isomer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsections C and F of Section 2-204 of this title, "isomer" means the optical, positional or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term "isomer" means the optical or geometric isomer;

40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;

41. "Anhydrous ammonia" means any substance that exhibits cryogenic evaporative behavior and tests positive for ammonia;

42. "Acute pain" means pain, whether resulting from disease, accidental or intentional trauma or other cause, that the practitioner reasonably expects to last only a short period of time. "Acute pain" does not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life care, or pain being treated as part of palliative care;

43. "Chronic pain" means pain that persists beyond the usual course of an acute disease or healing of an injury. "Chronic pain" may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years;

44. "Initial prescription" means a prescription issued to a patient who:

a. has never previously been issued a prescription for the drug or its pharmaceutical equivalent in the past year, or
b. requires a prescription for the drug or its pharmaceutical equivalent due to a surgical procedure or new acute event and has previously had a prescription for the drug or its pharmaceutical equivalent within the past year.

When determining whether a patient was previously issued a prescription for a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the medical record and prescription monitoring information of the patient;

45. "Patient-provider agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using an opioid drug as a means to:

a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,
b. document the understanding of both the practitioner and the patient regarding the patient-provider agreement of the patient,
c. establish the rights of the patient in association with treatment and the obligations of the patient in relation to the responsible use, discontinuation of use, and storage of opioid drugs, including any restrictions on the refill of prescriptions or the acceptance of opioid prescriptions from practitioners,
d. identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation or psychological counseling, that are included as a part of the patient-provider agreement,
e. specify the measures the practitioner may employ to monitor the compliance of the patient including, but not limited to, random specimen screens and pill counts, and
f. delineate the process for terminating the agreement, including the consequences if the practitioner has reason to believe that the patient is not complying with the terms of the agreement. Compliance with the "consent items" shall constitute a valid, informed consent for opioid therapy. The practitioner shall be held harmless from civil litigation for failure to treat pain if the event occurs because of nonadherence by the patient with any of the provisions of the patient-provider agreement;

46. "Serious illness" means a medical illness or physical injury or condition that substantially affects quality of life for more than a short period of time. "Serious illness" includes, but is not limited to, Alzheimer's disease or related dementias, lung disease, cancer, heart failure, renal failure, liver failure or chronic, unremitting or intractable pain such as neuropathic pain; and

47. "Surgical procedure" means a procedure that is performed for the purpose of structurally altering the human body by incision or destruction of tissues as part of the practice of medicine. This term includes the diagnostic or therapeutic treatment of conditions or disease processes by use of instruments such as lasers, ultrasound, ionizing, radiation, scalpels, probes or needles that cause localized alteration or transportation of live human tissue by cutting, burning, vaporizing, freezing, suturing, probing or manipulating by closed reduction for major dislocations or fractures, or otherwise altering by any mechanical, thermal, light-based, electromagnetic or chemical means.

Added by Laws 1971, c. 119, § 2-101, operative Sept. 1, 1971. Amended by Laws 1975, c. 133, § 1, emerg. eff. May 15, 1975; Laws 1981, c. 62, § 1, emerg. eff. April 13, 1981; Laws 1982, c. 12, § 1, operative Oct. 1, 1982; Laws 1985, c. 186, § 1, eff. July 1, 1985; Laws 1987, c. 138, § 1, emerg. eff. June 19, 1987; Laws 1988, c. 43, § 1, operative June 1, 1988; Laws 1989, c. 237, § 1, eff. Nov. 1, 1989; Laws 1994, c. 52, § 4; Laws 1996, c. 306, § 1, emerg. eff. June 10, 1996; Laws 1997, c. 2, § 14, emerg. eff. Feb. 26, 1997; Laws 1997, c. 250, § 10, eff. Nov. 1, 1997; Laws 1998, c. 128, § 5, eff. Nov. 1, 1998; Laws 2000, c. 199, § 6, eff. Nov. 1, 2000; Laws 2001, c. 373, § 1, eff. July 1, 2001; Laws 2003, c. 338, § 2, eff. Nov. 1, 2003; Laws 2004, c. 301, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 98, emerg. eff. March 15, 2005; Laws 2006, c. 251, § 1, emerg. eff. June 7, 2006; Laws 2012, c. 80, § 1, eff. Nov. 1, 2012; Laws 2014, c. 154, § 1, eff. Nov. 1, 2014; Laws 2015, c. 203, § 2, emerg. eff. April 30, 2015; Laws 2016, c. 299, § 1, eff. Nov. 1, 2016; Laws 2017, c. 43, § 1, eff. Nov. 1, 2017; Laws 2018, c. 175, § 3, eff. Nov. 1, 2018; Laws 2019, c. 428, § 16, emerg. eff. May 21, 2019.

NOTE: Laws 1996, c. 186, § 9 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2004, c. 116, § 1 repealed by Laws 2005, c. 1, § 99, emerg. eff. March 15, 2005. Laws 2018, c. 64, § 11 repealed by Laws 2019, c. 25, § 35, emerg. eff. April 4, 2019.

§63-2-102. Bureau of Narcotics and Dangerous Drug Control.

There is hereby established the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

Added by Laws 1971, c. 119, § 2-102. Amended by Laws 1975, c. 133, § 2, emerg. eff. May 15, 1975.

§63-2-103. Director - Appointment and powers - Agents and reserve agents - Custody of sidearms and badges upon death or retirement.

A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control on January 1, 1984, shall be initially appointed as Director. The succeeding Director shall, at the time of the appointment, have a Bachelor's Degree from an accredited college or university and at least five (5) years of experience in drug law enforcement. The Director may appoint necessary assistants, agents, and other personnel to perform the work of the office and may prescribe their titles and duties and fix their compensation pursuant to Merit System rules. The Director may appoint employees to the positions of Chief of Law Enforcement Information and Technology, Public Information/Education Officer, Training Officer, Program Administrators, Grants Administrator, Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The positions shall be unclassified and exempt from the rules and procedures of the Office of Management and Enterprise Services, except leave regulations. The office of the Director shall be located at a suitable place in Oklahoma City, Oklahoma.

B. 1. Agents appointed by the Director shall have the powers of peace officers generally; provided, the Director may appoint special agents and reserve special agents, who shall be unclassified employees of the state, to meet specific investigatory needs. Special agents and reserve special agents shall not be required to meet the age and educational requirements as specified in this section.

2. Agents appointed on and after November 1, 1998, shall be at least twenty-one (21) years of age and shall have a Bachelor's Degree from an accredited college or university.

3. Each entering agent, with the exception of special agents, shall be required to serve one (1) year in a probationary status as a prerequisite to being placed on permanent status.

C. Agents appointed pursuant to the provisions of this section shall have the responsibility of investigating alleged violations and shall have the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act, as well as the crimes of money laundering and human trafficking, as otherwise set forth by laws of this state.

D. The Director may appoint reserve special agents who shall not be considered employees of the state and shall serve at the will of the Director. Reserve special agents shall complete a minimum of two hundred forty (240) hours of training pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and may not serve more than one hundred forty (140) hours per calendar month. Upon completion of training, reserve special agents appointed by the Director shall have

general peace officer powers and the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act. The agency may expend funds related to training and special reserve agents may receive travel expenses pursuant to the State Travel Reimbursement Act.

E. A commissioned employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement.

F. A commissioned employee of the Bureau may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement upon written approval of the Director.

G. Custody and possession of the sidearm and badge of a commissioned employee killed in the line of duty may be awarded by the Director to the spouse or next of kin of the deceased employee.

H. Custody and possession of the sidearm and badge of a commissioned employee who dies while employed at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may be awarded by the Director to the spouse or next of kin of the deceased employee.

I. Any Director appointed on or after July 1, 2003, shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

J. Any employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in a classified position under the Merit System of the Personnel Administration who is appointed Director, Deputy Director, Acting Director or Acting Deputy Director shall have a right to return to the highest previously held classified position without any loss of rights, privileges or benefits immediately upon completion of the duties of the employee, provided the employee is not otherwise disqualified.

Added by Laws 1971, c. 119, § 2-103. Amended by Laws 1975, c. 133, § 3, emerg. eff. May 15, 1975; Laws 1976, c. 202, § 6, emerg. eff. June 4, 1976; Laws 1977, c. 177, § 7, emerg. eff. June 7, 1977; Laws 1978, c. 118, § 6, emerg. eff. March 31, 1978; Laws 1981, c. 340, § 19, eff. July 1, 1981; Laws 1983, c. 145, § 2, eff. Jan. 1, 1984; Laws 1987, c. 138, § 2, emerg. eff. June 19, 1987; Laws 1990, c. 258, § 9, operative July 1, 1990; Laws 1998, c. 387, § 2, eff. Nov. 1, 1998; Laws 1999, c. 60, § 1, eff. July 1, 1999; Laws 1999, c. 426, § 2, eff. July 1, 1999; Laws 2003, c. 199, § 13, emerg. eff. May 7, 2003; Laws 2006, 2nd Ex. Sess., c. 79, § 5; Laws 2007, c. 1, § 51, emerg. eff. Feb. 22, 2007; Laws 2008, c. 359, § 1, emerg. eff. June 3, 2008; Laws 2009, c. 445, § 1, eff. July 1, 2009; Laws 2011, c. 58, § 1,

eff. Nov. 1, 2011; Laws 2012, c. 186, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 70, emerg. eff. April 8, 2013; Laws 2015, c. 305, § 1; . Laws 2017, c. 38, § 2, eff. Nov. 1, 2017; Laws 2017, c. 390, § 1, emerg. eff. June 6, 2017.
NOTE: Laws 1999, c. 40, § 1 repealed by Laws 1999, c. 426, § 5, eff. July 1, 1999. Laws 2006, 2nd Ex. Sess., c. 83, § 7 repealed by Laws 2007, c. 1, § 52, emerg. eff. Feb. 22, 2007. Laws 2012, c. 304, § 495 repealed by Laws 2013, c. 15, § 71, emerg. eff. April 8, 2013.

§63-2-103.1. Investigations - Subpoena power.

A. In any investigation relating to the functions of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control pursuant to the provisions of the Uniform Controlled Dangerous Substances Act with respect to controlled substances or other provisions of Oklahoma law with respect to the crimes of money laundering and human trafficking, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, if recommended and approved by a chief agent of the Bureau and the legal counsel of the Bureau, may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records, including books, papers, documents, and other tangible things which constitute or contain evidence, which the Director or agent finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in the state to a designated location in the county seat of the county of which the subpoenaed person is an inhabitant or in which the subpoenaed person carries on business or may be found. Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of this state.

B. The witness shall have the option of complying with said subpoena by:

1. Appearing and/or producing documents, as requested; or

2. Notifying the Bureau, in writing, of refusal to appear or produce documents, within ten (10) days of the date of service.

The subpoena form shall clearly set forth the optional means of compliance including instructions for sending written notice of refusal.

C. A subpoena issued pursuant to this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

D. In the case of contumacy by or refusal to obey a subpoena issued to any person, the Director may invoke the aid of any district court of the state within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Director to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as an indirect contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

E. The district court of the county wherein the subpoena is served may quash a subpoena issued pursuant to this section, upon a motion to quash the subpoena filed with the court by the party to whom the subpoena is issued.

Added by Laws 1989, c. 184, § 1, eff. Nov. 1, 1989. Amended by Laws 2013, c. 143, § 1, eff. Nov. 1, 2013.

§63-2-103a. Repealed by Laws 2014, c. 390, § 6, eff. July 1, 2014.

§63-2-104.1. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

A. There is hereby created an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. The members shall be appointed by the Governor and confirmed by the Senate and shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. The term of office of each member shall be seven (7) years. The first appointments shall be for the following terms as designated by the Governor: one member for a term of one (1) year; one member for a term of two (2) years; one member for a term of three (3) years; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term of seven (7) years. A member may serve more than one term on the Commission. Each member shall continue to serve so long as the member is qualified until a successor has been appointed and confirmed by the Senate. Vacancies occurring during a

term shall be filled for the unexpired portion of the term by the same procedure used to make the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity, one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; provided that the sheriff and police chief members shall have successfully completed an approved course of instruction for peace officers as required by law.

C. Annually the Commission shall select one of the Commission members to serve as chair and one member to serve as vice-chair. The Commission shall meet at least quarterly. The chair shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission. In addition, meetings of the Commission may be called by a majority of the members. The vice-chair shall perform these functions in the absence or incapacity of the chair. A quorum of four members of the Commission shall be necessary to conduct any official business. All actions taken by the Commission shall be by a simple majority vote of a quorum. In the event of a tie vote, the measure being voted upon shall be deemed to have failed.

The Commission shall adopt rules of procedure for the orderly performance of its functions.

D. Members of the Commission shall serve without salary but may be reimbursed for travel expenses in attending meetings and performing their duties in the manner provided for other state officers and employees under the State Travel Reimbursement Act. No other provisions of law shall be construed as prohibiting public officers from also serving as members of the Commission, nor shall any other provisions of law be construed as prohibiting public officers or public employees from performing services for the Commission without compensation. It is further provided that no town, city, county, or other subdivision or other agency of state government shall be prohibited from receiving a grant or from benefiting from grants or expenditures of the Commission for the reason that an officer or employee of such town, city, county, or other subdivision or agency of state government is a Commission member or employee.

E. The Commission shall have the following powers and duties and responsibilities:

1. To appoint the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, whose compensation shall be determined by the Legislature.

2. To hear any complaint against the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or any of its employees according to the following procedure:

a. Only those complaints which have been submitted in writing and are signed will be acted upon by the Commission.
b. All hearings on complaints shall be conducted in executive sessions, and shall not be open to the public.
c. The Commission shall have limited access to pertinent investigative files when investigating a complaint. The Director shall provide a procedure whereby the identification of all persons named in any investigative file except the subject of the complaint and the complaining witness shall not be revealed to the members of the Commission. Any consideration of files shall be in executive session not open to the public. No information or evidence received in connection with the hearings shall be revealed to any person or agency. Any violation hereof shall be grounds for removal from the Commission, and shall constitute a misdemeanor.

3. To make recommendations to the Director of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received.

4. To establish general procedures with regard to assisting law enforcement officers and district attorneys.

5. To establish a program of training for agents utilizing such courses as the National Police Academy conducted by the Federal Bureau of Investigation.

Added by Laws 1983, c. 145, § 3, eff. Jan. 1, 1984. Amended by Laws 1985, c. 178, § 45, operative July 1, 1985; Laws 1992, c. 364, § 6, emerg. eff. June 4, 1992; Laws 2002, c. 375, § 12, eff. Nov. 5, 2002; Laws 2003, c. 229, § 4, emerg. eff. May 20, 2003.

§63-2-105. Duty of state departments, officers, agencies, and employees – Fatal and nonfatal drug overdose report.

A. It shall be the duty of all departments, officers, agencies, and employees of the state to cooperate with the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in carrying out the functions of the office. The State Medical Examiner shall promptly report to the offices of the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Executive Director of the State Board of Medical Licensure and Supervision and the Executive Director of the State Board of Osteopathic Examiners all deaths occurring within the state which were the result or probable result of abuse of a controlled dangerous substance.

B. The Bureau shall be required to compile a yearly report of all fatal and nonfatal drug overdoses for the State of Oklahoma. All registrants, as defined in the Anti-Drug Diversion Act, shall report

any person appearing at a medical facility with a drug overdose to the central repository as provided in the Anti-Drug Diversion Act. The determination of a drug overdose shall be made solely at the discretion of the treating medical professional based on the education, experience and professional opinion of the medical professional. This information shall be considered part of the central repository pursuant to the Anti-Drug Diversion Act and shall be confidential and not open to the public pursuant to the provisions of Section 2-309D of this title.
Added by Laws 1971, c. 119, § 2-105. Amended by Laws 1972, c. 229, § 1, emerg. eff. April 7, 1972; Laws 1985, c. 263, § 4, emerg. eff. July 15, 1985; Laws 1996, c. 306, § 2, emerg. eff. June 10, 1996; Laws 2010, c. 160, § 1, eff. Nov. 1, 2010; Laws 2015, c. 305, § 2.

§63-2-106. Powers and duties of Director.

A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall, in addition to other powers and duties vested in the Director:

1. Cooperate with federal and other state agencies in discharging the responsibilities concerning traffic in narcotics and dangerous substances and in suppressing the abuse of dangerous substances;

2. Arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;

3. Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and state levels;

4. Cooperate with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by establishing a centralized unit which will accept, catalog, file and collect statistics, including records of drug-dependent persons and other dangerous substance law offenders within the state, and make such information available for federal, state and local law enforcement purposes; and may collect and furnish statistics for other appropriate purposes; and

5. Coordinate and cooperate in programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

B. Results, information and evidence received from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control relating to the regulatory functions of this act, including results of inspections conducted by that agency, may be relied upon and acted upon by the Director in conformance with the regulatory functions under this act.

C. The Director is further authorized and directed to:

1. Coordinate and cooperate in educational programs designed to prevent and deter misuse and abuse of controlled dangerous substances;

2. Promote better recognition of the problems of misuse and abuse of controlled dangerous substances within the regulated industry and among interested groups and organizations;

3. Assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled dangerous substances;

4. Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

5. Assist in evaluating procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled dangerous substances;

6. Disseminate the results of research on misuse and abuse of controlled dangerous substances to promote a better public understanding of what problems exist and what can be done to combat them;

7. Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled dangerous substances;

8. Conduct an annual seminar to be attended by selected law enforcement officers in order to teach new techniques and advances in the investigation of violations of the Uniform Controlled Dangerous Substances Act; and

9. Supervise and direct agents appointed in the performance of their function of enforcement of the provisions of this act.

D. The Director is further authorized and directed to:

1. Encourage research on misuse and abuse of controlled dangerous substances;

2. Cooperate in establishing methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse; and

3. Cooperate in making studies and in undertaking programs of research to:

a. develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act,

b. determine patterns of misuse and abuse of controlled dangerous substances and the social effects thereof, and

c. improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled dangerous substances.

E. The Director shall prepare a yearly report on all deaths and nonfatal overdoses which were the result or probable result of abuse of a controlled dangerous substance. The yearly report shall be limited to statistical information including, but not limited to, the county where the death or nonfatal overdose occurred, age, race,

gender, type of controlled dangerous substances involved in the death or nonfatal overdose, and the method in which the controlled dangerous substance was obtained by the person, when available.

F. The Director may enter into contracts with public agencies, institutions of higher education and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled dangerous substances.

G. The Director may enter into contracts for educational and research activities without performance bonds.

H. The Director may authorize persons engaged in research or scientific activities on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative or other proceeding to identify the subjects of research for which such authorization was obtained.

I. The Director may authorize the lawful possession, distribution and use of controlled dangerous substances by persons engaged in research or scientific activities; authorization for possession of controlled dangerous substances may be extended to persons engaged in a program of drug education or persons in the performance of an official duty. Persons who obtain this authorization shall be exempt from state prosecution for possession, distribution or use of dangerous substances to the extent authorized by the Director.

J. The Director is authorized to accept gifts, bequests, devises, contributions and grants, public or private, including federal funds or funds from any other source for use in furthering the purpose of the office of the Director.

K. The Director is authorized to purchase or sell real property, together with appurtenances, in the name of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control upon approval of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

L. The Director is authorized to purchase and maintain motor vehicles and other equipment for use by the employees of the Bureau.

M. The Director shall be in charge of all monies appropriated for or deposited to the credit of the office of the Director and is authorized to approve claims and payrolls as provided in Section 41.26 of Title 62 of the Oklahoma Statutes.

N. The Director shall have the authority of a peace officer and is authorized to commission assistants of the office as peace officers.

O. Upon determining that a practitioner is prescribing a controlled dangerous substance to a person engaged in fraudulent or deceptive efforts to fill or refill multiple prescriptions for

controlled dangerous substances, the Director shall provide written or electronic notification alerting the practitioner to the possibility that the person may be unlawfully obtaining prescription drugs in violation of the Uniform Controlled Dangerous Substances Act.
Added by Laws 1971, c. 119, § 2-106, emerg. eff. April 28, 1971. Amended by Laws 1975, c. 133, § 5, emerg. eff. May 15, 1975; Laws 2008, c. 170, § 10, eff. July 1, 2008; Laws 2009, c. 442, § 2, eff. July 1, 2009; Laws 2010, c. 160, § 2, eff. Nov. 1, 2010; Laws 2013, c. 340, § 1, eff. Nov. 1, 2013.

§63-2-106.1. Lease of seaplane.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control is hereby authorized to lease the seaplane owned by said Bureau. Said lease shall not be subject to the provisions of Section 85.5 of Title 74 of the Oklahoma Statutes and shall not have to be approved by the Office of Management and Enterprise Services.
Added by Laws 1987, c. 205, § 54, operative July 1, 1987. Amended by Laws 2008, c. 359, § 2, emerg. eff. June 3, 2008; Laws 2012, c. 304, § 496.

§63-2-106.2. Sale of forfeited vehicles, equipment, and property - Exemption.

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, pursuant to rules promulgated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, is hereby authorized to:

1. Make available for sale used vehicles, used equipment and forfeited property to any federal, state, county, or municipal agency, trust authority or public school district;

2. Sell at public auction any used vehicles, used equipment and any property forfeited to the Bureau; and

3. Donate or transfer title to any surplus property as defined in Section 62.2 of Title 74 of the Oklahoma Statutes, or property forfeited to the Bureau, to any law enforcement agency of any political subdivision of the State of Oklahoma. The use of such donated equipment shall be limited to valid and authorized law enforcement efforts by the receiving agency.

B. Any property subject to this section shall be exempted from the provisions set forth in Section 62.3 of Title 74 of the Oklahoma Statutes.
Added by Laws 2008, c. 359, § 3, emerg. eff. June 3, 2008.
NOTE: Laws 2008, c. 170, § 11 repealed by Laws 2009, c. 2, § 19, emerg. eff. March 12, 2009.

§63-2-107. Bureau of Narcotics Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to be designated the "Bureau of Narcotics Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies received from the sale of surplus and confiscated property, fees and receipts collected pursuant to the Oklahoma Open Records Act, gifts, bequests, devises, contributions or grants, public or private, including federal funds unless otherwise provided by federal law or regulation, registration fees and receipts relating to prescription pads and receipts from any other source. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for general operations of the agency. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1971, c. 119, § 2-107, emerg. eff. April 28, 1971. Amended by Laws 1975, c. 133, § 6, emerg. eff. May 15, 1975; Laws 1986, c. 202, § 6, operative July 1, 1986; Laws 1987, c. 205, § 55, operative July 1, 1987; Laws 2012, c. 304, § 497.

§63-2-107a. Bureau of Narcotics Drug Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to be designated the “Bureau of Narcotics Drug Education Revolving Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies received pursuant to subsection F of Section 1313.2 of Title 20 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for purposes relating to drug education and information in the State of Oklahoma.
Added by Laws 2008, c. 437, § 1, eff. July 1, 2008. Amended by Laws 2009, c. 442, § 3, eff. July 1, 2009.

§63-2-107b. Drug Money Laundering and Wire Transmitter Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to be designated the "Drug Money Laundering and Wire Transmitter Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control from the fees imposed pursuant to Section 2-503.1j of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the

Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the purpose of drug enforcement. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2009, c. 442, § 4, eff. July 1, 2009. Amended by Laws 2012, c. 304, § 498.

§63-2-109. Rental or charter of aircraft.

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control is hereby authorized to rent and/or charter aircraft on a project mission basis; such rental or charter to last only for the duration of the project mission. The Bureau is also authorized to pay, from any funds available to the Bureau, expenses involved in qualifying multiengine and instrument pilots as may be required to accomplish agency responsibilities.
Laws 1980, c. 301, § 8, emerg. eff. June 17, 1980.

§63-2-109a. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Janitorial services - Background investigations and national criminal history record checks.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall conduct background investigations and national criminal history record checks on companies and individuals with which the Bureau contracts to provide janitorial services and shall not be subject to the provisions of Section 3007 of Title 74 of the Oklahoma Statutes.
Added by Laws 2010, c. 458, § 3, eff. Nov. 1, 2010.

§63-2-110. Attorneys.

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may employ attorneys, who shall be unclassified employees of the state, or contract with attorneys, as needed. These attorneys may advise the Director, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission and Bureau personnel on all legal matters and shall appear for and represent the Director, the Commission and Bureau personnel in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, such attorney shall assist the district attorney in prosecuting charges of violators of the Uniform Controlled Dangerous Substances Act or any felony relating to or arising from a violation of the Uniform Controlled Dangerous Substances Act. Attorneys for the Bureau who have been certified by the Council on Law Enforcement Education and Training to carry a weapon or have been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall be

allowed to carry weapons pursuant to paragraph 3 of subsection A of Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys, pursuant to this provision, shall not be considered eligible to participate in the Oklahoma Law Enforcement Retirement System. If a conflict of interest would be created by such attorney representing the Director, the Commission or Bureau personnel, additional counsel may be hired upon approval of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.
Added by Laws 1985, c. 263, § 7, emerg. eff. July 15, 1985. Amended by Laws 1988, c. 173, § 6, operative July 1, 1988; Laws 2000, c. 216, § 1, eff. Nov. 1, 2000; Laws 2008, c. 359, § 4, emerg. eff. June 3, 2008; Laws 2012, c. 259, § 46, eff. Nov. 1, 2012.

§63-2-111. Employee performance recognition program - Awards - Funding.

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control is authorized to establish an employee performance recognition program that encourages outstanding job performance and productivity within the Bureau. The Bureau is authorized to expend funds for:

1. The purchase of recognition awards to be presented to members of work units or individual employees having exceptional job performance records or other significant contributions to the operation of the Bureau;

2. The purchase of recognition awards to be presented to nonemployees of the Bureau in recognition of exemplary service or assistance to the Bureau and law enforcement; and

3. A formal ceremony or banquet where the awards may be presented.

B. Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars ($150.00) per award to recognize the achievement of the work unit or individual employee. In addition to recognition awards, the Bureau may establish an employee benefit program not exceeding Five Thousand Dollars ($5,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by Bureau employees.

C. To better educate and foster relations as to the Bureau and its mission towards drug reduction, the Bureau may expend funds not exceeding Ten Thousand Dollars ($10,000.00) each fiscal year for the purpose of distributing educational, demand-reduction and commemorative materials bearing the seal of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to nonemployees. Donated items, federal grant money and seizure funds shall not count toward this amount.
Added by Laws 2008, c. 359, § 5, emerg. eff. June 3, 2008.

NOTE: Laws 2008, c. 170, § 12 repealed by Laws 2009, c. 2, § 20, emerg. eff. March 12, 2009.

§63-2-112. Report on progress of opioid act of 2019.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall report to the standing committees of the Legislature having jurisdiction over health and human services matters and over occupational and professional regulation matters, no later than January 31, 2020, with progress on implementing the provisions of this act. The report shall contain, at a minimum, the following information:

1. Registration of prescribers and dispensers in the central repository pursuant to Section 2-309A et seq. of Title 63 of the Oklahoma Statutes;

2. Data regarding the checking and using of the central repository by data requesters;

3. Data from professional boards regarding the implementation of continuing education requirements for prescribers of opioid drugs;

4. Effects on the prescriber workforce;

5. Changes in the numbers of patients taking more than one hundred (100) morphine milligram equivalents of opioid drugs per day;

6. Data regarding the total quantity of opioid drugs prescribed in morphine milligram equivalents;

7. Progress on electronic prescribing of opioid drugs; and

8. Improvements to the central repository through the request for proposals process including feedback from prescribers, dispensers and applicable state licensing boards on those improvements.

Added by Laws 2019, c. 428, § 21, emerg. eff. May 21, 2019.

§63-2-201. Authority to control - Recommendations.

A. The Director shall administer the provisions of this act except as otherwise provided.

B. The Board of Pharmacy by rule may classify new products determined to have a potential for abuse as controlled dangerous substances after notice and hearing; provided that such rule shall be submitted to the next regular session of the Legislature, and such rule shall remain in force and effect unless a concurrent resolution of disapproval is passed. Hearings shall be conducted by the Board of Pharmacy or such officers, agents or employees as the Board of Pharmacy may designate for the purpose. The Board of Pharmacy shall give appropriate notice of the proposed classification and of the time and place for a hearing. The rule so promulgated shall become effective on a date fixed by the Board of Pharmacy. Such rule may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act. A new substance controlled pursuant to this subsection shall be subject to the same regulatory provisions

of this act applicable to the Schedule of substances to which it is classified.

C. The Director may recommend to the Legislature the addition, deletion or rescheduling of a substance.

D. In considering whether to make a recommendation or issue an order under this section, the Director or the Board of Pharmacy, as the case may be, shall consider the following:

1. Its actual or relative potential for abuse;

2. Scientific evidence of its pharmacological effect, if known;

3. State of current scientific knowledge regarding the substance;

4. Its history and current pattern of abuse;

5. The scope, duration, and significance of abuse;

6. What, if any, risk there is to the public health;

7. Its psychic or physiological dependence liability; and

8. Whether the substance is an immediate precursor or principal compound of a substance already controlled under this article.

E. Substances which are precursors of a controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

F. In addition to the filing requirements of the Administrative Procedures Act, copies of orders issued under this section shall, during the time the Legislature is not in session, be filed with the Chair and Vice Chair of the State Legislative Council's Judiciary Committee.

G. The Board of Pharmacy shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

Added by Laws 1971, c. 119, § 2-201. Amended by Laws 2008, c. 359, § 6, emerg. eff. June 3, 2008.

§63-2-202. Nomenclature in Schedules.

The schedules provided by this act include the controlled dangerous substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

Laws 1971, c. 119, § 2-202.

§63-2-203. Schedule I characteristics.

Schedule I includes substances with the following characteristics:

1. High potential for abuse;

2. No accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision.

Added by Laws 1971, c. 119, § 2-203.

§63-2-204. Schedule I.

The controlled substances listed in this section are included in Schedule I and include any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, when the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation.

A. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetylmethadol;
2. Allylprodine;
3. Alphacetylmethadol;
4. Alphameprodine;
5. Alphamethadol;
6. Benzethidine;
7. Betacetylmethadol;
8. Betameprodine;
9. Betamethadol;
10. Betaprodine;
11. Clonitazene;
12. Dextromoramide;
13. Dextrorphan (except its methyl ether);
14. Diampromide;
15. Diethylthiambutene;
16. Dimenoxadol;
17. Dimepheptanol;
18. Dimethylthiambutene;
19. Dioxaphetyl butyrate;
20. Dipipanone;
21. Ethylmethylthiambutene;
22. Etonitazene;
23. Etoxeridine;
24. Furethidine;
25. Hydroxypethidine;
26. Ketobemidone;
27. Levomoramide;
28. Levophenacylmorphan;
29. Morpheridine;
30. Noracymethadol;
31. Norlevorphanol;
32. Normethadone;
33. Norpipanone;
34. Phenadoxone;
35. Phenampromide;

36. Phenomorphan;
37. Phenoperidine;
38. Piritramide;
39. Proheptazine;
40. Properidine;
41. Racemoramide; or
42. Trimeperidine.

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetyldihydrocodeine;
3. Benzylmorphine;
4. Codeine methylbromide;
5. Codeine-N-Oxide;
6. Cyprenorphine;
7. Desomorphine;
8. Dihydromorphine;
9. Etorphine;
10. Heroin;
11. Hydromorphinol;
12. Methyldesorphine;
13. Methylhydromorphine;
14. Morphine methylbromide;
15. Morphine methylsulfonate;
16. Morphine-N-Oxide;
17. Myrophine;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Phoclodine;
22. Thebacon;
23. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (Acetyl fentanyl);
24. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butenamide (Crotonyl fentanyl);
25. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (Furanyl fentanyl);
26. N-phenyl-1-(2-phenylethyl)-4-piperidinamine (4-ANPP);
27. N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl fentanyl); or
28. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (Butyrl fentanyl).

C. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically

excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Methcathinone;
2. 3, 4-methylenedioxy amphetamine;
3. 3, 4-methylenedioxy methamphetamine;
4. 5-methoxy-3, 4-methylenedioxy amphetamine;
5. 3, 4, 5-trimethoxy amphetamine;
6. Bufotenine;
7. Diethyltryptamine;
8. Dimethyltryptamine;
9. 4-methyl-2, 5-dimethoxyamphetamine;
10. Ibogaine;
11. Lysergic acid diethylamide;
12. Marihuana;
13. Mescaline;
14. N-benzylpiperazine;
15. N-ethyl-3-piperidyl benzilate;
16. N-methyl-3-piperidyl benzilate;
17. Psilocybin;
18. Psilocyn;
19. 2, 5 dimethoxyamphetamine;
20. 4 Bromo-2, 5-dimethoxyamphetamine;
21. 4 methoxyamphetamine;
22. Cyclohexamine;
23. Salvia Divinorum;
24. Salvinorin A;
25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;
26. Phencyclidine (PCP);
27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
28. 1-(3-trifluoromethylphenyl) piperazine;
29. Flunitrazepam;
30. B-hydroxy-amphetamine;
31. B-ketoamphetamine;
32. 2,5-dimethoxy-4-nitroamphetamine;
33. 2,5-dimethoxy-4-bromophenethylamine;
34. 2,5-dimethoxy-4-chlorophenethylamine;
35. 2,5-dimethoxy-4-iodoamphetamine;
36. 2,5-dimethoxy-4-iodophenethylamine;
37. 2,5-dimethoxy-4-methylphenethylamine;
38. 2,5-dimethoxy-4-ethylphenethylamine;
39. 2,5-dimethoxy-4-fluorophenethylamine;
40. 2,5-dimethoxy-4-nitrophenethylamine;
41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;

43. 2,5-dimethoxy-4-propylthio-phenethylamine;
44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
47. 5-methoxy-N, N-dimethyltryptamine;
48. N-methyltryptamine;
49. A-ethyltryptamine;
50. A-methyltryptamine;
51. N, N-diethyltryptamine;
52. N, N-diisopropyltryptamine;
53. N, N-dipropyltryptamine;
54. 5-methoxy-a-methyltryptamine;
55. 4-hydroxy-N, N-diethyltryptamine;
56. 4-hydroxy-N, N-diisopropyltryptamine;
57. 5-methoxy-N, N-diisopropyltryptamine;
58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
59. 3,4-Methylenedioxymethcathinone (Methylone);
60. 3,4-Methylenedioxypyrovalerone (MDPV);
61. 4-Methylmethcathinone (Mephedrone);
62. 4-methoxymethcathinone;
63. 4-Fluoromethcathinone;
64. 3-Fluoromethcathinone;
65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
66. 2,5-Dimethoxy-4-chloroamphetamine;
67. 4-Methylethcathinone;
68. Pyrovalerone;
69. N,N-diallyl-5-methoxytryptamine;
70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
73. Alpha-Pyrrolidinopentiophenone;
74. 4-Fluoroamphetamine;
75. Pentedrone;
76. 4'-Methyl-a-pyrrolidinohexaphenone;
77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
78. 2,5-dimethoxyphenethylamine;
79. 1,4-Dibenzylpiperazine;
80. N,N-Dimethylamphetamine;
81. 4-Fluoromethamphetamine;
82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25C-NBOMe);
83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe);
84. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzy)phenethylamine (25B-NBOMe);
85. 1-(4-Fluorophenyl)piperazine;
86. Methoxetamine;

87. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-methylbenzamide;
88. N-ethyl hexadrone;
89. Isopropyl-U-47700;
90. Para-fluorobutyrl fentanyl;
91. Fluoro isobutryrl fentanyl;
92. 3-Hydroxy Phencyclidine (PCP); or
93. 3-methoxy Phencyclidine (PCP).

D. Unless specifically excepted or unless listed in a different schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Fenethylline;
2. Mecloqualone;
3. N-ethylamphetamine;
4. Methaqualone;
5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate;
6. Gamma-Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption, with the exception of legitimate food additive and manufacturing purposes;
7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;
8. Gamma Valerolactone (GVL) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;
9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed, manufactured, or promoted for human consumption with the exception of legitimate manufacturing purposes; or
10. N-ethylpentylone.

E. 1. The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are excluded from all schedules of controlled substances under this title:

a. pesticides,
b. photochemical etching,
c. electrolytes of small batteries or capacitors,
d. viscosity modifiers in polyurethane,
e. surface etching of metal coated plastics,
f. organic paint disbursements for water soluble inks,
g. pH regulators in the dyeing of wool and polyamide fibers,
h. foundry chemistry as a catalyst during curing,
i. curing agents in many coating systems based on urethanes and amides,

j. additives and flavoring agents in food, confectionary, and beverage products,
k. synthetic fiber and clothing production,
l. tetrahydrofuran production,
m. gamma butyrolactone production,
n. polybutylene terephthalate resin production,
o. polyester raw materials for polyurethane elastomers and foams,
p. coating resin raw material, and
q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled, marketed, manufactured and distributed for legitimate industrial use in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding an industrial product, the Director, after notice and hearing, shall consider the following:

a. the history and current pattern of abuse,
b. the name and labeling of the product,
c. the intended manner of distribution, advertising and promotion of the product, and
d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the procedures of the Administrative Procedures Act.

F. Any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of their salts, isomers, and salts of isomers when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. JWH-004;
2. JWH-007;
3. JWH-009;
4. JWH-015;
5. JWH-016;
6. JWH-018;
7. JWH-019;
8. JWH-020;
9. JWH-030;
10. JWH-046;
11. JWH-047;
12. JWH-048;

13. JWH-049;
14. JWH-050;
15. JWH-070;
16. JWH-071;
17. JWH-072;
18. JWH-073;
19. JWH-076;
20. JWH-079;
21. JWH-080;
22. JWH-081;
23. JWH-082;
24. JWH-094;
25. JWH-096;
26. JWH-098;
27. JWH-116;
28. JWH-120;
29. JWH-122;
30. JWH-145;
31. JWH-146;
32. JWH-147;
33. JWH-148;
34. JWH-149;
35. JWH-150;
36. JWH-156;
37. JWH-167;
38. JWH-175;
39. JWH-180;
40. JWH-181;
41. JWH-182;
42. JWH-184;
43. JWH-185;
44. JWH-189;
45. JWH-192;
46. JWH-193;
47. JWH-194;
48. JWH-195;
49. JWH-196;
50. JWH-197;
51. JWH-198;
52. JWH-199;
53. JWH-200;
54. JWH-201;
55. JWH-202;
56. JWH-203;
57. JWH-204;
58. JWH-205;
59. JWH-206;

60. JWH-207;
61. JWH-208;
62. JWH-209;
63. JWH-210;
64. JWH-211;
65. JWH-212;
66. JWH-213;
67. JWH-234;
68. JWH-235;
69. JWH-236;
70. JWH-237;
71. JWH-239;
72. JWH-240;
73. JWH-241;
74. JWH-242;
75. JWH-243;
76. JWH-244;
77. JWH-245;
78. JWH-246;
79. JWH-248;
80. JWH-249;
81. JWH-250;
82. JWH-251;
83. JWH-252;
84. JWH-253;
85. JWH-262;
86. JWH-292;
87. JWH-293;
88. JWH-302;
89. JWH-303;
90. JWH-304;
91. JWH-305;
92. JWH-306;
93. JWH-307;
94. JWH-308;
95. JWH-311;
96. JWH-312;
97. JWH-313;
98. JWH-314;
99. JWH-315;
100. JWH-316;
101. JWH-346;
102. JWH-348;
103. JWH-363;
104. JWH-364;
105. JWH-365;
106. JWH-367;

107. JWH-368;
108. JWH-369;
109. JWH-370;
110. JWH-371;
111. JWH-373;
112. JWH-386;
113. JWH-387;
114. JWH-392;
115. JWH-394;
116. JWH-395;
117. JWH-397;
118. JWH-398;
119. JWH-399;
120. JWH-400;
121. JWH-412;
122. JWH-413;
123. JWH-414;
124. JWH-415;
125. CP-55, 940;
126. CP-47, 497;
127. HU-210;
128. HU-211;
129. WIN-55, 212-2;
130. AM-2201;
131. AM-2233;
132. JWH-018 adamantyl-carboxamide;
133. AKB48;
134. JWH-122 N-(4-pentenyl)analog;
135. MAM2201;
136. URB597;
137. URB602;
138. URB754;
139. UR144;
140. XLR11;
141. A-796,260;
142. STS-135;
143. AB-FUBINACA;
144. AB-PINACA;
145. PB-22;
146. AKB48 N-5-Fluorpentyl;
147. AM1248;
148. FUB-PB-22;
149. ADB-FUBINACA;
150. BB-22;
151. 5-Fluoro PB-22; or
152. 5-Fluoro AKB-48.

G. In addition to those substances listed in subsection F of this section, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups:

1. Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthoylindoles include, but are not limited to:

a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200),
b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole (JWH-098),
n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole (AM-1220),
p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201), or
q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

2. Naphthylmethylindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthylmethylindoles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

3. Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the pyrrole ring to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to:

a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole (JWH-370),
c. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or
d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

4. Naphthylideneindenes: any compound containing a 1-(1-naphthylmethylene)indene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indene group to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

5. Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl ring to any extent. Phenylacetylindoles include, but are not limited to:

a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),
b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8),
c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
d. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

6. Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,

halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, and whether or not further substituted on the cyclohexyl ring to any extent. Cyclohexylphenols include, but are not limited to:

a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497),

b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue), or

c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);

7. Benzoylindoles: any compound containing a 3-(benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to:

a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),

b. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098),

c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),

d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or

e. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole (AM-2233);

8. Cyclopropoylindoles: Any compound containing a 3-(cyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the cyclopropoyl ring to any extent. Cyclopropoylindoles include, but are not limited to:

a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole (UR-144),

b. 1-(5-chloropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (5Cl-UR-144), or

c. 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (XLR11);

9. Indole Amides: Any compound containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen

atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxamide group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quninolinyl, or cycloalkyl rings to any extent. Indole Amides include, but are not limited to:

a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide (2NE1),
b. N-(1-adamantyl)-1-(5-fluoropentyl-1H-indole-3-carboxamide (STS-135),
c. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA),
d. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),
e. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide (NNE1),
f. 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide (5F-NNE1),
g. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006), or
h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-SDB-006);

10. Indole Esters: Any compound containing a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl,1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole Esters include, but are not limited to:

a. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22),
b. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22),

c. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate (BB-22),
d. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22), or
e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);

11. Adamantanoylindoles: Any compound containing an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Adamantanoylindoles include, but are not limited to:

a. adamantan-1-yl[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]methanone (AM1248), or
b. adamantan-1-yl-(1-pentyl-1H-indol-3-yl)methanone (AB-001);

12. Carbazole Ketone: Any compound containing (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone (EG-018);

13. Benzimidazole Ketone: Any compound containing (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-

3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Benzimidazole Ketones include, but are not limited to:

a. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-l)methanone (JWH-018 benzimidazole analog), or

b. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl) (naphthalen-1-yl)methanone (FUBIMINA); and

14. Modified by Replacement: any compound defined in this subsection that is modified by replacement of a carbon with nitrogen in the indole, naphthyl, indene, benzimidazole, or carbazole ring.

Added by Laws 1971, c. 119, § 2-204, operative Sept. 1, 1971. Amended by Laws 1976, c. 291, § 1, emerg. eff. June 17, 1976; Laws 1978, c. 194, § 3, emerg. eff. April 14, 1978; Laws 1984, c. 127, § 1, eff. Nov. 1, 1984; Laws 1987, c. 138, § 3, emerg. eff. June 19, 1987; Laws 1994, c. 140, § 1, eff. Sept. 1, 1994; Laws 1995, c. 54, § 2, eff. July 1, 1995; Laws 1998, c. 100, § 1, emerg. eff. April 13, 1998; Laws 2000, c. 16, § 1, emerg. eff. April 3, 2000; Laws 2001, c. 99, § 2, eff. July 1, 2001; Laws 2001, c. 373, § 2, eff. July 1, 2001; Laws 2005, c. 283, § 1, eff. Nov. 1, 2005; Laws 2008, c. 332, § 1, eff. Nov. 1, 2008; Laws 2010, c. 182, § 1, eff. Nov. 1, 2010; Laws 2011, c. 239, § 2, eff. Nov. 1, 2011; Laws 2012, c. 80, § 2, eff. Nov. 1, 2012; Laws 2013, c. 181, § 1, eff. Nov. 1, 2013; Laws 2014, c. 154, § 2, eff. Nov. 1, 2014; Laws 2015, c. 305, § 3; Laws 2017, c. 390, § 2, emerg. eff. June 6, 2017; Laws 2018, c. 134, § 1, eff. Nov. 1, 2018; Laws 2019, c. 207, § 1, eff. Nov. 1, 2019.

§63-2-205. Schedule II characteristics.

Schedule II includes substances with the following characteristics:

1. High potential for abuse;

2. Currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and

3. The abuse of the substance may lead to severe psychic or physical dependence.

Added by Laws 1971, c. 119, § 2-205.

§63-2-206. Schedule II.

The controlled substances listed in this section are included in Schedule II and include any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, when the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation.

A. Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

2. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph 1 of this subsection, but not including the isoquinoline alkaloids of opium;

3. Opium poppy and poppy straw; or

4. Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers and salts of isomers; or any compound, mixture or preparation which contains any quantity of any of the substances referred to in this paragraph. Ioflupane is excluded from this paragraph.

B. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alphaprodine;
2. Anileridine;
3. Bezitramide;
4. Dihydrocodeine;
5. Diphenoxylate;
6. Fentanyl;
7. Hydromorphone;
8. Isomethadone;
9. Levomethorphan;
10. Levorphanol;
11. Metazocine;
12. Methadone;
13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
15. Oxycodone;
16. Oxymorphone;
17. Pethidine (Meperidine);
18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;
19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;

20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
21. Phenazocine;
22. Piminodine;
23. Racemethorphan;
24. Racemorphan;
25. Etorphine Hydrochloride salt only;
26. Alfentanil hydrochloride;
27. Levo-alphacetylmethadol;
28. Codeine;
29. Hydrocodone;
30. Morphine;
31. Remifentanil;
32. Sufentanil;
33. Tapentadol; or
34. Tianeptine.

C. Any substance which contains any quantity of:

1. Methamphetamine, including its salts, isomers, and salts of isomers;
2. Amphetamine, its salts, optical isomers, and salts of its optical isomers;
3. Nabilone; or
4. Lisdexamfetamine.

D. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Phenmetrazine and its salts;
2. Methylphenidate, including its salts, isomers and salts of isomers;
3. Amobarbital;
4. Pentobarbital;
5. Secobarbital; or
6. Ethylphenidate.

Added by Laws 1971, c. 119, § 2-206, operative Sept. 1, 1971. Amended by Laws 1972, c. 229, § 2, emerg. eff. April 7, 1972; Laws 1976, c. 291, § 2, emerg. eff. June 17, 1976; Laws 1984, c. 127, § 2, eff. Nov. 1, 1984; Laws 1987, c. 138, § 4, emerg. eff. June 19, 1987; Laws 1988, c. 43, § 2, operative June 1, 1988; Laws 1990, c. 220, § 1, eff. Sept. 1, 1990; Laws 1994, c. 140, § 2, eff. Sept. 1, 1994; Laws 2005, c. 283, § 2, eff. Nov. 1, 2005; Laws 2007, c. 248, § 2, emerg. eff. June 4, 2007; Laws 2008, c. 332, § 2, eff. Nov. 1, 2008; Laws 2011, c. 239, § 3, eff. Nov. 1, 2011; Laws 2013, c. 181, § 2, eff. Nov. 1, 2013; Laws 2014, c. 154, § 3, eff. Nov. 1, 2014; Laws 2017, c. 390, § 3, emerg. eff. June 6, 2017; Laws 2018, c. 33, § 1, eff. Nov. 1, 2018; Laws 2019, c. 207, § 2, eff. Nov. 1, 2019.

§63-2-207. Schedule III characteristics.

Schedule III includes substances with the following characteristics:

1. A potential for abuse less than the substances listed in Schedules I and II;

2. Currently accepted medical use in treatment in the United States; and

3. Abuse may lead to moderate or low physical dependence or high psychological dependence.

Added by Laws 1971, c. 119, § 2-207.

§63-2-208. Schedule III.

The controlled substances listed in this section are included in Schedule III.

A. Unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances or any other substance having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

1. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

2. Any material, compound, mixture, or preparation which contains any quantity of the following hormonal substances or steroids, including their salts, isomers, esters and salts of isomers and esters, when the existence of these salts, isomers, esters, and salts of isomers and esters is possible within the specific chemical designation:

a. Boldenone,
b. Chlorotestosterone,
c. Clostebol,
d. Dehydrochlormethyltestosterone,
e. Dihydrotestosterone,
f. Drostanolone,
g. Ethylestrenol,
h. Fluoxymesterone,
i. Formebolone,
j. Mesterolone,
k. Methandienone,
l. Methandranone,
m. Methandriol,
n. Methandrostenolone,
o. Methenolone,
p. Methyltestosterone, except as provided in subsection E of this section,
q. Mibolerone,

r. Nandrolone,
s. Norethandrolone,
t. Oxandrolone,
u. Oxymesterone,
v. Oxymetholone,
w. Stanolone,
x. Stanozolol,
y. Testolactone,
z. Testosterone, except as provided in subsection E of this section, and
aa. Trenbolone;

3. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;
4. Benzephetamine and its salts;
5. Buprenorphine;
6. Butalbital/acetaminophen/caffeine;
7. Chlorhexadol;
8. Chlorphentermine and its salts;
9. Clortermine;
10. Glutethimide;
11. Ketamine, its salts, isomers, and salts of isomers;
12. Lysergic acid;
13. Lysergic acid amide;
14. Mazindol;
15. Methyprylon;
16. Phendimetrazine;
17. Phenylacetone (P2P);
18. Sulfondiethylmethane;
19. Sulfonethylmethane;
20. Sulfonmethane;
21. Tetrahydrocannibinols;
22. 1-Phenycyclohexylamine; or
23. 1-Piperidinocychexanecarbo nitrile (PCC).

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

B. Nalorphine.

C. Unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

1. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

2. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

3. Not more than one and eight-tenths (1.8) grams of dihydrocodeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

4. Not more than three hundred (300) milligrams of ethylmorphine or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

5. Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

6. Not more than fifty (50) milligrams of morphine or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

D. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections A and B of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

E. The following hormonal substances or steroids are exempt from classification as Schedule III controlled dangerous substances:

1. Estratest, containing 1.25 mg esterified estrogens and 2.5 mg methyltestosterone;

2. Estratest HS, containing 0.625 mg esterified estrogens and 1.25 mg methyltestosterone;

3. Premarin with Methyltestosterone, containing 1.25 mg conjugated estrogens and 10.0 mg methyltestosterone;

4. Premarin with Methyltestosterone, containing 0.625 mg conjugated estrogens and 5.0 mg methyltestosterone;

5. Testosterone Cypionate - Estrodiol Cypionate injection, containing 50 mg/ml Testosterone Cypionate; and

6. Testosterone Enanthate - Estradiol Valerate injection, containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol Valerate.

Added by Laws 1971, c. 119, § 2-208, operative Sept. 1, 1971.
Amended by Laws 1972, c. 229, § 3, emerg. eff. April 7, 1972; Laws 1976, c. 291, § 3, emerg. eff. June 17, 1976; Laws 1984, c. 127, § 3, eff. Nov. 1, 1984; Laws 1991, c. 306, § 1, emerg. eff. June 4, 1991;

Laws 1993, c. 22, § 1, emerg. eff. March 29, 1993; Laws 1995, c. 54, § 3, eff. July 1, 1995; Laws 2001, c. 373, § 3, eff. July 1, 2001; Laws 2005, c. 283, § 3, eff. Nov. 1, 2005; Laws 2011, c. 239, § 4, eff. Nov. 1, 2011; Laws 2012, c. 80, § 3, eff. Nov. 1, 2012; Laws 2015, c. 305, § 4.

§63-2-209. Schedule IV characteristics.

Schedule IV includes substances with the following characteristics:

1. Low potential for abuse relative to substances listed in Schedule III;

2. Currently accepted medical use in treatment in use in the United States; and

3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule III.

Added by Laws 1971, c. 119, § 2-209.

§63-2-210. Schedule IV.

A. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

1. Chloral betaine;
2. Chloral hydrate;
3. Ethchlorvynol;
4. Ethinamate;
5. Meprobamate;
6. Paraldehyde;
7. Petrichloral;
8. Diethylpropion;
9. Phentermine;
10. Pemoline;
11. Chlordiazepoxide;
12. Chlordiazepoxide and its salts, but not including chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens;
13. Diazepam;
14. Oxazepam;
15. Clorazepate;
16. Flurazepam and its salts;
17. Clonazepam;
18. Barbital;
19. Mebutamate;
20. Methohexital;
21. Methylphenobarbital;
22. Phenobarbital;

23. Fenfluramine;
24. Pentazocine;
25. Propoxyphene;
26. Butorphanol;
27. Alprazolam;
28. Halazepam;
29. Lorazepam;
30. Prazepam;
31. Temazepam;
32. Triazolam;
33. Carisoprodol;
34. Dichloralphenazone;
35. Estazolam;
36. Eszopiclone;
37. Midazolam;
38. Modafinil;
39. Zaleplon;
40. Zolpidem;
41. Tramadol;
42. Bromazepam;
43. Suvorexant;
44. Phenazepam;
45. Etizolam; or
46. Clonazolam.

B. 1. The following nonnarcotic substances, which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances under this title:

a. Breathe-Aid,
b. BronCare,
c. Bronchial Congestion,
d. Bronkaid Tablets,
e. Bronkaid Dual Action Caplets,
f. Bronkotabs,
g. Bronkolixir,
h. NeoRespin,
i. Pazo Hemorrhoid Ointment and Suppositories,
j. Primatene Tablets,
k. Primatene "Dual Action" Formula,
l. Quelidrine,
m. Resp, and
n. Vatronal Nose Drops.

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:

a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and
b. is manufactured and distributed for legitimate medicinal use and in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding a drug product, the Director, after notice and hearing, shall consider the following:
a. the history and current pattern of abuse,
b. the name and labeling of the product,
c. the intended manner of distribution, advertising and promotion of the product, and
d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the Administrative Procedures Act.

5. A list of current drug products meeting exemption requirements under this subsection may be obtained from the Bureau upon written request.

C. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection A of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.
Added by Laws 1971, c. 119, § 2-210, operative Sept. 1, 1971. Amended by Laws 1976, c. 291, § 4, emerg. eff. June 17, 1976; Laws 1978, c. 171, § 1, eff. Jan. 1, 1979; Laws 1984, c. 127, § 4, eff. Nov. 1, 1984; Laws 1990, c. 271, § 2, operative July 1, 1990; Laws 1991, c. 306, § 2, emerg. eff. June 4, 1991; Laws 1995, c. 147, § 1, eff. Nov. 1, 1995; Laws 1996, c. 306, § 3, emerg. eff. June 10, 1996; Laws 2002, c. 52, § 1, eff. Nov. 1, 2002; Laws 2007, c. 248, § 3, emerg. eff. June 4, 2007; Laws 2011, c. 239, § 5, eff. Nov. 1, 2011; Laws 2012, c. 80, § 4, eff. Nov. 1, 2012; Laws 2013, c. 181, § 3, eff. Nov. 1, 2013; Laws 2014, c. 154, § 4, eff. Nov. 1, 2014; Laws 2015, c. 305, § 5; Laws 2017, c. 390, § 4, emerg. eff. June 6, 2017.

§63-2-211. Schedule V characteristics.

Schedule V includes substances with the following characteristics:

1. Low potential for abuse relative to the controlled substances listed in Schedule IV;

2. Currently accepted medical use in treatment in the United States; and

3. Limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

Added by Laws 1971, c. 119, § 2-211.

§63-2-212. Schedule V.

A. The controlled substances listed in this section are included in Schedule V.

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

b. not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

c. not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

d. not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit, or

e. not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams.

2. Any compound, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers. If any compound, mixture, or preparation as specified in this paragraph is dispensed, sold, or distributed in a pharmacy:

a. it shall be dispensed, sold, or distributed only by, or under the supervision of, a licensed pharmacist or a registered pharmacy technician,

b. a service charge not to exceed the purchase price of the product, mixture or preparation may be assessed and collected by the licensed pharmacist or registered pharmacy technician at the point of sale from the person seeking to purchase, receive or otherwise acquire a pseudoephedrine product or products. Upon receipt of payment of the service charge, the licensed pharmacist or registered pharmacy technician shall

access the methamphetamine offender registry and verify whether the person is an individual who is listed on the methamphetamine offender registry. Upon verification that the person is an individual who is not listed on the methamphetamine offender registry, the service charge shall be deducted from the total purchase price of the pseudoephedrine product or products. Upon verification that the person is an individual who is listed on the methamphetamine offender registry, the person shall be prohibited from purchasing the pseudoephedrine product or products and shall be required to forfeit the service charge previously collected by the licensed pharmacist or registered pharmacy technician. Any pharmacy that requires the assessment and collection of a service charge for pseudoephedrine products shall post a clear and conspicuous sign at each public entrance to the place of business and at each register within the pharmacy that provides notice to customers of the pharmacy that a service charge shall be assessed and collected for pseudoephedrine products and, upon verification that the person is listed on the methamphetamine offender registry, the service charge shall be forfeited and retained by the pharmacy, and

c. any person who is not an individual listed on the methamphetamine offender registry that is purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written or electronic log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:
   (1) the date and time of the transaction,
   (2) name, address and date of birth of the purchaser,
   (3) driver license number, passport, military identification, or state-issued identification number and state of residence of the purchaser,
   (4) name and initials of the pharmacist or pharmacy technician conducting the transaction,
   (5) the product being sold,
   (6) total quantity, in grams, of base pseudoephedrine or ephedrine purchased, and
   (7) attestation by the person receiving the compound, mixture or preparation that the person is not subject to the Methamphetamine Offender Registry Act.

No person shall purchase, receive, or otherwise acquire more than three and six-tenths (3.6) grams of any product, mixture, or preparation per day or more than seven and two-tenths (7.2) grams of any product, mixture, or preparation within any thirty-day period, or sixty (60) grams of any product, mixture, or preparation within a twelve-month period. Once a person has purchased, received or otherwise acquired the daily limit of three and six-tenths (3.6) grams of any product, mixture or preparation, the person shall be prohibited from purchasing, receiving or otherwise acquiring any additional product, mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine for a period of not less than seventy-two (72) hours following the last permitted purchase. The requirements of this paragraph shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription. There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the professional duty of a pharmacist to counsel and evaluate the appropriate pharmaceutical needs of a patient and the exercise of the professional judgment of a pharmacist as to whether it is appropriate to dispense medication as set forth in this paragraph or otherwise.

3. Any compound, mixture, or preparation containing any detectable quantity of pregabalin.

B. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, by rule, may exempt other products from this Schedule which the Director finds are not used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the Schedule if the product is determined by the Director to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. Added by Laws 1971, c. 119, § 2-212. Amended by Laws 1994, c. 140, § 3, eff. Sept. 1, 1994; Laws 1995, c. 147, § 2, eff. Nov. 1, 1995; Laws 2004, c. 59, § 3, emerg. eff. April 6, 2004; Laws 2004, c. 300, § 9, emerg. eff. May 12, 2004; Laws 2005, c. 128, § 2, eff. Nov. 1, 2005; Laws 2010, c. 458, § 4, eff. Nov. 1, 2010; Laws 2011, c. 239, § 6, eff. Nov. 1, 2011; Laws 2012, c. 206, § 2, eff. July 1, 2012; Laws 2013, c. 181, § 4, eff. Nov. 1, 2013.

§63-2-301. Rules and regulations.

A. The Director is authorized to promulgate rules and regulations relating to the registration and control of the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of controlled dangerous substances within this state. All proceedings before the Director shall be governed by the Administrative Procedures Act.

B. The Director shall promulgate rules relating to the training, certification and registration of animal control officers for the

purpose of authorizing such individuals to purchase, possess and administer controlled dangerous substances for animal control within this state and operating under the parameters of Sections 501 through 508 of Title 4 of the Oklahoma Statutes. In promulgating such rules, the Director shall cooperate with any federal, state or local entity with jurisdiction over the euthanasia of animals.
Added by Laws 1971, c. 119, § 2-301. Amended by Laws 2003, c. 338, § 3, eff. Nov. 1, 2003; Laws 2008, c. 359, § 7, emerg. eff. June 3, 2008.

§63-2-302. See the following versions:
OS 63-2-302v1 (SB1041, Laws 2019, c. 25, § 36).
OS 63-2-302v2 (SB848, Laws 2019, c. 428, § 17).

§63-2-302v1. Registration requirements.

A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state, or who proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance within or into this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. Persons registered by the Director under Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct research with controlled dangerous substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of the Uniform Controlled Dangerous Substances Act. Every wholesaler, manufacturer or distributor of any drug product containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in accordance with rules promulgated by the Director and as provided for in Section 2-332 of this title.

B. Out-of-state pharmaceutical suppliers who provide controlled dangerous substances to individuals within this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. This provision shall also apply to wholesale distributors who distribute controlled dangerous substances to pharmacies or other entities registered within this state in accordance with rules promulgated by the Director.

C. Every person who owns in whole or in part a public or private medical facility for which a majority of patients are issued on a reoccurring monthly basis a prescription for opioids,

benzodiazepines, barbiturates or carisoprodol, but not including Suboxone or buprenorphine, shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

D. Beginning January 1, 2019, every manufacturer and distributor required to register under the provisions of this section shall provide all data required pursuant to federal law, federal rules and regulations and 21 U.S.C., Section 827(d)(1) on a quarterly basis to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in accordance with rules promulgated by the Director.

E. The information maintained and provided pursuant to subsection D of this section shall be confidential and not open to the public. Access to the information shall, at the discretion of the Director, be limited to:

1. Peace officers certified pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the Office of the Attorney General;

2. The United States Drug Enforcement Administration Diversion Group Supervisor; and

3. A multicounty grand jury properly convened pursuant to the provisions of the Multicounty Grand Jury Act.

F. Manufacturers, distributors, home care agencies, hospices, home care services, medical facility owners referred to in subsection C of this section and scientific researchers shall obtain a registration annually. Other practitioners shall obtain a registration for a period to be determined by the Director that will be for a period not less than one (1) year nor more than three (3) years.

G. Every trainer or handler of a canine controlled dangerous substances detector who, in the ordinary course of such trainer's or handler's profession, desires to possess any controlled dangerous substance, annually, shall obtain a registration issued by the Director for a fee of Seventy Dollars ($70.00). Such persons shall be subject to all applicable provisions of Section 2-101 et seq. of this title and such applicable rules promulgated by the Director for those individuals identified in subparagraph a of paragraph 32 of Section 2-101 of this title. Persons registered by the Director pursuant to this subsection may possess controlled dangerous substances to the extent authorized by their registration and in conformity with the other provisions of the Uniform Controlled Dangerous Substances Act.

H. The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

1. An agent, or an employee thereof, of any registered manufacturer, distributor, dispenser or user for scientific purposes

of any controlled dangerous substance, if such agent is acting in the usual course of such agent's or employee's business or employment;

2. Any person lawfully acting under the direction of a person authorized to administer controlled dangerous substances under Section 2-312 of this title;

3. A common or contract carrier or warehouser, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of such carrier's or warehouser's business or employment;

4. An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner;

5. An individual pharmacist acting in the usual course of such pharmacist's employment with a pharmacy registered pursuant to the provisions of Section 2-101 et seq. of this title;

6. A nursing home licensed by this state;

7. Any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of Title 59 of the Oklahoma Statutes, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence;

8. Registered nurses and licensed practical nurses; and

9. An assisted living facility licensed by the State of Oklahoma.

I. The Director may, by rule, waive the requirement for registration or fee for registration of certain manufacturers, distributors, dispensers, prescribers, administrators, or users for scientific purposes if the Director finds it consistent with the public health and safety.

J. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances.

K. The Director is authorized to inspect the establishment of a registrant or applicant for registration in accordance with rules promulgated by the Director.

L. No person engaged in a profession or occupation for which a license to engage in such activity is provided by law shall be registered under the Uniform Controlled Dangerous Substances Act unless such person holds a valid license of such person's profession or occupation.

M. Registrations shall be issued on the first day of November of each year. Registrations may be issued at other times, however, upon certification of the professional licensing board.

N. The licensing boards of all professions and occupations to which the use of controlled dangerous substances is incidental shall furnish a current list to the Director, not later than the first day

of October of each year, of the persons holding valid licenses. All such persons except persons exempt from registration requirements under subsection H of this section shall be subject to the registration requirements of Section 2-101 et seq. of this title.

O. The licensing board of any professional defined as a mid-level practitioner shall notify and furnish to the Director, not later than the first day of October of each year that such professional holds a valid license, a current listing of individuals licensed and registered with their respective boards to prescribe, order, select, obtain and administer controlled dangerous substances. The licensing board shall immediately notify the Director of any action subsequently taken against any such individual.

P. Beginning November 1, 2010, each registrant that prescribes, administers or dispenses methadone shall be required to check the prescription profile of the patient on the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

Added by Laws 1971, c. 119, § 2-302. Amended by Laws 1972, c. 43, § 1, emerg. eff. March 9, 1972; Laws 1987, c. 138, § 5, emerg. eff. June 19, 1987; Laws 1990, c. 232, § 4, emerg. eff. May 18, 1990; Laws 1991, c. 306, § 3, emerg. eff. June 4, 1991; Laws 1996, c. 306, § 4, emerg. eff. June 10, 1996; Laws 1997, c. 250, § 11, eff. Nov. 1, 1997; Laws 1998, c. 142, § 1, eff. July 1, 1998; Laws 2003, c. 226, § 1; Laws 2004, c. 5, § 59, emerg. eff. March 1, 2004; Laws 2005, c. 40, § 2, eff. July 1, 2005; Laws 2010, c. 323, § 2, eff. Nov. 1, 2010; Laws 2018, c. 251, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 36, emerg. eff. April 4, 2019.

NOTE: Laws 2003, c. 133, § 1 repealed by Laws 2004, c. 5, § 60, emerg. eff. March 1, 2004. Laws 2018, c. 250, § 1 repealed by Laws 2019, c. 25, § 37, emerg. eff. April 4, 2019.

§63-2-302v2. Registration requirements.

A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state, or who proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance within or into this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. Persons registered by the Director under Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct research with controlled dangerous substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article. Every wholesaler, manufacturer or distributor of any drug product containing pseudoephedrine or phenylpropanolamine, or their salts,

isomers, or salts of isomers shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in accordance with rules promulgated by the Director and as provided for in Section 2-332 of this title.

B. Out-of-state pharmaceutical suppliers who provide controlled dangerous substances to individuals within this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. This provision shall also apply to wholesale distributors who distribute controlled dangerous substances to pharmacies or other entities registered within this state in accordance with rules promulgated by the Director.

C. Every manufacturer and distributor required to register under the provisions of this section shall provide all data required pursuant to 21 U.S.C., Section 827(d)(1) on a monthly basis to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Controlled dangerous substances in Schedule I shall be reported in accordance with rules promulgated by the Director. Reporting of controlled dangerous substances pursuant to 21 U.S.C., Section 827(d)(1) shall include, but not be limited to:

1. The manufacturer's or distributor's name, address, phone number, DEA registration number and controlled dangerous substance registration number issued by the Bureau;

2. The name, address and DEA registration number of the entity to whom the controlled dangerous substance was sold;

3. The date of the sale of the controlled dangerous substance;

4. The name and National Drug Code of the controlled dangerous substance sold; and

5. The number of containers and the strength and quantity of controlled dangerous substances in each container sold.

D. The information maintained and provided pursuant to subsection C of this section shall be confidential and not open to the public. Access to the information shall, at the discretion of the Director, be limited to:

1. Peace officers certified pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the Office of the Attorney General;

2. The United States Drug Enforcement Administration Diversion Group Supervisor; and

3. A multicounty grand jury properly convened pursuant to the provisions of the Multicounty Grand Jury Act.

E. Manufacturers, distributors, home care agencies, hospices, home care services, and scientific researchers shall obtain a registration annually. Other practitioners shall obtain a registration for a period to be determined by the Director that will

be for a period not less than one (1) year nor more than three (3) years.

F. Every trainer or handler of a canine controlled dangerous substances detector who, in the ordinary course of such trainer's or handler's profession, desires to possess any controlled dangerous substance, annually, shall obtain a registration issued by the Director for a fee of Seventy Dollars ($70.00). Such persons shall be subject to all applicable provisions of Section 2-101 et seq. of this title and such applicable rules promulgated by the Director for those individuals identified in subparagraph a of paragraph 32 of Section 2-101 of this title. Persons registered by the Director pursuant to this subsection may possess controlled dangerous substances to the extent authorized by their registration and in conformity with the other provisions of this article.

G. The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

1. An agent, or an employee thereof, of any registered manufacturer, distributor, dispenser or user for scientific purposes of any controlled dangerous substance, if such agent is acting in the usual course of such agent's or employee's business or employment;

2. Any person lawfully acting under the direction of a person authorized to administer controlled dangerous substances under Section 2-312 of this title;

3. A common or contract carrier or warehouser, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of such carrier's or warehouser's business or employment;

4. An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner;

5. An individual pharmacist acting in the usual course of such pharmacist's employment with a pharmacy registered pursuant to the provisions of Section 2-101 et seq. of this title;

6. A nursing home licensed by this state;

7. Any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of Title 59 of the Oklahoma Statutes, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence; and

8. Registered nurses and licensed practical nurses.

H. The Director may, by rule, waive the requirement for registration or fee for registration of certain manufacturers, distributors, dispensers, prescribers, administrators, or users for scientific purposes if the Director finds it consistent with the public health and safety.

I. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances.

J. The Director is authorized to inspect the establishment of a registrant or applicant for registration in accordance with rules promulgated by the Director.

K. No person engaged in a profession or occupation for which a license to engage in such activity is provided by law shall be registered under this act unless such person holds a valid license of such person's profession or occupation.

L. Registrations shall be issued on the first day of November of each year. Registrations may be issued at other times, however, upon certification of the professional licensing board.

M. The licensing boards of all professions and occupations to which the use of controlled dangerous substances is incidental shall furnish a current list to the Director, not later than the first day of October of each year, of the persons holding valid licenses. All such persons except persons exempt from registration requirements under subsection G of this section shall be subject to the registration requirements of Section 2-101 et seq. of this title.

N. The licensing board of any professional defined as a mid-level practitioner shall notify and furnish to the Director, not later than the first day of October of each year that such professional holds a valid license, a current listing of individuals licensed and registered with their respective boards to prescribe, order, select, obtain and administer controlled dangerous substances. The licensing board shall immediately notify the Director of any action subsequently taken against any such individual.

O. Beginning November 1, 2010, each registrant that prescribes, administers or dispenses methadone shall be required to check the prescription profile of the patient on the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

Added by Laws 1971, c. 119, § 2-302. Amended by Laws 1972, c. 43, § 1, emerg. eff. March 9, 1972; Laws 1987, c. 138, § 5, emerg. eff. June 19, 1987; Laws 1990, c. 232, § 4, emerg. eff. May 18, 1990; Laws 1991, c. 306, § 3, emerg. eff. June 4, 1991; Laws 1996, c. 306, § 4, emerg. eff. June 10, 1996; Laws 1997, c. 250, § 11, eff. Nov. 1, 1997; Laws 1998, c. 142, § 1, eff. July 1, 1998; Laws 2003, c. 226, § 1; Laws 2004, c. 5, § 59, emerg. eff. March 1, 2004; Laws 2005, c. 40, § 2, eff. July 1, 2005; Laws 2010, c. 323, § 2, eff. Nov. 1, 2010; Laws 2018, c. 251, § 1, eff. Nov. 1, 2018; Laws 2019, c. 428, § 17, emerg. eff. May 21, 2019.

NOTE: Laws 2003, c. 133, § 1 repealed by Laws 2004, c. 5, § 60, emerg. eff. March 1, 2004. Laws 2018, c. 250, § 1 repealed by Laws 2019, c. 25, § 37, emerg. eff. April 4, 2019.

§63-2-303. Registration.

A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall register an applicant to own a medical facility as described in subsection C of Section 2-302 of this title, or to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances included in Schedules I through V of Section 2-101 et seq. of this title unless the Director determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

1. Maintenance of effective controls against diversion of particular controlled dangerous substances and any Schedule I or II substance compounded therefrom into other than legitimate medical, scientific or industrial channels, including examination of the fitness of his or her employees or agents to handle dangerous substances;

2. Compliance with applicable state and local law;

3. Has been found guilty of, entered a plea of guilty or nolo contendere to a charge under the Uniform Controlled Dangerous Substances Act or any other state or federal law relating to any substance defined herein as a controlled dangerous substance or any felony under the laws of any state or the United States;

4. Furnishing by the applicant false or fraudulent material information in any application filed under Section 2-101 et seq. of this title;

5. Past experience in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of controlled dangerous substances, and the existence in the establishment of effective controls against diversion;

6. Denial, suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense controlled dangerous substances as authorized by federal law; and

7. Such other factors as may be relevant to and consistent with the public health and safety.

Nothing herein shall be deemed to require individual licensed pharmacists to register under the provisions of the Uniform Controlled Dangerous Substances Act.

B. Registration granted under subsection A of this section shall not entitle a registrant to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances in Schedule I or II other than those specified in the registration.

C. Practitioners shall be registered to dispense, prescribe, administer or use for scientific purposes substances in Schedules II through V if they are authorized to carry on their respective activities under the laws of this state. A registration application by a practitioner who wishes to conduct research with Schedule I

substances shall be accompanied by evidence of the applicant's federal registration to conduct such activity and shall be referred to the Medical Research Commission for advice. The Medical Research Commission shall promptly advise the Director concerning the qualifications of each practitioner requesting such registration. Registration for the purpose of bona fide research or of use for scientific purposes with Schedule I substances by a practitioner deemed qualified by the Medical Research Commission may be denied only on a ground specified in subsection A of Section 2-304 of this title or if there are reasonable grounds to believe that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately such applicant's supply of such substances against diversion from legitimate medical or scientific use.

D. 1. The Director shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substances prior to June 4, 1991, and who are registered or licensed by the state. Fees for registration under this section shall be as follows:

Practitioners and mid-level practitioners	$140.00 per year of registration
Home Care Agencies, Hospices & Home Care Services	$140.00 annually
Medical Facility Owners	$300.00 annually
Distributors	$300.00 annually
Manufacturers	$500.00 annually
Manufacturer, Wholesaler, or Distributor of drug products containing pseudoephedrine or phenylpropanolamine	$300.00 annually

2. A registrant shall be required to pay double the amount of the above-listed fee for any renewal of registration received more than thirty (30) days late.

3. A Ten Dollar ($10.00) fee shall be charged for a duplicate registration certificate.

E. Compliance by manufacturers and distributors with the provisions of the Federal Controlled Substances Act, 21 U.S.C., Section 801 et seq., respecting registration, excluding fees, shall be deemed sufficient to qualify for registration under this act.

Added by Laws 1971, c. 119, § 2-303. Amended by Laws 1982, c. 120, § 1, emerg. eff. April 6, 1982; Laws 1984, c. 299, § 5, operative July 1, 1984; Laws 1987, c. 138, § 6, emerg. eff. June 19, 1987; Laws 1990, c. 232, § 5, emerg. eff. May 18, 1990; Laws 1991, c. 306, § 4, emerg. eff. June 4, 1991; Laws 1996, c. 306, § 5, emerg. eff. June 10, 1996; Laws 1997, c. 250, § 12, eff. Nov. 1, 1997; Laws 2003, c. 226, § 2; Laws 2004, c. 5, § 61, emerg. eff. March 1, 2004; Laws 2008, c. 273, § 1, eff. Nov. 1, 2008; Laws 2009, c. 445, § 2, eff. July 1, 2009; Laws 2018, c. 250, § 2, eff. Nov. 1, 2018.
NOTE: Laws 2003, c. 133, § 2 repealed by Laws 2004, c. 5, § 62, emerg. eff. March 1, 2004.

§63-2-304. Denial, revocation or suspension of registration - Administrative penalty.

A. A registration, pursuant to Section 2-303 of this title, to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes a controlled dangerous substance shall be limited, conditioned, denied, suspended or revoked by the Director upon a finding that the registrant:

1. Has materially falsified any application filed pursuant to the Uniform Controlled Dangerous Substances Act or required by the Uniform Controlled Dangerous Substances Act;

2. Has been found guilty of, entered a plea of guilty, or entered a plea of nolo contendere to a misdemeanor relating to any substance defined herein as a controlled dangerous substance or any felony under the laws of any state or the United States;

3. Has had his or her federal registration retired, suspended, or revoked by a competent federal authority and is no longer authorized by federal law to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances;

4. Has failed to maintain effective controls against the diversion of controlled dangerous substances to unauthorized persons or entities;

5. Has prescribed, dispensed or administered a controlled dangerous substance from schedules other than those specified in his or her state or federal registration;

6. Has had a restriction, suspension, revocation, limitation, condition, or probation placed on his or her professional license or certificate or practice as a result of a proceeding pursuant to the general statutes;

7. Is abusing or, within the past five (5) years, has abused or excessively used drugs or controlled dangerous substances;

8. Has prescribed, sold, administered, or ordered any controlled substance for an immediate family member, himself or herself; provided that this shall not apply to a medical emergency when no other doctor is available to respond to the emergency;

9. Has possessed, used, prescribed, dispensed or administered drugs or controlled dangerous substances for other than legitimate medical or scientific purposes or for purposes outside the normal course of his or her professional practice;

10. Has been under the influence of alcohol or another intoxicating substance which adversely affected the central nervous system, vision, hearing or other sensory or motor functioning to such degree the person was impaired during the performance of his or her job; or

11. Has violated any federal law relating to any controlled substances, any provision of the Uniform Controlled Dangerous Substances Act, or any rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. In the event the Director suspends or revokes a registration granted under Section 2-303 of this title, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of denial or suspension or the effective date of the revocation order, as the case may be, may in the discretion of the Director be impounded and preserved. No disposition may be made of substances impounded and preserved until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the state.

C. The Drug Enforcement Administration shall promptly be notified of all orders suspending or revoking registration and all forfeitures of controlled dangerous substances.

D. In lieu of or in addition to any other remedies available to the Director, if a finding is made that a registrant has committed any act in violation of federal law relating to any controlled substance, any provision of the Uniform Controlled Dangerous Substances Act, or any rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Director is hereby authorized to assess an administrative penalty not to exceed Two Thousand Dollars ($2,000.00) for each such act. The provisions of this subsection shall not apply to violations of subsection G of Section 2-309D of this title. Nothing in this section shall be construed so as to permit the Director of the State Bureau of Narcotics and Dangerous Drugs Control to assess administrative fines for violations of the provisions of subsection G of Section 2-309D of this title.

Added by Laws 1971, c. 119, § 2-304. Amended by Laws 1982, c. 120, § 2, emerg. eff. April 6, 1982; Laws 1993, c. 285, § 1, eff. Sept. 1, 1993; Laws 1996, c. 306, § 6, emerg. eff. June 10, 1996; Laws 2015, c. 1, § 1, eff. Nov. 1, 2015.

§63-2-305. Order to show cause.

A. Before denying, suspending or revoking a registration or refusing a renewal of registration, the Director shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the appropriate person or agency at a time and place within thirty (30) days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served within thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with the Administrative Procedures Act without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

B. The Director shall suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under Section 2-304 of this title, if he finds there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Director or dissolved by a court of competent jurisdiction.

Amended by Laws 1982, c. 120, § 3, emerg. eff. April 6, 1982.

§63-2-306. Transmission of copies of convictions.

On the conviction of any person of the violation of any provision of this act, a certified copy of the judgment of conviction shall be sent by the clerk of the court to the Director and to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his or her profession or to carry on his or her business.

Added by Laws 1971, c. 119, § 2-306. Amended by Laws 2008, c. 359, § 8, emerg. eff. June 3, 2008.

§63-2-307. Records of registrants.

Persons registered to manufacture, distribute, or dispense controlled dangerous substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with the additional rules the Director issues.

Added by Laws 1971, c. 119, § 2-307. Amended by Laws 2008, c. 359, § 9, emerg. eff. June 3, 2008.

§63-2-308. Order forms.

Controlled dangerous substances in Schedules I and II shall be distributed only by a registrant to another registrant pursuant to an order form obtained from the United States Drug Enforcement Administration. Compliance with the provisions of the Federal Controlled Substances Act respecting order forms shall be deemed compliance with this section. This section shall not apply to dispensing as defined by this act, nor to distribution otherwise authorized by this act.
Added by Laws 1971, c. 119, § 2-308. Amended by Laws 2009, c. 445, § 3, eff. July 1, 2009.

§63-2-309. Prescriptions.

A. 1. Except for dosages medically required for a period not to exceed forty-eight (48) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under regulation promulgated by the Board of Pharmacy, shall be dispensed without an electronic prescription of a practitioner; provided, that in emergency situations, as prescribed by the Board of Pharmacy by regulation, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist in a manner to be prescribed by rules and regulations of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

2. Electronic prescribing shall be utilized for Schedules II, III, IV, and V, subject to the requirements set forth in 21 CFR, Section 1311 et seq.

3. An electronic prescription with electronic signature may serve as an original prescription, subject to the requirements set forth in 21 CFR, Section 1311 et seq.

4. Prescriptions shall be retained in conformity with the requirements of this section and Section 2-307 of this title. No prescription for a Schedule II substance may be refilled.

5. The electronic prescription requirement provided for in this section shall not apply to prescriptions for controlled dangerous substances issued by any of the following:

a. a person licensed to practice veterinary medicine,

b. a practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the medical record of the patient,

c. a practitioner, other than a pharmacist, who dispenses directly to an ultimate user,

d. a practitioner who orders a controlled dangerous substance to be administered through an on-site pharmacy in:
(1) a hospital as defined in Section 1-701 of this title,
(2) a nursing facility as defined in Section 1-1902 of this title,
(3) a hospice inpatient facility as defined in Section 1-860.2 of this title,
(4) an outpatient dialysis facility,
(5) a continuum of care facility as defined in Section 1-890.2 of this title, or
(6) a penal institution listed in Section 509 of Title 57 of the Oklahoma Statutes,

e. a practitioner who writes a prescription to be dispensed by a pharmacy located on federal property, provided the practitioner documents the reason for this exception in the medical record of the patient, or

f. a practitioner that has received a waiver or extension from his or her licensing board.

6. Electronic prescriptions shall not be utilized under the following circumstances:

a. compound prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients,

b. compounded infusion prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients,

c. prescriptions issued under approved research protocols, or

d. if the practitioner determines that an electronic prescription cannot be issued in a timely manner and the condition of the patient is at risk.

7. A pharmacist who receives a written, oral or facsimile prescription shall not be required to verify that the prescription falls under one of the exceptions provided for in paragraph 6 of this subsection. Pharmacists may continue to dispense medications from otherwise valid written, oral or facsimile prescriptions that are consistent with the provisions of this act.

8. Practitioners shall indicate in the health record of a patient that an exception to the electronic prescription requirement was utilized.

9. All prescriptions issued pursuant to paragraphs 5 and 6 of this subsection shall be issued on an official prescription form provided by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

10. a. Effective January 1, 2020, practitioners shall register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in order to be issued official prescription forms. Such registration shall include, but not be limited to, the primary address and the address of each place of business to be imprinted on official prescription forms. Any change to a registered practitioner's registered address shall be promptly reported to the practitioner's licensing board and the Bureau by the practitioner in a manner approved by the Bureau.

    b. A practitioner's registration shall be without fee and subject to approval by the Bureau. Such registration shall be valid for a period of two (2) years and may be denied, suspended or revoked by the Bureau upon a finding by the Bureau or licensing board that the registered practitioner has had any license to practice a medical profession revoked or suspended by any state or federal agency.

    c. Where the Bureau has revoked the registration of a registered practitioner, the Bureau may revoke or cancel any official prescription forms in the possession of the registered practitioner. Any revocation or any suspension shall require the registered practitioner to return all unused official prescription forms to the Bureau within fifteen (15) calendar days after the date of the written notification.

    d. A practitioner that has had any license to practice terminated, revoked or suspended by a state or federal agency may, upon restoration of such license or certificate, register to be issued official prescription forms.

11. a. Except as provided in subparagraph f of this paragraph, the Bureau shall issue official prescription forms free of charge only to registered practitioners in this state. Such forms shall not be transferable. The number of official prescription forms issued to a registered practitioner at any time shall be at the discretion of the Bureau.

    b. Official prescription forms issued to a registered practitioner shall be imprinted only with the primary address and other addresses listed on the registration of the practitioner. Such prescriptions shall be sent only to the primary address of the registered practitioner.

c. Official prescription forms issued to a registered practitioner shall be used only by the practitioner to whom they are issued.

d. The Bureau may revoke or cancel official prescription forms in possession of registered practitioners when the license of such practitioner is suspended, terminated or revoked.

e. Official prescription forms of registered practitioners who are deceased or who no longer prescribe shall be returned to the Bureau at a designated address. If the registered practitioner is deceased, it is the responsibility of the registered practitioner's estate or lawful designee to return such forms.

f. The Bureau may issue official prescription forms to employees or agents of the Bureau and other government agencies for the purpose of preventing, identifying, investigating and prosecuting unacceptable or illegal practices by providers and other persons and assisting in the recovery of overpayments under any program operated by the state or paid for with state funds. Such prescription forms shall be issued for this purpose only to individuals who are authorized to conduct investigations on behalf of the Bureau or other government agencies as part of their official duties. Individuals and agencies receiving such prescription forms for this purpose shall provide appropriate assurances to the Bureau that adequate safeguards and security measures are in place to prevent the use of such prescription forms for anything other than official government purposes.

12. a. Adequate safeguards and security measures shall be undertaken by registered practitioners holding official prescription forms to assure against the loss, destruction, theft or unauthorized use of the forms. Registered practitioners shall maintain a sufficient but not excessive supply of such forms in reserve.

b. Registered practitioners shall immediately notify the Bureau, in a manner designated by the Bureau, upon their knowledge of the loss, destruction, theft or unauthorized use of any official prescription forms issued to them, as well as the failure to receive official prescription forms within a reasonable time after ordering them from the Bureau.

c. Registered practitioners shall immediately notify the Bureau upon their knowledge of any diversion or suspected diversion of drugs pursuant to the loss, theft or unauthorized use of prescriptions.

B. 1. Except for dosages medically required for a period not to exceed seventy-two (72) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule III or IV, which is a prescription drug as determined under regulation promulgated by the Board of Pharmacy, shall be dispensed without an electronic prescription.

2. Any prescription for a controlled dangerous substance in Schedule III , IV or V may not be filled or refilled more than six (6) months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

C. Whenever it appears to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control that a drug not considered to be a prescription drug under existing state law or regulation of the Board of Pharmacy should be so considered because of its abuse potential, the Director shall so advise the Board of Pharmacy and furnish to the Board all available data relevant thereto.

D. 1. "Prescription", as used in this section, means a written, oral or electronic order by a practitioner to a pharmacist for a controlled dangerous substance for a particular patient, which specifies the date of its issue, and the full name and address of the patient and, if the controlled dangerous substance is prescribed for an animal, the species of the animal, the name and quantity of the controlled dangerous substance prescribed, the directions for use, the name and address of the owner of the animal and, if written, the signature of the practitioner.

2. "Registered practitioner", as used in this section, means a licensed practitioner duly registered with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to be issued official prescription forms.

E. No person shall solicit, dispense, receive or deliver any controlled dangerous substance through the mail, unless the ultimate user is personally known to the practitioner and circumstances clearly indicate such method of delivery is in the best interest of the health and welfare of the ultimate user.

Added by Laws 1971, c. 119, § 2-309. Amended by Laws 1972, c. 229, § 4, emerg. eff. April 7, 1972; Laws 1982, c. 120, § 4, emerg. eff. April 6, 1982; Laws 1990, c. 210, § 9, eff. Sept. 1, 1990; Laws 1996, c. 306, § 7, emerg. eff. June 10, 1996; Laws 2008, c. 273, § 2, eff. Nov. 1, 2008; Laws 2011, c. 239, § 7, eff. Nov. 1, 2011; Laws 2012, c. 83, § 1, eff. Nov. 1, 2012; Laws 2013, c. 323, § 1, eff. Nov. 1, 2013; Laws 2018, c. 255, § 1, eff. Jan. 1, 2020.

NOTE: Laws 2012, c. 80, § 5 repealed by Laws 2013, c. 15, § 72, emerg. eff. April 8, 2013.

§63-2-309A. Short title.

Section 2-309A et seq. of this title shall be known and may be cited as the “Anti-Drug Diversion Act”.

Added by Laws 1990, c. 210, § 1, eff. Sept. 1, 1990. Amended by Laws 2004, c. 300, § 1, emerg. eff. May 12, 2004.

§63-2-309B. Definitions.

For the purposes of the Anti-Drug Diversion Act:

1. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

2. "Dispenser" means a person who distributes a Schedule II controlled dangerous substance, but does not include a licensed hospital pharmacy or a licensed nurse or medication aide who administers such a substance at the direction of a licensed physician;

3. "Dispenser’s registration number" means the dispenser’s Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registration number or, in the case of a pharmacist, the National Association of Boards of Pharmacy number for the pharmacy where the dispensation is made;

4. "Exception report" means an output of data indicating Schedule II controlled dangerous substance dispensation which is outside expected norms for a prescriber practicing a particular specialty or field of health care, for a dispenser doing business in a particular location, or for a recipient;

5. "Recipient" means the person for whom a prescription is prescribed and who is the lawful intended ultimate user;

6. "Recipient’s agent" means a person who is authorized by the ultimate user to pick up the recipient’s medication and deliver it to the recipient or a person who claims a prescription other than the person to whom the medication is prescribed;

7. "Recipient’s identification number" and "recipient’s agent’s identification number" means the unique number contained on a valid passport, military identification card, driver license, or identification card issued to a recipient pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or similar statute of another state if the recipient is not a resident of the State of Oklahoma, or, if the recipient is less than eighteen (18) years old and has no such identification, the unique number contained on a valid passport, military identification card, driver license, or identification card issued to the recipient’s parent or guardian pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or similar statute of another state if the parent or guardian is not a resident of the State of Oklahoma, or, if the controlled dangerous substance is obtained for an animal, the unique number contained on the animal owner’s valid driver license or identification card issued pursuant

to Section 6-105 of Title 47 of the Oklahoma Statutes or similar statute of another state if the owner is not a resident of the State of Oklahoma. Nonresident drug outlets registered pursuant to the Oklahoma Pharmacy Act and resident drug outlets defined in Section 353.1 of Title 59 of the Oklahoma Statutes are exempt from the picture identification requirement if the nonresident and resident drug outlets have obtained the identification of the patient through the prescription benefit plan of the patient;

8. "Registrant" means a person, persons, corporation or other entity who has been issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a registration pursuant to Section 2-302 of this title; and

9. "State" means any state, territory, or possession of the United States, the District of Columbia, or foreign nation.

Added by Laws 1990, c. 210, § 2, eff. Sept. 1, 1990. Amended by Laws 2004, c. 300, § 2, emerg. eff. May 12, 2004; Laws 2007, c. 81, § 1, eff. Nov. 1, 2007; Laws 2008, c. 273, § 3, eff. Nov. 1, 2008; Laws 2009, c. 445, § 4, eff. July 1, 2009.

§63-2-309C. Dispensers of Schedule II, III, IV or V controlled dangerous substances - Transmittal of certain information to central repository - Willful failure to transmit - Monitoring of pseudoephedrine product sales.

A. A dispenser of a Schedule II, III, IV or V controlled dangerous substance dispensed pursuant to a valid prescription shall transmit to a central repository designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control using the American Society for Automation in Pharmacy's (ASAP) Telecommunications Format for Controlled Substances version designated in rules by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the following information for each dispensation:

1. Recipient's and recipient's agent's name;
2. Recipient's and recipient's agent's address;
3. Recipient's and recipient's agent's date of birth;
4. Recipient's and recipient's agent's identification number;
5. National Drug Code number of the substance dispensed;
6. Date of the dispensation;
7. Quantity of the substance dispensed;
8. Prescriber's United States Drug Enforcement Agency registration number;
9. Dispenser's registration number; and
10. Other information as required by administrative rule.

B. The information required by this section shall be transmitted:

1. In a format or other media designated acceptable by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and

2. Within twenty-four (24) hours of the time that the substance is dispensed. Beginning January 1, 2012, all information shall be submitted on a real-time log.

C. When a prescription is written or dispensed to a resident of a nursing home or a person who is under the care of a hospice program licensed pursuant to the provisions of the Oklahoma Hospice Licensing Act who does not have an identification card issued by the state or another form of a recipient identification number pursuant to Section 2-309B of this title, a Social Security number may be used for the purpose of complying with the reporting requirements provided for in this section.

D. Willful failure to transmit accurate information as required by this section shall be a misdemeanor punishable, upon conviction, by not more than one (1) year in the county jail, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine, or administrative action may be taken pursuant to Section 2-304 of this title.

E. The Director of the Bureau shall have the authority to allow paper submissions on a form designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, if the dispenser has an appropriate hardship.

Added by Laws 1990, c. 210, § 3, eff. Sept. 1, 1990. Amended by Laws 1998, c. 142, § 2, eff. July 1, 1998; Laws 2004, c. 300, § 3, emerg. eff. May 12, 2004; Laws 2005, c. 128, § 3, eff. Nov. 1, 2005; Laws 2009, c. 445, § 5, eff. July 1, 2009; Laws 2010, c. 458, § 5, eff. Nov. 1, 2010; Laws 2012, c. 80, § 6, eff. Nov. 1, 2012; Laws 2012, c. 206, § 3, eff. July 1, 2012; Laws 2013, c. 15, § 73, emerg. eff. April 8, 2013.

NOTE: Laws 2012, c. 83, § 2 repealed by Laws 2013, c. 15, § 74, emerg. eff. April 8, 2013.

§63-2-309D. See the following versions:

OS 63-2-309Dv1 (SB1041, Laws 2019, c. 25, § 38).

OS 63-2-309Dv2 (SB848, Laws 2019, c. 428, § 18).

§63-2-309E. Central repository information - Control of access.

A. All access to information in the central repository shall be controlled by and made through the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. For the purposes of court proceedings, the Director of the Bureau, or designee, shall be the designated keeper of the records.

Added by Laws 1990, c. 210, § 5, eff. Sept. 1, 1990. Amended by Laws 2004, c. 300, § 5, emerg. eff. May 12, 2004; Laws 2010, c. 89, § 2, eff. Nov. 1, 2010.

§63-2-309F. Central repository - Powers, duties and responsibilities - Contract with vendor to serve as.

A. The central repository provided by the Anti-Drug Diversion Act shall:

1. Be capable of providing the collected information in forms required by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, including but not limited to, dispensations by prescriber name or registration number, dispenser name or registration number, recipient name or identification number, type of substance, frequency, quantity, and location of dispensation;

2. Provide the Bureau with continual, twenty-four-hour per day, on-line access to the collected information;

3. Secure the collected information against access by unauthorized persons;

4. Provide the Bureau, in a reasonable time, with all collected information in a format readily usable by the Bureau, in the event the relationship between the state and central repository is terminated; and

5. Not withhold access to the collected information for any reason other than failure of the Bureau to timely pay agreed fees and charges for use of the central repository.

B. The Bureau is authorized to enter into a contract with a vendor to serve as the central repository provided for in the Anti-Drug Diversion Act or to purchase the necessary equipment to create the central repository within the Bureau. The Bureau is authorized to enter into agreements and contracts with vendors as necessary to facilitate the electronic transmission of data contained within the central repository to registrants and other persons as provided for in Section 2-309D of this title. The central repository shall not be subject to the provisions of Sections 34.6 through 34.33 of Title 62 of the Oklahoma Statutes and shall be maintained and controlled by personnel of the Bureau pursuant to the confidentiality requirements provided for in Section 2-309D of this title.

Added by Laws 1990, c. 210, § 6, eff. Sept. 1, 1990. Amended by Laws 2004, c. 300, § 6, emerg. eff. May 12, 2004; Laws 2010, c. 458, § 6, eff. Nov. 1, 2010; Laws 2013, c. 340, § 2, eff. Nov. 1, 2013.

§63-2-309G. Development of criteria for production of exception reports out of information collected.

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall develop criteria for the production of exception reports out of the information collected at the central repository. In developing these criteria, the Bureau shall seek the counsel of the following entities:

1. Board of Podiatric Medical Examiners;
2. Board of Dentistry;
3. Board of Pharmacy;
4. State Board of Medical Licensure and Supervision;
5. State Board of Osteopathic Examiners;

6. State Board of Veterinary Medical Examiners;
7. Oklahoma Podiatric Medical Association;
8. Oklahoma Dental Association;
9. Oklahoma Pharmaceutical Association;
10. Oklahoma State Medical Association;
11. Oklahoma Osteopathic Association; and
12. Oklahoma Veterinary Medical Association.

Added by Laws 1990, c. 210, § 7, eff. Sept. 1, 1990. Amended by Laws 1997, c. 238, § 6, eff. Nov. 1, 1997; Laws 2004, c. 300, § 7, emerg. eff. May 12, 2004.

§63-2-309H. Implementation and enforcement of act - Rules and regulations.

The Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall promulgate and adopt rules to implement and enforce the Anti-Drug Diversion Act.

Added by Laws 1990, c. 210, § 8, eff. Sept. 1, 1990. Amended by Laws 2004, c. 300, § 8, emerg. eff. May 12, 2004.

§63-2-309I. Prescription limits and rules for opioid drugs – Copay and other insurance requirements – Informed consent process.

A. A practitioner shall not issue an initial prescription for an opioid drug in a quantity exceeding a seven-day supply for treatment of acute pain. Any opioid prescription for acute pain shall be for the lowest effective dose of an immediate-release drug.

B. Prior to issuing an initial prescription for an opioid drug in a course of treatment for acute or chronic pain, a practitioner shall:

1. Take and document the results of a thorough medical history, including the experience of the patient with nonopioid medication and nonpharmacological pain-management approaches and substance abuse history;

2. Conduct, as appropriate, and document the results of a physical examination;

3. Develop a treatment plan with particular attention focused on determining the cause of pain of the patient;

4. Access relevant prescription monitoring information from the central repository pursuant to Section 2-309D of this title;

5. Limit the supply of any opioid drug prescribed for acute pain to a duration of no more than seven (7) days as determined by the directed dosage and frequency of dosage; provided, however, upon issuing an initial prescription for acute pain pursuant to this section, the practitioner may issue one (1) subsequent prescription for an opioid drug in a quantity not to exceed seven (7) days if:

a. the subsequent prescription is due to a major surgical procedure or "confined to home" status as defined in 42 U.S.C., Section 1395n(a),

b. the practitioner provides the subsequent prescription on the same day as the initial prescription,

c. the practitioner provides written instructions on the subsequent prescription indicating the earliest date on which the prescription may be filled, otherwise known as a "do not fill until" date, and

d. the subsequent prescription is dispensed no more than five (5) days after the "do not fill until" date indicated on the prescription;

6. In the case of a patient under the age of eighteen (18) years old, enter into a patient-provider agreement with a parent or guardian of the patient; and

7. In the case of a patient who is a pregnant woman, enter into a patient-provider agreement with the patient.

C. No less than seven (7) days after issuing the initial prescription pursuant to subsection A of this section, the practitioner, after consultation with the patient, may issue a subsequent prescription for the drug to the patient in a quantity not to exceed seven (7) days, provided that:

1. The subsequent prescription would not be deemed an initial prescription under this section;

2. The practitioner determines the prescription is necessary and appropriate to the treatment needs of the patient and documents the rationale for the issuance of the subsequent prescription; and

3. The practitioner determines that issuance of the subsequent prescription does not present an undue risk of abuse, addiction or diversion and documents that determination.

D. Prior to issuing the initial prescription of an opioid drug in a course of treatment for acute or chronic pain and again prior to issuing the third prescription of the course of treatment, a practitioner shall discuss with the patient or the parent or guardian of the patient if the patient is under eighteen (18) years of age and is not an emancipated minor, the risks associated with the drugs being prescribed, including but not limited to:

1. The risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines and other central nervous system depressants;

2. The reasons why the prescription is necessary;

3. Alternative treatments that may be available; and

4. Risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed or mixing sedatives, benzodiazepines or alcohol with opioids can result in fatal respiratory depression.

The practitioner shall include a note in the medical record of the patient that the patient or the parent or guardian of the patient, as applicable, has discussed with the practitioner the risks of developing a physical or psychological dependence on the controlled dangerous substance and alternative treatments that may be available. The applicable state licensing board of the practitioner shall develop and make available to practitioners guidelines for the discussion required pursuant to this subsection.

E. At the time of the issuance of the third prescription for an opioid drug, the practitioner shall enter into a patient-provider agreement with the patient.

F. When an opioid drug is continuously prescribed for three (3) months or more for chronic pain, the practitioner shall:

1. Review, at a minimum of every three (3) months, the course of treatment, any new information about the etiology of the pain, and the progress of the patient toward treatment objectives and document the results of that review;

2. In the first year of the patient-provider agreement, assess the patient prior to every renewal to determine whether the patient is experiencing problems associated with an opioid use disorder and document the results of that assessment. Following one (1) year of compliance with the patient-provider agreement, the practitioner shall assess the patient at a minimum of every six (6) months;

3. Periodically make reasonable efforts, unless clinically contraindicated, to either stop the use of the controlled substance, decrease the dosage, try other drugs or treatment modalities in an effort to reduce the potential for abuse or the development of an opioid use disorder as defined by the American Psychiatric Association and document with specificity the efforts undertaken;

4. Review the central repository information in accordance with Section 2-309D of this title; and

5. Monitor compliance with the patient-provider agreement and any recommendations that the patient seek a referral.

G. 1. Any prescription for acute pain pursuant to this section shall have the words "acute pain" notated on the face of the prescription by the practitioner.

2. Any prescription for chronic pain pursuant to this section shall have the words "chronic pain" notated on the face of the prescription by the practitioner.

H. This section shall not apply to a prescription for a patient who is currently in active treatment for cancer, receiving hospice care from a licensed hospice or palliative care, or is a resident of a long-term care facility, or to any medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

I. Every policy, contract or plan delivered, issued, executed or renewed in this state, or approved for issuance or renewal in this

state by the Insurance Commissioner, and every contract purchased by the Employees Group Insurance Division of the Office of Management and Enterprise Services, on or after November 1, 2018, that provides coverage for prescription drugs subject to a copayment, coinsurance or deductible shall charge a copayment, coinsurance or deductible for an initial prescription of an opioid drug prescribed pursuant to this section that is either:

1. Proportional between the cost sharing for a thirty-day supply and the amount of drugs the patient was prescribed; or

2. Equivalent to the cost sharing for a full thirty-day supply of the drug, provided that no additional cost sharing may be charged for any additional prescriptions for the remainder of the thirty-day supply.

J. Any practitioner authorized to prescribe an opioid drug shall adopt and maintain a written policy or policies that include execution of a written agreement to engage in an informed consent process between the prescribing practitioner and qualifying opioid therapy patient. For the purposes of this section, "qualifying opioid therapy patient" means:

1. A patient requiring opioid treatment for more than three (3) months;

2. A patient who is prescribed benzodiazepines and opioids together for more than one twenty-four-hour period; or

3. A patient who is prescribed a dose of opioids that exceeds one hundred (100) morphine equivalent doses.

Added by Laws 2018, c. 175, § 5, eff. Nov. 1, 2018. Amended by Laws 2019, c. 139, § 1, eff. Nov. 1, 2019; Laws 2019, c. 428, § 19, emerg. eff. May 21, 2019.

§63-2-310. Samples.

No person shall distribute samples of controlled dangerous substances to a practitioner without simultaneously preparing and leaving with that practitioner a specific, written list of the items so distributed, the form and control of which shall be prescribed by rules promulgated by the Director.

Added by Laws 1971, c. 119, § 2-310. Amended by Laws 2009, c. 442, § 5, eff. July 1, 2009.

§63-2-311. Sale of certain substances.

A. The legal owner of any stock of controlled dangerous substances, as listed in Schedules II through IV, upon discontinuation of manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of said substances, may sell said stock to a manufacturer, wholesaler or pharmacist. Schedule II substances must be transferred on an order form as provided in Section 2-308 of this title.

B. A pharmacist, only upon an order form as provided in Section 2-308 of this title, may sell to a physician, dentist or veterinarian, in quantities not exceeding thirty (30) milliliters at any one time, aqueous or oleaginous solutions of which the content of controlled dangerous substances does not exceed a proportion greater than twenty percent (20%) of the complete solution, to be used for medical purposes.
Amended by Laws 1982, c. 120, § 5, emerg. eff. April 6, 1982.

§63-2-312. Physicians, podiatrists, optometrists, dentists, veterinarians and advanced practice nurses - Authority to prescribe, administer or dispense.

A. A physician, podiatrist, optometrist or a dentist who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of such person's professional practice only, may prescribe and administer controlled dangerous substances, or may cause the same to be administered by medical or paramedical personnel acting under the direction and supervision of the physician, podiatrist, optometrist or dentist, and only may dispense controlled dangerous substances pursuant to the provisions of Sections 355, 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

B. A veterinarian who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of the professional practice of the veterinarian only, and not for use by a human being, may prescribe, administer, and dispense controlled dangerous substances and may cause them to be administered by an assistant or orderly under the direction and supervision of the veterinarian.

C. An advanced practice nurse who is recognized to prescribe by the Oklahoma Board of Nursing as an advanced registered nurse practitioner, clinical nurse specialist or certified nurse-midwife, who is subject to medical direction by a supervising physician, pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes, and who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of professional practice only, may prescribe and administer Schedule III, IV and V controlled dangerous substances.

D. An advanced practice nurse who is recognized to order, select, obtain and administer drugs by the Oklahoma Board of Nursing as a certified registered nurse anesthetist pursuant to Section 353.1b of Title 59 of the Oklahoma Statutes and who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of such practitioner's professional practice only, may order, select, obtain and administer Schedules II through V controlled dangerous substances in a preanesthetic preparation or evaluation; anesthesia induction,

maintenance or emergence; or postanesthesia care setting only. A certified registered nurse anesthetist may order, select, obtain and administer such drugs only during the perioperative or periobstetrical period.

E. A physician assistant who is recognized to prescribe by the State Board of Medical Licensure and Supervision under the medical direction of a supervising physician, pursuant to subsection D of Section 519.6 of Title 59 of the Oklahoma Statutes, and who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of professional practice only, may prescribe and administer Schedule II through V controlled dangerous substances.

Added by Laws 1971, c. 119, § 2-312. Amended by Laws 1987, c. 20, § 3, eff. Nov. 1, 1987; Laws 1994, c. 52, § 5; Laws 1996, c. 186, § 10, eff. Nov. 1, 1996; Laws 1997, c. 250, § 13, eff. Nov. 1, 1997; Laws 1998, c. 128, § 6, eff. Nov. 1, 1998; Laws 2001, c. 385, § 6, eff. Nov. 1, 2001.

§63-2-312.1. Prescription of anabolic steroids or human growth hormones.

A. A licensed practitioner as defined in Section 355 of Title 59 of the Oklahoma Statutes shall not prescribe, dispense, deliver, or administer an anabolic steroid or human growth hormone or cause an anabolic steroid or human growth hormone to be administered under the direction or supervision of the practitioner except for a valid medical purpose and in the course of a professional practice. A valid medical purpose for the use of anabolic steroids or human growth hormones shall not include bodybuilding, muscle enhancement or increasing muscle bulk or strength of a person who is in good health. This section shall not prohibit the use of anabolic steroids for the treatment of livestock or domestic animals in accordance with state or federal law.

B. The prescribing, dispensing, delivering or administering of an anabolic steroid by a licensed practitioner in violation of the provisions of subsection A of this section shall be grounds for revocation or nonrenewal of the license of such licensed practitioner to practice in this state. In addition, any licensed practitioner prescribing, dispensing, delivering or administering an anabolic steroid in violation of the provisions of subsection A of this section, upon conviction thereof shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by a fine not to exceed Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

Added by Laws 1989, c. 304, § 2, eff. Nov. 1, 1989. Amended by Laws 1990, c. 271, § 1, operative July 1, 1990. Renumbered from § 355.3 of Title 59 by Laws 1990, c. 271, § 3, operative July 1, 1990.

Amended by Laws 1997, c. 133, § 527, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 380, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 527 from July 1, 1998, to July 1, 1999.

§63-2-312.2. Sale or dispensation of Naloxone.

Naloxone, also known as Narcan, or any of its generic equivalents may be dispensed or sold by a pharmacy without a prescription; provided, however, it shall be dispensed or sold only by, or under the supervision of, a licensed pharmacist. Naloxone may be prescribed and dispensed by a licensed pharmacist; provided, however, it shall be dispensed only by, or under the supervision of, a licensed pharmacist. No dispensing protocol shall be required.
Added by Laws 2014, c. 154, § 6, eff. Nov. 1, 2014. Amended by Laws 2017, c. 234, § 2, eff. Nov. 1, 2017.

§63-2-313. Excepted preparations - Conditions of exemption.

A. Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

1. Prescribing, administering, dispensing, or selling at retail not more than one of any of the following medicinal preparations that contain in thirty (30) milliliters or, if a solid or semisolid preparation, in one (1) avoirdupois ounce:

a. not more than one hundred sixty (160) milligrams of opium;

b. not more than twenty (20) milligrams of morphine or of any of its salts; or

c. not more than eighty (80) milligrams of codeine or any of its salts.

2. Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as to prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments and other preparations that contain coca leaves in any quantity or combination.

B. The exemptions authorized by subparagraphs 1 and 2 of subsection A of this section shall be subject to all of the conditions set out in this subsection. The exemptions authorized by subparagraph 3 of subsection A of this section shall not, however, be subject to the conditions set out in subparagraphs 1, 2 or 3 of this subsection, but shall be subject to subparagraph 4 of this subsection.

1. No person shall prescribe, administer, dispense, or distribute under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by

reasonable diligence ascertain, that such prescribing, administering, dispensing or distributing will provide the persons to whom or for whose use, or the owner of the animal for the use of which such preparation is prescribed, administered, dispensed, or distributed, within any forty-eight (48) consecutive hours, with more than three hundred twenty (320) milligrams of opium, or more than forty (40) milligrams of morphine or any of its salts, or more than one hundred sixty (160) milligrams of codeine or any of its salts, or will provide such person or the owner of such animal, within forty-eight (48) consecutive hours, with more than one preparation exempted by this section from the operation of this act.

2. This act shall not apply to any compound, mixture or preparation which contains not more than one (1) drachm of paregoric per thirty (30) milliliters.

3. The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or distributed, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and distributed in good faith as a medicine, and not for the purpose of evading the provisions of this act.

4. The provisions of Section 2-314 of this act shall apply to the preparations referred to in subsection A of this section. Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or distributed to any person or for the use of any person or animal when it is prescribed, administered, dispensed, or distributed in compliance with the general provisions of this act. Laws 1971, c. 119, § 2-313.

§63-2-314. Labels.

A. Whenever a manufacturer or wholesaler distributes a controlled dangerous substance in a container prepared by him, he shall securely affix to each individual container in which that substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of substance contained therein.

B. Whenever a pharmacist dispenses any controlled dangerous substance, he shall affix to each immediate container in which such substance is dispensed the prescription number, the date dispensed, the patient's name, the name of the doctor, name and address of the pharmacy for which he is lawfully acting; or, if the patient is an animal, the name of the owner of the animal and words "for veterinary use only".

C. Whenever a practitioner dispenses any controlled dangerous substance, he shall affix to each immediate container in which such

substance is dispensed a label showing date dispensed, his name, his address, his state registration number, name of the patient, or, if the patient is an animal, the name of the owner of the animal.

D. No person except a pharmacist for the purpose of filling a prescription shall alter, deface, or remove any label so affixed. Added by Laws 1971, c. 119, § 2-314.

§63-2-315. Submission of out-of-date controlled dangerous substances for destruction.

A. Except as otherwise provided by law, any person required to obtain an annual registration pursuant to Section 2-302 of this title, or any group home, or residential care home as defined by Section 1-820 of this title shall submit for destruction all controlled dangerous substances which are out of date, which are unwanted, unused or which are abandoned by their owner at their facility due to death or other circumstances.

B. All controlled dangerous substances described in subsection A of this section shall be submitted to the Oklahoma City laboratory of the Oklahoma State Bureau of Investigation, along with all required information on forms provided by the Oklahoma State Bureau of Investigation, to the federal Drug Enforcement Administration, to a duly registered reverse distributor, to the original registered supplier or their registered agent, to a duly registered retail pharmacy, or to a hospital or clinic with an on-site pharmacy pursuant to the rules set forth in Part 1317 of Title 21 of the Code of Federal Regulations. When any such substance is transported by private contract or common carrier or United States Postal Service for the purpose of destruction, the sender shall require a receipt from such private contract or common carrier or United States Postal Service, and such receipt shall be retained as a permanent record by the sender.

C. Controlled dangerous substances submitted to the Oklahoma State Bureau of Investigation pursuant to the provisions of this section shall be destroyed pursuant to the procedures provided in subsection A of Section 2-508 of this title.

Controlled dangerous substances submitted to any distributors, reverse distributors or their original registered suppliers pursuant to the provisions of this section shall be destroyed by incineration so as to make the substance absolutely unusable for human purposes. An official record listing the property destroyed, the location of destruction and disposal, and the name and title of the person supervising the destruction and disposal shall be submitted to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the federal Drug Enforcement Administration office located nearest the destruction site.

D. The Office of the Chief Medical Examiner is hereby authorized to perform on-site incineration of all controlled dangerous

substances which are obtained in the discharge of the official duties of the Chief Medical Examiner. Any record relating to destruction of a controlled dangerous substance shall be maintained as required by the state or federal government and shall be available for inspection by appropriate state or federal government regulatory agencies.

E. This section shall constitute a part of the Uniform Controlled Dangerous Substances Act.

Added by Laws 1988, c. 308, § 10, operative Jan. 1, 1989. Amended by Laws 1990, c. 144, § 7, emerg. eff. May 1, 1990; Laws 1992, c. 127, § 1, emerg. eff. April 27, 1992; Laws 1996, c. 306, § 8, emerg. eff. June 10, 1996; Laws 2015, c. 305, § 6.

§63-2-321. Short title.

Sections 3 through 11 of this act shall constitute a part of the Uniform Controlled Dangerous Substances Act and shall be known and may be cited as the "Precursor Substances Act".

Added by Laws 1990, c. 220, § 3, eff. Sept. 1, 1990.

§63-2-322. Precursor substances - License or permit.

A. No person or business shall possess, sell, manufacture, transfer, or otherwise furnish any of the following precursor substances without first having a permit or license issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, except as provided in Section 2-327 of this title:

1. D-Lysergic acid;
2. Ergotamine and its salts;
3. Ergonovine and its salts;
4. Methylamine;
5. Ethylamine;
6. Phenyl-2-Propanone;
7. Phenylacetic acid and its salts;
8. Ephedrine, its salts, optical isomers and salts of optical isomers;
9. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
10. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers;
11. Benzyl cyanide;
12. N-methylephedrine, its salts, optical isomers and salts of optical isomers;
13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers;
14. Chloroephedrine, its salts, optical isomers and salts of optical isomers;
15. Piperidine and its salts;
16. Pyrrolidine and its salts;
17. Propionic anhydride;

18. Isosafrole;
19. Safrole;
20. Piperonal; and
21. Red Phosphorus.

B. Upon completion of an application for a license pursuant to Section 2-323 of this title, or a permit pursuant to Section 2-324 of this title, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall either grant or deny such license or permit. A denial of an application for a permit or license shall be handled as provided by Section 2-325 of this title.

Added by Laws 1990, c. 220, § 4, eff. Sept. 1, 1990. Amended by Laws 1998, c. 12, § 1, eff. Nov. 1, 1998.

§63-2-323. License to sell, transfer or otherwise furnish - Application - Records - Fee.

A. A manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any precursor substance defined in Section 4 of this act must first obtain a license annually from the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. The procedure for obtaining a license to sell, transfer, manufacture, purchase for resale, or otherwise furnish a precursor substance shall be as follows:

1. Obtain an application from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
2. Submit the application to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and
3. Demonstrate a legitimate reason to sell, transfer, or otherwise furnish precursor chemicals.

C. The content of the application for a license shall include, but not be limited to, the following information:

1. Name of business;
2. Address of business other than a post office box number;
3. Phone number of business;
4. Names and addresses of business owners;
5. Location of storage facility;
6. Identification of precursor substances to be sold; and
7. Criminal history of applicant.

D. A licensee shall make an accurate and legible record of any transaction of precursor substances and maintain such record together with the following records for a period of at least two (2) years:

1. Inventory on hand;
2. Purchase receipts;
3. Manufacturing records including the date and quantity of any precursor substance manufactured, the quantity of precursor substances used in manufacturing any other substance or product, and

the inventory on hand of precursor substances after the manufacturing of any other substance or product;

4. Copies of the Oklahoma Bureau of Narcotics purchase permits or written authorization waving the permit requirement, as provided by subsection E of Section 6 of this act; and

5. Records of substance disposal.

E. The license shall cost One Hundred Dollars ($100.00) annually and shall be renewable on July 1 of each year. The fee shall be payable to the Oklahoma State Bureau of Narcotics Revolving Fund. Added by Laws 1990, c. 220, § 5, eff. Sept. 1, 1990.

§63-2-324. Permit to possess - Application Fee - Regular report in lieu of permit.

A. Any person or business having a legitimate need for using precursor substances defined in Section 4 of this act, shall apply in person to the Director of Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or his designee, for a permit to possess such substances each time said substance is obtained.

B. The following must be submitted in person to the Director of Oklahoma Bureau of Narcotics and Dangerous Drugs Control, or his designee, to receive a permit for possession of precursor substances:

1. A driver's license number or other personal identification certificate number, date of birth, residential or mailing address, other than a post office box number, and a driver's license or personal identification card issued by the Department of Public Safety which contains a photograph of the recipient. In the event the applicant is a corporation, the information in this paragraph shall be required of the person making application for the permit. In addition, the person making application for the permit on behalf of a corporation shall disclose his relationship to the corporation;

2. A complete description of how the substance is to be used; and

3. The location where the substance is to be stored and used.

C. The permit shall consist of three parts, including:

1. A copy to be retained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

2. A copy to be retained by the manufacturer, wholesaler, retailer, or other person furnishing precursor substances; and

3. A copy to be attached to the container of the precursor substances and to be kept with the substances at all times.

D. The permit shall cost Ten Dollars ($10.00) and shall be payable to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Revolving Fund.

E. The Director may authorize in writing any person or business to submit a comprehensive monthly report in lieu of the permit required by this section, if the Director determines that the

recipient has established a record of utilization of the substance solely for a lawful purpose.
Added by Laws 1990, c. 220, § 6, eff. Sept. 1, 1990.

§63-2-325. Denial, suspension or revocation of license or permit - Grounds - Order to show cause - Administrative proceeding - Suspension without order to show cause.

A. A license or permit, obtained pursuant to Sections 5 or 6 of this act, shall be denied, suspended, or revoked by the Director upon finding that the licensee or permit holder has:

1. Materially falsified any application filed pursuant to this act or required by this act;

2. Been convicted of a misdemeanor relating to any precursor substance defined in Section 4 of this act or any felony under the laws of this state or the United States; or

3. Failed to maintain effective controls against the diversion of said precursors to unauthorized persons or entities.

B. Before denying, suspending, or revoking a license or permit, the Director shall cause to be served upon the applicant, licensee, or permit holder an order to show cause why a license or a permit should not be denied, suspended, or revoked. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant, licensee, or permit holder to appear before the appropriate person or agency at the time and place within thirty (30) days after the date of service of the order. The proceedings shall be conducted in accordance with the Administrative Procedures Act without regard to any criminal prosecution or other proceeding.

C. The Director shall suspend, without an order to show cause, any license or permit simultaneously with the institution of proceedings described in subsection B of this section if he finds there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless withdrawn by the Director or dissolved by a court of competent jurisdiction.
Added by Laws 1990, c. 220, § 7, eff. Sept. 1, 1990.

§63-2-326. Discovery of loss or theft - Disposal - Reports - Other duties.

A. Any person or business, licensed or permitted, who discovers a loss or theft of, or disposes of a substance listed in Section 4 of this act shall:

1. Submit a report of the loss, theft, or disposal to the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control no later than the third business day after the date the manufacturer, wholesaler, retailer, or other person discovers the loss or theft, or after the actual disposal; and

2. Include the amount of loss, theft, or disposal in the report. Any disposal of precursor substances must be done in accordance with the rules and regulations of the United States Environmental Protection Administration and shall be performed at the expense of the permit or license holder.

B. A manufacturer, wholesaler, retailer, or other person who sells, transfers, possesses, uses, or otherwise furnishes any precursor substance shall:

1. Maintain records as specified in Section 5 of this act;

2. Permit agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to conduct on-site audits, inspect inventory on hand and inspect all records made in accordance with this act at any reasonable time; and

3. Cooperate with the audit, and the full and complete inspection or copying of any records.

Added by Laws 1990, c. 220, § 8, eff. Sept. 1, 1990.

§63-2-327. Application of act - Sale or transfer of certain nonnarcotic products.

Sections 2-322 through 2-326 of this title shall not apply to the sale or transfer of a nonnarcotic product that includes a precursor substance defined in Section 2-322 of this title, if the product may be sold lawfully with a prescription or over the counter without a prescription pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301 et seq., or a rule adopted pursuant thereto. Further, this act shall not apply to common carriers in the transaction of business as common carriers. This section shall not create an exemption for any person who has knowledge that a product sold over the counter is intended to be used to manufacture amphetamine or methamphetamine.

Added by Laws 1990, c. 220, § 9, eff. Sept. 1, 1990. Amended by Laws 1999, c. 319, § 2, eff. July 1, 1999.

§63-2-328. Violations - Penalties.

A. A person or business who manufactures, sells, transfers, furnishes, or receives a precursor substance defined in Section 2-322 of this title commits an offense if the person:

1. Does not comply with the requirements of Section 2-322, 2-323 or 2-326 of this title; or

2. Knowingly makes a false statement in a report or record required by Section 2-323 or 2-326 of this title.

B. Except as provided by subsection C of this section, an offense under subsection A of this section is a misdemeanor and punishable by imprisonment in the county jail for a term not to exceed one year or by a fine not to exceed Ten Thousand Dollars ($10,000.00).

C. A person who manufactures, sells, transfers, or otherwise furnishes a precursor substance defined in Section 2-322 of this title commits an offense if the person manufactures, sells, transfers, or furnishes the substance with the knowledge or intent that the recipient shall use the substance to unlawfully manufacture a controlled substance or a controlled substance analog.

D. A second or subsequent violation of subsection A of this section shall be a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

E. A person who is required by Section 2-322 or 2-324 of this title to have a permit for precursor substances commits an offense if the person:

1. Purchases, obtains, or possesses a precursor substance without having first obtained a permit;

2. Has in his possession or immediate control a precursor substance with no attached permit;

3. Knowingly makes a false statement in an application or report required by Section 2-324 or 2-326 of this title; or

4. Manufacturers, sells, transfers, or otherwise furnishes any person or business a precursor substance defined in Section 2-322 of this title, who does not have a permit.

F. An offense under subsection C or E of this section is a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

Added by Laws 1990, c. 220, § 10, eff. Sept. 1, 1990. Amended by Laws 1997, c. 133, § 528, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 381, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 528 from July 1, 1998, to July 1, 1999.

§63-2-329. Drug cleanup fines - Disposition of fines collected.

A. In addition to any fine or imprisonment imposed under Section 2-328 of this title, the following drug cleanup fine may be imposed:

1. Up to Ten Thousand Dollars ($10,000.00) for violations described in subsection A of Section 2-328 of this title or Section 2-401 of this title; and

2. Up to One Hundred Thousand Dollars ($100,000.00) for violations described in subsections C, D or E of Section 2-328 of this title.

B. All fines collected under this section shall be transferred to the Bureau of Narcotics Revolving Fund, pursuant to Section 2-107 of this title.
Added by Laws 1990, c. 220, § 11, eff. Sept. 1, 1990. Amended by Laws 2012, c. 83, § 3, eff. Nov. 1, 2012.
NOTE: Laws 2012, c. 80, § 7 repealed by Laws 2013, c. 15, § 75, emerg. eff. April 8, 2013.

§63-2-330. Notification of seizure – Duty of law enforcement agencies.

A. Every law enforcement agency in this state shall notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control within ten (10) days of any officer of such agency seizing:

1. Any precursor chemical, as defined in the Precursor Substances Act, used or allegedly used, in full or in part, to manufacture any controlled substance; and

2. Any drug paraphernalia relating to an illegal laboratory, including but not limited to any glassware, instruments, devices, utensils or other objects or equipment used or allegedly used, in full or in part, to manufacture any controlled substance.

B. The Bureau may promulgate rules and forms to facilitate the required notification pursuant to this section.
Added by Laws 1999, c. 56, § 1, emerg. eff. April 5, 1999.

§63-2-331. Seizure of devices or precursor chemicals – Notice by peace officer to Bureau of Narcotics and Dangerous Drugs Control.

It shall be the duty of any peace officer of the State of Oklahoma who seizes any glassware, instruments, devices, utensils or precursor chemicals, as defined by Section 2-322 of Title 63 of the Oklahoma Statutes, which have been used or were intended to be used in the illicit manufacturing of any controlled dangerous substance, in full or in part, to make notice of the seizure in writing to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.
Added by Laws 1999, c. 60, § 2, eff. July 1, 1999.
NOTE: This section was editorially renumbered from § 2-330 of this title to avoid a duplication in numbering.

§63-2-332. Possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance – Presumption – Exceptions – Penalty – Registration - Records.

A. It shall be unlawful for a person to knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.

B. Except as provided in this subsection, possession of a drug product containing more than seven and two-tenths (7.2) grams of

ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers shall constitute a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance. The rebuttable presumption established by this subsection shall not apply to the following persons who are lawfully possessing drug products in the course of legitimate business:

1. A retail distributor of drug products or wholesaler;

2. A wholesale drug distributor, or its agents, licensed by the Board of Pharmacy;

3. A manufacturer of drug products, or its agents, licensed by the Board of Pharmacy;

4. A pharmacist licensed by the Board of Pharmacy; and

5. A licensed healthcare professional possessing the drug products in the course of carrying out his profession.

C. A violation of subsection A of this section shall be a felony punishable as provided for in subsection G of Section 2-401 of this title.

D. Any wholesaler, manufacturer, or distributor of drug products containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers shall obtain a registration annually from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Any such wholesaler, manufacturer, or distributor shall keep complete records of all transactions involving such drug products including the names of all parties involved in the transaction and amount of the drug products involved. The records shall be kept readily retrievable and separate from all other invoices or records of transactions not involving such drug products, and shall be maintained for not less than three (3) years.

E. As used in this section:

1. "Manufacturer" means any person within this state who produces, compounds, packages, or in any manner initially prepares for sale or use any drug product described in subsection D of this section, or any such person in another state if they cause the products to be compounded, packaged, or transported into this state;

2. "Wholesaler" means any person within this state or another state, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product described in subsection A of this section to any other person in this state for the purpose of being resold;

3. "Distributor" means any person within this state or another state, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product described in subsection A of this section to any person who is not the ultimate user or consumer of the product; and

4. "Readily retrievable" means available for inspection without prior notice at the registration address if that address is within

the State of Oklahoma. If the registration address is in a state other than Oklahoma, it means records must be furnished within three (3) working days by courier, facsimile, mail or electronic mail.

F. Any substances possessed without a registration as provided in subsection D of this section shall be subject to forfeiture upon conviction for a violation of this section.

G. In addition to any administrative penalties provided by law, any violation of subsection D of this section shall be a misdemeanor, punishable upon conviction by a fine only in an amount not more than Ten Thousand Dollars ($10,000.00).

Added by Laws 2002, c. 288, § 1, eff. July 1, 2002. Amended by Laws 2003, c. 133, § 3, emerg. eff. April 25, 2003; Laws 2004, c. 59, § 4, emerg. eff. April 6, 2004; Laws 2013, c. 181, § 6, eff. Nov. 1, 2013.

§63-2-333. Knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances – Penalty - Damages.

A. It shall be unlawful for any person to knowingly sell, transfer, distribute, or dispense any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows that the purchaser will use the product as a precursor to manufacture methamphetamine or another controlled illegal substance or if the person sells, transfers, distributes or dispenses the product with reckless disregard as to how the product will be used.

B. A violation of this section shall be a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years.

C. Any person who sells, transfers, distributes, dispenses, or in any manner furnishes any product containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers in a negligent manner, with knowledge or reason to know that the product will be used as a precursor to manufacture methamphetamine or any other illegal controlled substance, or with reckless disregard as to how the product will be used, shall be liable for all damages, whether directly or indirectly caused by the sale, transfer, distribution, dispensation, or furnishing.

1. Such damages may include, but are not limited to, any and all costs of detecting, investigating, and cleaning up or remediating clandestine or other unlawfully operated or maintained laboratories where controlled dangerous substances are manufactured, any and all costs of prosecuting criminal cases arising from such manufacture, and any and all consequential and punitive damages otherwise allowed by law.

2. A civil action to recover damages against persons, corporations or other entities violating this subsection may be brought only by the Attorney General, the Director of the Oklahoma

State Bureau of Narcotics and Dangerous Drugs Control or by any district attorney in whose jurisdiction such person may be shown to have committed such violation. Any funds recovered from such an action shall be used for payment or reimbursement of costs arising from investigating or prosecuting criminal or civil cases involving the manufacture of controlled dangerous substances, for drug education programs, or for payment or reimbursement of remediating contaminated methamphetamine laboratory sites.

D. Violation of subsection A or C of this section shall be considered to affect at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal and is subject to the provisions of Section 2 of Title 50 of the Oklahoma Statutes and Section 1397 of Title 12 of the Oklahoma Statutes.

Added by Laws 2002, c. 288, § 2, eff. July 1, 2002. Amended by Laws 2003, c. 133, § 4, emerg. eff. April 25, 2003; Laws 2008, c. 359, § 10, emerg. eff. June 3, 2008.

§63-2-341. Pharmacy electronic drug-tracking service.

A. Beginning January 1, 2013, any pharmacy that dispenses, sells or distributes any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain an electronic record of the sale. The electronic record of the sale shall include the following information:

1. Name and address of the purchaser;
2. Date of birth of the purchaser;
3. Type of identification and number;
4. Date and time of the purchase;
5. Name and quantity of base pseudoephedrine or ephedrine purchased in grams, but not the overall weight of the products; and
6. Name, initials and registration number of the licensed pharmacist or registered pharmacy technician.

If the electronic tracking service is not able to record the identification type and identification number of the purchaser, the licensed pharmacist or a registered pharmacy technician shall write the identification type and number on the order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

B. By January 1, 2013, each pharmacy in this state shall have in place and operational all equipment necessary to access and use a real-time electronic methamphetamine precursor tracking service which is approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The electronic methamphetamine precursor tracking service shall be available free of charge to all law enforcement

agencies within the state for purposes of viewing and searching the database. Pharmacies shall be permitted to access only the information that is submitted by the pharmacy and such access shall be available free of charge. The electronic methamphetamine precursor tracking service shall be self-sustaining and shall not require the use of any public funds in the form of state or federal fees or taxes, to create, deploy, or operate. The tracking service shall operate and communicate in real-time throughout the state and across state lines with similar multistate systems. The tracking service shall be capable of tracking all required information and generating a stop-sale alert to notify a pharmacy that an attempted purchase by a person of pseudoephedrine or ephedrine exceeds the quantity limits set forth in Section 2-212 of Title 63 of the Oklahoma Statutes. The tracking service shall have the capability of stopping an illegal purchase in real-time and shall contain an override function that allows a pharmacy to complete a sale in violation of this section if the circumstances require that such sale be completed. The tracking service shall be in real time and track all override sales made by the pharmacy. The Bureau shall select a vendor that meets the requirements specified in this section by no later than October 1, 2012.

C. Beginning January 1, 2013, before completing the sale of an over-the-counter product containing pseudoephedrine or ephedrine, a pharmacy shall electronically submit the required information to the electronic methamphetamine precursor tracking service. The pharmacy shall not complete the sale of the product if the electronic methamphetamine precursor tracking service generates a stop-sale alert.

D. Absent intentional violation of this act, any pharmacy utilizing the electronic methamphetamine precursor tracking service in accordance with this section shall not be civilly liable as a result of any act or omission in carrying out the duties required by this section. Such pharmacies shall also be immune from liability to any third party unless the pharmacy has violated a provision of this section in relation to a claim brought for such violation. The provisions of this section shall not apply to a person who obtains the product or products pursuant to a valid prescription.

E. The information entered, stored and maintained by the electronic methamphetamine precursor tracking service shall be confidential and shall only be accessed by law enforcement officials, health care professionals and licensed pharmacists for the purpose of controlling the sale of methamphetamine precursors.

F. If a pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine experiences mechanical or electronic failure of the electronic tracking service and is unable to comply with the provisions of this section, the pharmacy shall maintain a

written log until such time as the pharmacy is able to comply with the electronic tracking service requirements.

G. A pharmacy selling an over-the-counter product containing pseudoephedrine or ephedrine may seek an exemption from submitting transactions to the electronic tracking service in writing to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control stating the reasons for such exemption. The Bureau may grant an exemption for good cause, but in no event shall such exemption exceed one hundred eighty (180) days. Any pharmacy that receives an exemption shall maintain a hard-copy logbook and shall require the purchaser to provide the information required pursuant to subsection A of this section before completion of any sale. The logbook shall be maintained as a record of each sale for inspection by any law enforcement official during normal business hours.

H. All data that is collected from the pharmacies of this state and stored in the electronic methamphetamine precursor tracking service shall be downloaded and exported by electronic means to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control at least every twenty-four (24) hours. The export of data shall be in a version that is in compliance with the standards agreed to by both the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the provider of the electronic methamphetamine precursor tracking service. The export of data shall be executed by way of a memorandum of understanding and without charge to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Any and all data exported to, obtained by, gathered by, transmitted to or stored by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or its designee shall be the property of the state. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have the authority to control, administer, and disseminate at the discretion of the Bureau, the transaction data for the purpose of enforcing federal and state laws. In addition to exporting data to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, real-time access to information contained in the electronic methamphetamine precursor tracking service through an online portal shall be provided to all law enforcement agencies within the state free of charge.

I. The electronic methamphetamine precursor tracking service shall generate a stop-sale alert if completion of a sale would result in the seller or purchaser violating the quantity limits set forth in Section 2-212 of Title 63 of the Oklahoma Statutes. The electronic tracking service shall contain an override function that may be used by a dispenser of pseudoephedrine or ephedrine products who has a reasonable fear of imminent bodily harm if the sale is not completed. Each instance in which the override function is utilized shall be logged by the electronic tracking service.

J. A person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a

fine of not more than One Thousand Dollars ($1,000.00). If the person convicted is a licensed pharmacist or registered pharmacy technician, the violation shall be reported to the State Board of Pharmacy for review and appropriate action.
Added by Laws 2012, c. 206, § 1, eff. July 1, 2012.

§63-2-401. Prohibited acts A - Penalties.

A. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person:

1. To distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute or dispense a controlled dangerous substance;

2. To create, distribute, transport with intent to distribute or dispense, or possess with intent to distribute, a counterfeit controlled dangerous substance; or

3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

B. Any person who violates the provisions of this section with respect to:

1. A substance classified in Schedule I or II, except for marijuana, upon conviction, shall be guilty of transporting or possessing with an intent to distribute a controlled dangerous substance, a felony, and shall be sentenced to a term of imprisonment in the custody of the Department of Corrections for not more than seven (7) years and a fine of not more than One Hundred Thousand Dollars ($100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. A second conviction for the violation of provisions of this paragraph is a felony punishable by a term of imprisonment in the custody of the Department of Corrections for not more than fourteen (14) years. A third or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by a term of imprisonment in the custody of the Department of Corrections for not more than twenty (20) years;

2. Any other controlled dangerous substance classified in Schedule III, IV, V or marijuana, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment in the custody of the Department of Corrections for not more than five (5) years and a fine of not more than Twenty Thousand Dollars ($20,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. A second conviction for the violation of the provisions of this

paragraph is a felony punishable by a term of imprisonment in the custody of the Department of Corrections for not more than ten (10) years. A third or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by a term of imprisonment in the custody of the Department of Corrections for not more than fifteen (15) years; or

3. An imitation controlled substance as defined by Section 2-101 of this title, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year and a fine of not more than One Thousand Dollars ($1,000.00). A person convicted of a second violation of the provisions of this paragraph shall be guilty of a felony and shall be sentenced to a term of imprisonment in the custody of the Department of Corrections for not more than two (2) years and a fine of not more than Five Thousand Dollars ($5,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

C. 1. Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Serices, it shall be unlawful for any person to manufacture or distribute a controlled substance or synthetic controlled substance.

2. Any person convicted of violating the provisions of paragraph 1 of this subsection with respect to distributing a controlled substance is guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years and a fine of not more than Twenty-five Thousand Dollars ($25,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

3. A second conviction for the violation of the provisions of paragraph 1 of this subsection with respect to distributing a controlled substance is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than twenty (20) years. A third or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than ten (10) years nor more than life.

4. Any person convicted of violating the provisions of paragraph 1 of this subsection with respect to manufacturing a controlled substance is guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years and a fine of not more than Twenty-five Thousand Dollars ($25,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

5. A second conviction for the violation of the provisions of paragraph 1 of this subsection with respect to manufacturing a controlled substance is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than twenty (20) years. A third or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than ten (10) years nor more than life.

D. Convictions for violations of the provisions of this section shall be subject to the statutory provisions for suspended or deferred sentences, or probation as provided in Section 991a of Title 22 of the Oklahoma Statutes.

E. Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age, or in the presence of a person under twelve (12) years of age, is punishable by:

1. For a first violation of this section, a term of imprisonment in the custody of the Department of Corrections not less than two (2) years nor more than ten (10) years;

2. For a second violation of this section, a term of imprisonment in the custody of the Department of Corrections for not less than four (4) years nor more than twenty (20) years; or

3. For a third or subsequent violation of this section, a term of imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than life.

F. Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a person, or violation of subsection G of this section, in or on, or within two thousand (2,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, public housing project, or child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes, shall be punished by:

1. For a first offense, a term of imprisonment in the custody of the Department of Corrections, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section; or

2. For a second or subsequent violation of this section, a term of imprisonment in the custody of the Department of Corrections, or

by the imposition of a fine or by both, not exceeding thrice that authorized by the appropriate provision of this section. Convictions for second and subsequent violations of the provisions of this section shall not be subject to statutory provisions of suspended sentences, deferred sentences or probation.

G. 1. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance or possess any substance listed in Section 2-322 of this title or any substance containing any detectable amount of pseudoephedrine or its salts, optical isomers or salts of optical isomers, iodine or its salts, optical isomers or salts of optical isomers, hydriodic acid, sodium metal, lithium metal, anhydrous ammonia, phosphorus, or organic solvents with the intent to use that substance to manufacture a controlled dangerous substance.

2. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, or possessing any substance listed in this subsection or Section 2-322 of this title, upon conviction, is guilty of a felony and shall be punished by imprisonment for not less than seven (7) years nor more than life and by a fine of not less than Fifty Thousand Dollars ($50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. The possession of any amount of anhydrous ammonia in an unauthorized container shall be prima facie evidence of intent to use such substance to manufacture a controlled dangerous substance.

3. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance in the following amounts:

a. one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin,

b. five (5) kilograms or more of a mixture or substance containing a detectable amount of:

(1) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed,

(2) cocaine, its salts, optical and geometric isomers, and salts of isomers,

(3) ecgonine, its derivatives, their salts, isomers, and salts of isomers, or

(4) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in divisions (1) through (3) of this subparagraph,

c. fifty (50) grams or more of a mixture or substance described in division (2) of subparagraph b of this paragraph which contains cocaine base,
d. one hundred (100) grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP),
e. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD),
f. four hundred (400) grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-pheylethy)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide,
g. one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of marihuana or one thousand (1000) or more marihuana plants regardless of weight, or
h. fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers,

upon conviction, is guilty of aggravated manufacturing a controlled dangerous substance punishable by imprisonment for not less than twenty (20) years nor more than life and by a fine of not less than Fifty Thousand Dollars ($50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any person convicted of a violation of the provisions of this paragraph shall be required to serve a minimum of eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional earned credits towards the completion of the sentence or eligible for parole.

4. Any sentence to the custody of the Department of Corrections for any violation of paragraph 3 of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation. A person convicted of a second or subsequent violation of the provisions of paragraph 3 of this subsection shall be punished as a habitual offender pursuant to Section 51.1 of Title 21 of the Oklahoma Statutes and shall be required to serve a minimum of eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional earned credits or eligibility for parole.

5. Any person who has been convicted of manufacturing or attempting to manufacture methamphetamine pursuant to the provisions of this subsection and who, after such conviction, purchases or

attempts to purchase, receive or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term in the range of twice the minimum term provided for in paragraph 2 of this subsection.

H. Any person convicted of any offense described in the Uniform Controlled Dangerous Substances Act may, in addition to the fine imposed, be assessed an amount not to exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances created pursuant to Section 2-506 of this title.

I. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

J. For purposes of this section, "public housing project" means any dwelling or accommodations operated as a state or federally subsidized multifamily housing project by any housing authority, nonprofit corporation or municipal developer or housing projects created pursuant to the Oklahoma Housing Authorities Act.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of this title, upon collection.

L. Any person convicted of a second or subsequent felony violation of the provisions of this section, except for paragraphs 1 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of subsection C of this section, paragraphs 1, 2, and 3 of subsection E of this section and paragraphs 1 and 2 of subsection F of this section, shall be punished as a habitual offender pursuant to Section 51.1 of Title 21 of the Oklahoma Statutes.

Added by Laws 1971, c. 119, § 2-401. Amended by Laws 1975, c. 22, § 1; Laws 1981, c. 229, § 1, emerg. eff. June 22, 1981; Laws 1982, c. 12, § 3, operative Oct. 1, 1982; Laws 1984, c. 127, § 5, eff. Nov. 1, 1984; Laws 1984, c. 196, § 1, eff. Nov. 1, 1984; Laws 1985, c. 186, § 2, eff. July 1, 1985; Laws 1986, c. 199, § 1, eff. Nov. 1, 1986; Laws 1986, c. 240, § 10, eff. Nov. 1, 1986; Laws 1989, c. 114, § 1, eff. Nov. 1, 1989; Laws 1989, c. 237, § 2, eff. Nov. 1, 1989; Laws 1990, c. 232, § 6, emerg. eff. May 18, 1990; Laws 1991, c. 179, § 2, eff. Sept. 1, 1991; Laws 1992, c. 86, § 1, eff. Sept. 1, 1992; Laws 1994, c. 307, § 2, emerg. eff. June 7, 1994; Laws 1997, c. 133, § 529, eff. July 1, 1999; Laws 1999, c. 152, § 1, eff. Nov. 1, 1999; Laws 1999, c. 319, § 1, eff. July 1, 1999; Laws 2000, c. 265, § 1, emerg. eff. June 1, 2000; Laws 2001, c. 437, § 31, eff. July 1, 2001; Laws 2002,

c. 22, § 23, emerg. eff. March 8, 2002; Laws 2003, c. 133, § 5, emerg. eff. April 25, 2003; Laws 2003, c. 437, § 2, eff. July 1, 2003; Laws 2004, c. 59, § 5, emerg. eff. April 6, 2004; Laws 2004, c. 275, § 14, eff. July 1, 2004; Laws 2004, c. 396, § 2, eff. Sept. 1, 2004; Laws 2005, c. 283, § 4, eff. Nov. 1, 2005; Laws 2012, c. 206, § 4, eff. July 1, 2012; Laws 2018, c. 130, § 1, eff. Nov. 1, 2018.
NOTE: Laws 1997, c. 59, § 1 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2001, c. 373, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2004, c. 116, § 2 repealed by Laws 2004, c. 396, § 11, eff. Sept. 1, 2004.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 529 from July 1, 1998 to July 1, 1999. Laws 2004, c. 530, § 2 amended the effective date of Laws 2004, c. 396 from Nov. 1, 2004 to Sept. 1, 2004.

§63-2-401A. Repealed by Laws 1992, c. 86, § 3, eff. Sept. 1, 1992.

§63-2-402. See the following versions:
OS 63-2-402v1 (HB 2479, Laws 2016, c. 220, § 1).
OS 63-2-402v2 (State Question No. 780, Initiative Petition No. 404, § 3).

§63-2-402v1. Prohibited acts B - Penalties.
A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.
2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.
3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:
a. the packaging of the product,
b. the name of the product, and

c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marijuana or a substance included in subsection D of Section 2-206 of this title, is guilty of a felony punishable by imprisonment for not more than five (5) years and by a fine not exceeding Five Thousand Dollars ($5,000.00). A second violation of this section with respect to a Schedule I or II substance, except marijuana or a substance included in subsection D of Section 2-206 of this title, is a felony punishable by imprisonment for not more than ten (10) years and by a fine not exceeding Ten Thousand Dollars ($10,000.00). A third or subsequent violation of this section with respect to a Schedule I or II substance, except marijuana or a substance included in subsection D of Section 2-206 of this title, is a felony punishable by imprisonment for not less than four (4) years nor more than fifteen (15) years and by a fine not exceeding Ten Thousand Dollars ($10,000.00);

2. Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00);

3. Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act and who, during the period of any court-imposed probationary term or within ten (10) years of the date following the completion of the execution of any sentence or deferred judgment for a violation of this section, commits a second or subsequent violation of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years and by a fine not exceeding Five Thousand Dollars ($5,000.00); or

4. Any Schedule III, IV or V substance, marijuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act and who, ten (10) or more years following the date of completion of the execution of any sentence or deferred judgment for a violation of this section, commits a second or subsequent violation of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more

than five (5) years and by a fine not exceeding Five Thousand Dollars ($5,000.00).

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be guilty of a felony and punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine, or by both, not exceeding twice that authorized by the appropriate provision of this section. In addition, the person shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and the person shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence, and imposition of a fine not exceeding Ten Thousand Dollars ($10,000.00).

D. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

Added by Laws 1971, c. 119, § 2-402. Amended by Laws 1972, c. 229, § 5, emerg. eff. April 7, 1972; Laws 1981, c. 34, § 1, eff. Oct. 1, 1981; Laws 1984, c. 127, § 6, eff. Nov. 1, 1984; Laws 1987, c. 138, § 7, emerg. eff. June 19, 1987; Laws 1992, c. 86, § 2, eff. Sept. 1, 1992; Laws 1993, c. 311, § 1, emerg. eff. June 7, 1993; Laws 1995, c. 147, § 3, eff. Nov. 1, 1995; Laws 1997, c. 133, § 530, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 382, eff. July 1, 1999; Laws 2004, c. 396, § 3, eff. Sept. 1, 2004; Laws 2009, c. 306, § 1, eff. Nov. 1, 2009; Laws 2012, c. 228, § 10, eff. Nov. 1, 2012; Laws 2016, c. 220, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 530 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2004, c. 530, § 3 amended the effective date of Laws 2004, c. 396, § 3 from Nov. 1, 2004, to Sept. 1, 2004.

§63-2-402v2. Prohibited acts B - Penalties.

A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such

substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

a. the packaging of the product,
b. the name of the product, and
c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00).

C. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

Added by Laws 1971, c. 119, § 2-402. Amended by Laws 1972, c. 229, § 5, emerg. eff. April 7, 1972; Laws 1981, c. 34, § 1, eff. Oct. 1, 1981; Laws 1984, c. 127, § 6, eff. Nov. 1, 1984; Laws 1987, c. 138, § 7, emerg. eff. June 19, 1987; Laws 1992, c. 86, § 2, eff. Sept. 1, 1992; Laws 1993, c. 311, § 1, emerg. eff. June 7, 1993; Laws 1995, c. 147, § 3, eff. Nov. 1, 1995; Laws 1997, c. 133, § 530, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 382, eff. July 1, 1999; Laws 2004, c. 396, § 3, eff. Sept. 1, 2004; Laws 2009, c. 306, § 1, eff. Nov. 1, 2009; Laws 2012, c. 228, § 10, eff. Nov. 1, 2012; State Question No. 780, Initiative Petition No. 404, § 3, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 530 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2004, c. 530, § 3 amended the effective date of Laws 2004, c. 396, § 3 from Nov. 1, 2004, to Sept. 1, 2004.

§63-2-403. Prohibited acts C - Penalties.

A. Any person found guilty of larceny, burglary or theft of controlled dangerous substances is guilty of a felony punishable by imprisonment for a period not to exceed ten (10) years. A second or subsequent offense under this subsection is a felony punishable by imprisonment for not less than ten (10) years. Convictions for second or subsequent violations of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation.

B. Any person found guilty of robbery or attempted robbery of controlled dangerous substances from a practitioner, manufacturer, distributor or agent thereof as defined in Section 2-101 of this title is guilty of a felony punishable by imprisonment for a period of not less than five (5) years, and such sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation. A second or subsequent offense under this subsection is a felony punishable by life imprisonment. Convictions for second or subsequent offenses of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation.

Added by Laws 1971, c. 119, § 2-403. Amended by Laws 1983, c. 82, § 1, emerg. eff. May 3, 1983.

§63-2-404. Prohibited acts D - Penalties.

A. It shall be unlawful for any person:

1. Who is subject to the requirements of Article III of this act to distribute or dispense a controlled dangerous substance in violation of Section 2-308 of this title;

2. Who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;

3. To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this act;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act;

5. To refuse any entry into any premises or inspection authorized by this act; or

6. To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

B. Any person who violates this section is punishable by a civil fine of not more than One Thousand Dollars ($1,000.00); provided, that, if the violation is prosecuted by an information or indictment

which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a felony punishable by imprisonment for not more than five (5) years, and a fine of not more than Ten Thousand Dollars ($10,000.00), except that if such person is a corporation it shall be subject to a civil penalty of not more than One Hundred Thousand Dollars ($100,000.00). The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

D. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

Added by Laws 1971, c. 119, § 2-404. Amended by Laws 1997, c. 133, § 531, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 383, eff. July 1, 1999; Laws 2004, c. 396, § 4, eff. Nov. 1, 2004.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 531 from July 1, 1998 to July 1, 1999.

§63-2-405. Prohibited acts E - Penalties.

A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

B. No person shall use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, sell, possess or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a

controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

D. Any person eighteen (18) years of age or over who violates subsection C of this section by delivering or selling drug paraphernalia to a person under eighteen (18) years of age shall, upon conviction, be guilty of a felony.

E. Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable as follows:

1. For a first offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment;

2. For a second offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment; and

3. For a third or subsequent offense the person shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both such fine and imprisonment.

F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

Added by Laws 1971, c. 119, § 2-405. Amended by Laws 1981, c. 62, § 3, emerg. eff. April 13, 1981; Laws 1982, c. 12, § 4, operative Oct. 1, 1982; Laws 1997, c. 133, § 532, eff. July 1, 1999; Laws 2004, c. 301, § 3, eff. Nov. 1, 2004; Laws 2004, c. 396, § 5, eff. Nov. 1, 2004.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 532 from July 1, 1998 to July 1, 1999.

§63-2-406. Prohibited acts F - Penalties.

A. It shall be unlawful for any registrant knowingly or intentionally:

1. To distribute, other than by dispensing or as otherwise authorized by this act, a controlled dangerous substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by Section 2-308 of this title;

2. To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

3. To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge;

4. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; and

5. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

B. Any person who violates this section is guilty of a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

D. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

Added by Laws 1971, c. 119, § 2-406. Amended by Laws 1997, c. 133, § 533, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 384, eff. July 1, 1999; Laws 2004, c. 396, § 6, eff. Nov. 1, 2004.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 533 from July 1, 1998 to July 1, 1999.

§63-2-407. Prohibited acts G - Penalties.

A. No person shall obtain or attempt to obtain any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in a manner inconsistent with the provisions of paragraph 1 of subsection B of Section 2-313 of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:

1. By fraud, deceit, misrepresentation, or subterfuge;

2. By the forgery of, alteration of, adding any information to or changing any information on a prescription or of any written order;

3. By the concealment of a material fact;

4. By the use of a false name or the giving of a false address; or

5. By knowingly failing to disclose the receipt of a controlled dangerous substance or a prescription for a controlled dangerous substance of the same or similar therapeutic use from another practitioner within the previous thirty (30) days.

B. Except as authorized by this act, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver or possess a prescription form, an original prescription form, or a counterfeit prescription form. This shall not apply to the legitimate manufacture or delivery of prescription forms, or a person acting as an authorized agent of the practitioner.

C. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

D. Any person who violates this section is guilty of a felony punishable by imprisonment for not more than ten (10) years, by a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. A second or subsequent offense under this section is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years, by a fine of not more than Twenty Thousand Dollars ($20,000.00), or by both such fine and imprisonment.

E. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

Added by Laws 1971, c. 119, § 2-407. Amended by Laws 1987, c. 138, § 8, emerg. eff. June 19, 1987; Laws 1996, c. 306, § 9, emerg. eff. June 10, 1996; Laws 1997, c. 133, § 534, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 385, eff. July 1, 1999; Laws 2004, c. 396, § 7, eff. Sept. 1, 2004; Laws 2015, c. 305, § 7.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 534 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2004, c. 530, § 3 amended the effective date of Laws 2004, c. 396, § 7 from Nov. 1, 2004, to Sept. 1, 2004.

§63-2-407.1. Certain substances causing intoxication, distortion or disturbances of auditory, visual, muscular or mental processes prohibited - Exemptions - Penalties.

A. For the purpose of inducing intoxication or distortion or disturbance of the auditory, visual, muscular, or mental process, no

person shall ingest, use, or possess any compound, liquid, or chemical which contains ethylchloride, butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or any of their esters, isomers, or analogues, or any other similar compound.

B. No person shall possess, buy, sell, or otherwise transfer any substance specified in subsection A of this section for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate the provisions of this section.

C. The provisions of subsections A and B of this section shall not apply to:

1. The possession and use of a substance specified in subsection A of this section which is used as part of the care or treatment by a licensed physician of a disease, condition or injury or pursuant to a prescription of a licensed physician; and

2. The possession of a substance specified in subsection A of this section which is used as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the State Department of Health.

D. The State Board of Health shall promulgate rules and regulations establishing procedures for the application, form and issuance of a permit to legitimate manufacturing and industrial applicants as provided for in subsection C of this section.

E. Any person convicted of violating any provision of subsection A or B of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine. Each violation shall be considered a separate offense.

F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of this title.

Added by Laws 1990, c. 79, § 1, operative July 1, 1990. Amended by Laws 1991, c. 306, § 5, emerg. eff. June 4, 1991; Laws 2004, c. 396, § 8, eff. Nov. 1, 2004.

§63-2-408. Offering, soliciting, attempting, endeavoring or conspiring to commit offense - Penalties.

Any person who offers, solicits, attempts, endeavors, or conspires to commit anyoffense defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title shall be subject to the penalty prescribed for the offense, the commission

of which was the object of the offer, solicitation, attempt, endeavor or conspiracy.
Laws 1971, c. 119, § 2-408.

§63-2-409. Additional penalties.

Any penalty imposed for violation of this article shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.
Laws 1971, c. 119, § 2-409.

§63-2-410. Conditional release for first offense - Effect of expungement - Persons not covered by section.

A. Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty or nolo contendere to or is found guilty of a violation of the Uniform Controlled Dangerous Substances Act, the court may, unless otherwise prohibited by law, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require including the requirement that such person cooperate in a treatment and rehabilitation program of a state-supported or state-approved facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person.

B. Any expunged arrest or conviction shall not thereafter be regarded as an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire or any other public or private purpose; provided, that, any plea of guilty or nolo contendere or finding of guilt to a violation of the Uniform Controlled Dangerous Substances Act shall constitute a conviction of the offense for the purpose of the Uniform Controlled Dangerous Substances Act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony. Records expunged pursuant to this section shall be sealed to the public but not to law enforcement agencies for law enforcement purposes.

Records expunged pursuant to this section shall be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of such records.

C. The provisions of this section shall not apply to any person who pleads guilty or nolo contendere to or is found guilty of a violation of the Trafficking in Illegal Drugs Act or the Drug Money Laundering and Wire Transmitter Act.

Added by Laws 1971, c. 119, § 2-410. Amended by Laws 2008, c. 308, § 1, emerg. eff. June 2, 2008; Laws 2009, c. 306, § 2, eff. Nov. 1, 2009; Laws 2010, c. 2, § 50, emerg. eff. March 3, 2010; Laws 2014, c. 219, § 2, eff. Nov. 1, 2014.

NOTE: Laws 2009, c. 442, § 6 repealed by Laws 2010, c. 2, § 51, emerg. eff. March 3, 2010.

§63-2-411. General penalty clause.

Any person who violates any provision of this act not subject to a specific penalty provision is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 1971, c. 119, § 2-411. Amended by Laws 2009, c. 442, § 7, eff. July 1, 2009.

§63-2-412. Second or subsequent offenses.

An offense shall be considered a second or subsequent offense under this act, if, prior to his conviction of the offense, the offender has at any time been convicted of an offense or offenses under this act, under any statute of the United States, or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs, as defined by this act.

Added by Laws 1971, c. 119, § 2-412.

§63-2-413. Bar to prosecution.

If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

Added by Laws 1971, c. 119, § 2-413.

§63-2-413.1. Emergency medical assistance – Immunity from prosecution.

A. A peace officer shall not take a person into custody based solely on the commission of an offense involving a controlled dangerous substance described in subsection B of this section if the peace officer, after making a reasonable determination and

considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

1. The peace officer has contact with the person because the person requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to the use of a controlled dangerous substance; and

2. The person:

a. provided his or her full name and any other relevant information requested by the peace officer,

b. remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to the use of a controlled dangerous substance until emergency medical assistance arrived, and

c. cooperated with emergency medical assistance personnel and peace officers at the scene.

B. A person who meets the criteria of subsection A of this section is immune from criminal prosecution for possession of a Schedule I or Schedule II controlled dangerous substance, as listed in Sections 2-204 and 2-206 of Title 63 of the Oklahoma Statutes, provided the amount of such controlled dangerous substance does not constitute trafficking, as provided in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes, and for possession of drug paraphernalia associated with a controlled dangerous substance, as defined in paragraph 36 of Section 2-101 of Title 63 of the Oklahoma Statutes. Further, a person is only immune from prosecution for the aforementioned offenses if the offense involved a state of intoxication caused by the use of a controlled dangerous substance by a person or if the offense involved the person being or becoming intoxicated as a result of the use of a controlled dangerous substance by a person.

C. A person may not initiate or maintain an action against a peace officer or the employing political subdivision of the peace officer based on the compliance or failure of the peace officer to comply with the provisions of this section.

D. For the purposes of this section, "peace officer" shall have the same meaning as defined in Section 99 of Title 21 of the Oklahoma Statutes.

Added by Laws 2018, c. 240, § 1, eff. Nov. 1, 2018.

§63-2-414. Short title.

Sections 2-414 through 2-420 of this title shall be known and may be cited as the "Trafficking in Illegal Drugs Act".

Added by Laws 1987, c. 136, § 1, eff. Nov. 1, 1987. Amended by Laws 2007, c. 199, § 4, eff. Nov. 1, 2007.

§63-2-415. Application - Fines and penalties.

A. The provisions of the Trafficking in Illegal Drugs Act shall apply to persons convicted of violations with respect to the following substances:

1. Marihuana;
2. Cocaine or coca leaves;
3. Heroin;
4. Amphetamine or methamphetamine;
5. Lysergic acid diethylamide (LSD);
6. Phencyclidine (PCP);
7. Cocaine base, commonly known as "crack" or "rock";
8. 3,4-Methylenedioxy methamphetamine, commonly known as "ecstasy" or MDMA;
9. Morphine;
10. Oxycodone;
11. Hydrocodone;
12. Benzodiazepine; or
13. Fentanyl and its analogs and derivatives.

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this state or possess a controlled substance specified in subsection A of this section in the quantities specified in subsection C of this section;
2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection A of this section in quantities specified in subsection C of this section; or
3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection A of this section in quantities specified in subsection C of this section.

Violation of this section shall be known as "trafficking in illegal drugs". Separate types of controlled substances described in subsection A of this section when possessed at the same time in violation of any provision of this section shall constitute a separate offense for each substance.

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection C of this section shall be punished under the provisions appropriate for the amount of controlled substance represented, regardless of the actual amount.

C. In the case of a violation of the provisions of subsection B of this section, involving:

1. Marihuana:
    a. twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana shall be deemed aggravated trafficking punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

2. Cocaine, coca leaves or cocaine base:
   a. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine, coca leaves or cocaine base shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00),
   b. three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine, coca leaves or cocaine base shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00), or
   c. four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of cocaine, coca leaves or cocaine base shall be deemed aggravated trafficking punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

3. Heroin:
   a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or
   b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

4. Amphetamine or methamphetamine:
   a. twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Two Hundred Thousand Dollars ($200,000.00),
   b. two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not

more than Five Hundred Thousand Dollars ($500,000.00), or

c. four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine shall be deemed aggravated trafficking punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

5. Lysergic acid diethylamide (LSD):

a. one (1) gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD) shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD) shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

6. Phencyclidine (PCP):

a. twenty (20) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP) shall be punishable by a fine of not less than Twenty Thousand Dollars ($20,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. one hundred fifty (150) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP) shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

7. Methylenedioxy methamphetamine:

a. thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one hundred (100) tablets or thirty (30) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine shall be aggravated trafficking punishable by a term of imprisonment in the custody of the Department of Corrections of not less

than two (2) years nor more than life by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

8. Morphine: One thousand (1,000) grams or more of a mixture containing a detectable amount of morphine shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

9. Oxycodone: Four hundred (400) grams or more of a mixture containing a detectable amount of oxycodone shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

10. Hydrocodone: Three thousand seven hundred and fifty (3,750) grams or more of a mixture containing a detectable amount of hydrocodone shall be trafficking punishable by a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

11. Benzodiazepine: Five hundred (500) grams or more of a mixture containing a detectable amount of benzodiazepine shall be trafficking punishable by a term of imprisonment not to exceed twenty (20) years and by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00); and

12. Fentanyl and its analogs and derivatives: One (1) gram or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00).

D. Any person who violates the provisions of this section with respect to a marihuana, cocaine, coca leaves, cocaine base, heroin, amphetamine or methamphetamine in a quantity specified in paragraphs 1, 2, 3 and 4 of subsection C of this section shall, in addition to any fines specified by this section, be punishable by a term of imprisonment as follows:

1. For trafficking, a first violation of this section, a term of imprisonment in the custody of the Department of Corrections not to exceed twenty (20) years;

2. For trafficking, a second violation of this section, a term of imprisonment in the Department of Corrections of not less than four (4) years nor more than life, for which the person shall serve

fifty percent (50%) of the sentence before being eligible for parole consideration;

3. For trafficking, a third or subsequent violation of this section, a term of imprisonment in the custody of the Department of Corrections of not less than twenty (20) years nor more than life, of which the person shall serve fifty percent (50%) of the sentence before being eligible for parole consideration.

Persons convicted of trafficking shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of sentence to less than fifty percent (50%) of the sentence imposed; and

If the person is convicted of aggravated trafficking as provided in subparagraph b of paragraph 1 of subsection C of this section, subparagraph c of paragraph 2 of subsection C of this section or subparagraph c of paragraph 4 of subsection C of this section, a sentence of imprisonment in the custody of the Department of Corrections as provided in paragraphs 1, 2 and 3 of subsection D of this section, of which the person shall serve eighty-five percent (85%) of such sentence before being eligible for parole consideration.

E. The penalties specified in subsections C and D of this section are subject to the enhancements enumerated in subsections E and F of Section 2-401 of this title.

F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title and the assessment pursuant to Section 2-503.2 of this title.

Added by Laws 1987, c. 136, § 2, eff. Nov. 1, 1987. Amended by Laws 1989, c. 114, § 2, eff. Nov. 1, 1989; Laws 1989, c. 237, § 3, eff. Nov. 1, 1989; Laws 1990, c. 232, § 7, emerg. eff. May 18, 1990; Laws 1993, c. 21, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 535, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 386, eff. July 1, 1999; Laws 2002, c. 135, § 1, emerg. eff. April 24, 2002; Laws 2004, c. 396, § 9, eff. Sept. 1, 2004; Laws 2007, c. 199, § 5, eff. Nov. 1, 2007; Laws 2011, c. 239, § 8, eff. Nov. 1, 2011; Laws 2014, c. 348, § 1, eff. Nov. 1, 2014; Laws 2015, c. 258, § 1, eff. Nov. 1, 2015; Laws 2018, c. 130, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 40, emerg. eff. April 4, 2019.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 535 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2004, c. 530, § 2 amended the effective date of Laws 2004, c. 396, § 9 from Nov. 1, 2004, to Sept. 1, 2004.

NOTE: Laws 2018, c. 7, § 1 repealed by Laws 2019, c. 25, § 41, emerg. eff. April 4, 2019.

§63-2-416. Apportionment of fines.

The fines specified in Section 2 of this act shall be apportioned as follows:

1. Twenty-five percent (25%) shall be distributed to the revolving fund established pursuant to the provisions of Section 2-506 of Title 63 of the Oklahoma Statutes to be used for enforcement of the Uniform Controlled Dangerous Substances Act; and

2. Twenty-five percent (25%) shall be distributed to the municipality, county, or state agency or agencies which conducted the investigation. The amount distributed to a municipality or county shall be placed in a revolving fund to be used for law enforcement purposes. This fund shall be limited to Two Hundred Thousand Dollars ($200,000.00) at any one time in municipalities and counties with population in excess of three hundred thousand (300,000) and Fifty Thousand Dollars ($50,000.00) at any one time in municipalities and counties with population less than three hundred thousand (300,000). This fund shall be audited by the State Auditor and Inspector at least every two (2) years in the manner provided in Section 171 of Title 19 of the Oklahoma Statutes. Said audit shall include, but not be limited to, a compliance audit. Any amount in excess of these figures distributed to a municipality or county shall be placed in the general fund of the municipality or county. The amount distributed to a state agency shall be placed in the applicable revolving fund or special agency account of said agency to be used for law enforcement purposes. If more than one law enforcement agency participates in the investigation, the amount to be distributed shall be divided among the agencies in proportion to the amount of work performed by each agency involved in the investigation, as determined by the district court; and

3. Twenty-five percent (25%) shall be distributed to the Drug Abuse Education Revolving Fund to be used for drug abuse education programs within the State Department of Education; and

4. Twenty-five percent (25%) shall be distributed to the court fund.

Added by Laws 1987, c. 136, § 3, eff. Nov. 1, 1987.

§63-2-417. Drug Abuse Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Drug Abuse Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of fines collected pursuant to the Trafficking in Illegal Drugs Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Board of Education for drug abuse education programs. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed

as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1987, c. 136, § 4, eff. Nov. 1, 1987. Amended by Laws 2012, c. 304, § 499.

§63-2-418. Repealed by Laws 1992, c. 86, § 3, eff. Sept. 1, 1992.

§63-2-419. Repealed by Laws 1997, c. 133, § 610, eff. July 1, 1998.

§63-2-419.1. Use of minors in transportation, sale, etc. of controlled dangerous substances.

A. It shall be unlawful for any individual eighteen (18) years of age or older to solicit, employ, hire, or use an individual under eighteen (18) years of age to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance.

B. A person who violates subsection A of this section shall be guilty of a felony and, upon conviction, shall be punishable by a term of imprisonment, or fine, or both, not exceeding twice that authorized by Section 2-401 of Title 63 of the Oklahoma Statutes.

C. A person who violates subsection A of this section after a previous conviction pursuant to that subsection which has become final, shall be punishable by a term of imprisonment not exceeding three times that authorized by Section 2-401 of Title 63 of the Oklahoma Statutes.

D. A person who violates subsection A of this section by employing, hiring, or using an individual under fifteen (15) years of age, may be imprisoned for not more than twenty-five (25) years, fined not more than One Hundred Thousand Dollars ($100,000.00), or both, in addition to any other punishment authorized by this section.

E. It shall not be a defense to this section that a person did not know the age of an individual.
Added by Laws 1999, 1st Ex.Sess., c. 5, § 451, eff. July 1, 1999.

§63-2-420. GPS monitoring of persons charged with aggravated trafficking - Statistical records.

A. Any person charged with aggravated trafficking pursuant to Section 2-415 of this title shall not be subject to pretrial release as specified in Section 1105.3 of Title 22 of the Oklahoma Statutes and shall not be released on bail without a Global Positioning System (GPS) monitoring device attached to the person and cost thereof paid by such person at his or her own expense until after the conclusion of the criminal case. The Department of Corrections shall monitor such GPS monitoring device and the person until the conclusion of the case, and the person shall pay a supervision fee as provided for other persons subject to supervision by the Department. At the conclusion of the case, the court shall order the removal of the GPS

monitoring device if the person is acquitted or is to be incarcerated or the case is dismissed.

B. The Department of Corrections shall maintain statistical records on any aggravated trafficking offense, including a calculation of the time period from arrest to disposition, and if the person is convicted, the term of sentence, length of sentence actually served in incarceration, amount of the fine imposed, whether any enhancements or co-occurring offenses were involved, whether the person is determined upon reception into the custody of the Department to be an addicted person, and whether the person has prior convictions by stating the prior offenses.

Added by Laws 1989, c. 361, § 1, emerg. eff. June 2, 1989. Amended by Laws 2007, c. 199, § 6, eff. Nov. 1, 2007.

§63-2-421. Short title.

This act shall be known and may be cited as the "Drug Dealer Liability Act".

Added by Laws 1994, c. 179, § 1, eff. Sept. 1, 1994.

§63-2-422. Definitions.

As used in the Drug Dealer Liability Act:

1. "Illegal drug" means a drug whose distribution is a violation of state law;

2. "Illegal drug market" means the support system of illegal drug-related operations, from production to retail sales, through which an illegal drug reaches the user;

3. "Illegal drug market target community" is the area described under Section 7 of this act;

4. "Individual drug user" means the individual whose illegal drug use is the basis of an action brought under this act;

5. "Level one offense" means possession of one quarter (1/4) ounce or more, but less than four (4) ounces, or distribution of less than one (1) ounce of a specified illegal drug, or possession of one (1) pound or twenty-five plants or more, but less than four (4) pounds or fifty plants, or distribution of less than one (1) pound of marijuana;

6. "Level two offense" means possession of four (4) ounces or more, but less than eight (8) ounces, or distribution of one (1) ounce or more, but less than two (2) ounces, of a specified illegal drug, or possession of four (4) pounds or more or fifty plants or more, but less than eight (8) pounds or seventy-five plants, or distribution of more than one (1) pound but less than ten (10) pounds of marijuana;

7. "Level three offense" means possession of eight (8) ounces or more, but less than sixteen (16) ounces, or distribution of two (2) ounces or more, but less than four (4) ounces, of a specified illegal drug or possession of eight (8) pounds or more or seventy-five plants

or more, but less than sixteen (16) pounds or one hundred plants, or distribution of more than five (5) pounds but less than ten (10) pounds of marijuana;

8. "Level four offense" means possession of sixteen (16) ounces or more or distribution of four (4) ounces or more of a specified illegal drug or possession of sixteen (16) pounds or more or one hundred plants or more or distribution of ten (10) pounds or more of marijuana;

9. "Participate in the illegal drug market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of an illegal drug. "Participate in the illegal drug market" does not include the purchase or receipt of an illegal drug for personal use only;

10. "Person" means an individual, a governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association, existing under or authorized by the laws of this state, another state, or a foreign country;

11. "Period of illegal drug use" means, in relation to the individual drug user, the time of first use by an individual of an illegal drug to the accrual of the cause of action. The period of illegal drug use is presumed to commence two (2) years before the cause of action accrues unless the defendant proves otherwise by clear and convincing evidence;

12. "Place of illegal drug activity" means, in relation to the individual drug user, each county in which the individual possesses or uses an illegal drug or in which the individual resides, attends school, or is employed during the period of the illegal drug use of the individual, unless the defendant proves otherwise by clear and convincing evidence;

13. "Place of participation" means, in relation to a defendant in an action brought under the Drug Dealer Liability Act, each county in which the person participates in the illegal drug market or in which the person resides, attends school, or is employed during the period of the participation in the illegal drug market by the person; and

14. "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other drug the distribution of which is a violation of state law.

Added by Laws 1994, c. 179, § 2, eff. Sept. 1, 1994.

§63-2-423. Liability for civil damages.

A. A person who knowingly participates in the illegal drug market within this state is liable for civil damages as provided in the Drug Dealer Liability Act. A person may recover damages under

this act for injury resulting from use of an illegal drug by that person.

B. A law enforcement officer or agency, the state, or a person acting at the direction of a law enforcement officer or agency of the state is not liable for participating in the illegal drug market, if the participation is in furtherance of an official investigation. Added by Laws 1994, c. 179, § 3, eff. Sept. 1, 1994.

§63-2-424. Persons who may bring action - Persons liable - Damages recoverable.

A. One or more of the following persons may bring an action for damages caused by use of an illegal drug by an individual:

1. A parent, legal guardian, child, spouse, or sibling of the individual drug user;

2. An individual who was exposed to an illegal drug in utero;

3. An employer of the individual drug user; and

4. A medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise expended money on behalf of the individual drug user.

B. A person entitled to bring an action under this section may seek damages from one or more of the following:

1. A person who knowingly distributed, or knowingly participated in the chain of distribution of, an illegal drug that was actually used by the individual drug user;

2. A person who knowingly participated in the illegal drug market if:

a. the place of the illegal drug activity by the individual drug user is within the illegal drug market target community of the defendant,

b. the participation of the defendant in the illegal drug market was connected with the same type of illegal drug used by the individual user, and

c. the defendant participated in the illegal drug market at any time during the illegal drug use of the individual user.

C. A person entitled to bring an action under this section may recover all of the following damages:

1. Economic damages including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug use;

2. Noneconomic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of

companionship, services and consortium, and other nonpecuniary losses proximately caused by an individual's use of an illegal drug;

3. Exemplary damages;

4. Reasonable attorney fees; and

5. Cost of suit, including but not limited to, reasonable expenses for expert testimony.

Added by Laws 1994, c. 179, § 4, eff. Sept. 1, 1994.

§63-2-425. Individual drug users who may bring action - Persons liable for damages - Damages recoverable.

A. An individual drug user shall not bring an action for damages caused by the use of an illegal drug, except as otherwise provided in this subsection. An individual drug user may bring an action for damages caused by the use of an illegal drug only if all of the following conditions are met:

1. The individual personally discloses to narcotics enforcement authorities, more than six (6) months before filing the action, all the information known to the individual regarding their source of illegal drugs;

2. The individual has not used an illegal drug within the six (6) months before filing the action; and

3. The individual continues to remain free of the use of an illegal drug throughout the pendency of the action.

B. A person entitled to bring an action under this section may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.

C. A person entitled to bring an action under this section may recover only the following damages:

1. Economic damages, including but not limited to the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and other pecuniary loss proximately caused by the person's illegal drug use;

2. Reasonable attorney fees; and

3. Costs of suit, including but not limited to reasonable expenses for expert testimony.

Added by Laws 1994, c. 179, § 5, eff. Sept. 1, 1994.

§63-2-426. Third party payment of damages - Defense under contract of insurance - Indemnification - Prohibition.

A third party shall not pay damages awarded under the Drug Dealer Liability Act, or provide a defense or money for a defense, on behalf of an insured under a contract of insurance or indemnification.

Added by Laws 1994, c. 179, § 6, eff. Sept. 1, 1994.

§63-2-427. Drug market target community - Level of offense.

A person whose participation in the illegal drug market constitutes the following level offense shall be considered to have the following illegal drug market target community:

1. For a level one offense, the county in which the place of participation of the defendant is situated;

2. For a level two offense, the target community described in paragraph 1 of this section along with all counties with a border contiguous to that target community;

3. For a level three offense, the target community described in paragraph 2 of this section plus all counties with a border contiguous to that target community; and

4. For a level four offense, the state.

Added by Laws 1994, c. 179, § 7, eff. Sept. 1, 1994.

§63-2-428. Joinder of parties - Judgments.

A. Two or more persons may join in one action under this act as plaintiffs if their respective actions have at least one place of illegal drug activity in common and if any portion of the period of illegal drug use overlaps with the period of illegal drug use for every other plaintiff.

B. Two or more persons may be joined in one action under the Drug Dealer Liability Act as defendants if those persons are liable to at least one plaintiff.

C. A plaintiff need not be interested in obtaining and a defendant need not be interested in defending against all the relief demanded. Judgment may be given for one or more plaintiffs according to their respective liabilities.

Added by Laws 1994, c. 179, § 8, eff. Sept. 1, 1994.

§63-2-429. Comparative responsibility - Burden and standard of proof.

A. An action by an individual drug user is governed by the principles of comparative responsibility. Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.

B. The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.

C. Comparative responsibility shall not be attributed to a plaintiff who is not an individual drug user.

Added by Laws 1994, c. 179, § 9, eff. Sept. 1, 1994.

§63-2-430. Right of contribution - Recovery by plaintiff.

A person subject to liability under this act has a right of action for contribution against another person subject to liability under the Drug Dealer Liability Act. Contribution may be enforced

either in the original action or by a separate action brought for that purpose. A plaintiff may seek recovery in accordance with this act and existing law against a person whom a defendant has asserted a right of contribution.
Added by Laws 1994, c. 179, § 10, eff. Sept. 1, 1994.

§63-2-431. Proof of participation in illegal drug market - Standard of proof - Prima facie evidence of participation.

A. Proof of participation in the illegal drug market in an action brought under the Drug Dealer Liability Act shall be shown by clear and convincing evidence. Except as otherwise provided in this act, other elements of the cause of action shall be shown by a preponderance of the evidence.

B. A person against whom recovery is sought who has a criminal conviction pursuant to state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513, 84 Stat. 1236, codified at 21 U.S.C., Section 801 et seq.) is estopped from denying participation in the illegal drug market. Such a conviction is also prima facie evidence of the participation of the person in the illegal drug market during the two (2) years preceding the date of an act giving rise to a conviction.

C. The absence of criminal drug conviction of a person against whom recovery is sought does not bar an action against that person.
Added by Laws 1994, c. 179, § 11, eff. Sept. 1, 1994.

§63-2-432. Attachments of assets - Execution of judgment - Exempt property - Property seized by forfeiture.

A. A plaintiff under the Drug Dealer Liability Act, subject to subsection C of this section, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award of if the defendant posts a bond sufficient to cover a potential award.

B. A person against whom a judgment has been rendered under the Drug Dealer Liability Act is not eligible to exempt any property, of whatever kind, from process to levy or process to execute on the judgment.

C. Any assets sought to satisfy a judgment under the Drug Dealer Liability Act that are named in a forfeiture section or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.
Added by Laws 1994, c. 179, § 12, eff. Sept. 1, 1994.

§63-2-433. Limitation of action - Accrual of cause of action - Tolling.

A. Except as otherwise provided in this section, a claim under the Drug Dealer Liability Act shall not be brought more than two (2) years after the cause of action accrues. A cause of action accrues under the Drug Dealer Liability Act when a person who may recover has reason to know of the harm from illegal drug use that is the basis for the cause of action and has reason to know that the illegal drug use is the cause of the harm.

B. For a plaintiff, the statute of limitations under this section is tolled when the individual potential plaintiff is incapacitated by the use of an illegal drug to the extent that the individual cannot reasonably be expected to seek recovery under this act or as otherwise provided for by law. For a defendant, the statute of limitations under this section is tolled until six (6) months after the individual potential defendant is convicted of a criminal drug offense as otherwise provided for by law.

C. The statute of limitations under the Drug Dealer Liability Act for a claim based on participation in the illegal drug market that occurred prior to the effective date of the Drug Dealer Liability Act does not begin to run until the effective date of this act.

Added by Laws 1994, c. 179, § 13, eff. Sept. 1, 1994.

§63-2-434. Legal representation of state - Stay of action.

A. A prosecuting attorney may represent the state or a political subdivision of the state in an action under the Drug Dealer Liability Act.

B. On motion by a governmental agency involved in a drug investigation or prosecution, an action brought under this act shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for the stay of the action.

Added by Laws 1994, c. 179, § 14, eff. Sept. 1, 1994.

§63-2-435. Interfamily tort immunity not altered.

The provisions of the Drug Dealer Liability Act are not intended to alter the law regarding interfamily tort immunity.

Added by Laws 1994, c. 179, § 15, eff. Sept. 1, 1994.

§63-2-501. Powers of enforcement personnel.

Any peace officer may:

1. Carry firearms;

2. Execute search warrants, arrest warrants, subpoenas, and summonses issued under the authority of this state;

3. Make an arrest without warrant of any person the officer has probable cause for believing has committed any felony under the

Uniform Controlled Dangerous Substances Act or a violation of Section 2-402 of this title;

4. Make seizures of property pursuant to the provisions of the Uniform Controlled Dangerous Substances Act;

5. Perform such other lawful duties as are required to carry out the provisions of the Uniform Controlled Dangerous Substances Act;

6. Conduct investigations and make an arrest of any person the officer has probable cause to believe is involved in money laundering activities, as otherwise set forth by laws of this state; and

7. Conduct investigations and make an arrest of any person the officer has probable cause to believe is involved in human trafficking activities, as otherwise set forth by laws of this state. Added by Laws 1971, c. 119, § 2-501. Amended by Laws 2004, c. 537, § 1, emerg. eff. June 9, 2004; Laws 2012, c. 186, § 2, eff. Nov. 1, 2012.

§63-2-502. Inspections.

A. Prescriptions, orders, and records, required by this act, and stock of substances specified in this act shall be open for inspection only to specifically designated or assigned state, county, and municipal officers, whose duty it is to enforce the laws of this state relating to controlled dangerous substances. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may designate noncommissioned personnel as compliance inspectors for the purpose of conducting inspections as contemplated herein. No person having knowledge by virtue of his or her office of any such prescription, order or record shall divulge such knowledge, except where such use is appropriate to the proper performance of his or her official duties in the prevention of the misuse and abuse of controlled dangerous substances or in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

B. Any peace officer or agency charged with administration of this act is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

1. For purposes of this act only, "controlled premises" means:

   a. places where persons registered or exempted from registration requirements under this act are required to keep records, and

   b. places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.

2. This section shall not be construed to prevent the inspection of books and records pursuant to the provisions of this act; nor shall this section be construed to prevent entries and administrative inspections at reasonable times without a warrant:

a. with the consent of the owner, operator, or agent in charge of the controlled premises,

b. in situations presenting imminent danger to health or safety,

c. in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant,

d. in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking, and

e. in all other situations where a warrant is not constitutionally required.

3. Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

a. financial data,

b. sales data other than shipment data, or

c. pricing data.

Added by Laws 1971, c. 119, § 2-502. Amended by Laws 2017, c. 390, § 5, emerg. eff. June 6, 2017.

§63-2-503. Property subject to forfeiture.

A. The following shall be subject to forfeiture:

1. All controlled dangerous substances and synthetic controlled substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act;

2. All raw materials, products and equipment of any kind and all drug paraphernalia as defined by the Uniform Controlled Dangerous Substances Act, which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting, injecting, ingesting, inhaling, or otherwise introducing into the human body any controlled dangerous substance or synthetic controlled substance in violation of the provisions of the Uniform Controlled Dangerous Substances Act;

3. All property which is used, or intended for use, as a container for property described in paragraphs 1, 2, 5 and 6 of this subsection;

4. All conveyances, including aircraft, vehicles, vessels, or farm implements which are used to transport, conceal, or cultivate for the purpose of distribution as defined in the Uniform Controlled Dangerous Substances Act, or which are used in any manner to

facilitate the transportation or cultivation for the purpose of sale or receipt of property described in paragraphs 1 or 2 of this subsection or when the property described in paragraphs 1 or 2 of this subsection is unlawfully possessed by an occupant thereof, except that:

a. no conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of the Uniform Controlled Dangerous Substances Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of the Uniform Controlled Dangerous Substances Act, and

b. no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state;

5. All books, records and research, including formulas, microfilm, tapes and data which are used in violation of the Uniform Controlled Dangerous Substances Act;

6. All things of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, all proceeds traceable to such an exchange, and all monies, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the Uniform Controlled Dangerous Substances Act;

7. All monies, coin and currency found in close proximity to any amount of forfeitable substances, to forfeitable drug manufacturing or distribution paraphernalia or to forfeitable records of the importation, manufacture or distribution of substances, which are rebuttably presumed to be forfeitable under the Uniform Controlled Dangerous Substances Act. The burden of proof is upon claimants of the property to rebut this presumption;

8. All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenance or improvement thereto, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of the Uniform Controlled Dangerous Substances Act which is punishable by imprisonment for more than one (1) year, except that no property right, title or interest shall be forfeited pursuant to this paragraph, by reason of any act or omission established by the owner

thereof to have been committed or omitted without the knowledge or consent of that owner; and

9. All weapons possessed, used or available for use in any manner to facilitate a violation of the Uniform Controlled Dangerous Substances Act.

B. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that such property or thing of value was acquired by such person during the period of the violation of the Uniform Controlled Dangerous Substances Act or within a reasonable time after such period and there was no likely source for such property or thing of value other than the violation of the Uniform Controlled Dangerous Substances Act.

C. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that the person has not paid all or part of a fine imposed pursuant to the provisions of Section 2-415 of this title.

D. All items forfeited in this section shall be forfeited under the procedures established in Section 2-506 of this title. Whenever any item is forfeited pursuant to this section except for items confiscated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General, the district court of the district shall order that such item, money, or monies derived from the sale of such item be deposited by the state, county or city law enforcement agency which seized the item in the revolving fund provided for in Section 2-506 of this title; provided, such item, money or monies derived from the sale of such item forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. Items, money or monies seized pursuant to subsections A and B of this section shall not be applied or considered toward satisfaction of the fine imposed by Section 2-415 of this title. All raw materials used or intended to be used by persons to unlawfully manufacture or attempt to manufacture any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act shall be summarily forfeited pursuant to the provisions of Section 2-505 of this title.

E. All property taken or detained under this section by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General, shall not be repleviable, but shall remain in the custody of the Bureaus, Departments, Commission, or Office, respectively, subject only to the orders and decrees of a court of competent jurisdiction.

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Commissioner of Public Safety, the Director of the Oklahoma State Bureau of Investigation, the Director of the Alcoholic Beverage Laws Enforcement Commission, the Director of the Department of Corrections, and the Attorney General shall follow the procedures outlined in Section 2-506 of this title dealing with notification of seizure, intent of forfeiture, final disposition procedures, and release to innocent claimants with regard to all property included in this section detained by the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General. Property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General shall be disposed of or sold pursuant to the provisions of Section 2-508 of this title. Any money, coins, and currency, taken or detained pursuant to this section may be deposited in an interest bearing account by or at the direction of the State Treasurer if the seizing agency determines the currency is not to be held as evidence. All interest earned on such monies shall be returned to the claimant or forfeited with the money, coins, and currency which was taken or detained as provided by law.

F. The proceeds of any forfeiture of items seized by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be distributed as follows:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring a forfeiture orders a distribution to such person; and

2. The balance to the Bureau of Narcotics Revolving Fund established pursuant to Section 2-107 of this title, provided the Bureau may enter into agreements with municipal, tribal, county, state or federal law enforcement agencies, or other state agencies with CLEET-certified law enforcement officers, assisting in the forfeiture or underlying criminal investigation, to return to such an agency a percentage of said proceeds.

G. Any agency that acquires seized or forfeited property or money shall maintain a true and accurate inventory and record of all such property seized pursuant to this section.

Added by Laws 1971, c. 119, § 2-503. Amended by Laws 1978, c. 194, § 1, emerg. eff. April 14, 1978; Laws 1981, c. 62, § 4, emerg. eff. April 13, 1981; Laws 1982, c. 153, § 1, operative Oct. 1, 1982; Laws 1985, c. 263, § 5, emerg. eff. July 15, 1985; Laws 1986, c. 291, § 1, eff. Nov. 1, 1986; Laws 1987, c. 136, § 5, eff. Nov. 1, 1987; Laws 1987, c. 138, § 9, emerg. eff. June 19, 1987; Laws 1988, c. 236, § 1, eff. Nov. 1, 1988; Laws 1989, c. 348, § 24, eff. Nov. 1, 1989; Laws

1990, c. 117, § 1, eff. Sept. 1, 1990; Laws 1991, c. 306, § 6, emerg. eff. June 4, 1991; Laws 1992, c. 373, § 13, eff. July 1, 1992; Laws 1993, c. 57, § 1, eff. July 1, 1993; Laws 1994, c. 325, § 1, eff. Sept. 1, 1994; Laws 1995, c. 147, § 4, eff. Nov. 1, 1995; Laws 1996, c. 347, § 2, emerg. eff. June 14, 1996; Laws 1997, c. 265, § 17, eff. Sept. 1, 1997; Laws 2004, c. 537, § 2, emerg. eff. June 9, 2004; Laws 2007, c. 223, § 5, eff. July 1, 2007; Laws 2009, c. 442, § 8, eff. July 1, 2009; Laws 2014, c. 154, § 5, eff. Nov. 1, 2014.
NOTE: Laws 1991, c. 216, § 32 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§63-2-503.1. Transactions involving proceeds derived from illegal drug activity prohibited - Penalties.

A. It is unlawful for any person knowingly or intentionally to receive or acquire proceeds and to conceal such proceeds, or engage in transactions involving proceeds, known to be derived from any violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title. This subsection does not apply to any transaction between an individual and the counsel of the individual necessary to preserve the right to representation of the individual, as guaranteed by the Oklahoma Constitution and by the Sixth Amendment of the United States Constitution. However, this exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

B. It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

C. It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds known to be derived from any violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous

substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

D. It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds known to be derived from a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or of any statute of the United States relating to controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or to avoid a transaction reporting requirement under state or federal law.

E. Any person convicted of violating any of the provisions of this section is guilty of a felony and may be punished by imprisonment for not less than two (2) years nor more than ten (10) years or by a fine of not more than Fifty Thousand Dollars ($50,000.00) or by both said imprisonment and fine.

Added by Laws 1990, c. 232, § 8, emerg. eff. May 18, 1990. Amended by Laws 1998, c. 100, § 2, emerg. eff. April 13, 1998.

§63-2-503.1a. Drug Money Laundering and Wire Transmitter Act - Short title.

Sections 2-503.1a through 2-503.1i of this title and Sections 11 through 13 of this act shall be known and may be cited as the "Drug Money Laundering and Wire Transmitter Act".

Added by Laws 2008, c. 170, § 1, eff. July 1, 2008. Amended by Laws 2009, c. 442, § 9, eff. July 1, 2009.

§63-2-503.1b. Criminal financial check on money services business registrations.

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall conduct a criminal financial check on all registration applications submitted pursuant to the provisions of Section 1513 of Title 6 of the Oklahoma Statutes. The applicant for a money services business license shall pay a fee of Fifty Dollars ($50.00) to the Bureau for the criminal financial check prior to licensing. This shall be in addition to all other administrative fees imposed by the Oklahoma Banking Department.

B. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have authority to access, review and investigate any registration application and supplier reports submitted to the Oklahoma State Banking Commissioner pursuant to Section 1513 of Title 6 of the Oklahoma Statutes, for the purposes of criminal financial

checks, identifying or investigating suspicious or illegal activities or to track illegal drug-related monies. A copy of all money services transaction reports provided to the Oklahoma State Banking Commissioner shall be provided to the Bureau.
Added by Laws 2008, c. 170, § 2, eff. July 1, 2008.

§63-2-503.1c. Financial transactions involving proceeds of unlawful acts.

No person shall conduct or attempt to conduct a financial transaction knowing that the property involved in such a financial transaction represents the proceeds of some form of unlawful activity related to any violation of Sections 2-101 through 2-608 of Title 63 of the Oklahoma Statutes while:

1. Acting with the intent to promote the continuation of the specified unlawful activity;

2. Acting with the intent to engage in conduct which violates Sections 2-101 through 2-608 of Title 63 of the Oklahoma Statutes;

3. Acting with the knowledge that the transaction is designed in whole or part to disguise the nature, location, source, ownership, or control of the proceeds of the specified unlawful activity; or

4. Acting with the knowledge that the transaction is designed in whole or part to avoid a transaction reporting requirement.
Added by Laws 2008, c. 170, § 3, eff. July 1, 2008.

§63-2-503.1d. Certain sales or transfers of money transmitter equipment prohibited - Allowing access to equipment - Penalty.

A. No person shall sell, give, transfer, trade, supply, or provide any money transmitter equipment, as defined by the Oklahoma Financial Transaction Reporting Act, to any person not licensed by the Oklahoma State Banking Commissioner. Any person violating the provisions of this section shall be guilty upon conviction of a misdemeanor, for a first offense, and a felony for any second or subsequent offense. The misdemeanor penalty shall be a fine not exceeding Three Thousand Dollars ($3,000.00), or imprisonment in the county jail not to exceed one (1) year, or both such fine and imprisonment. The felony penalty shall be imprisonment in the custody of the Department of Corrections for five (5) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

B. Any person who encourages, facilitates, or allows access to any money transmitter equipment in any manner to facilitate any violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes shall be guilty of a felony, upon conviction, punishable as provided in Section 8 of this act.
Added by Laws 2008, c. 170, § 4, eff. July 1, 2008.

§63-2-503.1e. Use of money services business for unlawful acts.

A. Any person who knowingly or intentionally uses a money services business, as defined by the Oklahoma Financial Transaction Reporting Act, or an electronic funds transfer network for any purpose in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes or Sections 1 through 9 of this act, or with intent to facilitate any violation of the Uniform Controlled Dangerous Substances Act or any statute of the United States relating to controlled substances, or to commit any other crime shall be guilty, upon conviction, of a felony.

B. Any person who, by or through a money services business, as defined in the Oklahoma Financial Transaction Reporting Act, or an electronic funds transfer network, knowingly transmits, exchanges, or processes any securities or negotiable instruments for any purpose in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes or Sections 1 through 9 of this act shall be guilty, upon conviction, of a felony.

Added by Laws 2008, c. 170, § 5, eff. July 1, 2008.

§63-2-503.1f. Evasion of certain money reporting requirements.

No person shall, for the purpose of evading the reporting requirements set forth in 31 U.S.C., Section 5311, 31 C.F.R., Part 103, Title 6 or Sections 2-101 through 2-608 of Title 63 of the Oklahoma Statutes, or other federal laws pertaining to money laundering:

1. Cause or attempt to cause the failure to file a report required under Title 6 or Title 63 of the Oklahoma Statutes, or federal monetary reporting requirements under law; or

2. Cause or attempt to cause the filing of a report required under Title 6 or Title 63 of the Oklahoma Statutes, or federal monetary reporting requirements under law, that contains a material omission or misstatement of fact.

Added by Laws 2008, c. 170, § 6, eff. July 1, 2008.

§63-2-503.1g. Structuring of monetary transactions.

A. It shall be unlawful for any person to structure, assist in structuring, attempt to structure, or attempt to assist in structuring any transaction with one or more financial or nonfinancial trades or businesses, to include any importation or exportation of monetary instruments.

B. It shall be unlawful for any person to structure or assist in structuring, or attempt to structure or assist in structuring any transaction with one or more organizations that have a monetary reporting requirement under federal law or under Title 6 or Sections 2-101 through 2-608 of Title 63 of the Oklahoma Statutes.

C. For purposes of this section, “structuring” means a person who, acting alone, in conjunction with others, or on behalf of others, conducts or attempts to conduct one or more transactions in

currency, in any amount, at one or more organizations that have a monetary reporting requirement under federal law or under Title 6 or Title 63 of the Oklahoma Statutes, on one or more days, for the purpose of evading the reporting requirements of any federal law or any provision of Title 6 or Title 63 of the Oklahoma Statutes requiring reporting of financial transactions.
Added by Laws 2008, c. 170, § 7, eff. July 1, 2008.

§63-2-503.1h. Violation of act - Penalties - Definitions.

A. Unless otherwise provided, any person convicted of violating any of the provisions of this act is guilty of a felony and may be punished by imprisonment for not less than two (2) years nor more than ten (10) years or by a fine of not more than Fifty Thousand Dollars ($50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment.

B. For the purposes of this act, the terms, "money transmitter equipment" or a "money transmitter service" shall include an entity or person engaged in activity in violation of these provisions regardless of whether the person or entity is licensed to conduct such activity under the Oklahoma Financial Transaction Reporting Act.
Added by Laws 2008, c. 170, § 8, eff. July 1, 2008.

§63-2-503.1i. Interception, seizure and forfeiture of funds or equipment.

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have authority to intercept, seize and forfeit any funds or equipment in violation of any provision of the Drug Money Laundering and Wire Transmitter Act or in violation of Section 2-503.1 of this title.

B. A warrant for the seizure of property pursuant to Section 1222 of Title 22 of the Oklahoma Statutes may be issued by a district judge upon finding of probable cause for funds believed to be used or intended for any violation of the Uniform Controlled Dangerous Substances Act to any licensee under the Oklahoma Financial Transaction Reporting Act.

C. The State Banking Commissioner or designee upon receipt of an affidavit of probable cause from an agent of the Bureau, may issue an emergency notice requiring a temporary freeze on an account to any financial institution or money services business under its jurisdiction. Such freeze shall halt all transactions in the account. During the fifteen-day freeze, an account holder may file an emergency appeal to the district court. The district court shall schedule a hearing on the emergency appeal within three (3) judicial days of the request. The provisions of Section 2201 et seq. of Title 6 of the Oklahoma Statutes shall not apply to this section. This

freeze shall not exceed fifteen (15) days and shall automatically expire unless:

1. A subsequent seizure warrant is issued by a district judge; or

2. A notice of forfeiture is filed on the contents of the account pursuant to Section 2-503 of this title.

D. No financial institution shall have liability to an account holder for acting pursuant to this section.

Added by Laws 2008, c. 170, § 9, eff. July 1, 2008. Amended by Laws 2009, c. 442, § 10, eff. July 1, 2009.

§63-2-503.1j. Money and wire transmission fee - Quarterly remittance - Notice of income tax credit - Enforcement.

A. Any licensee of a money transmission, transmitter or wire transmitter business pursuant to the Oklahoma Financial Transaction Reporting Act and their delegates shall collect a fee of Five Dollars ($5.00) for each transaction not in excess of Five Hundred Dollars ($500.00) and in addition to such fee an amount equal to one percent (1%) of the amount in excess of Five Hundred Dollars ($500.00).

B. The fee prescribed by subsection A of this section shall be remitted quarterly to the Oklahoma Tax Commission on such forms as the Commission, with the assistance of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, may prescribe for such purpose. All required forms and remittances shall be filed with the Tax Commission not later than the fifteenth day of the month following the close of each calendar quarter.

C. The Oklahoma Tax Commission shall apportion all revenues derived from the fee to the Drug Money Laundering and Wire Transmitter Revolving Fund.

D. Every licensee and their delegates shall post a notice on a form prescribed by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control that notifies customers that upon filing an individual income tax return with either a valid social security number or a valid taxpayer identification number the customer shall be entitled to an income tax credit equal to the amount of the fee paid by the customer for the transaction.

E. The Oklahoma Tax Commission shall be afforded all provisions currently under law to enforce the provisions of subsection B of this section. If a licensee fails to file reports or fails to remit the fee authorized by subsection B of this section, the Oklahoma Tax Commission shall have the authority pursuant to Section 212 of Title 68 of the Oklahoma Statutes to suspend the license of the licensee and its delegates. A notification of the suspension shall also be sent to the State Banking Commissioner and the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The licensee and its delegates may not reapply for a license until all

required reports have been filed and all required fee amounts have been remitted.

F. Upon request from the Oklahoma Tax Commission, the State Banking Commissioner may make a claim against the surety bond of the licensee on behalf of the State of Oklahoma.

G. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and its attorneys may assist the Oklahoma Tax Commission in conducting audits and the prosecution and/or seeking of legal remedies to ensure compliance with this act.

Added by Laws 2009, c. 442, § 11, eff. July 1, 2009.

§63-2-503.1k. Prosecution - Venue.

A. A prosecution for an offense under the Drug Money Laundering and Wire Transmitter Act may be brought in:

1. Any county in which the financial or monetary transaction is conducted; or

2. Any county where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that county to the county where the financial or monetary transaction is conducted.

B. A prosecution for an attempt or conspiracy offense under the Drug Money Laundering and Wire Transmitter Act may be brought in the county where venue would lie for the completed offense or in any other county where an act in furtherance of the attempt or conspiracy took place.

C. For purposes of this section, a transfer of funds from one place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts any portion of the transaction may be charged in any jurisdiction in which the transaction takes place.

Added by Laws 2009, c. 442, § 12, eff. July 1, 2009.

§63-2-503.1*l*. Definitions.

As used in the Drug Money Laundering and Wire Transmitter Act:

1. "Conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction;

2. "Financial institution" includes:

   a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and

   b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

3. "Financial transaction" means:

   a. a transaction which in any way or degree affects state, interstate or foreign commerce:

(1) involving the movement of funds by wire or other means,
(2) involving one or more monetary instruments, or
(3) involving the transfer of title to any real property, vehicle, vessel, or aircraft; or

b. a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, state, interstate or foreign commerce in any way or degree;

4. "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of any violation of the Uniform Controlled Dangerous Substances Act;

5. "Monetary instruments" means:

a. coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or

b. investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

6. "Money transmitting" includes transferring funds by any and all means including, but not limited to, transfers within this state, country or to locations abroad by wire, check, draft, facsimile, or courier;

7. "Proceeds" means all things of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, including all proceeds traceable to such an exchange, and all monies, negotiable instruments, and securities used, or intended to be used to facilitate any violation of the Uniform Controlled Dangerous Substances Act;

8. "Specified unlawful activity" means any violation of the Uniform Controlled Dangerous Substances Act; and

9. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

Added by Laws 2009, c. 442, § 13, eff. July 1, 2009.

§63-2-503.2. Assessment for violation of acts - Drug Abuse Education and Treatment Revolving Fund.

A. 1. Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act or the Trafficking In Illegal Drugs Act shall be assessed for each offense a sum of not less than One Hundred Dollars ($100.00) nor more than Three Thousand Dollars ($3,000.00).

2. The assessment shall be mandatory and in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. The assessment required by this section shall not be subject to any order of suspension. The court shall order either a lump sum payment or establish a payment schedule.

3. Failure of the offender to comply with the payment schedule shall be considered contempt of court.

4. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.

B. The assessment provided for in subsection A of this section shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be forwarded to the Department of Mental Health and Substance Abuse Services for deposit into its Drug Abuse Education and Treatment Revolving Fund created by this section.

C. 1. There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Drug Abuse Education and Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of assessments collected pursuant to this section, court-ordered assessments collected pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes and Section 2-401 of this title, the Oklahoma Drug Court Act, Section 2-2-509 of Title 10A of the Oklahoma Statutes, grants, gifts and other money accruing to the benefit of the fund and the Oklahoma Drug Court Act.

2. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for treatment and drug testing of indigent substance abusing offenders pursuant to the Oklahoma Drug Court Act, Section 2-2-205 of Title 10A of the Oklahoma Statutes, and Sections 2-2-506 through 2-2-509 of Title 10A of the Oklahoma Statutes, for substance abuse prevention, drug courts, and continuing education.

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

4. Monies expended from this fund shall not supplant other local, state, or federal funds.
Added by Laws 1990, c. 232, § 9, emerg. eff. May 18, 1990. Amended by Laws 1997, c. 359, § 14, eff. July 1, 1997; Laws 1998, c. 53, § 2, eff. July 1, 1998; Laws 2001, c. 258, § 10, eff. July 1, 2001; Laws 2003, c. 224, § 20, eff. July 1, 2003; Laws 2003, c. 437, § 3, eff. July 1, 2003; Laws 2005, c. 226, § 8, eff. Nov. 1, 2005; Laws 2009, c. 234, § 153, emerg. eff. May 21, 2009; Laws 2012, c. 304, § 500.

§63-2-503A. Drug manufacture vehicle.
Any law enforcement agency in this state that seizes a vehicle in which a controlled dangerous substance has been manufactured that is forfeited pursuant to Section 2-503 of Title 63 of the Oklahoma Statutes may request that the Oklahoma Tax Commission brand the certificate of title with the notation "Drug Manufacture Vehicle".
Added by Laws 2010, c. 308, § 1, eff. Nov. 1, 2010.

§63-2-504. Seizure of property.
Any peace officer of this state shall seize property subject to forfeiture under this act when:
1. The seizure is incident to arrest or search warrant;
2. The property has been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding under this act;
3. Probable cause exists to believe the property is dangerous to health or safety; or
4. Probable cause exists to believe the property has been used, or will be used, in violation of this act.
Added by Laws 1971, c. 119, § 2-504.

§63-2-505. Summary forfeiture of certain substances.
A. All controlled substances in Schedule I of Section 2-204 of this title and all controlled substances in Schedules II, III, IV, and V that are not in properly labeled containers in accordance with this act that are possessed, transferred, sold, or offered for sale in violation of this act are deemed contraband and shall be seized and summarily forfeited.
B. All hazardous materials and all property contaminated with hazardous materials described in paragraph 2 of subsection A of Section 2-503 of this title, used or intended to be used by persons to unlawfully manufacture or attempt to manufacture any controlled dangerous substance, shall be summarily forfeited to the state and submitted to the Oklahoma State Bureau of Investigation for prompt destruction in accordance with state and federal laws.
C. Species of plants from which controlled substances in Schedules I or II of the Uniform Controlled Dangerous Substances Act may be derived which have been planted or cultivated in violation of

the Uniform Controlled Dangerous Substances Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized by peace officers, summarily forfeited and, in lieu of the eradication procedures contained in Section 2-509 of this title, promptly cut and burned where seized or destroyed by applications of herbicides approved for such purpose and registered for use in Oklahoma by the Oklahoma Department of Agriculture, Food, and Forestry. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall ensure that persons spraying the plants are trained in the appropriate use of the herbicide and any safety and protection issues pursuant to the requirements of the Oklahoma Department of Agriculture, Food, and Forestry.
Added by Laws 1971, c. 119, § 2-505. Amended by Laws 1987, c. 138, § 10, emerg. eff. June 19, 1987; Laws 1989, c. 237, § 4, eff. Nov. 1, 1989; Laws 1994, c. 335, § 1, emerg. eff. June 8, 1994; Laws 1997, c. 110, § 1, emerg. eff. April 15, 1997; Laws 2017, c. 25, § 1, eff. Nov. 1, 2017.

§63-2-506. Seizure of property - Notice of seizure and intended forfeiture proceeding - Verified answer and claim to property - Hearing - Evidence and proof - Proceeds of sale

A. Any peace officer of this state shall seize the following property:

1. Any property described in subsection A of Section 2-503 of this title. Such property shall be held as evidence until a forfeiture has been declared or release ordered, except for property described in paragraphs 1, 2 and 3 of subsection A of Section 2-503 of this title, or in the case of money, coins, and currency, deposited as provided in subsection E of Section 2-503 of this title; provided, any money, coins and currency taken or detained pursuant to this section may be deposited in an interest-bearing account by or at the direction of the district attorney in the office of the county treasurer if the district attorney determines the currency is not to be held as evidence. All interest earned on such monies shall be returned to the claimant or forfeited with the money, coins and currency which was taken or detained as provided by law;

2. Any property described in subsection B of Section 2-503 of this title; or

3. Any property described in subsection C of Section 2-503 of this title.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein such property is seized and shall be given all owners and parties in interest. Notwithstanding any other provision of law, no filing fees shall be assessed by the court clerk for the filing of any forfeiture action.

C. Notice shall be given by the agency seeking forfeiture according to one of the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record in the Tax Commission, by mailing a copy of the notice by certified mail to the address as given upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney in the office of the agency prosecuting the action to recover unpaid fines, by mailing a copy of the notice by registered mail to the last-known address; or

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within forty-five (45) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of forty-five (45) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall order the property forfeited to the state, if such fact is proved. Except as otherwise provided for in Section 2-503 of this title, any such property shall be forfeited to the state and sold under judgment of the court pursuant to the provisions of Section 2-508 of this title.

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

G. At a hearing in a proceeding against property described in paragraphs 3 through 9 of subsection A or subsections B and C of Section 2-503 of this title, the requirements set forth in said paragraph or subsection, respectively, shall be satisfied by the state by a preponderance of the evidence.

H. The claimant of any right, title, or interest in the property may prove a lien, mortgage, or conditional sales contract to be a bona fide or innocent ownership interest and that such right, title, or interest was created without any knowledge or reason to believe that the property was being, or was to be, used for the purpose charged.

I. In the event of such proof, the court shall order the property released to the bona fide or innocent owner, lien holder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the purchaser.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited to the state and sold under judgment of the court, as provided for in Section 2-508 of this title, except as otherwise provided for in Section 2-503 of this title.

K. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county wherein the property was seized, subject only to the orders and decrees of the court or the official having jurisdiction thereof; said official shall maintain a true and accurate inventory and record of all such property seized under the provisions of this section. The provisions of this subsection shall not apply to property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General. Property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be subject to the provisions of subsections E and F of Section 2-503 of this title.

L. The proceeds of the sale of any property not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the property and legitimate costs related to the civil forfeiture proceedings. For purposes of this paragraph, the term "legitimate costs" shall not include court costs associated with any civil forfeiture proceeding; and

3. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education, and maintained by the district attorney in his or her discretion for those purposes with a yearly accounting to the board of county commissioners in whose county the fund is established and to the District Attorneys Council; provided, one hundred percent

(100%) of the balance of the proceeds of such sale of property forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. The revolving fund shall be audited by the State Auditor and Inspector at least every two (2) years in the manner provided in Section 171 of Title 19 of the Oklahoma Statutes. Said audit shall include, but not be limited to, a compliance audit. A district attorney may enter into agreements with municipal, tribal, county or state agencies to return to such an agency a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this section. The District Attorneys Council shall adopt guidelines which ensure that such agencies receive a reasonable percentage of such proceeds, considering the relative contribution of each agency to the drug enforcement and prosecution operations relating to the seizure. In formulating said guidelines, the District Attorneys Council shall examine federal guidelines on asset distribution and use said guidelines as a basis for establishing guidelines for this state. The Attorney General is hereby authorized to mediate disputes between district attorneys and such agencies concerning the application of said guidelines in particular instances. Any agency that receives proceeds from an asset distribution shall maintain a true and accurate record of all such assets.

M. Whenever any vehicle, airplane or vessel is forfeited under the Uniform Controlled Dangerous Substances Act, the district court of jurisdiction may order that the vehicle, airplane or vessel seized may be retained by the state, county or city law enforcement agency which seized the vehicle, airplane or vessel for its official use.

N. If the court finds that the state failed to satisfy the required showing provided for in subsection G of this section, the court shall order the property released to the owner or owners.

O. Except as provided for in subsection Q of this section, a bona fide or innocent owner, lien holder, mortgagee or vendor that recovers property pursuant to this section shall not be liable for storage fees.

P. Except as provided for in subsection Q of this section, storage fees shall be paid by the agency which is processing the seizure and forfeiture from funds generated by seizure and forfeiture actions.

Q. The bona fide or innocent owner, lien holder, mortgagee or vendor shall reclaim subject seized property within thirty (30) days of written notice from the seizing agency. If such person fails to reclaim the property within the thirty-day time period, then storage fees may be assessed against their secured interest.

R. 1. At any hearing held relevant to this section, a report of the findings of the laboratory of the Oklahoma State Bureau of Investigation, the medical examiner's report of investigation or

autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof, which has been made available to the accused by the office of the district attorney or other party to the forfeiture at least five (5) days prior to the hearing, with reference to all or part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If such report is deemed relevant by the forfeiture applicant or the respondent, the court shall admit such report without the testimony of the person making the report, unless the court, pursuant to this subsection, orders such person to appear.

2. When any alleged controlled dangerous substance has been submitted to the laboratory of the OSBI for analysis, and such analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of such substance shall be released to any other person or laboratory except to the criminal justice agency originally submitting the substance to the OSBI for analysis, absent an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

3. The court, upon motion of either party, shall order the attendance of any person preparing a report submitted as evidence in the hearing when it appears there is a substantial likelihood that material evidence not contained in said report may be produced by the testimony of any person having prepared a report. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required.

4. If within five (5) days prior to the hearing or during a hearing, a motion is made pursuant to this section requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the person making the report, the motion is heard, and, if sustained, the testimony ordered can be given.

S. In any forfeiture proceeding under this chapter in which the defendant or claimant prevails, the court may order the plaintiff processing the seizure and forfeiture to pay from funds generated by seizure and forfeiture actions:

1. Reasonable attorney fees and other litigation costs reasonably incurred by the defendant or claimant directly related to the claim on which the defendant or claimant prevailed;

2. Postjudgment interest; and

3. In cases involving currency or other negotiable instruments:

a. interest actually paid to the state from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument, and

b. an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the thirty-day Treasury Bill, for any period during which no interest was paid, not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence, commencing fifteen (15) days after the property was seized by a law enforcement agency or was turned over to a law enforcement agency by a federal law enforcement authority.

Added by Laws 1971, c. 119, § 2-506. Amended by Laws 1978, c. 194, § 2, emerg. eff. April 14, 1978; Laws 1980, c. 102, § 1, eff. Oct. 1, 1980; Laws 1982, c. 153, § 2, operative Oct. 1, 1982; Laws 1985, c. 263, § 6, emerg. eff. July 15, 1985; Laws 1986, c. 240, § 11, eff. Nov. 1, 1986; Laws 1987, c. 136, § 6, eff. Nov. 1, 1987; Laws 1988, c. 236, § 2, eff. Nov. 1, 1988; Laws 1990, c. 117, § 2, eff. Sept. 1, 1990; Laws 1990, c. 264, § 27, operative July 1, 1990; Laws 1991, c. 318, § 1, eff. Sept. 1, 1991; Laws 1992, c. 64, § 1, eff. Sept. 1, 1992; Laws 1993, c. 57, § 2, eff. July 1, 1993; Laws 1994, c. 325, § 2, eff. Sept. 1, 1994; Laws 1995, c. 147, § 5, eff. Nov. 1, 1995; Laws 1996, c. 199, § 5, eff. Nov. 1, 1996; Laws 1996, c. 347, § 3, emerg. eff. June 14, 1996; Laws 1997, c. 93, § 1, emerg. eff. April 11, 1997; Laws 2001, c. 31, § 1, eff. Nov. 1, 2001; Laws 2002, c. 460, § 36, eff. Nov. 1, 2002; Laws 2004, c. 537, § 3, emerg. eff. June 9, 2004; Laws 2007, c. 248, § 4, emerg. eff. June 4, 2007; Laws 2009, c. 442, § 14, eff. July 1, 2009; Laws 2014, c. 284, § 1, eff. Nov. 1, 2014; Laws 2016, c. 225, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1991, c. 216, § 33 repealed by Laws 1992, c. 64, § 4, eff. Sept. 1, 1992.

§63-2-507. Itemization and submission for destruction.

Any peace officer of this state seizing any of the property described in paragraphs 1 and 2 of subsection A of Section 2-503 of this title shall cause a written inventory to be made and maintain custody of the same until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency or unless otherwise provided by law. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the court, law enforcement agency or person having custody of the same to the Oklahoma State Bureau of Investigation to be destroyed as provided in Section 2-508 of this title. The property shall be accompanied with

a written inventory on forms to be furnished by the Oklahoma State Bureau of Investigation.
Added by Laws 1971, c. 119, § 2-507. Amended by Laws 2004, c. 537, § 4, emerg. eff. June 9, 2004.

§63-2-508. Disposition of seized property.

A. Except as otherwise provided, all property described in paragraphs 1 and 2 of subsection A of Section 2-503 of this title which is seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act shall be destroyed. The destruction shall be done by or at the direction of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OSBNDD), who shall have the discretion prior to destruction to preserve samples of the substance for testing. In any county with a population of four hundred thousand (400,000) or more according to the latest Federal Decennial Census, there shall be a located site, approved by the OSBNDD, for the destruction of the property. Any such property submitted to the OSBNDD which it deems to be of use for investigative training, educational, or analytical purposes may be retained by the OSBNDD in lieu of destruction.

B. 1. With respect to controlled dangerous substances seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, municipal police departments, sheriffs, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control Commission, the Oklahoma Highway Patrol, and the Oklahoma State Bureau of Investigation shall have the authority to destroy seized controlled dangerous substances when the amount seized in a single incident exceeds ten (10) pounds. The destroying agency shall:

a. photograph the seized substance with identifying case numbers or other means of identification,
b. prepare a report describing the seized substance prior to the destruction,
c. retain at least one (1) pound of the substance randomly selected from the seized substance for the purpose of evidence, and
d. obtain and retain samples of the substance from enough containers, bales, bricks, or other units of substance seized to establish the presence of a weight of the substance necessary to establish a violation of the Trafficking in Illegal Drugs Act pursuant to subsection C of Section 2-415 of this title, if such a weight is present. If such weight is not present, samples of the substance from each container, bale, brick or other unit of substance seized shall be taken. Each sample taken pursuant to this section shall be large enough for the destroying agency and the defendant or suspect

to have an independent test performed on the substance for purposes of identification.

2. If a defendant or suspect is known to the destroying agency, the destroying agency shall give at least seven (7) days' written notice to the defendant, suspect or counsel for the defendant or suspect of:

a. the date, the time, and the place where the photographing will take place and notice of the right to attend the photographing, and

b. the right to obtain samples of the controlled dangerous substance for independent testing and use as evidence.

3. The written notice shall also inform the defendant, suspect or counsel for the defendant or suspect that the destroying agency must be notified in writing within seven (7) days from receipt of the notice of the intent of the suspect or defendant to obtain random samples and make arrangements for the taking of samples. The samples for the defendant or suspect must be taken by a person licensed by the Drug Enforcement Administration. If the defendant or counsel for the defendant fails to notify the destroying agency in writing of an intent to obtain samples and fails to make arrangements for the taking of samples, a sample taken pursuant to subparagraph d of paragraph 1 of this subsection shall be made available upon request of the defendant or suspect.

The representative samples, the photographs, the reports, and the records made under this section and properly identified shall be admissible in any court or administrative proceeding for any purposes for which the seized substance itself would have been admissible.

C. All other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or a district attorney may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the agency or district attorney, the agency or district attorney shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court except for laboratory equipment which may be forfeited when no longer needed in connection with litigation, unless the property is perishable. The Director or Commissioner of the agency, the Attorney General, or district attorney shall file a petition in the district court of Oklahoma County or in the case of a district attorney, the petition shall be filed in a county within the jurisdiction of the district attorney requesting the authority to:

1. Conduct a sale of the property at a public auction or use an Internet auction, which may include online bidding; or

2. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or to the district attorney's office for the purposes provided for in subsection J, K or L of this section.

The Director, Commissioner, Attorney General or district attorney shall attach to the petition:

a. a list describing the property, including all identifying numbers and marks, if any,

b. the date the property came into the possession of the agency or district attorney, and

c. the name and address of the owner, if known.

For any item having an apparent value in excess of One Hundred Dollars ($100.00), but less than Five Hundred Dollars ($500.00), the notice of the hearing of the petition for the sale of the property, except laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, shall be given to every known owner, as set forth in the petition, by first-class mail to the last-known address of the owner at least ten (10) days prior to the date of the hearing. An affidavit of notice being sent shall be filed with the court by a representative of the agency, the Director or Commissioner of the agency, the Attorney General or district attorney. For items in excess of Five Hundred Dollars ($500.00), a notice of the hearing of the petition for the sale of said property shall be delivered to every known owner as set forth in the petition by certified mail. Notice of a hearing on a petition for forfeiture or sale of laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the Uniform Controlled Dangerous Substances Act shall not be required.

The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director, Commissioner, Attorney General, or district attorney to donate the property pursuant to subsection J, K or L of this section, to sell the property at a public auction, including an Internet auction, which may include online bidding, to the highest bidder, or to convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous

Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General for the purposes provided for in subsection J, K or L of this section after at least ten (10) days of notice has been given by publication in one issue of a legal newspaper of the county. If the property is offered for sale at public auction, including an Internet auction, and no bid is received that exceeds fifty percent (50%) of the value of the property, such value to be announced prior to the sale, the Director, Commissioner, Attorney General, or district attorney may refuse to sell the item pursuant to any bid received. The Director, Commissioner, Attorney General, or district attorney shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased.

D. The money received from the sale of property by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be used for general drug enforcement purposes. These funds shall be transferred to the Bureau of Narcotics Revolving Fund established pursuant to Section 2-107 of this title or in the case of a district attorney, the revolving fund provided for in paragraph 3 of subsection L of Section 2-506 of this title.

E. At the request of the Department of Public Safety, the district attorney or a designee of the district attorney may conduct any forfeiture proceedings as described in Section 2-503 of this title on any property subject to forfeiture as described in subsection A, B or C of Section 2-503 of this title. The money received from the sale of property by the Department of Public Safety shall be deposited in the Department of Public Safety Restricted Revolving Fund and shall be expended for law enforcement purposes.

F. The money received from the sale of property by the Alcoholic Beverage Laws Enforcement Commission shall be deposited in the General Revenue Fund of the state.

G. The money received from the sale of property from the Oklahoma State Bureau of Investigation shall be deposited in the OSBI Revolving Fund and shall be expended for law enforcement purposes.

H. The Director of the Department of Corrections shall make a return of the sale and when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education. The remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving Fund to be

expended for equipment for probation and parole officers and correctional officers.

I. The money received from the sale of property from the Office of the Attorney General shall be deposited in the Attorney General Law Enforcement Revolving Fund and shall be expended for law enforcement purposes. The Office of the Attorney General may enter into agreements with municipal, county or state agencies to return to such an agency a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this section.

J. Any property, including but not limited to uncontaminated laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, upon a court order, may be donated for classroom or laboratory use by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Department of Public Safety, district attorney, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General to any public secondary school or technology center school in this state or any institution of higher education within The Oklahoma State System of Higher Education.

K. Any vehicle or firearm which has come into the possession and title vested in the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Office of the Attorney General or a district attorney, may be transferred, donated or offered for lease to any sheriff's office, tribal law enforcement agency, campus police department pursuant to the provisions of the Oklahoma Campus Security Act, or police department in this state on an annual basis to assist with the enforcement of the provisions of the Uniform Controlled Dangerous Substances Act. Each agency shall promulgate rules, regulations and procedures for leasing vehicles and firearms. No fully automatic weapons will be subject to the leasing agreement. All firearms leased may be utilized only by C.L.E.E.T.-certified officers who have received training in the type and class of weapon leased. Every lessee shall be required to submit an annual report to the leasing agency stating the condition of all leased property. A lease agreement may be renewed annually at the option of the leasing agency. Upon termination of a lease agreement, the property shall be returned to the leasing agency for sale or other disposition. All funds derived from lease agreements or other disposition of property no longer useful to law enforcement shall be deposited in the agency's revolving fund, or in the case of the Department of Public Safety, the Department of Public Safety Restricted Revolving Fund, and shall be expended for law enforcement purposes.

L. Before disposing of any property pursuant to subsections C through I of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Investigation, the Department of Corrections, the Office of the Attorney General, or a district attorney may transfer or donate the property to another state agency, tribal law enforcement agency, or school district for use upon request. In addition to the provisions of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may transfer or donate property for any purpose pursuant to Section 2-106.2 of this title. The agencies and any district attorney that are parties to any transfer of property pursuant to this subsection shall enter into written agreements to carry out any such transfer of property. Any such agreement may also provide for the granting of title to any property being transferred as the parties deem appropriate. If the transfer of property is to a school district, a written agreement shall be entered into with the superintendent of the school district. No weapons may be transferred to a school district except as provided for in subsection K of this section.

Added by Laws 1971, c. 119, § 2-508. Amended by Laws 1983, c. 137, § 1, emerg. eff. May 23, 1983; Laws 1983, c. 287, § 6, operative July 1, 1983; Laws 1987, c. 138, § 11, emerg. eff. June 19, 1987; Laws 1987, c. 205, § 56, operative July 1, 1987; Laws 1988, c. 236, § 3, eff. Nov. 1, 1988; Laws 1989, c. 237, § 5, eff. Nov. 1, 1989; Laws 1990, c. 117, § 3, eff. Sept. 1, 1990; Laws 1990, c. 208, § 1, emerg. eff. May 14, 1990; Laws 1991, c. 119, § 1, eff. Sept. 1, 1991; Laws 1992, c. 64, § 2, eff. Sept. 1, 1992; Laws 1992, c. 377, § 1, eff. Sept. 1, 1992; Laws 1993, c. 57, § 3, eff. July 1, 1993; Laws 1994, c. 325, § 3, eff. Sept. 1, 1994; Laws 1996, c. 347, § 4, emerg. eff. June 14, 1996; Laws 1999, c. 152, § 2, eff. Nov. 1, 1999; Laws 2001, c. 33, § 61, eff. July 1, 2001; Laws 2002, c. 111, § 1, eff. Nov. 1, 2002; Laws 2004, c. 168, § 16, emerg. eff. April 27, 2004; Laws 2009, c. 442, § 15, eff. July 1, 2009; Laws 2011, c. 239, § 9, eff. Nov. 1, 2011; Laws 2012, c. 283, § 16, eff. July 1, 2012; Laws 2014, c. 284, § 2, eff. Nov. 1, 2014.

§63-2-509. Eradication - Penalties - Prohibition of suspended or deferred sentences or probation.

A. All species of plants from which controlled dangerous substances in Schedules I and II may be derived are hereby declared inimical to health and welfare of the public, and the intent of the Legislature is to control and eradicate these species of the plants in the State of Oklahoma.

B. It shall be unlawful for any person to cultivate or produce, or to knowingly permit the cultivation, production, or wild growing of any species of such plants, on any lands owned or controlled by

such person, and it is hereby declared the duty of every such person to destroy all such plants found growing on lands owned or controlled by the person.

C. 1. Whenever any peace officer of the state shall receive information that any species of any such plants has been found growing on any private lands in the State of Oklahoma, the peace officer shall notify the sheriff and county commissioners of the county wherein such plants are found growing. Within five (5) days of receipt of such notice, the county commissioners shall notify the owner or person in possession of such lands that such plants have been found growing on the the lands and that the same must be destroyed or eradicated within fifteen (15) days. When the fifteen (15) days have elapsed, the reporting peace officer shall cause an investigation to be made of the aforesaid lands, and if any such plants be found growing thereon, the county commissioners shall cause the same to be destroyed or eradicated by either cutting and burning or by applications of herbicides approved for such purpose and registered for use in Oklahoma by the Oklahoma Department of Agriculture, Food, and Forestry in accordance with Section 2-505 of this title.

2. Whenever any such plants are destroyed or eradicated by order of the county commissioners as provided herein, the cost of the same shall, if the work or labor be furnished by the county commissioners, be taxed against the lands whereon the work was performed, and shall be a lien upon such land in all manner and respects as a lien of judgment, if the owner is charged with a violation of subsection B of this section. If the violation of subsection B of this section is by a person other than the owner of the land, without the knowledge of the owner, the costs shall be paid by the initiating law enforcement agency.

D. Knowingly violating the provisions of subsection B or subsection H of this section is hereby declared, as to the owner, or person in possession of such lands, to be a felony and upon conviction punishable as such by a fine not to exceed Fifty Thousand Dollars ($50,000.00) and imprisonment in the custody of the Department of Corrections for not more than ten (10) years. The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment. Any person convicted of a second violation of subsection B or subsection H of this section is, upon conviction, punishable by a term of imprisonment in the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years and by twice the fine otherwise authorized. Any person convicted of a third or subsequent violation of subsection B or subsection H of this section is punishable by a term of imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than life.

E. It shall be the duty of any peace officer of the State of Oklahoma who receives information of such plants growing in the State of Oklahoma, to make notice, in writing, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the future destruction or eradication of the annual growth of such plants shall be supervised by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Any destruction or eradication of the annual growth of such plants supervised by the Bureau shall be by cutting and burning the same or by destruction and eradication through applications of herbicides approved for such purpose and registered for use in Oklahoma by the Oklahoma Department of Agriculture, Food, and Forestry.

F. Any application of herbicides authorized by this section shall be made pursuant to the provisions of Section 2-505 of this title.

G. In lieu of the eradication procedures provided for in subsections B and C of this section, all species of plants from which controlled dangerous substances in Schedules I and II of the Uniform Controlled Dangerous Substances Act may be derived, may be disposed of pursuant to the provisions of subsection C of Section 2-505 of this title.

H. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance by cooking, burning, or extracting and converting or attempting to extract and convert marihuana or marihuana oil into hashish, hashish oil or hashish powder.

Added by Laws 1971, c. 119, § 2-509. Amended by Laws 1976, c. 259, § 16, operative July 1, 1976; Laws 1987, c. 138, § 12, emerg. eff. June 19, 1987; Laws 1990, c. 220, § 2, eff. Sept. 1, 1990; Laws 1994, c. 335, § 2, emerg eff. June 8, 1994; Laws 1997, c. 133, § 536, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 387, eff. July 1, 1999; Laws 2011, c. 136, § 1, eff. Nov. 1, 2011; Laws 2017, c. 25, § 2, eff. Nov. 1, 2017; Laws 2018, c. 130, § 3, eff. Nov. 1, 2018.

NOTE: Laws 1997, c. 110, § 2 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 536 from July 1, 1998, to July 1, 1999.

§63-2-510. Defenses - Descriptions.

A. An exemption or exception set forth in this act shall constitute an affirmative defense. Such affirmative defense shall be in accordance with the presentation of an alibi defense prescribed in Section 585 of Title 22 of the Oklahoma Statutes.

B. In any prosecution for a violation of any of the provisions of this act relating to a controlled dangerous substance named in any of the schedules set out in the act, it shall be sufficient in any

indictment or information to allege a general description of the controlled dangerous substance and the schedule wherein listed without other specific description. Upon a trial under such indictment or information, it shall be sufficient to prove that the controlled dangerous substance is one listed within a particular schedule without further identification.
Laws 1971, c. 119, § 2-510.

§63-2-511. Judicial review.

Judicial review of final determinations, findings, and conclusions of the Director under this act shall be in the manner provided by the Administrative Procedures Act. A revocation or suspension of a registration based on the revocation or suspension of a professional or occupational license shall be final and conclusive where judicial review is available with respect to the revocation or suspension of the professional or occupational license.
Added by Laws 1971, c. 119, § 2-511. Amended by Laws 2008, c. 359, § 11, emerg. eff. June 3, 2008.

§63-2-512. Drug Eradication and Enforcement Plan Revolving Fund - Creation - Use of funds.

There is hereby created in the State Treasury a revolving fund to be known as the Drug Eradication and Enforcement Plan Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies appropriated or transferred to the fund and any monies contributed to the fund from any other source. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended for the purpose of providing grants to district attorneys' offices, sheriffs' offices and municipal police departments. The grants shall be used for eradication of illegal drugs and enforcement of drug laws. Allowable expenditure of the grants shall include, but shall not be limited to, the following purposes:

1. Purchase of equipment;
2. Purchase of drug-sniffing dogs;
3. Matching federal grants or funds;
4. Funding advanced training programs;
5. Funding drug education and awareness programs; and
6. Funding drug courts.

Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims signed by an authorized state employee and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2001, c. 225, § 8, eff. July 1, 2001. Amended by Laws 2012, c. 304, § 501.

§63-2-551. Appropriate pain management - High dosages of controlled dangerous drugs.

A. Schedule II, III, IV and V controlled dangerous drugs have useful and legitimate medical and scientific purposes and are necessary to maintain the health and general welfare of the people of this state.

B. The State of Oklahoma recognizes that principles of quality medical practice dictate that the people of the State of Oklahoma have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as to reduce the morbidity, and costs associated with untreated or inappropriately treated pain. The State of Oklahoma encourages physicians to view effective pain management as a part of quality medical practice for all patients with pain, acute or chronic. It is especially important for patients who experience pain as a result of terminal illness.

C. If, in the judgment of the medical doctor or the doctor of osteopathic medicine, appropriate pain management warrants a high dosage of controlled dangerous drugs and the benefit of the relief expected outweighs the risk of the high dosage, the medical doctor or doctor of osteopathic medicine may administer such a dosage, even if its use may increase the risk of death, so long as it is not also furnished for the purpose of causing, or the purpose of assisting in causing, death for any reason and so long as it falls within policies, guidelines and rules of the Oklahoma State Board of Medical Licensure and Supervision or the Oklahoma State Board of Osteopathic Examiners.

D. The Oklahoma State Board of Medical Licensure and Supervision and the Oklahoma State Board of Osteopathic Examiners shall issue policies, guidelines or rules that ensure that physicians who are engaged in the appropriate treatment of pain are not subject to disciplinary action, and the Boards shall consider policies and guidelines developed by national organizations with expertise in pain medicine or in a medical discipline for this purpose.

Added by Laws 1998, c. 387, § 1, eff. Nov. 1, 1998.

§63-2-560. Manufacture of controlled dangerous substance restrictions.

Any person who engages in manufacturing any controlled dangerous substance within two thousand (2,000) feet of the real property comprising a family child care home, a child care center, a large family child care home or part-day child care program, as those terms are defined by Section 402 of Title 10 of the Oklahoma Statutes, shall be liable for treble damages for any loss or harm caused thereby.

Added by Laws 2001, c. 225, § 11, eff. July 1, 2001.

§63-2-603. Uniformity of interpretation.

This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Added by Laws 1971, c. 119, § 2-603.

§63-2-604. Short title.

This act may be cited as the Uniform Controlled Dangerous Substances Act.

Added by Laws 1971, c. 119, § 2-604.

§63-2-608. Headings.

Article and section headings contained in this act shall not affect the interpretation of the meaning or intent of any provisions of this act.

Added by Laws 1971, c. 119, § 2-608.

§63-2-701. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry.

A. There is hereby created within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a registry of persons who, after November 1, 2010, have been convicted, whether upon a verdict or plea of guilty or upon a verdict or plea of nolo contendere, or received a suspended sentence or any deferred or probationary term, or are currently serving a sentence or any form of probation or parole for a crime or attempt to commit a crime including, but not limited to, unlawful possession, conspiring, endeavoring, manufacturing, distribution or trafficking of a precursor or methamphetamines under the provisions of Section 2-322, 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime including, but not limited to, crimes involving the possession, distribution, manufacturing or trafficking of methamphetamines or illegal amounts of or uses of pseudoephedrine in any federal court, Indian tribal court, or any court of another state if the person is a resident of the State of Oklahoma or seeks to remain in the State of Oklahoma in excess of ten (10) days.

B. It shall be unlawful for any person who knows that he or she is subject to the registry created in subsection A of this section to purchase, possess or have control of any Schedule V compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. A prescription for pseudoephedrine shall not provide an exemption for any person to this law. Any person convicted of violating the provisions of this subsection shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than two (2) years and not more than ten

(10) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. The registry created in subsection A of this section shall be maintained by the Bureau. The registry shall be made available for registrants who sell or dispense pseudoephedrine-related products and to law enforcement agencies for law enforcement purposes through the electronic methamphetamine precursor tracking service. The electronic methamphetamine precursor tracking service shall generate a stop-sale alert on any sale of pseudoephedrine to any individual listed on the methamphetamine offender registry in real time.

D. The registry shall consist of the following information:

1. Name and address of the person;

2. Date of birth of the person;

3. The offense or offenses which made the person eligible for inclusion on the registry;

4. The date of conviction or the date that a plea of guilty or nolo contendere was accepted by the court for any violation of an offense provided for in subsection A of this section;

5. The county where the offense or offenses occurred; and

6. Such other identifying data as the Bureau determines is necessary to properly identify the person.

E. Beginning November 1, 2010, all district court clerks shall forward a copy of the judgment and sentence or other applicable information relating to the disposition of the criminal case and date of birth of all persons who are subject to the provisions of the Oklahoma Methamphetamine Offender Registry Act for a violation of the offenses described in subsection A of this section to the Bureau. The information shall be sent in an electronic format in a manner prescribed by the Bureau within ten (10) days of the date of final disposition of the case. Any person subject to the registry pursuant to subsection A of this section, having received a deferred sentence or conviction in a federal court, Indian tribal court, or any court of another state, shall be required to register and submit a methamphetamine offender registration form in a format prescribed by the Bureau within ten (10) days of entering the State of Oklahoma or if incarcerated in a federal institution within the boundaries of Oklahoma, within ten (10) days of release from the institution. Knowingly failing to submit the form required by this subsection shall constitute a misdemeanor.

F. Upon receipt of the information provided by the district court clerk, the Bureau shall transmit in an electronic format to the electronic methamphetamine precursor tracking service at least every seven (7) days the name of any person placed on the methamphetamine offender registry as provided in this section. The information transmitted to the electronic tracking service shall include the first, middle, and last name of the person, and the address and the date of birth of the person. The electronic methamphetamine

precursor tracking service shall be designed to generate a stop-sale alert for any person who is on the methamphetamine offender registry and whose name, address and date of birth have been transmitted by the Bureau to the electronic tracking service.

G. The Bureau shall remove from the methamphetamine offender registry the name and other identifying information of a person who has been convicted of a violation of any of the offenses described in subsection A of this section ten (10) years after the date of the most recent judgment and sentence. Any person having received a deferred sentence that expires prior to the ten-year time limitation may apply to the Bureau to be removed from the registry upon the completion of the deferred sentence by providing to the Bureau a certified copy of the dismissal of the case by certified mail. The Bureau may remove the person from the methamphetamine offender registry upon expiration of the deferred sentence. The Bureau shall also be required to notify the provider of the electronic methamphetamine precursor tracking service when a person is removed from the methamphetamine offender registry. Upon notification from the Bureau, the provider of the electronic tracking service shall remove the name of the person from the electronic methamphetamine precursor tracking service and the person shall thereafter be permitted to purchase pseudoephedrine-related products.

H. It shall be a violation for any person to assist another, with knowledge that the person is subject to the registry, in the purchase of any pseudoephedrine products. Any person convicted of violating the provisions of this subsection shall, for a first offense, be guilty of a misdemeanor, punishable by incarceration in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Any second or subsequent conviction for a violation of this subsection shall be a felony, punishable by incarceration in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) or by both such fine and imprisonment.

I. On or prior to November 1, 2011, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall maintain a methamphetamine offender registry website available for viewing by the public.

J. For the purposes of this section, knowledge that a person was subject to the methamphetamine offender registry may be proven through court testimony or any other public notice or publicly available record including, but not limited to, court records maintained by the Oklahoma Supreme Court Network and the Oklahoma Court Information System.

K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall take necessary actions through the promulgation of rules and cooperation with pharmacies and the courts to ensure that

notice of the provisions of this section is provided to those persons subject to the methamphetamine offender registry as listed in subsection A of this section.
Added by Laws 2010, c. 458, § 2, eff. Nov. 1, 2010. Amended by Laws 2011, c. 239, § 10, eff. Nov. 1, 2011; Laws 2012, c. 206, § 5, eff. July 1, 2012; Laws 2013, c. 181, § 7, eff. Nov. 1, 2013.

§63-2-801. Definitions.

As used in this act:

1. "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics in this state that:
   a. operate a medical residency program for physicians, and
   b. conduct research that is overseen by the federal Department of Health and Human Services and involves human subjects;

2. "Approved source" means a provider approved by the United States Food and Drug Administration which produces cannabidiol that:
   a. has been manufactured and tested in a facility approved or certified by the United States Food and Drug Administration or similar national regulatory agency in another country which has been approved by the United States Food and Drug Administration, and
   b. has been tested on animals to demonstrate preliminary effectiveness and to ensure that it is safe to administer to humans;

3. "Cannabidiol" means a nonpsychoactive cannabinoid found in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid;

4. "Physician" means a doctor of medicine or doctor of osteopathic medicine licensed by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners; and

5. "Qualifying patient" means any person who suffers from Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other form of refractory epilepsy that is not adequately treated by traditional medical therapies.

Added by Laws 2015, c. 203, § 3, emerg. eff. April 30, 2015. Amended by Laws 2016, c. 299, § 2, eff. Nov. 1, 2016.

§63-2-802. Clinical trials using cannabidiol – Principal investigators.

A. A statewide investigational new drug application may be established in this state, if approved by the United States Food and Drug Administration, to conduct clinical trials using cannabidiol on qualifying patients with severe forms of epilepsy.

B. Any physician licensed by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, practicing in this state, and treating patients with severe forms of epilepsy may serve as the principal investigator for such clinical trials if such physician:

1. Applies to and is approved by the United States Food and Drug Administration as the principal investigator in a statewide investigational new drug application;

2. Receives a license from the United States Drug Enforcement Administration; and

3. Receives a registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

C. Such physician, acting as principal investigator, may include subinvestigators who are also board certified, practice in an academic medical center in this state, and treat patients with severe forms of epilepsy. Such subinvestigators shall be required to comply with the licensing requirement provided in paragraphs 2 and 3 of subsection B of this section.

D. The principal investigator and all subinvestigators shall adhere to the rules and regulations established by the relevant institutional review board for each participating academic medical center and by the United States Food and Drug Administration, the United States Drug Enforcement Administration, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, and the National Institute on Drug Abuse.

E. Nothing in this section shall be construed to prohibit a physician licensed in Oklahoma from applying for Investigational New Drug authorization from the United States Food and Drug Administration.

F. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have the authority to inspect and test samples of cannabidiol used in this state pursuant to the provisions of this act.

Added by Laws 2015, c. 203, § 4, emerg. eff. April 30, 2015.

§63-2-803. Approved cannabidiol for use in clinical trials.

A. Clinical trials conducted pursuant to a statewide investigational new drug application established pursuant to the provisions of this act shall only utilize cannabidiol which is:

1. From an approved source; and

2. Approved by the United States Food and Drug Administration to be used for treatment of a condition specified in an investigational new drug application.

B. The principal investigator and any subinvestigator may receive cannabidiol directly from an approved source or authorized distributor for an approved source for use in the clinical trials.

Added by Laws 2015, c. 203, § 5, emerg. eff. April 30, 2015.

§63-2-804. Immunity.

A person acting in compliance with the provisions of this act shall not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the use, prescription, administration, possession, manufacture, or distribution of medical cannabidiol.

Added by Laws 2015, c. 203, § 6, emerg. eff. April 30, 2015.

§63-2-805. Approval – Termination date – Reporting – Rules.

A. The State Commissioner of Health shall have the authority to approve physicians conducting clinical trials performed pursuant to the provisions of this act. In the event of a substantial violation of this act, the Commissioner shall provide written notice to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Governor. The Governor, upon receipt of a notice from the Commissioner, shall have the authority to terminate the operations of a clinical trial found to be in violation of any provision of this act.

B. The clinical trials and related research authorized by this act shall adhere to the highest standards of academic research including, but not limited to, peer review of research conducted pursuant to this act.

C. Clinical trials and related research authorized by this act shall conclude no later than December 31, 2017. Nothing in this act shall be construed as to permit the continuation of clinical trials after December 31, 2017, without approval by a concurrent resolution approved by the Legislature expressing approval of such continuation.

D. The State Commissioner of Health shall submit a report to the Chair and Vice Chair of the Senate Health and Human Services Committee, the Chair and Vice Chair of the House Alcohol, Tobacco and Dangerous Drugs Committee, and the Chair and Vice Chair of the House Public Health Committee on or before December 31, 2017. Such report shall include a summary of findings from clinical trials authorized by this act. The Commissioner shall, upon request by the Chair and Vice Chair of the Committees specified in this subsection, make available any data, excluding individual health records, relating to clinical trials authorized by this act.

E. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the State Board of Health, and the Oklahoma State Regents for Higher Education shall promulgate rules to implement the provisions of this act.

Added by Laws 2015, c. 203, § 7, emerg. eff. April 30, 2015.

§63-2-901. Drug Possession Diversion Program – District attorney discretion to refer.

A. Subject to the availability of funds, each district attorney may create within the office of the district attorney a Drug Possession Diversion Program and assign sufficient staff and resources for the efficient operation of the program.

B. Referral of a violation of the provisions of Section 2-402 of Title 63 of the Oklahoma Statutes or possession of drug paraphernalia in violation of subsection B of Section 2-405 of Title 63 of the Oklahoma Statutes to the Drug Possession Diversion Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute a case for possession of a controlled dangerous substance.

C. Upon receipt of a case for possession of a controlled dangerous substance, the district attorney shall determine if the charge is one which is appropriate to be referred to the Drug Possession Diversion Program.

D. In determining whether to refer a case to the Drug Possession Diversion Program, the district attorney shall consider the following:

1. The schedule of the controlled dangerous substance possessed by the defendant;

2. The amount of the controlled dangerous substance possessed by the defendant;

3. If the defendant has a prior criminal record;

4. The number of drug-related crimes against the defendant previously received by the district attorney;

5. Whether or not there are other criminal charges currently pending against the defendant; and

6. The strength of the evidence against the defendant.

Added by Laws 2016, c. 271, § 1, eff. Nov. 1, 2016.

§63-2-902. Deferred prosecution – Fees - Drug Possession Diversion Program Fund.

A. Subject to the provisions of this act, the district attorney may enter into a written agreement with the defendant pursuant to the provisions of Sections 305.1 through 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution of a charge for possession of a controlled dangerous substance, possession of drug paraphernalia or both possession of a controlled dangerous substance and possession of drug paraphernalia for a period to be determined by the district attorney, not to exceed twenty-four (24) months.

B. The defendant shall pay to the district attorney a fee equal to the amount which would have been assessed as court costs upon filing of the case in district court. Funds received by the district attorney pursuant to this act shall be deposited in a special fund with the county treasurer to be known as the "Drug Possession Diversion Program Fund". This fund shall be used by the district attorney to defray any lawful expense of the office of the district

attorney. The district attorney shall keep records of all monies deposited to and disbursed from this fund. The records of the fund shall be audited at the same time the records of county funds are audited.

C. Unless the agreement between the defendant and the district attorney provides otherwise, the defendant shall be supervised in the community by the district attorney or by a private supervision program pursuant to the provisions of subsection A of Section 991d of Title 22 of the Oklahoma Statutes.

Added by Laws 2016, c. 271, § 2, eff. Nov. 1, 2016.

§63-2-903. Duties of district attorney staff members.

Staff members of the district attorney shall perform duties in connection with the Drug Possession Diversion Program in addition to any other duties which are assigned by the district attorney.

Added by Laws 2016, c. 271, § 3, eff. Nov. 1, 2016.

§63-2-904. Drug Possession Diversion Program – Annual report.

A. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Drug Possession Diversion Program.

B. By September 15 of each year, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Drug Possession Diversion Program. An electronic copy of the report shall be distributed to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the chairs of the House and Senate Appropriation and Budget Committees. Each district attorney shall submit information requested by the District Attorneys Council regarding the Drug Possession Diversion Program. The report shall include the number of charges referred to and accepted into the Drug Possession Diversion Program, the total amount of fees collected and such other information as required by the District Attorneys Council.

Added by Laws 2016, c. 271, § 4, eff. Nov. 1, 2016.

§63-2-1001. Opioid Overdose Fatality Review Board – Powers and duties.

A. There is hereby created until July 1, 2023, in accordance with the Oklahoma Sunset Law, the Opioid Overdose Fatality Review Board within the Department of Mental Health and Substance Abuse Services. The Board shall have the power and duty to:

1. Coordinate and integrate state and local efforts to address overdose deaths and create a body of information to prevent overdose deaths;

2. Conduct case reviews of deaths of persons eighteen (18) years of age or older due to licit or illicit opioid use in this state;

3. Collect, analyze and interpret state and local data on opioid overdose deaths;

4. Develop a state and local database on opioid overdose deaths;

5. Improve policies, procedures and practices within the agencies in order to prevent fatal opioid overdoses and to serve victims of unintentional overdose; and

6. Enter into agreements with other state, local or private entities as necessary to carry out the duties of the Opioid Overdose Fatality Review Board, including but not limited to, conducting joint reviews with the Child Death Review Board on unintentional overdose cases involving child death and child near-death incidents.

B. In carrying out its duties and responsibilities, the Board shall:

1. Promulgate rules establishing criteria for identifying cases involving an opioid overdose death subject to specific, in-depth review by the Board;

2. Conduct a specific case review of those cases where the cause of death is or may be related to overdose of opioid drugs;

3. Establish and maintain statistical information related to opioid overdose deaths including, but not limited to, demographic and medical diagnostic information;

4. Establish procedures for obtaining initial information regarding opioid overdose deaths from law enforcement agencies;

5. Review the policies, practices and procedures of medical systems and law enforcement systems and other overdose protection and prevention systems, and make specific recommendations to those entities for actions necessary for the improvement of the system;

6. Request and obtain a copy of all records and reports pertaining to an adult whose case is under review including, but not limited to:

a. the report of the medical examiner,

b. hospital records,

c. school records,

d. court records,

e. prosecutorial records,

f. local, state and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI) and Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN),

g. fire department records,

h. State Department of Health records, including birth certificate records,

i. medical and dental records,

j. Department of Mental Health and Substance Abuse Services and other mental health records,

k. emergency medical service records,

l. files of the Department of Human Services, and

m. records in the possession of the Child Death Review Board when conducting a joint review in accordance with paragraph 6 of subsection A of this section.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to The Governmental Tort Claims Act;

7. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

8. Conduct reviews of specific cases of opioid overdose deaths and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact and second-opinion autopsies;

9. Report, if recommended by a majority vote of the Board, to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives any information and guidance regarding the prevention and protection system to advise on changing trends in overdose rates, substances, methods or any other factor impacting overdose deaths, including any systemic issue within the medical, law enforcement or other relevant systems discovered by the Board while performing its duties; and

10. Exercise all incidental powers necessary and proper for the implementation and administration of the Opioid Overdose Fatality Review Board.

C. The review and discussion of individual cases of an opioid overdose death shall be conducted in executive session. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of determining a remedial measure to be recommended by the Board, as the result of a review of an individual case of an opioid overdose death, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the medical system or law enforcement system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. The Board shall submit an annual statistical report on the incidence and causes of opioid overdose deaths in this state for which the Board has completed its review during the past calendar year including its recommendations, if any, to the medical and law enforcement system. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of opioid overdose deaths, the extent to which the state medical and law enforcement system is coordinated and an evaluation of whether the state is efficiently discharging its responsibilities to prevent opioid overdose deaths. The report shall be completed no later than February 1 of the subsequent year.
Added by Laws 2018, c. 252, § 2, eff. Nov. 1, 2018.

§63-2-1002. Composition of Board.

A. The Opioid Overdose Fatality Review Board shall be composed of twenty (20) members, or their designees, as follows:

1. Ten of the members shall be:
   a. the Attorney General or designee,
   b. the Chief Medical Examiner or designee,
   c. the State Commissioner of Health or designee,
   d. the Chief of Injury Prevention Services of the State Department of Health or designee,
   e. the President of the Oklahoma State Medical Association or designee,
   f. the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control or designee,
   g. the Commissioner of the Department of Mental Health and Substance Abuse Services or designee,
   h. the President of the Oklahoma Osteopathic Association or designee,
   i. the Director of the Department of Human Services or designee, and
   j. the Director of the Oklahoma State Bureau of Investigation or designee; and

2. Ten of the members shall be appointed by the Attorney General, shall serve for terms of two (2) years and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to opioid abuse and prevention. The appointed members shall include:
   a. a county sheriff selected from a list of three names submitted by the executive board of the Oklahoma Sheriffs' Association,
   b. a chief of a municipal police department selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police,

c. an attorney licensed in this state who is in private practice selected from a list of three names submitted by the Board of Governors of the Oklahoma Bar Association,
d. a district attorney selected from a list of three names submitted by the District Attorneys Council,
e. a physician with emergency medical training selected from a list of three names submitted by the Oklahoma State Medical Association,
f. a physician with experience in drug addiction treatment and recovery selected from a list of three names submitted by the Oklahoma Osteopathic Association,
g. a nurse selected from a list of three names submitted by the Oklahoma Nurses Association,
h. two individuals, at least one of whom shall be a person who currently receives or formerly has been a consumer of addiction recovery services related to opioid use, selected from a list of three names submitted by the Oklahoma Department of Mental Health and Substance Abuse Services, and
i. a member of the judiciary selected from a list of three names submitted by the Oklahoma Supreme Court.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Office of the Attorney General and the Department of Mental Health and Substance Abuse Services, pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Office of the Attorney General, jointly with the Department of Mental Health and Substance Abuse Services, shall provide administrative assistance and services to the Opioid Overdose Fatality Review Board.

Added by Laws 2018, c. 252, § 3, eff. Nov. 1, 2018.

§63-2-1003. Review of overdose death certificates.

A. Beginning November 1, 2018, the Center for Health Statistics of the State Department of Health shall forward to the Office of the Chief Medical Examiner on a monthly basis, copies of all death certificates of persons over eighteen (18) years of age received by the Center for Health Statistics during the preceding month whereby the cause of death was due to an overdose of licit or illicit drugs including opioids meeting the Centers for Disease Control and Prevention guidelines for opioid-related deaths.

B. The Office of Chief Medical Examiner shall conduct an initial review of overdose death certificates in accordance with the criteria established by the Opioid Overdose Fatality Review Board and refer to the Board those cases that meet the criteria established by the Board for specific case review.

C. Upon the request of the Board, every entity within the medical and law enforcement system shall provide to the Board any information requested by the Board relevant to the discharge of its duties, unless otherwise prohibited by state or federal law.

Added by Laws 2018, c. 252, § 4, eff. Nov. 1, 2018.

§63-2-309Dv1. Central repository information - Confidentiality - Access - Disclosure - Penalties - Liability.

A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the information shall be limited to:

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

2. The United States Drug Enforcement Administration Diversion Group Supervisor;

3. The executive director or chief investigator, as designated by each board, of the following state boards:

a. Board of Podiatric Medical Examiners,
b. Board of Dentistry,
c. State Board of Pharmacy,
d. State Board of Medical Licensure and Supervision,
e. State Board of Osteopathic Examiners,
f. State Board of Veterinary Medical Examiners,
g. Oklahoma Health Care Authority,
h. Department of Mental Health and Substance Abuse Services,
i. Board of Examiners in Optometry,
j. Board of Nursing,
k. Office of the Chief Medical Examiner, and
l. State Board of Health;

4. A multicounty grand jury properly convened pursuant to the Multicounty Grand Jury Act;

5. Medical practitioners employed by the United States Department of Veterans Affairs, the United States Military, or other federal agencies treating patients in this state; and

6. At the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, medical practitioners and their staff, including those employed by the federal government in this state.

B. This section shall not prevent access, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous

Drugs Control, to investigative information by peace officers and investigative agents of federal, state, tribal, county or municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal, civil or administrative investigations or prosecutions within their respective jurisdictions, designated legal, communications, and analytical employees of the Bureau, and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

C. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, of statistical information gathered from the central repository to the general public which shall be limited to types and quantities of controlled substances dispensed and the county where dispensed.

D. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, of prescription-monitoring-program information to prescription-monitoring programs of other states provided a reciprocal data-sharing agreement is in place.

E. The Department of Mental Health and Substance Abuse Services and the State Department of Health may utilize the information in the central repository for statistical, research, substance abuse prevention, or educational purposes, provided that consumer confidentiality is not compromised.

F. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

G. 1. Registrants shall have access to the central repository for the purposes of patient treatment and for determination in prescribing or screening new patients. The patient's history may be disclosed to the patient for the purposes of treatment of information at the discretion of the physician.

2. a. Prior to prescribing or authorizing for refill, if one hundred eighty (180) days have elapsed prior to the previous access and check, of opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisoprodol to a patient of record, registrants or members of their medical or administrative staff shall be required until October 31, 2020, to access the information in the central repository to assess medical necessity and the possibility that the patient may be unlawfully obtaining prescription drugs in violation of the Uniform Controlled Dangerous Substances Act. The duty to access and check shall not alter or otherwise amend appropriate medical standards of care. The

registrant or medical provider shall note in the patient file that the central repository has been checked and may maintain a copy of the information.

b. The requirements set forth in subparagraph a of this paragraph shall not apply:

(1) to medical practitioners who prescribe the controlled substances set forth in subparagraph a of this paragraph for hospice or end-of-life care, or

(2) for a prescription of a controlled substance set forth in subparagraph a of this paragraph that is issued by a practitioner for a patient residing in a nursing facility as defined by Section 1-1902 of this title, provided that the prescription is issued to a resident of such facility.

3. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.

4. The failure of a registrant to access and check the central repository as required under state or federal law or regulation shall be grounds for the licensing board of the registrant to take disciplinary action against the registrant.

H. The State Board of Podiatric Examiners, the State Board of Dentistry, the State Board of Medical Licensure and Supervision, the State Board of Examiners in Optometry, the State Board of Nursing, the State Board of Osteopathic Examiners and the State Board of Veterinary Medical Examiners shall have the sole responsibility for enforcement of the provisions of subsection G of this section. Nothing in this section shall be construed so as to permit the Director of the State Bureau of Narcotics and Dangerous Drugs Control to assess administrative fines provided for in Section 2-304 of this title.

I. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or a designee thereof, shall provide a monthly list to the Directors of the State Board of Podiatric Examiners, the State Board of Dentistry, the State Board of Medical Licensure and Supervision, the State Board of Examiners in Optometry, the State Board of Nursing, the State Board of Osteopathic Examiners and the State Board of Veterinary Medical Examiners of the top twenty prescribers of controlled dangerous substances within their respective areas of jurisdiction. Upon discovering that a registrant is prescribing outside the limitations of his or her licensure or outside of drug registration rules or applicable state laws, the respective licensing board shall be notified by the Bureau in writing. Such notifications may be considered complaints for the purpose of investigations or other actions by the respective

licensing board. Licensing boards shall have exclusive jurisdiction to take action against a licensee for a violation of subsection G of this section.

J. Information regarding fatal and nonfatal overdoses, other than statistical information as required by Section 2-106 of this title, shall be completely confidential. Access to this information shall be strictly limited to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or designee, the Chief Medical Examiner, state agencies and boards provided in subsection A of this section, and the registrant that enters the information. Registrants shall not be liable to any person for a claim of damages for information reported pursuant to the provisions of Section 2-105 of this title.

K. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall provide adequate means and procedures allowing access to central repository information for registrants lacking direct computer access.

L. Upon completion of an investigation in which it is determined that a death was caused by an overdose, either intentionally or unintentionally, of a controlled dangerous substance, the medical examiner shall be required to report the decedent's name and date of birth to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be required to maintain a database containing the classification of medical practitioners who prescribed or authorized controlled dangerous substances pursuant to this subsection.

M. The Oklahoma State Bureau of Narcotics and Dangerous Drugs is authorized to provide unsolicited notification to the licensing board of a pharmacist or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice or if a practitioner or prescriber has exhibited prescriptive behavior consistent with generally recognized standards indicating potentially problematic prescribing patterns. An unsolicited notification to the licensing board of the practitioner pursuant to this section:

1. Is confidential;

2. May not disclose information that is confidential pursuant to this section; and

3. May be in a summary form sufficient to provide notice of the basis for the unsolicited notification.

Added by Laws 1990, c. 210, § 4, eff. Sept. 1, 1990. Amended by Laws 1997, c. 238, § 5, eff. Nov. 1, 1997; Laws 2004, c. 300, § 4, emerg. eff. May 12, 2004; Laws 2005, c. 128, § 4, eff. Nov. 1, 2005; Laws 2010, c. 160, § 3, eff. Nov. 1, 2010; Laws 2012, c. 51, § 1, eff. Nov. 1, 2012; Laws 2013, c. 162, § 1, eff. Nov. 1, 2013; Laws 2014, c. 4, § 18, emerg. eff. April 2, 2014; Laws 2014, c. 153, § 1, eff.

Nov. 1, 2014; Laws 2014, c. 293, § 22, eff. Nov. 1, 2014; Laws 2015, c. 1, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 35, emerg. eff. April 26, 2016; Laws 2018, c. 175, § 4, eff. Nov. 1, 2018; Laws 2019, c. 25, § 38, emerg. eff. April 4, 2019.
NOTE: Laws 2013, c. 181, § 5 repealed by Laws 2014, c. 4, § 19, emerg. eff. April 2, 2014. Laws 2015, c. 84, § 1 repealed by Laws 2016, c. 210, § 36, emerg. eff. April 26, 2016. Laws 2018, c. 32, § 1 repealed by Laws 2019, c. 25, § 39, emerg. eff. April 4, 2019.

§63-2-309Dv2. Central repository information - Confidentiality - Access - Disclosure - Penalties - Liability.

A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the information shall be limited to:

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

2. The United States Drug Enforcement Administration Diversion Group Supervisor;

3. The executive director or chief investigator, as designated by each board, of the following state boards:

a. Board of Podiatric Medical Examiners,
b. Board of Dentistry,
c. State Board of Pharmacy,
d. State Board of Medical Licensure and Supervision,
e. State Board of Osteopathic Examiners,
f. State Board of Veterinary Medical Examiners,
g. Oklahoma Health Care Authority,
h. Department of Mental Health and Substance Abuse Services,
i. Board of Examiners in Optometry,
j. Board of Nursing,
k. Office of the Chief Medical Examiner, and
l. State Board of Health;

4. A multicounty grand jury properly convened pursuant to the Multicounty Grand Jury Act;

5. Medical practitioners employed by the United States Department of Veterans Affairs, the United States Military, or other federal agencies treating patients in this state; and

6. At the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, medical practitioners and their staff, including those employed by the federal government in this state.

B. This section shall not prevent access, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, to investigative information by peace officers and investigative agents of federal, state, county or municipal law

enforcement agencies, district attorneys and the Attorney General in furtherance of criminal, civil or administrative investigations or prosecutions within their respective jurisdictions, designated legal, communications, and analytical employees of the Bureau, and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

C. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, of statistical information gathered from the central repository to the general public which shall be limited to types and quantities of controlled substances dispensed and the county where dispensed.

D. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, of prescription-monitoring-program information to prescription-monitoring programs of other states provided a reciprocal data-sharing agreement is in place.

E. The Department of Mental Health and Substance Abuse Services and the State Department of Health may utilize the information in the central repository for statistical, research, substance abuse prevention, or educational purposes, provided that consumer confidentiality is not compromised.

F. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

G. 1. Registrants shall have access to the central repository for the purposes of patient treatment and for determination in prescribing or screening new patients. The patient's history may be disclosed to the patient for the purposes of treatment of information at the discretion of the physician.

2. a. Prior to prescribing or authorizing for refill, if one hundred eighty (180) days have elapsed prior to the previous access and check, of opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisoprodol to a patient of record, registrants or members of their medical or administrative staff shall be required to access the information in the central repository to assess medical necessity and the possibility that the patient may be unlawfully obtaining prescription drugs in violation of the Uniform Controlled Dangerous Substances Act. The duty to access and check shall not alter or otherwise amend appropriate medical standards of care. The registrant or medical provider shall note in the patient file that

the central repository has been checked and may maintain a copy of the information.

b. The requirements set forth in subparagraph a of this paragraph shall not apply:

(1) to medical practitioners who prescribe the controlled substances set forth in subparagraph a of this paragraph for hospice or end-of-life care, or

(2) for a prescription of a controlled substance set forth in subparagraph a of this paragraph that is issued by a practitioner for a patient residing in a nursing facility as defined by Section 1-1902 of this title, provided that the prescription is issued to a resident of such facility.

3. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.

4. The failure of a registrant to access and check the central repository as required under state or federal law or regulation may, after investigation, be grounds for the licensing board of the registrant to take disciplinary action against the registrant.

H. The State Board of Podiatric Examiners, the State Board of Dentistry, the State Board of Medical Licensure and Supervision, the State Board of Examiners in Optometry, the State Board of Nursing, the State Board of Osteopathic Examiners and the State Board of Veterinary Medical Examiners shall have the sole responsibility for enforcement of the provisions of subsection G of this section. Nothing in this section shall be construed so as to permit the Director of the State Bureau of Narcotics and Dangerous Drugs Control to assess administrative fines provided for in Section 2-304 of this title.

I. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or a designee thereof, shall provide a monthly list to the Directors of the State Board of Podiatric Examiners, the State Board of Dentistry, the State Board of Medical Licensure and Supervision, the State Board of Examiners in Optometry, the State Board of Nursing, the State Board of Osteopathic Examiners and the State Board of Veterinary Medical Examiners of the top twenty prescribers of controlled dangerous substances within their respective areas of jurisdiction. Upon discovering that a registrant is prescribing outside the limitations of his or her licensure or outside of drug registration rules or applicable state laws, the respective licensing board shall be notified by the Bureau in writing. Such notifications may be considered complaints for the purpose of investigations or other actions by the respective licensing board. Licensing boards shall have exclusive jurisdiction

to take action against a licensee for a violation of subsection G of this section.

J. Information regarding fatal and nonfatal overdoses, other than statistical information as required by Section 2-106 of this title, shall be completely confidential. Access to this information shall be strictly limited to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or designee, the Chief Medical Examiner, state agencies and boards provided in subsection A of this section, and the registrant that enters the information. Registrants shall not be liable to any person for a claim of damages for information reported pursuant to the provisions of Section 2-105 of this title.

K. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall provide adequate means and procedures allowing access to central repository information for registrants lacking direct computer access.

L. Upon completion of an investigation in which it is determined that a death was caused by an overdose, either intentionally or unintentionally, of a controlled dangerous substance, the medical examiner shall be required to report the decedent's name and date of birth to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be required to maintain a database containing the classification of medical practitioners who prescribed or authorized controlled dangerous substances pursuant to this subsection.

M. The Oklahoma State Bureau of Narcotics and Dangerous Drugs is authorized to provide unsolicited notification to the licensing board of a pharmacist or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice or if a practitioner or prescriber has exhibited prescriptive behavior consistent with generally recognized standards indicating potentially problematic prescribing patterns. An unsolicited notification to the licensing board of the practitioner pursuant to this section:

1. Is confidential;

2. May not disclose information that is confidential pursuant to this section; and

3. May be in a summary form sufficient to provide notice of the basis for the unsolicited notification.

Added by Laws 1990, c. 210, § 4, eff. Sept. 1, 1990. Amended by Laws 1997, c. 238, § 5, eff. Nov. 1, 1997; Laws 2004, c. 300, § 4, emerg. eff. May 12, 2004; Laws 2005, c. 128, § 4, eff. Nov. 1, 2005; Laws 2010, c. 160, § 3, eff. Nov. 1, 2010; Laws 2012, c. 51, § 1, eff. Nov. 1, 2012; Laws 2013, c. 162, § 1, eff. Nov. 1, 2013; Laws 2014, c. 4, § 18, emerg. eff. April 2, 2014; Laws 2014, c. 153, § 1, eff. Nov. 1, 2014; Laws 2014, c. 293, § 22, eff. Nov. 1, 2014; Laws 2015,

c. 1, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 35, emerg. eff. April 26, 2016; Laws 2018, c. 175, § 4, eff. Nov. 1, 2018; Laws 2019, c. 428, § 18, emerg. eff. May 21, 2019.
NOTE: Laws 2013, c. 181, § 5 repealed by Laws 2014, c. 4, § 19, emerg. eff. April 2, 2014. Laws 2015, c. 84, § 1 repealed by Laws 2016, c. 210, § 36, emerg. eff. April 26, 2016. Laws 2018, c. 32, § 1 repealed by Laws 2019, c. 25, § 39, emerg. eff. April 4, 2019.

§63-79. Oklahoma Sports Eye Safety Program Revolving Fund.

There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Sports Eye Safety Program Revolving Fund" administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the State Department of Health pursuant to the provisions of Section 2368.25 of Title 68 of the Oklahoma Statutes, any other section of law and any other monies that may be deposited in the fund to implement the provisions of this act. All monies accruing to the credit of the fund are appropriated and may be budgeted and expended by the State Department of Health for the purposes of:

1. Exploring opportunities to utilize nonprofit organizations to provide sports eye safety information or sports eye safety equipment to children age eighteen (18) and under; and

2. Establishing a sports eye safety grant program for the purchase and distribution of sports eye safety programs and materials to classrooms in this state and sports eye safety protective wear to children age eighteen (18) and under.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2011, c. 384, § 3, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 502.

§63-91. State Anatomical Board - Creation and membership – Duties – Organization – Rules - Records of bodies received and distributed - Exemptions.

A. There is hereby re-created, to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, an oversight Board to be known as the State Anatomical Board, to be composed of the following members:

1. The Deans or their designee of each accredited medical school and osteopathic medical school within the State of Oklahoma;

2. The persons heading the Department of Anatomy, or comparable department, in the medical and osteopathic medical schools or their designee;

3. Two persons appointed jointly by the presidents of institutions of higher education within the state which have educational programs other than medical which require on a regular basis human anatomical materials, provided that these programs have been approved by the State Regents for Higher Education; and

4. One at-large member appointed by the Governor to represent the interests of the citizens of this state.

B. It shall be the duty of the State Anatomical Board to register all anatomical donor programs and non-transplant tissue banks and to designate agents to provide for the collection, preservation, storage, distribution, delivery, recovery from users, cremation and final disposition of all dead human bodies used for health science education and research in the State of Oklahoma.

C. The Board shall elect from its membership a chairperson who shall perform such other duties as the Board may prescribe by rule. The Board shall have full power to establish rules for its government, to appoint and remove officers, and to appoint an executive director who shall keep full and complete minutes of its transactions and manage the affairs of the Board. The expenditures authorized in this section shall not be a charge against the state, but shall be paid by the agent designated by the Board to receive, store, issue, and cremate human anatomical materials. Records shall also be kept by the agent of all bodies received and distributed for the period of time authorized by the Records Disposition Schedule. The name of the oversight Board shall be the State Anatomical Board, hereinafter called the Anatomical Board. The Anatomical Board may, in its discretion, exempt any county, district, or institution from the provisions of this act in any calendar year for any length of time.

Added by Laws 1935, p. 57, § 1, emerg. eff. April 16, 1935. Amended by Laws 1969, c. 141, § 1, emerg. eff. April 9, 1969; Laws 1976, c. 126, § 1, emerg. eff. May 18, 1976; Laws 1982, c. 97, § 1, operative Oct. 1, 1982; Laws 1988, c. 225, § 20; Laws 1994, c. 9, § 1; Laws 2000, c. 92, § 1; Laws 2006, c. 114, § 1, eff. Nov. 1, 2006; Laws 2012, c. 119, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 76, emerg. eff. April 8, 2013; Laws 2016, c. 48, § 1.

NOTE: Laws 2006, c. 54, § 1 repealed by Laws 2007, c. 1, § 53, emerg. eff. Feb. 22, 2007. Laws 2012, c. 62, § 1 repealed by Laws 2013, c. 15, § 77, emerg. eff. April 8, 2013.

§63-92. Conditions for surrendering unclaimed bodies in government custody to Anatomical Board.

In the event that the body of any deceased person required to be buried or cremated at public expense shall enter into the custody of a government official, such as a warden, superintendent, administrator or officer of any state, county or municipal office, the government official shall use reasonable effort to ascertain if

the deceased person has any relative, friend or other representative who will assume charge of the body for burial or cremation at his or her expense. If such effort does not result in the discovery of a claimant within twenty-four (24) hours after death, the government official may notify the Anatomical Board or the Board's agent. The government official shall, without fee or reward, surrender, except as otherwise specifically provided by law, such unclaimed body or bodies to the Anatomical Board's agent and permit the Board or its agents to take and remove all such unclaimed bodies to be used for the advancement of medical and anatomical sciences. The Anatomical Board or the Board's agent may accept or decline such unclaimed bodies, but no such body shall be delivered if:

1. any relative, by blood or marriage, has previously claimed the body for burial or cremation at the expense of such relative, in which event the body shall be surrendered to the claimant for burial or cremation;

2. any government official is authorized pursuant to statutory law of this state to bury or cremate such body; or

3. any representative of a fraternal society of which the deceased was a member, representative of a charitable organization, or friend of the deceased has claimed the body for burial prior to delivery to the Board's agent. In such event, the burial shall be at the expense of the fraternal society, charitable organization, friend, institution or official.

Added by Laws 1935, p. 57, § 2, emerg. eff. April 16, 1935. Amended by Laws 1982, c. 97, § 2, operative Oct. 1, 1982; Laws 1986, c. 9, § 2, eff. Nov. 1, 1986; Laws 2006, c. 114, § 2, eff. Nov. 1, 2006.

§63-93. Autopsies - Request of chief medical examiner or district attorney or consent of Anatomical Board required.

It is unlawful for any person or persons to perform an autopsy on any dead human body mentioned in this article, except at the request of the Chief Medical Examiner or a district attorney of the county where such body is located, without the written, telegraphic or telephonic consent of the executive director of the Anatomical Board, or the Board's agent. Such telegraphic or telephonic consent shall be verified by written consent.

Added by Laws 1935, p. 58, § 3, emerg. eff. April 16, 1935; Laws 2006, c. 114, § 3, eff. Nov. 1, 2006.

§63-94. Board to receive unclaimed or donated bodies - Board approval to donees - Distribution.

A. The Anatomical Board of the State of Oklahoma, or its duly authorized agent, shall take and receive such unclaimed or donated bodies and distribute them on requisition to and among institutions to be used for anatomical purposes as approved by the Anatomical

Board. Unclaimed bodies shall be held for thirty (30) days before being issued for use.

B. Any donee receiving a whole body donation from any source shall have approval from the Board prior to receiving such donation.

C. Should the number of bodies available exceed the needs of authorized institutions in this state, excess bodies which would otherwise qualify for anatomical purposes in this state may be issued to authorized institutions in other states.

Added by Laws 1935, p. 59, § 4, emerg. eff. April 16, 1935. Amended by Laws 1976, c. 126, § 2, emerg. eff. May 18, 1976; Laws 1989, c. 163, § 2, emerg. eff. May 8, 1989; Laws 2006, c. 114, § 4, eff. Nov. 1, 2006.

§63-95. Surrender of body when claimed.

After an unclaimed body has been received by the Anatomical Board's agent, and has been preserved and stored, the body may be claimed within thirty (30) days after death, by relatives, friends, fraternal or charitable organizations, for burial or cremation, at the expense of the claimant, and the body shall thereupon be surrendered to such claimant. If a body is claimed for burial or cremation, whether by a private person, organization or a county, and the body was embalmed at the expense of the agent, the claimant shall reimburse the agent for the cost of embalming and transportation.

Added by Laws 1935, p. 59, § 5, emerg. eff. April 16, 1935. Amended by Laws 1976, c. 126, § 3, emerg. eff. May 18, 1976; Laws 2006, c. 114, § 5, eff. Nov. 1, 2006.

§63-96. Authority to dissect, operate or experiment on dead bodies - Record of bodies received.

Any and all schools, colleges, and persons who may be designated by the Anatomical Board shall be, and are, authorized to dissect, operate upon, examine and experiment upon bodies distributed to them by the Board's agent and no others. Such dissections, operations, examinations and experiments shall not be considered as amenable under any already existing laws for the prevention of mutilation of dead human bodies. Such persons, schools or colleges shall keep a record, sufficient for identification, of each body received from the Anatomical Board or agent. The record shall be subject to inspection by the Board or its authorized officer or agent.

Added by Laws 1935, p. 59, § 6, emerg. eff. April 16, 1935. Amended by Laws 1976, c. 126, § 4, emerg. eff. May 18, 1976; Laws 2006, c. 114, § 6, eff. Nov. 1, 2006.

§63-97. Cremation of bodies after scientific study completed.

After the institutions within the State of Oklahoma to whom the bodies have been distributed have completed the scientific study of the bodies, the remains thereof shall in every case be returned to

the Anatomical Board for final disposition by cremation. Bodies sent to other states shall be individually cremated in that state. The cremains shall be returned to the agent issuing the body.
Added by Laws 935, p. 59, § 7, emerg. eff. April 16, 1935. Amended by Laws 1976, c. 126, § 5, emerg. eff. May 18, 1976; Laws 2006, c. 114, § 7, eff. Nov. 1, 2006.

§63-98. Expense of delivery or distribution of unclaimed body.
No county, municipality, officer, agent or servant thereof, shall incur any expense by reason of the delivery or distribution of any such body. All expenses for the storage, distribution or any other related services involved in the use of the bodies shall be borne by those institutions receiving and using the bodies. The Board's agent shall direct the payment into, and disbursements from an appropriate account for such activity at the agent's institution.
Added by Laws 1935, p. 59, § 8, emerg. eff. April 16, 1935. Amended by Laws 1957, p. 19, § 3, emerg. eff. June 1, 1957; Laws 1976, c. 126, § 6, emerg. eff. May 18, 1976; Laws 2006, c. 114, § 8, eff. Nov. 1, 2006.

§63-98.1. Repealed by Laws 2006, c. 114, § 9, eff. Nov. 1, 2006.

§63-99. Neglect to perform duties - Punishment.
Any person having duties enjoined upon him by the provisions of this act, who shall neglect, refuse or omit to perform the same as hereby required shall be deemed guilty of a misdemeanor and shall on conviction thereof, be liable to a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) for each offense.
Laws 1935, p. 59, § 9.

§63-100. Effect of partial unconstitutionality.
The Legislature declares that if any portion of this act is determined to be unconstitutional, it would nevertheless have enacted all of the remaining portion of this act, and no such decision shall invalidate the entire act.
Laws 1935, p. 59, § 10.

§63-101. Shipment of dead body.
No railroad or other common carrier shall receive for shipment to any point within the state or to any point outside the state the body of a deceased person unless there is attached to the shipping case, in a strong envelope, a burial-transit permit duly issued and signed by the Chief Medical Examiner.
R.L.1910, § 6815. Amended by Laws 1951, p. 171, § 3; Laws 2013, c. 152, § 1, eff. Nov. 1, 2013.

§63-102. Violation by agent of railroad.

Any agent, or employee, or officer of any railroad, or transportation company, violating any of the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or confined in the county jail for a period of not less than thirty (30) days nor more than ninety (90) days.

R.L.1910, § 6817.

§63-103. Post mortem caesarian section - Right to perform - Nonliability of physician and hospital.

It shall be lawful for a physician, legally qualified to practice in the State of Oklahoma, to perform a post mortem caesarian section upon any female who is the victim of accidental death, who at the time of said death, is in the advanced stages of pregnancy and where said physician has reason to believe, following immediate and due examination, that said child is viable in the mother. In the performance of a caesarian section, under such circumstances, the physician and the institution or hospital where such operation is performed, shall not be liable, either civilly or criminally, though performed without the consent by those in whom the law has recognized a legal right of the possession of the body of the deceased, provided the operation be performed in good faith and with due skill and without unnecessary injury or mutilation. Provided, however, said operation shall not be performed over the protest of those in whom the law has recognized a legal right to the possession of the body of the said deceased.

Added by Laws 1943, p. 134, § 1.

§63-104. Nonliability of physician for failure to perform.

Failure on the part of the physician, under such circumstances, to perform a caesarian operation shall not subject said physician to criminal liability, if in his opinion after due examination, the child is not viable at the time of the death of the female, while in the advanced stages of pregnancy.

Laws 1943, p. 134, § 2.

§63-109. Anatomical Donor Program Registration Act.

A. This section shall be known and may be cited as the "Anatomical Donor Program Registration Act".

B. The State Anatomical Board shall register all anatomical donor programs and non-transplant tissue banks in the state which meet the requirements of the Anatomical Donor Program Registration Act.

C. Before an anatomical donor program or a non-transplant tissue bank may receive whole body or partial body donations from any person

or entity inside or outside the state, the anatomical donor program or non-transplant tissue bank shall register with the Board.

D. The Board shall specify the eligibility requirements for registration as an anatomical donor program or non-transplant tissue bank which, at a minimum, shall require such entities to be non-profit organizations.

E. The Board shall prescribe rules of conduct governing the practice of anatomical donor programs or non-transplant tissue banks registered pursuant to the Anatomical Donor Program Registration Act.

F. In order to address persons or entities which violate the provisions of the Anatomical Donor Program Registration Act or any rules promulgated thereto, the Board may:

1. Deny the issuance of a registration or suspend, revoke, or refuse to renew the registration of an anatomical donor program or non-transplant tissue bank, provided, however, that the Board may review, affirm, vacate, or modify a determination to deny, suspend, revoke, or refuse registration if the anatomical donor program or non-transplant tissue bank takes corrective actions;

2. Establish and administer administrative fines;

3. Initiate disciplinary or injunctive proceedings; and

4. Report alleged violations to the Attorney General or a district attorney as appropriate for further investigation or prosecution.

G. The Board shall report any violation it observes of the Oklahoma Uniform Anatomical Gift Act to the State Department of Health for further investigation and appropriate action.

H. The Board shall keep accurate and complete records of any proceedings initiated under the Anatomical Donor Program Registration Act.

I. The Board may issue a temporary registration to an anatomical donor program or non-transplant tissue bank which was previously registered but whose facilities were destroyed or damaged in order that, when appropriate safeguards are in place, the anatomical donor program or non-transplant tissue bank may continue to operate. During the effective period of the temporary registration, the Board may waive certain requirements if the anatomical donor program or non-transplant tissue bank is making a good faith effort to rebuild and restore its operations in order to meet all registration requirements.

J. The Board may maintain an office or secure facilities as deemed necessary by the Board in order to implement the Anatomical Donor Program Registration Act.

K. The Board shall promulgate rules as necessary to implement the provisions of the Anatomical Donor Program Registration Act. Added by Laws 2012, c. 119, § 2, eff. Nov. 1, 2012.

§63-121.1. Definitions.

A. For purposes of this chapter:

1. "Explosive" means any chemical compound or mechanical mixture that is commonly used or which is intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, by chemical reaction, or by detonation of any part of the compound or mixture may cause gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb. Provided, that dynamite, nitroglycerin, gunpowder, blasting powder and trinitrotoluene shall be deemed explosives without further proof of their explosive nature. The term "explosive" shall also include all material which is classified as explosive by the United States Department of Transportation. The term "explosive" shall not include explosives in the forms prescribed in the official UNITED STATES PHARMACOPOEIA; fireworks as defined by Section 1622 of Title 68 of the Oklahoma Statutes; or small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder;

2. "Blasting agent" means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a test blasting cap containing two (2) grams of a mixture eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength. The term "blasting agent" shall not include explosives in the forms prescribed in the official UNITED STATES PHARMACOPOEIA; fireworks as defined by Section 1622 of Title 68 of the Oklahoma Statutes; or small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder; and

3. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

Added by Laws 1971, c. 302, § 1, operative July 1, 1971. Amended by Laws 1992, c. 192, § 6, emerg. eff. May 11, 1992; Laws 1995, c. 344, § 1, eff. Nov. 1, 1995. Renumbered from § 141.1 of this title by Laws 1995, c. 344, § 32, eff. Nov. 1, 1995.

§63-122.1. Short title.

The provisions of this part shall be known and may be cited as the "Oklahoma Explosives and Blasting Regulation Act".

Added by Laws 1995, c. 344, § 2, eff. Nov. 1, 1995.

§63-122.2. Jurisdictional areas of state agencies.

The provisions of this section specify the jurisdictional areas of state agencies relating to the regulation of blasting and explosives. Agencies regulating explosives and blasting are directed to cooperate and coordinate with each other as necessary to carrying out the duties required to regulate explosives. Agencies regulating explosives may enter into interagency agreements with other state agencies and law enforcement agencies of any political subdivision of this state for the purpose of conducting investigations related to the regulation of explosives or criminal activity. The jurisdictional areas of responsibility specified in this section shall be in addition to those otherwise provided by law and assigned to the specific state agency as follows:

1. Department of Mines. The Department of Mines shall have the following jurisdictional areas relating to the regulation of blasting and explosives:

a. the use of explosives and blasting activities for surface and nonsurface mining operations pursuant to Title 45 of the Oklahoma Statutes,

b. except as otherwise provided by this part, the use of explosives and blasting activities for nonmining activities, and

c. except as otherwise provided by this part, the regulation of the use of explosives or of blasting activity not subject to the specific statutory authority of another state agency;

2. State Fire Marshal. The State Fire Marshal shall have regulatory jurisdictional responsibility relating to explosives as follows:

a. the regulation of the manufacture, sale, transportation for hire or storage of explosives or blasting agents for resale pursuant to Division 2 of the Oklahoma Explosives and Blasting Regulation Act,

b. the examination of buildings and premises and reporting and orders authorized pursuant to Section 317 of Title 74 of the Oklahoma Statutes, and

c. licensure, regulation and enforcement of fire extinguishers, pursuant to the Fire Extinguisher Licensing Act;

3. The Department of Public Safety. The Department of Public Safety shall have the regulatory jurisdictional responsibility relating to explosives as follows:

a. the transportation of explosives or blasting agents classified as hazardous materials pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

b. the construction or making of any explosive or explosive device not subject to specific regulatory authority of another state agency,

c. the intentional storage of any materials which are intended to be used to construct or make any explosive or explosive device not subject to specific regulatory authority of another state agency, and

d. the intentional use of any explosive or explosive device in any manner not subject to specific regulatory authority of another state agency.

Provided, nothing in this provision shall be construed to expand jurisdiction of the Department of Public Safety to investigate any crime occurring within the jurisdiction of another law enforcement authority of any political subdivision of this state, and nothing shall prohibit, limit, or restrict any law enforcement officer, agency, or specialized law enforcement unit from investigating or otherwise performing any duty or responsibility for crimes within their respective jurisdiction relating to explosives, blasting agents, or hazardous materials; and

4. Department of Environmental Quality. The Department of Environmental Quality shall have jurisdictional responsibility relating to the regulation and disposal of explosives or blasting agents classified as solid or hazardous waste pursuant to the Oklahoma Environmental Quality Code.

Added by Laws 1995, c. 344, § 3, eff. Nov. 1, 1995. Amended by Laws 2003, c. 168, § 5, eff. July 1, 2003; Laws 2013, c. 111, § 16, eff. Nov. 1, 2013.

§63-123.1. Responsibility for administration, regulation and enforcement of blasting operations or activities - Certification of blasters.

A. Pursuant to the Oklahoma Explosives and Blasting Regulation Act, except as otherwise provided by this part, the Department of Mines shall be responsible for the administration, regulation and enforcement of all blasting operations or activities, and the storage and use of all blasting agents and explosives by any person, which is not located within the area of a mining operation or site.

B. Except as otherwise provided by this part, it shall be unlawful for any person to store or use any blasting agents or explosives, or conduct, supervise or control a blasting operation in this state without first complying with the provisions of the Oklahoma Explosives and Blasting Regulation Act and rules promulgated by the Oklahoma Mining Commission.

C. Except as otherwise required by this part, by January 1, 1996:

1. Any person performing blasting activity shall be certified as a blaster by the Department of Mines;

2. All blasting operations shall be conducted under the direction of a certified blaster. Blaster certification may be obtained from the Department upon application and proof of competency as determined by rules of the Department; and

3. Before January 1, 1996, all blasting operations and activities shall be conducted by competent, experienced persons who understand the hazards involved.

D. Any blaster certification issued by the Department shall be carried by the blaster or shall be on file at the blasting area during blasting operations.

E. A blaster and at least one other person shall be present at the firing of a blast.

Added by Laws 1995, c. 344, § 4, eff. Nov. 1, 1995.

§63-123.2. Permit to manufacture, store, or use explosives or blasting agents - Records.

A. Except as otherwise provided by this part, it is a violation to manufacture, store, or use explosives or blasting agents without first obtaining a permit from the Department of Mines.

B. Permits issued under this division shall not be transferable, and shall be readily available for inspection by representatives of the Department and law enforcement officials.

C. The Department may place such restrictions and limitations on permits as it deems necessary.

D. The Department may issue one-time or limited-time permits or permits for continuous blasting operations.

E. 1. Permits for continuous blasting operations issued under this division shall be valid for the calendar year after the date of issue unless revoked or suspended. Permits for continuous blasting operations may be renewed on each issuance date and a showing of compliance with the Oklahoma Explosives and Blasting Regulation Act and rules promulgated thereto.

2. Permits for one-time or limited-time permits shall be valid only for the time specified in the permit.

F. Any person holding a permit issued under this division shall keep such records as may be required by the Department. Records shall be maintained for not less than two (2) years following the year in which the record is made. All such records shall be open to inspection by the Department or its representatives during normal business hours.

Added by Laws 1995, c. 344, § 5, eff. Nov. 1, 1995.

§63-123.2A. Permit to purchase blasting agents or explosives.

A. No person shall purchase blasting agents or explosives in this state without first obtaining a permit pursuant to the Oklahoma Explosives and Blasting Regulation Act or without first obtaining

written notification from the Department of Mines that the person is exempt from this permit requirement.

B. Distributors or sellers of blasting agents or explosives shall require presentation of either the permit or exemption notification required in subsection A of this section before the sale or transfer of blasting agents or explosives.

C. The Oklahoma Mining Commission shall promulgate rules to implement this section.

Added by Laws 1997, c. 140, § 1, eff. July 1, 1997.

§63-123.3. Issuance, denial, suspension, or revocation of permits - Hearings - Inspections - Injunctions.

The Department shall enforce the provisions of this division and for such purposes shall:

1. Issue permits to applicants found by the Department, after inspection and investigation, to be qualified for such permit under the provisions of this division and the rules promulgated by the Department;

2. Deny, suspend, or revoke permits upon a finding of noncompliance or violation of the provisions of this division or of the applicable rules of the Department;

3. Hold hearings upon the application of any person aggrieved by any order of the Department with respect to the denial, suspension, or revocation of any permit; and

4. Inspect, during normal business hours, any building, structure, or premises subject to the provisions of this division, and, upon the discovery of any violation of this division or the applicable rules, issue such orders as are necessary for the safety of workers and the public, and, in the case of imminent hazard or emergency, apply for an injunction in the appropriate district court.

Added by Laws 1995, c. 344, § 6, eff. Nov. 1, 1995.

§63-123.4. Rules - Fees.

A. The Department of Mines shall promulgate the necessary rules to implement the provisions of this Division. Rules promulgated by the Department shall include but not be limited to requirements for blasting plans, use of explosives, public notices, and records.

B. The Department of Mines may establish a schedule of fees to be charged for applications for or issuance of new and renewed certifications and permits required pursuant to this division. The fees shall be subject to the following provisions:

1. The Department shall follow the procedures required by the Administrative Procedures Act for promulgating rules in establishing or amending any such schedule of fees;

2. The Department shall base its schedule of fees upon the reasonable costs of operating the programs specified by this division; and

3. The fees authorized by this section shall not be implemented by emergency rule but shall be adopted by permanent rules, which shall be submitted to the Legislature for review pursuant to Section 308 of Title 75 of the Oklahoma Statutes prior to implementation. Added by Laws 1995, c. 344, § 7, eff. Nov. 1, 1995.

§63-123.5. Violations - Penalties.

A. In the enforcement of the Oklahoma Explosives and Blasting Regulation Act pursuant to this division, any person who violates any permit condition or who violates any other provision of the Oklahoma Explosives and Blasting Regulation Act or rules promulgated thereto pursuant to this division may be assessed an administrative penalty by the Department. Such penalty shall not exceed Five Thousand Dollars ($5,000.00) for each violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the person's history of previous violations regarding explosives and blasting operation; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the person was negligent; and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of the violation.

B. An administrative penalty shall be assessed by the Department only after the person charged with a violation described under subsection A of this section has been given an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act. Where such a hearing has been held, the Department shall make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Department shall consolidate such hearings with other proceedings under the Oklahoma Explosives and Blasting Regulation Act. Any hearing under this section shall be of record. Where the person charged with such a violation fails to avail himself of the opportunity for a hearing, an administrative penalty shall be assessed by the Department after determining that a violation did occur, and the amount of the penalty which is warranted, and issuing an order requiring that the penalty be paid.

C. Upon the issuance of a notice or order charging that a violation of the Oklahoma Explosives and Blasting Regulation Act has occurred, the Department shall inform the operator within thirty (30) days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed

amount to the Department for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Department shall within thirty (30) days remit the appropriate amount to the person.

D. Administrative penalties owed under the Oklahoma Explosives and Blasting Regulation Act may be recovered in a civil action brought by the Attorney General or any district attorney in the district in which the violation occurred at the request of the Department in the appropriate district court. Such action, also, may be brought by the Department.

E. Any person who willfully and knowingly violates a condition of a permit issued pursuant to this division or fails or refuses to comply with any order issued under this division, or any order incorporated in a final decision issued by the Department under this division, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not more than one (1) year, or both.

F. Whenever a corporate permittee violates a condition of a permit issued pursuant to this division or fails or refuses to comply with any order issued under this division, or any order incorporated in a final decision issued by the Executive Director of the Department of Mines under this division, any director, officer or agent of such corporation who willfully and knowingly authorized, ordered or carried out such violation, failure or refusal shall be subject to the same administrative penalties, fines and imprisonment that may be imposed upon a person under subsections A and E of this section.

G. Whoever knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or any order of decision issued by the Department under this division, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not more than one (1) year, or both.

H. Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction shall be assessed an administrative penalty of not less than Seven Hundred Fifty Dollars ($750.00) for each day during which such failure or violation continues.

The period permitted for corrections of violations shall not end until:

1. The entry of a final order by the Department after an expedited hearing which ordered the suspension of the abatement requirements of the citation because it was determined that the

person will suffer irreparable loss or damage from the application of the abatement requirements; or

2. The entry of an order by a court in any review proceedings initiated by the person in which the court orders the suspension of the abatement requirements.

I. Any person who shall, except as permitted by law, willfully resist, prevent, impede or interfere with the Department or any of the agents or employees thereof in the performance of duties pursuant to this division shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment for not more than one (1) year, or both.

Added by Laws 1995, c. 344, § 8, eff. Nov. 1, 1995.

§63-123.6. Provisions cumulative to other laws and ordinances.

The provisions of this part shall be in addition to any other state or federal laws or municipal ordinances regulating explosives, blasting agents or similar devices. Each person shall comply with all applicable state and federal laws and regulations and municipal ordinances for the storage, manufacture, transportation and the use of explosives or blasting agents.

Added by Laws 1995, c. 344, § 9, eff. Nov. 1, 1995.

§63-123.7. Deposit of monies.

Any fees, administrative penalties or any other monies obtained by the Department of Mines pursuant to the Oklahoma Explosives and Blasting Regulation Act shall be deposited in the Department of Mines Revolving Fund and shall be expended by the Department of Mines for implementation and enforcement of this part or as otherwise deemed necessary by the Department for complying with its responsibilities and duties according to law.

Added by Laws 1995, c. 344, § 10, eff. Nov. 1, 1995.

§63-123.8. Exemptions.

A. 1. The provisions of the Oklahoma Explosives and Blasting Regulation Act shall not apply to:

a. persons engaged in shooting wells or seismographic operations for the purpose of oil or gas production,

b. mining operations regulated by Title 45 of the Oklahoma Statutes, and

c. persons using explosives or blasting agents for noncommercial use on their own land, owned in fee or by contract, for the removal of trees, rocks and dams or for other normal agricultural purposes.

2. Any person exempted from the provisions of the Oklahoma Explosives and Blasting Regulation Act pursuant to this subsection shall be liable for all damages caused by the use of explosives, or

blasting agents and blasting operations, which damages shall be recoverable in any court of competent jurisdiction.

B. In addition, the provisions of the Oklahoma Explosives and Blasting Regulation Act shall not apply to:

1. Any municipalities or counties in this state using any blasting agents, explosives or conducting, supervising or controlling a blasting operation in this state. Any such municipality or county shall comply with rules promulgated by the Oklahoma Mining Commission;

2. The Department of Transportation in the conducting, supervision or controlling of any blasting operation in this state, provided the Department shall comply with rules promulgated by the Oklahoma Mining Commission; and

3. Duly qualified and certified bomb technicians of a federally accredited bomb squad of municipal, county, state, and federal law enforcement agencies for the transportation, storage or disposal of any explosive chemical, compound or device, when such technician is performing responsibilities for the preservation of public peace, safety, or criminal investigation.

4. Any employee of the Oklahoma Department of Agriculture, Food, and Forestry and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services who is trained and certified by the United States Department of Agriculture in the safe handling and use of explosive materials in the course of the official duties of the employee.

Added by Laws 1995, c. 344, § 11, eff. Nov. 1, 1995. Amended by Laws 2003, c. 168, § 6, eff. July 1, 2003; Laws 2007, c. 58, § 1, eff. Nov. 1, 2007.

§63-124. Renumbered as § 128.1 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-124.1. Administration and enforcement - Personnel.

The State Fire Marshal Commission shall:

1. Promulgate rules for the administration and enforcement of this division;

2. Administer the provisions hereof, pursuant to said rules; and

3. Employ such agents and clerical help as may be necessary for such purpose.

Added by Laws 1971, c. 302, § 2, operative July 1, 1971. Amended by Laws 1995, c. 344, § 12, eff. Nov. 1, 1995. Renumbered from § 141.2 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.2. Federal rules or regulations to govern.

Any rule or regulation promulgated by a duly authorized federal department, bureau, or agency shall supersede any rule promulgated under this division.

Added by Laws 1971, c. 302, § 3, operative July 1, 1971. Amended by Laws 1995, c. 344, § 13, eff. Nov. 1, 1995. Renumbered from § 141.3 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.3. Permits - Information required.

A. No person shall manufacture, sell, transport for hire, or store for resale explosives or blasting agents without first obtaining a permit to engage in such activity from the State Fire Marshal; provided, however, the State Fire Marshal shall waive the state permit requirement where a valid federal license or permit has been issued.

B. Explosives or blasting agents shall not be sold, given, delivered or transferred to any person who does not furnish the information required in subsection C of this section.

C. It shall be unlawful for any person to purchase, receive or obtain explosives or blasting agents without first furnishing to the seller or distributor the following information: a statement of intended use, name, date, quantity, social security number or taxpayer identification number, and place of residence of any natural person to whom explosives or blasting agents are distributed. If explosives or blasting agents are sold or distributed to a corporation or other entity, such information shall include the identity and principal and local places of business, statement of intended use, quantity, date, name, social security number, and place of residence of the natural person acting as agent of the corporation or other entity in arranging the purchase or distribution.

D. An application for a permit under this division shall be accompanied by the payment of a fee in the amount of Ten Dollars ($10.00).

E. All state, county and city agencies that use explosives and blasting agents shall furnish the information required in subsection C of this section.

F. Permits shall be valid for the calendar year in which issued, unless sooner revoked or suspended, and may be renewed annually on January 1 upon the payment of the required fee.

G. It shall be unlawful for any person to possess or use explosives or blasting agents unless such person can furnish proof of compliance with the provisions of this division.

Added by Laws 1971, c. 302, § 4, operative July 1, 1971. Amended by Laws 1995, c. 344, § 14, eff. Nov. 1, 1995. Renumbered from § 141.4 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.4. Disposition of permit fees.

All monies derived from the sale of permits as specified in this division shall be transferred to the State Treasurer of the State of Oklahoma, to be placed to the credit of the "General Revenue Fund".

Added by Laws 1971, c. 302, § 5, operative July 1, 1971. Amended by Laws 1995, c. 344, § 15, eff. Nov. 1, 1995. Renumbered from § 141.5 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.5. Records.

Every person permitted pursuant to the provisions of this division, including those holding federal licenses or permits, shall keep such records as may be required by the State Fire Marshal. Records shall be maintained for a period of not less than five (5) years following the year in which the record is made. All such records shall be open to inspection by the State Fire Marshal and his assistants during normal business hours.

Added by Laws 1971, c. 302, § 6, operative July 1, 1971. Amended by Laws 1995, c. 344, § 16, eff. Nov. 1, 1995. Renumbered from § 141.6 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.6. Inspection of premises.

The Fire Marshal and any assistants of the Fire Marshal may, during normal business hours, inspect any building, structure or premises of any person subject to the provisions of this division, and shall, upon the discovery of any violation of this division or rules promulgated hereunder, issue such orders as are necessary for the safety of occupants and the public.

Added by Laws 1971, c. 302, § 7, operative July 1, 1971. Amended by Laws 1995, c. 344, § 17, eff. Nov. 1, 1995. Renumbered from § 141.7 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.7. Denial, revocation or suspension of permit.

Any violation of this division or the rules promulgated hereunder shall constitute grounds for the denial, revocation or suspension of a permit by the State Fire Marshal as deemed appropriate by the State Fire Marshal.

Added by Laws 1971, c. 302, § 8, operative July 1, 1971. Amended by Laws 1995, c. 344, § 18, eff. Nov. 1, 1995. Renumbered from § 141.8 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-124.8. Responsibility of permit holders - Penalties.

A. Any firm, corporation, company or partnership shall ensure that all personnel, field crews, magazine attendants, truck drivers, supervisors and superintendents are fully conversant with all provisions of this division and the rules promulgated hereunder. The permit holder shall be responsible for violations committed by employees working under the company or corporation permit.

B. Any person violating any of the provisions of this division or any rules or regulations made thereunder shall be guilty of a felony and shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than five (5)

years, or by both such fine and imprisonment. If such violation was committed with the knowledge or intent that any explosive or blasting agent involved was to be used to kill, injure or intimidate any person or unlawfully to damage any real or personal property, the person or persons committing such violations, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or imprisoned for not more than ten (10) years, or both. If in a case involving such knowledge or intent personal injury results, such person shall be imprisoned for not more than twenty (20) years, or fined not more than Twenty Thousand Dollars ($20,000.00), or both; and if death results such person shall be subject to imprisonment for any term of years or for life.
Added by Laws 1971, c. 302, § 9, operative July 1, 1971. Amended by Laws 1995, c. 344, § 19, eff. Nov. 1, 1995. Renumbered from § 141.9 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-125. Renumbered as § 128.2 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-126. Renumbered as § 128.3 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-127. Renumbered as § 128.4 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128. Renumbered as § 128.5 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.1. Transporting vehicles to be labeled.
Except as otherwise regulated by federal law, every vehicle carrying or transporting nitroglycerine in this state shall have conspicuously marked thereon in letters not less than six (6) inches in height on each side and the rear of such vehicle, the words "Nitroglycerine - Dangerous."
R.L. 1910, § 6972. Amended by Laws 1995, c. 344, § 20, eff. Nov. 1, 1995. Renumbered from § 124 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.2. Storage of explosives.
Nothing in this part shall be held to apply to persons, partnerships or corporations who store not to exceed twenty-five (25) pounds of said explosives, except nitroglycerine, in any one place at any one time, nor to the manufacturing or storing of drugs: Provided, however, that for good cause shown, the Chief Mine Inspector or deputy may issue a permit for temporary storage of any of said

explosives, except nitroglycerine, not exceeding five hundred (500) pounds.
R.L. 1910, § 6973. Amended by Laws 1995, c. 344, § 21, eff. Nov. 1, 1995. Renumbered from § 125 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.3. Penalty for violation of §§ 128.1 and 128.2.

Whoever, either as principal, agent, servant, or employee of such person, partnership, or corporation violates any of the provisions of Sections 20 and 21 of this act, or fails to procure a valid certificate from the Chief State Mine Inspector, as herein provided, shall be fined not less than Fifty Dollars ($50.00) nor more than Two Thousand Dollars ($2,000.00).
R.L. 1910, § 6974. Amended by Laws 1995, c. 344, § 22, eff. Nov. 1, 1995. Renumbered from § 126 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.4. Transportation of nitroglycerine in or near city, town or village.

It shall be unlawful for any person, partnership, or corporation to haul, transport or cause to be hauled or transported in any manner, any nitroglycerin over, across, or upon any street, alley or highway of any city, town or village, or any highway or lands within one-fourth (1/4) mile of any city, town or village within this state.
Added by Laws 1919, c. 246, p. 347, § 1. Amended by Laws 1995, c. 344, § 23, eff. Nov. 1, 1995. Renumbered from § 127 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.5. Shooting wells within limits.

If it becomes necessary to shoot a well located within any city, town or village or within the prohibited distance prescribed herein, before such well is shot or any nitroglycerin is taken within any city, town or village or within the prohibited distance herein prescribed, permission to take a sufficient amount of nitroglycerin to shoot said well must first be obtained from the mayor, city council, manager or board of trustees of such city, town or village where said well is to be shot.
Added by Laws 1919, c. 246, p. 347, § 2. Amended by Laws 1995, c. 344, § 24, eff. Nov. 1, 1995. Renumbered from § 128 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.6. Penalty for violation of §§ 128.4 and 128.5.

Any person, partnership or corporation violating any of the provisions of Sections 23 and 24 of this act shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for a term not exceeding twelve (12) months nor less than sixty (60) days.

Added by Laws 1919, c. 246, p. 347, § 4. Amended by Laws 1995, c. 344, § 25, eff. Nov. 1, 1995. Renumbered from § 130 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-128.7. Authority of officers.

Any municipal, county or state law enforcement officer within this state shall have the right to arrest any person for the violation of any of the provisions of this part.

Added by Laws 1919, c. 246, p. 347, § 3. Amended by Laws 1995, c. 344, § 26, eff. Nov. 1, 1995. Renumbered from § 129 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-129. Renumbered as § 128.7 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-130. Renumbered as § 128.6 of this title by Laws 1995, c. 344, § 34, eff. Nov. 1, 1995.

§63-131. Gasoline kept in red tanks.

All grocers, druggists, and all other vendors of gasoline in quantities of one hundred fifty (150) gallons and less are hereby required to put all gasoline by them hereafter kept for sale, or sold, in a red can, tank, barrel or other receptacle, which receptacle shall be labeled "Gasoline," and vendors of kerosene in quantities of two hundred fifty gallons or less shall not put kerosene in any can, tank, barrel or other receptacle painted red: Provided, that all dealers shall be required to keep for use and shall place all gasoline by them sold in red cans or other receptacles.

R.L.1910, § 6975.

§63-132. Penalty for violations - Civil liability.

Any grocer, druggist, or other person who shall be convicted of a violation of the provisions of the preceding section, shall be deemed guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00), and shall in addition thereto be liable in damages in civil suit for any damage resulting from a violation of the preceding section.

R.L.1910, § 6976.

§63-134. Renumbered as § 36 of Title 25 by Laws 1995, c. 344, § 36, eff. Nov. 1, 1995.

§63-135. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990.

§63-136. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990.

§63-137. Repealed by Laws 1990, c. 252, § 14, operative July 1, 1990.

§63-141.1. Renumbered as § 121.1 of this title by Laws 1995, c. 344, § 32, eff. Nov. 1, 1995.

§63-141.2. Renumbered as § 124.1 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.3. Renumbered as § 124.2 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.4. Renumbered as § 124.3 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.5. Renumbered as § 124.4 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.6. Renumbered as § 124.5 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.7. Renumbered as § 124.6 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.8. Renumbered as § 124.7 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-141.9. Renumbered as § 124.8 of this title by Laws 1995, c. 344, § 33, eff. Nov. 1, 1995.

§63-142.1. Short title.

This act shall be known and may be cited as the "Oklahoma Underground Facilities Damage Prevention Act".

Laws 1981, c. 94, § 1, eff. Jan. 1, 1982.

§63-142.2. Definitions.

As used in the Oklahoma Underground Facilities Damage Prevention Act:

1. "Certified project" means a project where the public agency responsible for the public project, as part of its procedure, certifies that the project right-of-way is free and clear of underground facilities or wherein the public agency responsible for such project, as part of its procedure, notifies all persons determined by the public agency to have underground facilities

located within the construction right-of-way and certifies that all known underground facilities are duly located or noted on the engineering drawings for the project;

2. "Damage" means any impact upon or removal of support from an underground facility as a result of explosion, excavation or demolition which according to the operating practices of the operator of the underground facilities would necessitate the repair thereof;

3. "Demolish" means to wreck, raze, render, move or remove a structure by means of any equipment or explosive;

4. "Demolition" means the act or operation of demolishing a structure;

5. "Excavate" means to dig, compress or remove earth, rock or other materials in or on the ground by use of mechanized equipment or blasting, including, but not necessarily limited to, augering, boring, backfilling, drilling, grading, pile driving, plowing in, pulling in, trenching, tunneling and plowing; provided, however, that neither:

a. the moving of earth by tools manipulated only by human or animal power, except in a private or public easement or right-of-way, nor

b. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes, nor

c. routine maintenance, nor

d. work by a public agency or its contractors on a preengineered project, nor

e. work on a certified project, nor

f. work on a permitted project, nor

g. the opening of a grave in a cemetery, nor

h. a solid waste disposal site which is a preengineered project, nor

i. any individual excavating on his or her own property and who is not in the excavating business for hire, except in a private or public easement or right-of-way,

shall be deemed excavation;

6. "Excavation" means the act or operation of excavating;

7. "Excavator" means a person or public agency that intends to excavate or demolish within the State of Oklahoma;

8. "Notification center" means the statewide center currently known as the Oklahoma One-Call System, Inc., which has as one of its purposes to receive notification of planned excavation and demolition in a specified area from excavators, and to disseminate such notification of planned excavation or demolition to operators who are members and participants;

9. "Operator" shall mean and include any person or public agency owning or operating underground facilities;

10. "Permitted project" means a project where a permit for the work to be performed must be issued by a state or federal agency and, as a prerequisite to receiving such permit, the applicant must locate all underground facilities in the area of the work and in the vicinity of any blasting and notify each owner of such underground facilities;

11. "Person" includes any individual, partnership, corporation, association, cooperative, trust or other entity, including a person engaged as a contractor by a public agency, but not including a public agency;

12. "Preengineered project" means a public project wherein the public agency responsible for such project, as part of its engineering and contract procedures, holds a meeting prior to the commencement of any construction work on such project in which all persons, determined by the public agency to have underground facilities located within the construction area of the project, are invited to attend and given an opportunity to verify or inform the public agency of the location of their underground facilities, if any, within the construction area and where the location of all known underground facilities are duly located or noted on the engineering drawing and specifications for the project;

13. "Public agency" means the state or any board, commission or agency of the state;

14. "Routine maintenance" means the grading of roads and barrow or drainage ditches, the removal and replacement of pavement, including excavation relating thereto and the installation and maintenance of drainage and bridge facilities, signs, guardrails, and electrical and communications facilities in or on the public rights-of-way by a public agency; and

15. "Underground facility" means any underground line, cable, facility, system and appurtenances thereto, for producing, storing, conveying, transmitting or distributing communication (including voice, video, or data information), electricity, power, light, heat, intrastate and interstate gas pipelines, as described in 49 CFR Part 192.1, intrastate and interstate hazardous liquid or carbon dioxide pipelines, as described in 49 CFR Part 195.1, water (including storm water), steam, sewage and other commodities and any oil and gas pipeline located in a public right-of-way.

Added by Laws 1981, c. 94, § 2, eff. Jan. 1, 1982. Amended by Laws 1995, c. 344, § 27, eff. Nov. 1, 1995; Laws 2002, c. 412, § 1, eff. July 1, 2002; Laws 2003, c. 362, § 1, eff. Nov. 1, 2003; Laws 2004, c. 427, § 1, emerg. eff. June 4, 2004; Laws 2017, c. 192, § 1, eff. Nov. 1, 2017; Laws 2018, c. 136, § 1, eff. Nov. 1, 2018; Laws 2019, c. 148, § 1, eff. Nov. 1, 2019.

§63-142.3. Filing of notice - Participation by municipality in statewide one-call notification center.

All operators of underground facilities shall participate in the statewide one-call notification center and shall have on file with the notification center a notice that such operator has underground facilities, the county or counties where such facilities are located, and the address and telephone number of the person or persons from whom information about such underground facilities may be obtained. A municipality shall participate in the statewide one-call notification center as provided for in this section.
Added by Laws 1981, c. 94, § 3, eff. Jan. 1, 1982. Amended by Laws 1992, c. 25, § 1, emerg. eff. March 30, 1992; Laws 2003, c. 362, § 2, eff. Nov. 1, 2003; Laws 2016, c. 151, § 1, eff. Nov. 1, 2016.

§63-142.4. Filing fees.

A. As provided for in this section, the notification center shall charge and collect fees from operators filing notices pursuant to Section 142.3 of this title, except for rural water districts which have less than one thousand one hundred meters and municipalities which have a population of less than three thousand (3,000).

B. Upon the initial filing of a notice or statement and annually thereafter, a fee shall be collected in a manner as provided for in Section 142.10 of this title. The fee shall be due and payable on January 1 of each year. Failure to pay such fee on or before February 1 of such year shall result in the filing being void and the notification center shall remove such operator from the list of operators having underground facilities in the county. Such operator may thereafter file again pursuant to this act, but only upon payment to the notification center of the above-specified initial filing fee and an additional late filing fee of Fifty Dollars ($50.00).

C. The notification center shall maintain a current list of all operators on file pursuant to this act and shall make copies of such list available upon payment of the appropriate fees.
Added by Laws 1981, c. 94, § 4, eff. Jan. 1, 1982. Amended by Laws 2003, c. 362, § 3, eff. Nov. 1, 2003.

§63-142.5. Certain excavations, demolitions and explosions prohibited near certain facilities.

No excavator shall demolish a structure, discharge an explosive or commence to excavate in a highway, street, alley or other public ground or way, a private easement, or on or near the location of the facilities of an operator without first complying with the requirements of the Underground Facilities Damage Prevention Act and the Oklahoma Explosives and Blasting Regulation Act.
Added by Laws 1981, c. 94, § 5, eff. Jan. 1, 1982. Amended by Laws 1995, c. 344, § 28, eff. Nov. 1, 1995.

§63-142.6. Notice of proposed demolition, explosion or excavation - Marking or providing location of facilities - Emergencies.

A. Before an excavator shall demolish a structure, discharge any explosive or commence to excavate in a highway, street, alley or other public ground or way, on or near the location of an operator's underground facilities, or a private easement, such excavator shall first notify all operators in the geographic area defined by the notification center who have on file with the notification center a notice pursuant to Section 142.3 of this title to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition. When an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation, the excavator need not notify the operator of the proposed excavation. However, an excavator shall be responsible for damage to the underground facilities of an operator if the notification center was not notified. Notice shall be given no more than ten (10) days nor less than forty-eight (48) hours, excluding the date of notification, Saturdays, Sundays and legal holidays, prior to the commencement of the excavation or demolition.

B. Each operator served with notice in accordance with subsection A of this section either directly or by notice to the notification center shall, prior to the date and time work is scheduled to begin, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate location of the underground facilities of the operator in a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation. For the purpose of this act, the approximate location of the underground facilities shall be defined as a strip of land two (2) feet on either side of such underground facilities. Whenever an operator is served with notice of an excavation or demolition and determines that the operator does not have underground facilities located within the proposed area of excavation or demolition, the operator shall communicate this information to the excavator originating the notice prior to the commencement of such excavation or demolition.

C. The only exception to subsection A of this section shall be when an emergency exists that endangers life, health or property. Under these conditions, excavation operations may begin immediately, providing reasonable precautions are taken to protect underground facilities. All operators of underground facilities within the area of the emergency must be notified promptly when an emergency requires excavation prior to the location of the underground facilities being marked.

D. Every notice given by an excavator to an operator pursuant to this section or to the notification center pursuant to Section 142.3 of this title shall contain at least the following information:

1. The name of the individual serving such notice;
2. The location of the proposed area of excavation or demolition;
3. The name, address and telephone number of the excavator or excavator's company;
4. The excavator's field telephone number, if one is available;
5. The type and the extent of the proposed work;
6. Whether or not the discharging of explosives is anticipated; and
7. The date and time when work is to begin.

E. In marking the approximate location of underground facilities, an operator shall follow the standard color coding described herein:

OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
Electric Power Distribution and Transmission	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility Safety Yellow
Oil Distribution and Transmission	High Visibility Safety Yellow
Dangerous Materials, Product Lines, Steam Lines	High Visibility Safety Yellow
Telephone and Telegraph Systems	Safety Alert Orange
Police and Fire Communications	

Safety Alert Orange
Cable Television

Safety Alert Orange
Water Systems

Safety Precaution Blue
Slurry Systems

Safety Precaution Blue
Sewer Systems

Safety Green
Added by Laws 1981, c. 94, § 6, eff. Jan. 1, 1982. Amended by Laws 2003, c. 362, § 4, eff. Nov. 1, 2003; Laws 2016, c. 151, § 2, eff. Nov. 1, 2016; Laws 2019, c. 148, § 2, eff. Nov. 1, 2019.

§63-142.7. Use of powered or mechanized equipment - Exemptions.

A. Except as provided in subsection B of this section, powered or mechanized equipment shall not be used directly over marked routes of underground facilities until the precise location of the underground facilities has been determined by the excavator, and then only after the facilities have been exposed and properly protected to avoid damage to them. If the precise location of the underground facilities cannot be determined by the excavator, the operator thereof shall be notified by the excavator so that the operator can determine the precise location of the underground facilities prior to continuing excavation or demolition.

B. The only exception to the prohibition of the use of powered or mechanized equipment directly over marked routes of underground facilities shall be for the removal of pavement or masonry, and then only to the depth of such pavement or masonry.

Laws 1981, c. 94, § 7, eff. Jan. 1, 1982.

§63-142.8. Additional notice required.

In addition to the notice required by Section 142.6 of this title, whenever the demolition of a structure is proposed, operators in the geographic area defined by the notification center who have a notice on file with the notification center pursuant to Section 142.3

of this title shall be given at least seven (7) business days' notice of the proposed demolition before the demolition work begins. Such notice shall be initiated by the notification center after the excavator has met local code requirements for a demolition permit. When an operator is served with notice and determines that underground facilities are within the proposed area of demolition and such facilities require additional protection, service removal or termination, the operator shall communicate this information to the excavator and by mutual agreement the operator and excavator shall determine a date to begin the demolition which shall not exceed sixty (60) business days from the original demolition notice. If a public agency determines that the structure endangers the public health or safety, then the public agency may, in the manner provided by law, order the immediate demolition of the structure.
Added by Laws 1981, c. 94, § 8, eff. Jan. 1, 1982. Amended by Laws 2003, c. 362, § 5, eff. Nov. 1, 2003; Laws 2004, c. 427, § 2, emerg. eff. June 4, 2004.

§63-142.9. Damage to underground facilities.

A. When any damage occurs to an underground facility or its protective covering, the operator thereof shall be notified immediately by any person who caused the damage.

B. Upon receiving notice of such damage, the operator shall promptly dispatch personnel to the location to effect temporary or permanent repairs.

C. Should damage occur that endangers life, health or property, the excavator responsible for the work shall keep all sources of ignition away from the damaged area and shall take immediate action to protect the public and property and to minimize the hazard until arrival of the operator's personnel or until the appropriate police or fire officials shall have arrived and taken charge of the damaged area.

D. An excavator shall delay any backfilling in the immediate area of the damaged underground facilities until the damage has been repaired, unless the operator authorizes otherwise. The repair of such damage must be performed by the operator or by qualified personnel authorized by the operator.
Added by Laws 1981, c. 94, § 9, eff. Jan. 1, 1982. Amended by Laws 2017, c. 192, § 2, eff. Nov. 1, 2017.

§63-142.9a. Damage to underground facilities – Liability - Injunction.

A. Any excavator, except for a public agency who fails to comply with the Oklahoma Underground Facilities Damage Prevention Act and who damages an underground facility owned or operated by a nonprofit rural water corporation organized pursuant to Section 863 of Title 18 of the Oklahoma Statutes or a rural water district organized pursuant

to the Rural Water, Sewer, Gas, and Solid Waste Management Districts Act, shall be liable for the underground damage to and responsible for the repair of such facilities. Any new underground facilities installed on and after September 1, 1992, shall contain materials capable of being detected so that the facilities can be accurately located.

B. Any excavator who damages or cuts an underground facility, as a result of negligently failing to comply with the provisions of the Oklahoma Underground Facilities Damage Prevention Act or as a result of failing to take measures for the protection of an underground facility shall be liable to the operator of the underground facility for the repair of the damaged underground facility.

C. Except for public agencies, any excavator who by willful act or by reckless disregard of the rights of others, repeatedly violates the provisions of the Oklahoma Underground Facilities Damage Prevention Act and repeatedly damages underground facilities, thereby threatening the public health, safety, and welfare, may be enjoined by a court of competent jurisdiction from further excavation.

Added by Laws 1992, c. 369, § 1, eff. Sept. 1, 1992. Amended by Laws 2002, c. 412, § 2, eff. July 1, 2002; Laws 2003, c. 362, § 6, eff. Nov. 1, 2003.

§63-142.10. Statewide notification center.

A. This act recognizes the value of and authorizes the establishment of a statewide notification center.

B. Upon establishment, the notification center shall operate twenty-four (24) hours a day, seven (7) days a week. Notification, as required by Section 142.6 of this title, to operators who are members of or participants in the notification center, shall be given by notifying the notification center by telephone or other acceptable means of communication, the content of such notification to conform to Section 142.6 of this title.

C. All operators who have underground facilities within the defined geographical boundary of the notification center shall be afforded the opportunity to become a member of the notification center on the same terms as the original members. Others may participate as nonmembers on terms and conditions as the members deem appropriate.

D. A suitable record shall be maintained by the notification center to document the receipt of the notices from excavators as required by this act.

Added by Laws 1981, c. 94, § 10, eff. Jan. 1, 1982. Amended by Laws 2003, c. 362, § 7, eff. Nov. 1, 2003.

§63-142.11. Exemptions.

Notwithstanding anything which may be contained in this act to the contrary, public agencies and their contractors engaged in work

within the public right-of-way which work is a preengineered project, certified project or routine maintenance shall be exempt from the provisions of this act. Provided, a public agency contractor, prior to engaging in routine maintenance, shall take reasonable steps to determine the location of underground facilities in or near the proposed area of work. Reasonable steps may include utilization of the statewide one-call notification center procedures as provided for in Section 142.6 of this title.
Added by Laws 1981, c. 94, § 11, eff. Jan. 1, 1982. Amended by Laws 1986, c. 114, § 1, eff. Nov. 1, 1986; Laws 2003, c. 362, § 8, eff. Nov. 1, 2003.

§63-142.12. Repealed by Laws 2016, c. 151, § 3, eff. Nov. 1, 2016.

§63-142.13. Enforcement authority – Corporation Commission.

The Corporation Commission is hereby designated as the agency to enforce the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Section 142.1 et seq. of Title 63 of the Oklahoma Statutes, over excavation or demolition on or near or directly over the location of, and notice of damage to, oil and natural gas physical facilities which are described by the currently effective definition of "pipeline" in 49 CFR Part 192.3 and "pipeline" and "pipeline system" in 49 CFR Part 195.2. Enforcement authority granted in this section shall be concurrent with and shall not be construed to modify or limit any private right of action, including those available pursuant to Section 142.9a of Title 63 of the Oklahoma Statutes. Terms used in this section shall be as defined in the Oklahoma Underground Facilities Damage Prevention Act.
Added by Laws 2014, c. 243, § 1, emerg. eff. May 9, 2014.

§63-176. Repealed by Laws 2013, c. 53, § 2, eff. July 1, 2013.

§63-313A. Definitions.

A. As used in this section:

1. a. "Health benefit plan" means a plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, and

(2) is offered by any insurance company, group hospital service corporation, the State and Education Employees Group Insurance Board, or a health maintenance organization that delivers or issues for delivery an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage, or, to the extent permitted by the Employee Retirement Income

Security Act of 1974, 29 U.S.C., Section 1001 et seq., by a multiple employer welfare arrangement as defined in Section 3 of the Employee Retirement Income Security Act of 1974, or any other analogous benefit arrangement, whether the payment is fixed or by indemnity.

b. "Health benefit plan" shall not include:

(1) a plan that provides coverage:

(a) only for a specified disease or diseases or under an individual limited benefit policy,

(b) only for accidental death or dismemberment,

(c) for dental or vision care,

(d) a hospital confinement indemnity policy,

(e) disability income insurance or a combination of accident-only and disability income insurance, or

(f) as a supplement to liability insurance,

(2) a Medicare supplemental policy as defined by Section 1882(g)(1) of the Social Security Act (42 U.S.C., Section 1395ss),

(3) worker's compensation insurance coverage,

(4) medical payment insurance issued as part of a motor vehicle insurance policy,

(5) a long-term care policy, including a nursing home fixed indemnity policy, unless a determination is made that the policy provides benefit coverage so comprehensive that the policy meets the definition of a health benefit plan, or

(6) short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less; and

2. "Prior authorization" means a utilization management criterion utilized to seek permission or waiver of a drug to be covered under a health prior authorization.

B. Notwithstanding any other provision of law to the contrary, in order to establish uniformity in the submission of prior authorization forms, on or after January 1, 2014, a health benefit plan shall utilize prior authorization forms for obtaining any prior authorization for prescription drug benefits. A form shall not exceed three pages in length, excluding any instructions or guiding documentation and a health benefit plan may customize the content of the form specific to the prescription drug for which the prior authorization is being requested. A health benefit plan may make the form accessible through multiple computer operating systems. Additionally, upon request, the health benefit plan shall make a copy of the form available to the Insurance Commissioner.

Added by Laws 2013, c. 362, § 1.

§63-313B. Prior authorization forms for prescription drug benefits.

A. As used in this section:

1. a. "Health benefit plan" means a plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, and

(2) is offered by any insurance company, group hospital service corporation, the State and Education Employees Group Insurance Board, or a health maintenance organization that delivers or issues for delivery an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage, or, to the extent permitted by the Employee Retirement Income Security Act of 1974, 29 U.S.C., Section 1001 et seq., by a multiple employer welfare arrangement as defined in Section 3 of the Employee Retirement Income Security Act of 1974, or any other analogous benefit arrangement, whether the payment is fixed or by indemnity.

b. "Health benefit plan" shall not include:

(1) a plan that provides coverage:

(a) only for a specified disease or diseases or under an individual limited benefit policy,

(b) only for accidental death or dismemberment,

(c) for dental or vision care,

(d) a hospital confinement indemnity policy,

(e) disability income insurance or a combination of accident-only and disability income insurance, or

(f) as a supplement to liability insurance,

(2) a Medicare supplemental policy as defined by Section 1882(g)(1) of the Social Security Act (42 U.S.C., Section 1395ss),

(3) workers' compensation insurance coverage,

(4) medical payment insurance issued as part of a motor vehicle insurance policy,

(5) a long-term care policy, including a nursing home fixed indemnity policy, unless a determination is made that the policy provides benefit coverage so comprehensive that the policy meets the definition of a health benefit plan, or

(6) short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less; and

2. "Prior authorization" means a utilization management criterion utilized to seek permission or waiver of a drug to be covered under a health prior authorization.

B. Notwithstanding any other provision of law to the contrary, in order to establish uniformity in the submission of prior authorization forms, on or after January 1, 2015, a health benefit plan shall utilize prior authorization forms for obtaining any prior authorization for prescription drug benefits. A form shall not exceed three pages in length, excluding any instructions or guiding documentation and a health benefit plan may customize the content of the form specific to the prescription drug for which the prior authorization is being requested. A health benefit plan may make the form accessible through multiple computer operating systems. Additionally, upon request, the health benefit plan shall make a copy of the form available to the Insurance Commissioner.

Added by Laws 2014, c. 264, § 1, eff. Nov. 1, 2014.

§63-315. Display of sign by retailers as to meat inspection.

All retail establishments selling meats which have been either state or federally inspected shall display a sign adjacent to the meat counter and plainly visible to the customer stating that "meat sold over this counter has been state inspected," or if it is federally inspected it shall state that "meat sold over this counter has been federally inspected." This sign shall be not less than 24"x10" in size with prominent letters.

Added by Laws 1961, p. 692, § 6, emerg. eff. July 29, 1961.

§63-316. Definitions.

As used in this act:

1. "Bulk meat" means beef sold by hanging weight, consisting of whole carcasses and the following primal cuts:

a. "side of beef" means chuck and rib with plate and brisket removed,

b. "front quarter of beef" means the forward portion of a side, back to and including the twelfth rib,

c. "back of beef" means chuck and rib with plate and brisket removed,

d. "arm chuck of beef" means arm chuck with brisket removed, back to and including the fifth rib,

e. "rib of beef" means from the sixth to the twelfth rib, inclusive, not to exceed ten inches from tip of chine bone to top of rib without plate,

f. "hindquarter of beef" means the rear section of a side from and including the thirteenth rib, consisting of round, loin and flank,

g. "trimmed loin of beef" means short loin and hip or sirloin, and that section of hindquarter including

thirteenth rib and separated one (1) inch to two (2) inches below aitchbone, without flank or kidney,

h. "full loin of beef" means loin of beef, including flank and kidney, and

i. "round of beef" means that portion of hindquarter separated from loin one (1) inch to two (2) inches below aitchbone back to shin bone;

2. "Buyer" means both actual and prospective purchasers but does not include persons purchasing for resale;

3. "Food plan" means any plan offering meat for sale or the offering of such product in combination with each other or with any other food or nonfood product or service for a single price;

4. "Livestock" means cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic animal products, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, horses, other equines or rabbits raised in confinement for human consumption;

5. "Meat" means any edible portion of livestock, poultry or captive cervid carcass or part thereof;

6. "Misrepresent" means the use of any untrue, misleading or deceptive oral or written statement, advertisement, label, display, picture, illustration or sample;

7. "Person" means an individual, partnership, firm, corporation, association or other entity;

8. "Poultry" means any domestic bird intended for human consumption;

9. "Represent" means the use of any form of oral or written statement, advertisement, label, display, picture, illustration or sample; and

10. "Seller" means any person league, franchise, franchisee, franchisor or any authorized representative or agent thereof who offers meat or combinations of such items, for retail purchase to the public for preparation and consumption off the premises where sold or for direct purchase by an individual at his or her residence.

Added by Laws 2019, c. 180, § 1.

§63-317. Misleading or deceptive practices.

No person advertising, offering for sale or selling all or part of a carcass or food plan shall engage in any misleading or deceptive practices, including, but not limited to, any one or more of the following:

1. Disparaging or degrading any product advertised or offered for sale by the seller, displaying any product or depiction of a product to any buyer in order to induce the purchase of another product or representing that a product is for sale when the representation is used primarily to sell another product, or substituting any product for that ordered by the buyer without the

buyer's consent. Nothing in this paragraph shall be construed to prohibit the enhancement of sales of any product by the use of a gift;

2. Failing to have available a sufficient quantity of the product represented as being for sale to meet reasonable anticipated demands, unless the available amount is disclosed fully and conspicuously;

3. Using any price list or advertisement subject to changes without notice unless so stated, and which contains prices other than the seller's current billing prices, unless changes are subject to consumer's advance acceptance or rejection at or before the time of order or delivery;

4. Misrepresenting the amount of money that the buyer will save on purchases of any products which are not of the same grade or quality;

5. Failing to disclose fully and conspicuously in any printed advertisement and invoice in at least ten-point type any charge for cutting, wrapping, freezing, delivery, annual interest rate or financing and other services;

6. Representing the price of any product to be offered for sale in units larger than one pound in terms other than price per single pound. Nothing in this section shall be construed to prevent the price of such units from also being represented by individual serving, by fluid measure or by other meaningful description;

7. Misrepresenting the cut, grade, brand or trade name, or weight or measure of any product, or misrepresenting a product as meat that is not derived from harvested production livestock or poultry; provided product packaging for plant-based items shall not be considered to be in violation of the provisions of this paragraph so long as the packaging displays that the product is derived from plant-based sources;

8. Using the abbreviation "U.S." in describing a product not graded by the United States Department of Agriculture, except that a product may be described as "U.S. Inspected" when true;

9. Referring to a quality grade other than the United States Department of Agriculture quality grade, unless the grade name is preceded by the seller's name in type at least as large and conspicuous as the grade name;

10. Misrepresenting a product through the use of any term similar to a government grade;

11. Failing to disclose in uniform ten-point type, when a quality grade is advertised, a definition of the United States Department of Agriculture quality grade in the following terms:

a. prime,

b. choice,

c. select,

d. good,

e. standard,
f. utility,
g. commercial,
h. canner, and
i. cutter;

12. Failing to disclose in uniform ten-point type, when a yield grade within a quality grade is advertised, a definition of the United States Department of Agriculture yield grade in the following terms:

a. yield grade one (1), extra lean,
b. yield grade two (2), lean,
c. yield grade three (3), average waste,
d. yield grade four (4), wasty, and
e. yield grade five (5), exceptionally wasty;

13. Advertising or offering for sale carcasses, sides or primal cuts as such, while including disproportionate numbers or amounts of less expensive components of those cuts, or offering them in tandem with less expensive components from other carcasses, sides or primal cut parts;

14. Failing to disclose fully and conspicuously the correct government grade for any product if the product is represented as having been graded;

15. Failing to disclose fully and conspicuously that the yield of consumable meat from any carcass or part of a carcass will be less than the weight of the carcass or part of the carcass. The seller shall, for each carcass or part of carcass advertised, use separately and distinctly in any printed matter, in at least ten-point type, the following disclosure: "Sold gross weight subject to trim loss";

16. Misrepresenting the amount or proportion of retail cuts that a carcass or part of carcass will yield;

17. Failing to disclose fully and conspicuously whether a quarter of a carcass is the front quarter or hindquarter;

18. Representing any part of a carcass as a "half" or "side" unless it consists exclusively of a front quarter and hindquarter. Sides or halves must consist of only anatomically natural proportions of cuts from front quarters or hindquarters;

19. Representing primal cuts in a manner other than described in Section 1 of this act;

20. Using the words "bundle", "sample order" or words of similar import to describe a quantity of meat unless the seller itemizes each type of cut and the weight of each type of cut which the buyer will receive; and

21. Advertising or offering a free, bonus or extra product or service combined with or conditioned on the purchase of any other product or service unless the additional product or service is accurately described including, whenever applicable, grade, net weight or measure, type and brand or trade name. The words "free",

"bonus" or other words of similar import shall not be used in any advertisement unless the advertisement clearly and conspicuously sets forth the total price or amount which must be purchased to entitle the buyer to the additional product or service.
Added by Laws 2019, c. 180, § 2.

§63-330.21. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.22. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.23. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.24. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.25. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.26. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.27. Repealed by Laws 1990, c. 85, § 3, operative July 1, 1990.

§63-330.31. Independent audits - Reimbursable cost statements.
The superintendent of each hospital operated by the State of Oklahoma or any department, commission, agency, or authority thereof is authorized to employ Certified Public Accountants for the purpose of conducting an independent audit of such hospital's books and records and preparing an audit report and reimbursable cost statement at the close of each fiscal year in accordance with the requirements of third party payors that may reimburse such hospital for care and treatment provided.
Laws 1965, c. 128, § 1, emerg. eff. May 24, 1965.

§63-330.51. Definitions.
For the purposes of Section 330.51 et seq. of this title, and as used herein:
1. "Board" means the Oklahoma State Board of Examiners for Long-Term Care Administrators;

2. "Long-term care administrator" means a person licensed or certified as a nursing facility administrator, an assisted living facility administrator, a residential care facility administrator, or an adult day care center administrator pursuant to Section 330.51 et seq. of this title. A long-term care administrator must devote at least one-half (1/2) of such person's working time to on-the-job supervision of a long-term care facility; provided that this requirement shall not apply to an administrator of an intermediate care facility for individuals with intellectual disabilities with sixteen or fewer beds (ICF/IID-16), in which case the person licensed by the state may be in charge of more than one ICF/IID-16, if such facilities are located within a circle that has a radius of not more than fifteen (15) miles, and the total number of facilities and beds does not exceed six facilities and sixty-four beds. The facilities may be free-standing in a community or may be on campus with a parent institution. The ICF/IID-16 may be independently owned and operated or may be part of a larger institutional ownership and operation;

3. "Nursing facility administrator" means a person licensed by the State of Oklahoma to perform the duties of an administrator serving in a skilled nursing or nursing or ICF/IID facility;

4. "Assisted living facility administrator" means a person licensed or certified by the State of Oklahoma to perform the duties of an administrator serving in an assisted living facility;

5. "Residential care facility administrator" means a person licensed or certified by the State of Oklahoma to perform the duties of an administrator serving in a residential care facility;

6. "Adult day care center administrator" means a person licensed or certified by the State of Oklahoma to perform the duties of an administrator serving in an adult day care center; and

7. "Nursing home", "rest home" and "specialized home" shall have the same meaning as the term "nursing facility" as such term is defined in the Nursing Home Care Act; "assisted living center" and "continuum of care facility" shall have the same meaning as such terms are defined in the Continuum of Care and Assisted Living Act; "home" and "residential care home" shall have the same meaning as the terms are used in the Residential Care Act; and "adult day care center" and "center" shall have the same meaning as such terms are used in the Adult Day Care Act.

Added by Laws 1968, c. 100, § 1, emerg. eff. April 1, 1968. Amended by Laws 1991, c. 168, § 1, eff. July 1, 1991; Laws 1995, c. 289, § 1, eff. Nov. 1, 1995; Laws 1996, c. 118, § 2, eff. Nov. 1, 1996; Laws 2005, c. 168, § 1, emerg. eff. May 13, 2005; Laws 2006, c. 291, § 1, eff. July 1, 2006; Laws 2011, c. 192, § 1, eff. Nov. 1, 2011; Laws 2019, c. 475, § 57, eff. Nov. 1, 2019.

§63-330.52. State Board of Examiners.

A. There is hereby re-created, to continue until July 1, 2022, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma State Board of Examiners for Long-Term Care Administrators. The Oklahoma State Board of Examiners for Long-Term Care Administrators shall consist of fifteen (15) members, eight of whom shall be representatives of the professions and institutions of long-term care, with representation from each type of administrator defined in Section 330.51 of this title. In order to be eligible to serve as a member, such administrators shall be licensed or certified in their defined facility type, and be in good standing and have at least three (3) years of experience as an administrator in the facility type they represent, except a nursing facility administrator as defined in Section 330.51 of this title, who shall have at least five (5) years of experience as a nursing facility administrator. Four members shall represent the general public, of which at least two shall be licensed medical professionals concerned with the care and treatment of critically ill or infirm elderly patients. The preceding twelve members shall be appointed by the Governor, with the advice and consent of the Senate. The final three members shall constitute the State Commissioner of Health, the Director of the Department of Human Services, and the Director of the Department of Mental Health and Substance Abuse Services, or their designees.

B. No members other than the eight licensed or certified administrators shall have a direct or indirect financial interest in long-term care facilities.

C. Effective November 1, 2011, all appointed positions of the current Board shall be deemed vacant. The Governor shall make initial appointments pursuant to the provisions of this subsection. Initial appointments shall become effective on November 1, 2011. The new members of the Board shall be initially appointed as follows:

1. Four of the members representing each administrator type, two members representing the general public and two other members shall be appointed for a term of two (2) years to expire on October 31, 2013; and

2. Four of the members representing each administrator type, two members representing the general public and one other member shall be appointed for a term of three (3) years to expire on October 31, 2014.

D. After the initial terms, the terms of all appointive members shall be three (3) years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term.

E. Any member of the Board shall recuse himself or herself from voting on any matter that originated from or involves an entity with which the Board member is affiliated.

Added by Laws 1968, c. 100, § 2, emerg. eff. April 1, 1968. Amended by Laws 1973, c. 264, § 1, emerg. eff. May 24, 1973; Laws 1980, c.

175, § 1, eff. Oct. 1, 1980; Laws 1982, c. 196, § 1, emerg. eff. April 27, 1982; Laws 1988, c. 225, § 21; Laws 1991, c. 168, § 2, eff. July 1, 1991; Laws 1995, c. 17, § 1, emerg. eff. March 31, 1995; Laws 2000, c. 91, § 1; Laws 2005, c. 168, § 2, emerg. eff. May 13, 2005; Laws 2006, c. 291, § 2, eff. July 1, 2006; Laws 2007, c. 347, § 10, eff. Nov. 1, 2007; Laws 2011, c. 192, § 2, eff. Nov. 1, 2011; Laws 2018, c. 295, § 1; Laws 2019, c. 343, § 1, eff. Nov. 1, 2019.

§63-330.53. Qualifications for license or certification.

A. The Oklahoma State Board of Examiners for Long-Term Care Administrators shall have authority to issue licenses or certifications to qualified persons as long-term care administrators, and shall establish qualification criteria for each type of long-term care administrator.

B. No license or certification shall be issued to a person as a long-term care administrator unless:

1. The person shall have submitted evidence satisfactory to the Board that the person is:

a. not less than twenty-one (21) years of age, and

b. of reputable and responsible character; and

2. The person shall have submitted evidence satisfactory to the Board of the person's ability to supervise the defined facility type in which he or she is licensed or certified to serve as a long-term care administrator.

C. All persons currently licensed or certified or lawfully serving as an administrator in their defined facility type shall be permitted to continue to serve in their current capacity under their current terms of authorization. The Board may promulgate rules pursuant to Section 330.57 of this title to address future certification and licensure requirements for all long-term care administrator types without effect on the licensure or certification status of those currently certified or licensed. The Board shall not include a requirement for a four-year degree in any future licensing or certification requirements for assisted living, residential care or adult day care administrators. Until such rules are promulgated, current licensure and certification processes and standards shall remain in place.

D. The Oklahoma State Board of Examiners for Long-Term Care Administrators shall, on or before July 1, 2017, promulgate rules permitting eligible applicants to sit for the state standards examination at a testing facility using procedures approved by the National Association of Long-Term Care Administrator Board, including but not limited to the use of electronic or online methods for examination.

E. The Oklahoma State Board of Examiners for Long-Term Care Administrators shall promulgate rules to implement the provisions of this section.

Added by Laws 1968, c. 100, § 3, emerg. eff. April 1, 1968. Amended by Laws 1991, c. 168, § 3, eff. July 1, 1991; Laws 1995, c. 289, § 2, eff. Nov. 1, 1995; Laws 2006, c. 291, § 3, eff. July 1, 2006; Laws 2006, c. 273, § 2, emerg. eff. June 7, 2006; Laws 2011, c. 192, § 3, eff. Nov. 1, 2011; Laws 2016, c. 241, § 1, eff. Nov. 1, 2016.

§63-330.54. License fees - Expiration date.

Each person licensed or certified as a long-term care administrator pursuant to the provisions of Section 330.53 of this title shall be required to pay an annual license or certification fee which shall be deposited in the Oklahoma State Board of Examiners for Long-Term Care Administrators Revolving Fund. Such fee shall be determined by the Oklahoma State Board of Examiners for Long-Term Care Administrators. Each such license or certification shall expire on the 31st day of December following its issuance, and shall be renewable for a calendar year, upon meeting the renewal requirements and upon payment of the annual license fee.

Added by Laws 1968, c. 100, § 4, emerg. eff. April 1, 1968. Amended by Laws 1984, c. 172, § 3, operative July 1, 1984; Laws 1988, c. 171, § 3, operative July 1, 1988; Laws 1991, c. 168, § 4, eff. July 1, 1991; Laws 2006, c. 291, § 4, eff. July 1, 2006; Laws 2011, c. 192, § 4, eff. Nov. 1, 2011.

§63-330.56. Officers - Rules - Travel expenses - Personnel.

The Oklahoma State Board of Examiners for Long-Term Care Administrators shall elect from its membership a chair, vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. Each member shall be allowed necessary travel expenses, as may be approved by the Board pursuant to the State Travel Reimbursement Act. The Board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

Added by Laws 1968, c. 100, § 6, emerg. eff. April 1, 1968. Amended by Laws 1985, c. 178, § 46, operative July 1, 1985; Laws 2006, c. 291, § 5, eff. July 1, 2006.

§63-330.57. Qualifications of administrator.

The Oklahoma State Board of Examiners for Long-Term Care Administrators shall have sole and exclusive authority to determine the qualifications, skill and fitness of any person to serve as a long-term care administrator under the applicable provisions of the Nursing Home Care Act, the Continuum of Care and Assisted Living Act, the Residential Care Act, and the Adult Day Care Act. The Board shall promulgate rules to determine the qualifications for licensure or certification for the long-term care administrator types as defined in Section 330.51 of this title. Such rules may include a

requirement for licensure instead of certification for certain long-term care administrator types.
Added by Laws 1968, c. 100, § 7, emerg. eff. April 1, 1968. Amended by Laws 1991, c. 168, § 5, eff. July 1, 1991; Laws 2006, c. 291, § 6, eff. July 1, 2006; Laws 2011, c. 192, § 5, eff. Nov. 1, 2011.

§63-330.58. Duties of Board.

The Oklahoma State Board of Examiners for Long-Term Care Administrators shall:

1. Develop, impose, and enforce standards which must be met by individuals in order to receive a license or certification as a long-term care administrator, which standards shall be designed to ensure that long-term care administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as long-term care administrators;

2. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

3. Issue licenses or certifications to individuals determined, after the application of such techniques, to meet such standards. The Board may deny an initial application, deny a renewal application, and revoke or suspend licenses or certifications previously issued by the Board in any case where the individual holding any such license or certification is determined substantially to have failed to conform to the requirements of such standards. The Board may also warn, censure, impose administrative fines or use other remedies that may be considered to be less than revocation and suspension. Administrative fines imposed pursuant to this section shall not exceed One Thousand Dollars ($1,000.00) per violation. The Board shall consider the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board when issuing a fine;

4. Establish and carry out procedures designed to ensure that individuals licensed or certified as long-term care administrators will, during any period that they serve as such, comply with the requirements of such standards;

5. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a long-term care administrator has failed to comply with the requirements of such standards. The long-term care ombudsman program of the Aging Services Division of the Department of Human Services shall be notified of all complaint investigations of the Board so that they may be present at any such complaint investigation for the purpose of representing long-term care facility consumers;

6. Receive and take appropriate action on any complaint or referral received by the Board from the Department of Human Services or any other regulatory agency. Complaints may also be generated by the Board or staff. A complaint shall not be published on the web site of the Oklahoma State Board of Examiners for Long-Term Care Administrators unless there is a finding by the Board that the complaint has merit. The Board shall promulgate rules that include, but are not limited to, provisions for:

a. establishing a complaint review process,
b. creating a formal complaint file, and
c. establishing a protocol for investigation of complaints;

7. Enforce the provisions of Sections 330.51 through 330.65 of this title against all persons who are in violation thereof including, but not limited to, individuals who are practicing or attempting to practice as long-term care administrators without proper authorization from the Board;

8. Conduct a continuing study and investigation of long-term care facilities and administrators of long-term care facilities within the state with a view toward the improvement of the standards imposed for the licensing or certifying of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of long-term care facilities who have been licensed or certified;

9. Cooperate with and provide assistance when necessary to state regulatory agencies in investigations of complaints;

10. Develop a code of ethics for long-term care administrators which includes, but is not limited to, a statement that administrators have a fiduciary duty to the facility and cannot serve as guardian of the person or of the estate, or hold a durable power of attorney or power of attorney for any resident of a facility of which they are an administrator;

11. Report a final adverse action against a long-term care administrator to the Healthcare Integrity and Protection Data Bank pursuant to federal regulatory requirements;

12. Refer completed investigations to the proper law enforcement authorities for prosecution of criminal activities;

13. Impose administrative fines, in an amount to be determined by the Board, against persons who do not comply with the provisions of this act or the rules adopted by the Board. Administrative fines imposed pursuant to this section shall not exceed One Thousand Dollars ($1,000.00) per violation. The Board shall consider the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board when issuing a fine;

14. Assess the costs of the hearing process, including attorney fees;

15. Grant short-term provisional licenses to individuals who do not meet all of the licensing requirements, provided the individual obtains the services of a currently licensed administrator to act as a consultant and meets any additional criteria for a provisional license established by the Board;

16. Order a summary suspension of an administrator's license or certification or an Administrator in Training (AIT) permit, if, in the course of an investigation, it is determined that a licensee, certificate holder or AIT candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety or welfare of the public, and which conduct necessitates immediate action to prevent further harm; and

17. Promulgate rules governing the employment of assistant administrators for nursing and skilled nursing facilities including, but not limited to, minimum qualifications.

Added by Laws 1968, c. 100, § 8, emerg. eff. April 1, 1968. Amended by Laws 1980, c. 175, § 2, eff. Oct. 1, 1980; Laws 1991, c. 168, § 6, eff. July 1, 1991; Laws 2005, c. 168, § 3, emerg. eff. May 13, 2005; Laws 2006, c. 291, § 7, eff. July 1, 2006; Laws 2007, c. 347, § 11, eff. Nov. 1, 2007; Laws 2008, c. 411, § 2, eff. Nov. 1, 2008; Laws 2011, c. 192, § 6, eff. Nov. 1, 2011.

§63-330.59. Service as administrator without license prohibited.

It shall be unlawful and a misdemeanor for any person to act or serve in the capacity as a long-term care administrator unless the person is the holder of a license or certification as a long-term care administrator, issued in accordance with the provisions of this act.

Added by Laws 1968, c. 100, § 9, emerg. eff. April 1, 1968. Amended by Laws 2006, c. 291, § 8, eff. July 1, 2006; Laws 2011, c. 192, § 7, eff. Nov. 1, 2011.

§63-330.60. Rules and regulations.

The Board shall establish such rules and regulations governing operations, reporting of fees, and compensation of employees, the maintenance of books, records and manner and time of employee compensation, all as may be in the public interest.

Laws 1968, c. 100, § 10, emerg. eff. April 1, 1968; Laws 1974, c. 48, § 1, emerg. eff. April 13, 1974. Amended by Laws 1990, c. 85, § 1, operative July 1, 1990.

§63-330.61. Additional fees.

A. In addition to fees necessary to implement the provisions of this act, the Oklahoma State Board of Examiners for Long-Term Care Administrators may impose fees for:

1. Training programs conducted or approved by the Board; and
2. Education programs conducted or approved by the Board.

B. All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Oklahoma State Board of Examiners for Long-Term Care Administrators Revolving Fund.
Added by Laws 1988, c. 171, § 4, operative July 1, 1988. Amended by Laws 1990, c. 85, § 2, operative July 1, 1990; Laws 1991, c. 168, § 7, eff. July 1, 1991; Laws 2006, c. 291, § 9, eff. July 1, 2006.

§63-330.62. Oklahoma State Board of Examiners for Long-Term Care Administrators Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Board of Examiners for Long-Term Care Administrators to be designated the "Oklahoma State Board of Examiners for Long-Term Care Administrators Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of such sources of income as are provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Board of Examiners for Long-Term Care Administrators to carry out the duties established by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1988, c. 171, § 5, operative July 1, 1988. Amended by Laws 1991, c. 168, § 8, eff. July 1, 1991; Laws 2006, c. 291, § 10, eff. July 1, 2006; Laws 2012, c. 304, § 503.

§63-330.63. Repealed by Laws 2006, c. 291, § 13, eff. July 1, 2006.

§63-330.64. Complaints - Registry.

A. Each investigation of a complaint received by the Oklahoma State Board of Examiners for Long-Term Care Administrators shall be initiated within ninety (90) days from the date the complaint is received by the Board. Each complaint investigation shall be completed within twelve (12) months of initiation. The time period may be extended by the Board for good cause.

B. Effective May 13, 2005, the Board shall create and maintain a registry of all complaints or referrals, found by the Board to have merit, complaining of acts or omissions of licensed administrators. The registry shall be maintained in both electronic and paper formats and shall be available for inspection by the public. Such registry shall be organized both in chronological order by the date of the complaint and by the name of the licensed administrator. The registry shall contain information about the nature of the complaint and the action, if any, taken by the Board. The registry shall also contain the number of complaints made against an individual administrator.

Added by Laws 2005, c. 168, § 4, emerg. eff. May 13, 2005. Amended by Laws 2006, c. 291, § 11, eff. July 1, 2006; Laws 2008, c. 411, § 3, eff. Nov. 1, 2008.

§63-330.65. Complaint procedures.

A. Any decision by the Oklahoma State Board of Examiners for Long-Term Care Administrators pursuant to a complaint received against an individual administrator shall be voted upon by a quorum of the Board in an open meeting.

B. Any person or agency may submit to the Board a complaint against a long-term care administrator. Complaints may also be generated by the Board or staff.

C. A committee or committees of three (3) persons appointed by the chair of the Board shall review complaints to determine if probable cause exists that a violation of this act or the rules of the Board has occurred. No committee shall be composed of a majority of board members who are long-term care administrators or owners. The committee may cause the allegations to be investigated, and, if this committee determines that such probable cause exists, this committee shall file a formal complaint against the long-term care administrator alleged to have committed the violation.

D. To ensure the confidentiality of an investigative file obtained during the investigation, the information in the investigative file shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act nor shall the information be subject to subpoena or discovery in any civil or criminal proceeding, except that the Board may give the information to law enforcement and other state licensing agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that will ensure against unauthorized access to the information. The respondent may acquire information obtained during an investigation, unless the disclosure of the information is otherwise prohibited, except for the investigative report, if the respondent signs a protective order whereby the respondent agrees to use the information solely for the purpose of defense in the Board proceeding and in any appeal therefrom and agrees not to otherwise disclose the information.

E. Upon completion of an investigation, the probable cause committee may make a recommendation to the Board to set the case for hearing, or for dismissal or other action.

F. The respondent may be given an opportunity to participate in an informal resolution of the case. Discussions to resolve the case without a hearing may be conducted by the Director, the prosecutor of the Board, or both the Director and the prosecutor, in consultation with the probable cause committee. Any recommendation for informal resolution shall be presented to the Board for its consideration and approval.

G. If the case is not resolved, the respondent shall be afforded notice and a hearing in accordance with the provisions of Article II of the Administrative Procedures Act. The members of the probable cause committee that reviewed the complaint shall recuse themselves from any participation in a hearing. Any party aggrieved by a decision of the Board following a hearing may appeal directly to district court pursuant to the provisions of Section 318 of Title 75 of the Oklahoma Statutes.
Added by Laws 2005, c. 168, § 5, emerg. eff. May 13, 2005. Amended by Laws 2006, c. 291, § 12, eff. July 1, 2006; Laws 2008, c. 411, § 4, eff. Nov. 1, 2008; Laws 2011, c. 192, § 8, eff. Nov. 1, 2011.

§63-330.71. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.72. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.73. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.74. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.75. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.76. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.77. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.78. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.79. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.80. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.81. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.82. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.83. Repealed by Laws 1990, c. 320, § 20, emerg. eff. May 30, 1990.

§63-330.84. Renumbered as § 2451 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990.

§63-330.85. Renumbered as § 2452 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990.

§63-330.86. Renumbered as § 2453 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990.

§63-330.87. Renumbered as § 2454 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990.

§63-330.88. Renumbered as § 2455 of this title by Laws 1990, c. 320, § 19, emerg. eff. May 30, 1990.

§63-330.89. Repealed by Laws 1990, c. 320, § 21, emerg. eff. May 30, 1990.

§63-330.90. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.91. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.92. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.93. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.94. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.95. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.96. Repealed by Laws 1999, c. 156, § 6, eff. Nov. 1, 1999.

§63-330.97. Renumbered as § 1-2522 of this title by Laws 2002, c. 374, § 11, eff. July 1, 2002.

§63-420. See the following versions:
OS 63-420v1 (SB 162, Laws 2019, c. 312, § 2).
OS 63-420v2 (HB 2601, Laws 2019, c. 477, § 5).
OS 63-420v3 (SB 1030, Laws 2019, c. 509, § 2).

§63-420v1. Medical marijuana license – Application – Fee – Temporary license – Caregiver license.

A. A person in possession of a state issued medical marijuana license shall be able to:

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces (84.9 grams) of marijuana on their person;

3. Legally possess six (6) mature marijuana plants;

4. Legally possess six (6) seedling plants;

5. Legally possess one (1) ounce (28.3 grams) of concentrated marijuana;

6. Legally possess seventy-two (72) ounces (2037.6 grams) of edible marijuana; and

7. Legally possess up to eight (8) ounces (226.4 grams) of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces of (42.45 grams) marijuana by persons who can state a medical condition, but are not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed Four Hundred Dollars ($400.00).

C. A regulatory office shall be established under the State Department of Health which shall receive applications for medical license recipients, dispensaries, growers and packagers within sixty (60) days of the passage of this initiative.

D. The State Department of Health shall, within thirty (30) days of passage of this initiative, make available on the Department's website, in an easy to find location, an application for a medical marijuana license. The license shall be valid for two (2) years, and the application fee shall be One Hundred Dollars ($100.00), or Twenty Dollars ($20.00) for individuals on Medicaid, Medicare or SoonerCare. The methods of payment shall be provided on the Department's website.

E. A temporary license application shall also be made available on the State Department of Health website. A temporary medical marijuana license shall be granted to any medical marijuana license holder from other states, provided that the state has a state regulated medical marijuana program, and the applicant can prove they are a member of such program. Temporary licenses shall be issued for thirty (30) days. The cost for a temporary license shall be One Hundred Dollars ($100.00). Renewal shall be granted with resubmission of a new application. No additional criteria shall be required.

F. Medical marijuana license applicants shall submit their application to the State Department of Health for approval. The applicant shall be an Oklahoma state resident and shall prove residency by a valid driver license, utility bills, or other accepted methods.

G. The State Department of Health shall review the medical marijuana application, approve or reject the application, and mail the applicant's approval or rejection letter, stating any reasons for rejection, to the applicant within fourteen (14) business days of receipt of the application. Approved applicants shall be issued a

medical marijuana license which shall act as proof of their approved status. Applications may only be rejected based on the applicant not meeting stated criteria or improper completion of the application.

H. The State Department of Health shall only keep the following records for each approved medical license:

1. A digital photograph of the license holder;

2. The expiration date of the license;

3. The county where the card was issued; and

4. A unique twenty-four-character identification number assigned to the license.

I. The State Department of Health shall make available, both on the Department's website and through a telephone verification system, an easy method to validate a medical marijuana license holder's authenticity by the unique twenty-four-character identifier.

J. The State Department of Health shall ensure that all application records and information are sealed to protect the privacy of medical marijuana license applicants.

K. A caregiver license shall be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license shall give the caregiver the same rights as the medical marijuana license holder. Applicants for a caregiver license shall submit proof of the medical marijuana license holder's license status and homebound status, proof which they are the designee of the medical marijuana license holder, proof that the caregiver is age eighteen (18) or older, and proof the caregiver is an Oklahoma resident. This shall be the only criteria for a caregiver license.

L. All applicants shall be eighteen (18) years or older. A special exception shall be granted to an applicant under the age of eighteen (18), however these applications shall be signed by two (2) physicians and the applicant's parent or legal guardian.

M. All applications for a medical marijuana license shall be signed by an Oklahoma physician licensed by and in good standing with the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners. There are no qualifying conditions. A medical marijuana license shall be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

N. Counties and cities may enact medical marijuana guidelines allowing medical marijuana license holders or caregivers to exceed the state limits set forth in subsection A of this section.

Added by § 1 of State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018. Amended by Laws 2019, c. 158, § 1, eff. Nov. 1, 2019; Laws 2019, c. 312, § 2, emerg. eff. May 7, 2019.

§63-420v2. Medical marijuana license – Application – Fee – Temporary license – Caregiver license.

A. A person in possession of a state-issued medical marijuana license shall be able to:

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces of marijuana on their person;

3. Legally possess six mature marijuana plants;

4. Legally possess six seedling plants;

5. Legally possess one (1) ounce of concentrated marijuana;

6. Legally possess seventy-two (72) ounces of edible marijuana; and

7. Legally possess up to eight (8) ounces of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces of marijuana by persons who can state a medical condition, but are not in possession of a state-issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed Four Hundred Dollars ($400.00).

C. A regulatory office shall be established under the State Department of Health which shall receive applications for medical marijuana license recipients, dispensaries, growers, and packagers within sixty (60) days of the passage of this initiative.

D. The State Department of Health shall, within thirty (30) days of passage of this initiative, make available on its website, in an easy-to-find location, an application for a medical marijuana license. The license shall be good for two (2) years, and the application fee shall be One Hundred Dollars ($100.00), or Twenty Dollars ($20.00) for individuals on Medicaid, Medicare, or SoonerCare. The methods of payment shall be provided on the website of the Department.

E. A short-term medical marijuana license application shall also be made available on the website of the State Department of Health. A short-term medical marijuana license shall be granted to any applicant who can meet the requirements for a two-year medical marijuana license, but whose physician recommendation for medical marijuana is only valid for sixty (60) days. Short-term medical marijuana licenses shall be issued for sixty (60) days. The fee for a short-term medical marijuana license and the procedure for extending or renewing the license shall be determined by the Department.

F. A temporary license application shall also be made available on the website of the Department. A temporary medical marijuana license shall be granted to any medical marijuana license holder from other states, provided that the state has a state-regulated medical marijuana program, and the applicant can prove he or she is a member of such program. Temporary licenses shall be issued for thirty (30)

days. The cost for a temporary license shall be One Hundred Dollars ($100.00). Renewal shall be granted with resubmission of a new application. No additional criteria shall be required.

G. Medical marijuana license applicants shall submit their applications to the State Department of Health for approval. The applicant shall be an Oklahoma state resident and shall prove residency by a valid driver license, utility bills, or other accepted methods.

H. The State Department of Health shall review the medical marijuana application, approve or reject the application, and mail the approval or rejection letter stating any reasons for rejection to the applicant within fourteen (14) business days of receipt of the application. Approved applicants shall be issued a medical marijuana license which shall act as proof of their approved status. Applications may only be rejected based on the applicant not meeting stated criteria or improper completion of the application.

I. The State Department of Health shall only keep the following records for each approved medical marijuana license:

1. A digital photograph of the license holder;
2. The expiration date of the license;
3. The county where the card was issued; and
4. A unique 24-character identification number assigned to the license.

J. The State Department of Health shall make available, both on its website and through a telephone verification system, an easy method to validate the authenticity of the medical marijuana license by the unique 24-character identifier.

K. The State Department of Health shall ensure that all application records and information are sealed to protect the privacy of medical marijuana license applicants.

L. A caregiver license shall be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license shall give the caregiver the same rights as the medical marijuana license holder. An applicant for a caregiver license shall submit proof of the license status and homebound status of the medical marijuana patient and proof that the applicant is the designee of the medical marijuana patient. The applicant shall also submit proof that he or she is eighteen (18) years of age or older and proof of his or her Oklahoma residency. This shall be the only criteria for a caregiver license.

M. All applicants shall be eighteen (18) years of age or older. A special exception shall be granted to an applicant under the age of eighteen (18); however, these applications shall be signed by two physicians and the parent or legal guardian of the applicant.

N. All applications for a medical license must be signed by an Oklahoma Board certified physician. There are no qualifying conditions. A medical marijuana license must be recommended

according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

O. Counties and cities may enact medical marijuana guidelines allowing medical marijuana license holders or caregivers to exceed the state limits set forth in subsection A of this section.

Added by Section 1, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018. Amended by Laws 2019, c. 477, § 5.

§63-420v3. Medical marijuana license – Application – Fee – Temporary license – Caregiver license.

A. A person in possession of a state-issued medical marijuana license shall be able to:

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces (84.9 grams) of marijuana on their person;

3. Legally possess six (6) mature marijuana plants;

4. Legally possess six (6) seedling plants;

5. Legally possess one (1) ounce (28.3 grams) of concentrated marijuana;

6. Legally possess seventy-two (72) ounces (2,037.6 grams) of edible marijuana; and

7. Legally possess up to eight (8) ounces (226.4 grams) of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces (42.45 grams) of marijuana by persons who can state a medical condition, but not in possession of a state-issued medical marijuana license, shall constitute a misdemeanor offense punishable by a fine not to exceed Four Hundred Dollars ($400.00) and shall not be subject to imprisonment for the offense. Any law enforcement officer who comes in contact with a person in violation of this subsection and who is satisfied as to the identity of the person, as well as any other pertinent information the law enforcement officer deems necessary, shall issue to the person a written citation containing a notice to answer the charge against the person in the appropriate court. Upon receiving the written promise of the alleged violator to answer as specified in the citation, the law enforcement officer shall release the person upon personal recognizance unless there has been a violation of another provision of law.

C. A regulatory office shall be established under the State Department of Health which shall receive applications for medical marijuana license recipients, dispensaries, growers, and packagers within sixty (60) days of the passage of this initiative.

D. The State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in

an easy to find location, an application for a medical marijuana license. The license shall be good for two (2) years. The application fee shall be One Hundred Dollars ($100.00), or Twenty Dollars ($20.00) for individuals on Medicaid, Medicare or SoonerCare. The methods of payment shall be provided on the website.

E. A temporary license application shall also be available on the website of the State Department of Health. A temporary medical marijuana license shall be granted to any medical marijuana license holder from other states, provided that the state has a state regulated medical marijuana program, and the applicant can prove he or she is a member of such. Temporary licenses shall be issued for thirty (30) days. The cost for a temporary license shall be One Hundred Dollars ($100.00). Renewal will be granted with resubmission of a new application. No additional criteria shall be required.

F. Medical marijuana license applicants shall submit his or her application to the State Department of Health for approval. The applicant must be a resident of Oklahoma and shall prove residency by a valid driver license, utility bills, or other accepted methods.

G. The State Department of Health shall review the medical marijuana application, approve or reject the application, and mail the approval or rejection letter to the applicant stating reasons for rejection within fourteen (14) business days of receipt of the application. Approved applicants shall be issued a medical marijuana license which will act as proof of his or her approved status. Applications may only be rejected based on applicant not meeting stated criteria or improper completion of the application.

H. The State Department of Health shall only keep the following records for each approved medical license:

1. A digital photograph of the license holder;
2. The expiration date of the license;
3. The county where the card was issued; and
4. A unique 24-character identification number assigned to the license.

I. The State Department of Health shall make available, both on its website, and through a telephone verification system, an easy method to validate the authenticity of a medical marijuana license by the unique 24-character identification number.

J. The State Department of Health shall ensure that all application records and information are sealed to protect the privacy of medical marijuana license applicants.

K. A caregiver license shall be made available for qualified caregivers of a medical marijuana license holder who is homebound. As provided in Section 11 of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature, the caregiver license shall provide the caregiver the same rights as the medical marijuana patient licensee, including the ability to possess marijuana, marijuana products and mature and immature plants pursuant to the

Oklahoma Medical Marijuana and Patient Protection Act, but excluding the ability to use marijuana or marijuana products unless the caregiver has a medical marijuana patient license. Applicants for a caregiver license shall submit proof of the license status and homebound status of the medical marijuana license holder, that the caregiver is the designee of the medical marijuana license holder, that the caregiver is eighteen (18) years of age or older, and that the caregiver is an Oklahoma resident. This shall be the only criteria for a caregiver license.

L. All applicants must be eighteen (18) years of age or older. A special exception shall be granted to an applicant under the age of eighteen (18), however these applications must be signed by two (2) physicians and the parent or legal guardian of the applicant.

M. All applications for a medical marijuana license shall be signed by an Oklahoma physician. There are no qualifying conditions. A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

N. Counties and cities may enact medical marijuana guidelines allowing medical marijuana license holders or caregivers to exceed the state limits set forth in subsection A of this section.

Added by Section 1, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018. Amended by Laws 2019, c. 158, § 1, eff. Nov. 1, 2019; Laws 2019, c. 509, § 2.

§63-421. Medical marijuana dispensary license application – Fee – Criteria for license – Monthly sales report.

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. The application fee shall be Two Thousand Five Hundred Dollars ($2,500.00) and a method of payment will be provided on the website. Retail applicants must all be Oklahoma state residents. Any entity applying for a retail license must be owned by an Oklahoma state resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;

2. Any applicant, applying as an individual, must show residency in the State of Oklahoma;

3. All applying entities must show that all members, managers, and board members are Oklahoma residents;

4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);

5. All applying individuals or entities must be registered to conduct business in the State of Oklahoma;

6. All applicants must disclose all ownership;

7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in five 5 (years), inmates, or any person currently incarcerated may not qualify for a medical marijuana dispensary license.

C. Retailers will be required to complete a monthly sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. The report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars ($5,000.00) (first) and revocation of licensing (second).

D. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and these products can only be sold to a medical marijuana license holder or their caregiver. Penalties for fraudulent sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars ($5,000.00) (first) and revocation of licensing (second).

Added by Section 2, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018.

§63-422. Medical marijuana commercial grower license application – Fee – Criteria for license.

A. The Oklahoma State Department of Health will within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a commercial grower license. The application fee will be Two Thousand Five Hundred Dollars ($2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health has two (2) weeks to review application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;

2. Any applicant, applying as an individual, must show residency in the State of Oklahoma;

3. All applying entities must show that all members, managers, and board members are Oklahoma residents;

4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);

5. All applying individuals or entities must be registered to conduct business in the State of Oklahoma;

6. All applicants must disclose all ownership;

7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in five (5) years, inmates, or any person currently incarcerated may not qualify for a commercial grower license.

C. A licensed commercial grower may sell marijuana to a licensed retailer, or a licensed packager. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed commercial grower sell marijuana directly to a medical marijuana license holder. A licensed commercial grower may only sell at the wholesale level to a licensed retailer or a licensed processor. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed commercial grower would be allowed to sell and buy marijuana wholesale from, or to, an out of state wholesale provider. A licensed commercial grower will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in pounds, the amount of drying or dried marijuana on hand, the amount of marijuana sold to processors in pounds, the amount of waste in pounds, and the amount of marijuana sold to retailers in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars ($5,000.00) (first) and revocation of licensing (second).

D. There shall be no limits on how much marijuana a licensed grower can grow.

Added by Section 3, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018.

§63-423. Medical marijuana processing license application – Fee – Criteria for license.

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing license. The application fee shall be Two Thousand Five Hundred Dollars ($2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;

2. Any applicant, applying as an individual, must show residency in the State of Oklahoma;

3. All applying entities must show that all members, managers, and board members are Oklahoma residents;

4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);

5. All applying individuals or entities must be registered to conduct business in the State of Oklahoma;

6. All applicants must disclose all ownership;

7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in five (5) years, inmates, or any person currently incarcerated may not qualify for a medical marijuana processing license.

C. A licensed processor may take marijuana plants and distill or process these plants into concentrates, edibles, and other forms for consumption. As required by subsection D of this section, the Oklahoma State Department of Health will, within sixty (60) days of passage of this initiative, make available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health. Once a year, the Oklahoma State Department of Health may inspect a processing operation and determine its compliance with the preparation standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) month to correct the deficiency or be subject to a fine of Five Hundred Dollars ($500.00) for each deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer, or any other licensed processor. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana, or any marijuana product,

directly to a medical marijuana license holder. However, a licensed processor may process cannabis into a concentrated form, for a medical license holder, for a fee. Processors will be required to complete a monthly yield and sales report to the Oklahoma State Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in pounds, the amount of marijuana cooked or processed in pounds, and the amount of waste in pounds. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars ($5,000.00) (first) and revocation of licensing (second).

D. The inspection and compliance of processors producing products with marijuana as an additive. The Oklahoma State Department of Health will be compelled to, within thirty (30) days of passage of this initiative, appoint a board of twelve (12) Oklahoma residents, who are marijuana industry experts, to create a list of food safety standards for processing and handling medical marijuana in Oklahoma. These standards will be adopted by the agency and the agency can enforce these standards for processors. The agency will develop a standards review procedure and these standards can be altered by calling another board of twelve (12) Oklahoma marijuana industry experts. A signed letter of twenty (20) operating processors would constitute a need for a new board and standard review.

E. If it becomes permissible, under federal law, marijuana may be moved across state lines.

F. Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed. No merchant, wholesaler, manufacturer, or individual may unduly be harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

Added by Section 4, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018.

§63-424. Marijuana transportation license.

A. A marijuana transportation license will be issued to qualifying applicants for a marijuana retail, growing, or processing license. The transportation license will be issued at the time of approval of a retail, growing, or processing license.

B. A transportation license will allow the holder to transport marijuana from an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processor facility to an

Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processing facility.

C. All marijuana or marijuana products shall be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

Added by Section 5, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018.

§63-425. See the following versions:

OS 63-425v1 (SB 811, Laws 2019, c. 378, § 2).

OS 63-425v2 (SB 1030, Laws 2019, c. 509, § 3).

§63-425v1. Discrimination against medical marijuana license holder.

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his or her status as a medical marijuana license holder, unless failing to do so would imminently cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer to imminently lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The person's status as a medical marijuana license holder; or

2. Employers may take action against a holder of a medical marijuana license holder if the holder uses or possesses marijuana while in the holder's place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

C. For the purposes of medical care, including organ transplants, a medical marijuana license holder's authorized use of marijuana shall be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this law, unless the person's behavior creates an unreasonable danger to the safety of the minor.

E. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder, including but not limited to a concealed carry permit.

F. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

G. The location of any retail marijuana establishment is specifically prohibited within one thousand (1,000) feet of any public or private school entrance.

H. Research shall be provided for under this law. A researcher may apply to the State Department of Health for a special research license. The license shall be granted provided the applicant meets the criteria listed under subsection B of Section 421 of this title. Research license holders shall be required to file monthly consumption reports to the State Department of Health with amounts of marijuana used for research. Biomedical and clinical research which is subject to federal regulations and institutional oversight shall not be subject to State Department of Health oversight.

Added by Section 6, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018. Amended by Laws 2019, c. 378, § 2, emerg. eff. May 14, 2019.

§63-425v2. Discrimination against medical marijuana license holder.

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his or her status as a medical marijuana license holder, unless failing to do so would cause the school or landlord the potential to lose a monetary or licensing-related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer the potential to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The status of the person as a medical marijuana license holder; or

2. Employers may take action against a holder of a medical marijuana license if the holder uses or possesses marijuana while in his or her place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

C. For the purposes of medical care, including organ transplants, the authorized use of marijuana by a medical marijuana license holder shall be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no

presumption of neglect or child endangerment for conduct allowed under this law, unless the behavior of the person creates an unreasonable danger to the safety of the minor.

E. No person holding a medical marijuana license may unduly be withheld from holding a state-issued license by virtue of their being a medical marijuana license holder including, but not limited to, a concealed carry permit.

F. 1. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

2. For purposes of this subsection, an undue change or restriction of municipal zoning laws means an act which entirely prevents retail marijuana establishments from operating within municipal boundaries as a matter of law. Municipalities may follow their standard planning and zoning procedures to determine if certain zones or districts would be appropriate for locating marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

3. For purposes of this section, "retail marijuana establishment" means an entity licensed by the State Department of Health as a medical marijuana dispensary. Retail marijuana establishment does not include those other entities licensed by the Department as marijuana-licensed premises, medical marijuana businesses or other facilities or locations where marijuana or any product containing marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

G. The location of any retail marijuana establishment is specifically prohibited within one thousand (1,000) feet of any public or private school entrance.

H. Research shall be provided for under this law. A researcher may apply to the State Department of Health for a special research license. The license shall be granted, provided the applicant meets the criteria listed under subsection B of Section 421 of this title. Research license holders shall be required to file monthly consumption reports to the State Department of Health with amounts of marijuana used for research.

Added by Section 6, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018. Amended by Laws 2019, c. 509, § 3.

§63-426. Tax on retail medical marijuana.

A. The tax on retail medical marijuana sales will be established at seven percent (7%) of the gross amount received by the seller.

B. This tax will be collected at the point of sale. Tax proceeds will be applied primarily to finance the regulatory office.

C. If proceeds from the levy authorized by subsection A of this section exceed the budgeted amount for running the regulatory office, any surplus shall be apportioned with seventy-five percent (75%) going to the General Revenue Fund and may only be expended for common education. Twenty-five percent (25%) shall be apportioned to the Oklahoma State Department of Health and earmarked for drug and alcohol rehabilitation.

Added by Section 7, State Question No. 788, Initiative Petition No. 412, adopted at election held June 26, 2018, eff. July 26, 2018.

§63-426.1. Licensure revocation hearings to be recorded – Sharing information with law enforcement - Sharing information with political subdivisions – Certificate of compliance with political subdivision.

A. Except for revocation hearings concerning licensed patients, as defined in Section 2 of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature, all licensure revocation hearings conducted pursuant to marijuana licenses established in the Oklahoma Statutes shall be recorded. A party may request a copy of the recording of the proceedings. Copies shall be provided to local law enforcement if the revocation was based on alleged criminal activity.

B. The State Department of Health shall assist any law enforcement officer in the performance of his or her duties upon such request by the law enforcement officer or the request of other local officials having jurisdiction. Except for license information concerning licensed patients, as defined in Section 2 of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature, the Department shall share information with law enforcement agencies upon request without a subpoena or search warrant.

C. The State Department of Health shall make available all information displayed on medical marijuana licenses, as well as whether or not the license is valid, to law enforcement electronically through the Oklahoma Law Enforcement Telecommunications System.

D. The Department shall make available to political subdivisions a list of marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are licensed to be cultivated, grown, processed, stored or manufactured to aid county and municipal governments in identifying locations within their jurisdiction and ensure compliance with local regulations.

E. All marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are licensed to be cultivated, grown, processed, stored or manufactured shall submit with their application, after notifying the political subdivision of their intent, a certificate of compliance from the political subdivision where the facility of the applicant or use is

to be located certifying compliance with zoning classifications, applicable municipal ordinances and all applicable safety, electrical, fire, plumbing, waste, construction and building specification codes.
Added by Laws 2019, c. 509, § 4.
NOTE: Editorially renumbered from § 427 of this title to avoid a duplication in numbering.

§63-427.1. Short title - Oklahoma Medical Marijuana and Patient Protection Act.

This act shall be known and may be cited as the "Oklahoma Medical Marijuana and Patient Protection Act".
Added by Laws 2019, c. 11, § 1.

§63-427.2. See the following versions:

OS 63-427.2v1 (SB 882, Laws 2019, c. 337, § 5).

OS 63-427.2v2 (HB 2613, Laws 2019, c. 390, § 1).

§63-427.2v1. Definitions.

As used in this act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business, or to purchase particular medical marijuana or a medical marijuana product. Advertising includes marketing, but does not include packaging and labeling;

2. "Authority" means the Oklahoma Medical Marijuana Authority;

3. "Batch number" means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability;

4. "Cannabinoid" means any of the chemical compounds that are active principles of marijuana;

5. "Caregiver" means a family member or assistant who regularly looks after a medical marijuana license holder whom a physician attests needs assistance;

6. "Child-resistant" means special packaging that is:

a. designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R. 1700.20 (1995),

b. opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material, and

c. resealable to maintain its child-resistant effectiveness for multiple openings for any product

intended for more than a single use or containing multiple servings;

7. "Clone" means a nonflowering plant cut from a mother plant that is capable of developing into a new plant and has shown no signs of flowering;

8. "Commissioner" means the State Commissioner of Health;

9. "Complete application" means a document prepared in accordance with the provisions set forth in this act, rules promulgated pursuant thereto, and the forms and instructions provided by the Department, including any supporting documentation required and the applicable license application fee;

10. "Department" means the State Department of Health;

11. "Director" means the Executive Director of the Oklahoma Medical Marijuana Authority;

12. "Dispense" means the selling of medical marijuana or a medical marijuana product to a qualified patient or the designated caregiver of the patient that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a qualifying patient;

13. "Dispensary" means a medical marijuana dispensary, an entity that has been licensed by the Department pursuant to this act to purchase medical marijuana or medical marijuana products from a licensed medical marijuana commercial grower or medical marijuana processor, sell medical marijuana or medical marijuana products to patients and caregivers as defined under this act, or sell or transfer products to another dispensary;

14. "Edible medical marijuana product" means any medical-marijuana-infused product for which the intended use is oral consumption including, but not limited to, any type of food, drink or pill;

15. "Entity" means an individual, general partnership, limited partnership, limited liability company, trust, estate, association, corporation, cooperative, or any other legal or commercial entity;

16. "Flower" means the reproductive organs of the marijuana or cannabis plant referred to as the bud or parts of the plant that are harvested and used to consume in a variety of medical marijuana products;

17. "Flowering" means the reproductive state of the marijuana or cannabis plant in which there are physical signs of flower or budding out of the nodes of the stem;

18. "Food-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of propylene glycol, glycerin, butter, olive oil, coconut oil or other typical food-safe cooking fats;

19. "Good cause" for purposes of an initial, renewal or reinstatement license application, or for purposes of discipline of a licensee, means:

a. the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of the act, any rules promulgated pursuant thereto, or any supplemental relevant state or local law, rule or regulation,

b. the licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the State Department of Health, Oklahoma Medical Marijuana Authority or the municipality, or

c. the licensed premises of a medical marijuana business or applicant have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate vicinity in which the establishment is located;

20. "Harvest batch" means a specifically identified quantity of medical marijuana that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location and cured under uniform conditions;

21. "Harvested marijuana" means post-flowering medical marijuana not including trim, concentrate or waste;

22. "Heat- or pressure-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of heat or pressure;

23. "Immature plant" means a nonflowering marijuana plant that has not demonstrated signs of flowering;

24. "Inventory tracking system" means the required tracking system that accounts for medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana product is sold to a patient at a medical marijuana dispensary, transferred to a medical marijuana research facility, destroyed by a medical marijuana business or used in a research project by a medical marijuana research facility;

25. "Licensed patient" or "patient" means a person who has been issued a medical marijuana patient license by the State Department of Health or Oklahoma Medical Marijuana Authority;

26. "Licensed premises" means the premises specified in an application for a medical marijuana business license, medical marijuana research facility license or medical marijuana education facility license pursuant to this act that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, store, transport, test or research medical marijuana or medical marijuana products in

accordance with the provisions of this act and rules promulgated pursuant thereto;

27. "Manufacture" means the production, propagation, compounding or processing of a medical marijuana product, excluding marijuana plants, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;

28. "Marijuana" shall have the same meaning as such term is defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

29. "Material change" means any change that would require a substantive revision to the standard operating procedures of a licensee for the cultivation or production of medical marijuana, medical marijuana concentrate or medical marijuana products;

30. "Mature plant" means a harvestable female marijuana plant that is flowering;

31. "Medical marijuana business (MMB)" means a licensed medical marijuana dispensary, medical marijuana processor, medical marijuana commercial grower, medical marijuana laboratory, medical marijuana business operator, or a medical marijuana transporter;

32. "Medical marijuana concentrate" or "concentrate" means a specific subset of medical marijuana that was produced by extracting cannabinoids from medical marijuana. Categories of medical marijuana concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based medical marijuana concentrate, and heat- or pressure-based medical marijuana concentrate;

33. "Medical marijuana commercial grower" or "commercial grower" means an entity licensed to cultivate, prepare and package medical marijuana and transfer or contract for transfer medical marijuana to a medical marijuana dispensary, medical marijuana processor, any other medical marijuana commercial grower, medical marijuana research facility, medical marijuana education facility and pesticide manufacturers. A commercial grower may sell seeds, flower or clones to commercial growers pursuant to this act;

34. "Medical marijuana education facility" or "education facility" means a person or entity approved pursuant to this act to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging or creation of medical-marijuana-infused products or medical marijuana products as described in this act;

35. "Medical-marijuana-infused product" means a product infused with medical marijuana including, but not limited to, edible products, ointments and tinctures;

36. "Medical marijuana product" or "product" means a product that contains cannabinoids that have been extracted from plant

material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient including, but not limited to, oils, tinctures, edibles, pills, topical forms, gels, creams, vapors, patches, liquids, and forms administered by a nebulizer, excluding live plant forms which are considered medical marijuana;

37. "Medical marijuana processor" means a person or entity licensed pursuant to this act to operate a business including the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or medical marijuana products as described in this act;

38. "Medical marijuana research facility" or "research facility" means a person or entity approved pursuant to this act to conduct medical marijuana research. A medical marijuana research facility is not a medical marijuana business;

39. "Medical marijuana testing laboratory" or "laboratory" means a public or private laboratory licensed pursuant to this act, to conduct testing and research on medical marijuana and medical marijuana products;

40. "Medical marijuana transporter" or "transporter" means a person or entity that is licensed pursuant to this act. A medical marijuana transporter does not include a medical marijuana business that transports its own medical marijuana, medical marijuana concentrate or medical marijuana products to a property or facility adjacent to or connected to the licensed premises if the property is another licensed premises of the same medical marijuana business;

41. "Medical marijuana waste" or "waste" means unused, surplus, returned or out-of-date marijuana, plant debris of the plant of the genus Cannabis, including dead plants and all unused plant parts, except the term shall not include roots, stems, stalks and fan leaves;

42. "Medical use" means the acquisition, possession, use, delivery, transfer or transportation of medical marijuana, medical marijuana products, medical marijuana devices or paraphernalia relating to the administration of medical marijuana to treat a licensed patient;

43. "Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a medical marijuana processor or medical marijuana dispensary;

44. "Oklahoma physician" or "physician" means a physician licensed by and in good standing with the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

45. "Oklahoma resident" means an individual who can provide proof of residency as required by this act;

46. "Owner" means, except where the context otherwise requires, a direct beneficial owner including, but not limited to, all persons or entities as follows:

a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
b. all partners of a general partnership,
c. all general partners and all limited partners that own an interest in a limited partnership,
d. all members that own an interest in a limited liability company,
e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
f. all persons or entities that own interest in a joint venture,
g. all persons or entities that own an interest in an association,
h. the owners of any other type of legal entity, and
i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

47. "Package" or "packaging" means any container or wrapper that may be used by a medical marijuana business to enclose or contain medical marijuana;

48. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee thereof, except that "person" does not include any governmental organization;

49. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, except that the term "pesticide" shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration;

50. "Production batch" means:

a. any amount of medical marijuana concentrate of the same category and produced using the same extraction methods, standard operating procedures and an identical group of harvest batch of medical marijuana, or
b. any amount of medical marijuana product of the same exact type, produced using the same ingredients, standard operating procedures and the same production batch of medical marijuana concentrate;

51. "Public institution" means any entity established or controlled by the federal government, state government, or a local

government or municipality including, but not limited to, institutions of higher education or related research institutions;

52. "Public money" means any funds or money obtained by the holder from any governmental entity including, but not limited to, research grants;

53. "Recommendation" means a document that is signed or electronically submitted by a physician on behalf of a patient for the use of medical marijuana pursuant to this act;

54. "Registered to conduct business" means a person that has provided proof that the business applicant is in good standing with the Oklahoma Secretary of State and Oklahoma Tax Commission;

55. "Remediation" means the process by which the medical marijuana flower or trim, which has failed microbial testing, is processed into solvent-based medical marijuana concentrate and retested as required by this act;

56. "Research project" means a discrete scientific endeavor to answer a research question or a set of research questions related to medical marijuana and is required for a medical marijuana research license. A research project shall include a description of a defined protocol, clearly articulated goals, defined methods and outputs, and a defined start and end date. The description shall demonstrate that the research project will comply with all requirements in this act and rules promulgated pursuant thereto. All research and development conducted by a medical marijuana research facility shall be conducted in furtherance of an approved research project;

57. "Revocation" means the final decision by the Department that any license issued pursuant to this act is rescinded because the individual or entity does not comply with the applicable requirements set forth in this act or rules promulgated pursuant thereto;

58. "School" means a public or private preschool or a public or private elementary or secondary school used for school classes and instruction. A homeschool, daycare or child-care facility shall not be considered a "school" as used in this act;

59. "Shipping container" means a hard-sided container with a lid or other enclosure that can be secured in place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility;

60. "Solvent-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of a solvent approved by the Department;

61. "State Question" means Oklahoma State Question No. 788, Initiative Petition No. 412, approved by a majority vote of the citizens of Oklahoma on June 26, 2018;

62. "Strain" means the classification of marijuana or cannabis plants in either pure sativa, indica, afghanica, ruderalis or hybrid varieties;

63. "THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid in marijuana formed by decarboxylation of naturally tetrahydrocannabinolic acid, which generally occurs by exposure to heat;

64. "Test batch" means with regard to usable marijuana, a homogenous, identified quantity of usable marijuana by strain that is harvested during a seven-day period from a specified cultivation area, and with regard to oils, vapors and waxes derived from usable marijuana, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength and composition, and that is manufactured, packaged and labeled during a specified time period according to a single manufacturing, packaging and labeling protocol;

65. "Transporter agent" means a person who transports medical marijuana or medical marijuana products for a licensed transporter and holds a transporter agent license pursuant to this act;

66. "Universal symbol" means the image established by the State Department of Health or Oklahoma Medical Marijuana Authority and made available to licensees through its website indicating that the medical marijuana or the medical marijuana product contains THC;

67. "Usable marijuana" means the dried leaves, flowers, oils, vapors, waxes and other portions of the marijuana plant and any mixture or preparation thereof, excluding seed, roots, stems, stalks and fan leaves; and

68. "Water-based medical marijuana concentrate" means a concentrate that was produced by extracting cannabinoids from medical marijuana through the use of only water, ice, or dry ice.

Added by Laws 2019, c. 11, § 2. Amended by Laws 2019, c. 337, § 5, eff. Nov. 1, 2019.

§63-427.2v2. Definitions.

As used in this act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation, of visual, oral, or written communication, to induce directly or indirectly any person to patronize a particular medical marijuana business, or to purchase particular medical marijuana or a medical marijuana product. Advertising includes marketing, but does not include packaging and labeling;

2. "Authority" means the Oklahoma Medical Marijuana Authority;

3. "Batch number" means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability;

4. "Cannabinoid" means any of the chemical compounds that are active principles of marijuana;

5. "Caregiver" means a family member or assistant who regularly looks after a medical marijuana license holder whom a physician attests needs assistance;

6. "Child-resistant" means special packaging that is:

a. designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R. 1700.20 (1995),

b. opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material, and

c. resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings;

7. "Clone" means a nonflowering plant cut from a mother plant that is capable of developing into a new plant and has shown no signs of flowering;

8. "Commissioner" means the State Commissioner of Health;

9. "Complete application" means a document prepared in accordance with the provisions set forth in this act, rules promulgated pursuant thereto, and the forms and instructions provided by the Department, including any supporting documentation required and the applicable license application fee;

10. "Department" means the State Department of Health;

11. "Director" means the Executive Director of the Oklahoma Medical Marijuana Authority;

12. "Dispense" means the selling of medical marijuana or a medical marijuana product to a qualified patient or the designated caregiver of the patient that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a qualifying patient;

13. "Dispensary" means a medical marijuana dispensary, an entity that has been licensed by the Department pursuant to this act to purchase medical marijuana or medical marijuana products from a licensed medical marijuana commercial grower or medical marijuana processor, sell medical marijuana or medical marijuana products to patients and caregivers as defined under this act, or sell or transfer products to another dispensary;

14. "Edible medical marijuana product" means any medical-marijuana-infused product for which the intended use is oral consumption including, but not limited to, any type of food, drink or pill;

15. "Entity" means an individual, general partnership, limited partnership, limited liability company, trust, estate, association, corporation, cooperative, or any other legal or commercial entity;

16. "Flower" means the reproductive organs of the marijuana or cannabis plant referred to as the bud or parts of the plant that are harvested and used to consume in a variety of medical marijuana products;

17. "Flowering" means the reproductive state of the marijuana or cannabis plant in which there are physical signs of flower or budding out of the nodes of the stem;

18. "Food-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of propylene glycol, glycerin, butter, olive oil, coconut oil or other typical food-safe cooking fats;

19. "Good cause" for purposes of an initial, renewal or reinstatement license application, or for purposes of discipline of a licensee, means:

a. the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of the act, any rules promulgated pursuant thereto, or any supplemental relevant state or local law, rule or regulation,

b. the licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the State Department of Health, Oklahoma Medical Marijuana Authority or the municipality, or

c. the licensed premises of a medical marijuana business or applicant have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate vicinity in which the establishment is located;

20. "Harvest batch" means a specifically identified quantity of medical marijuana that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location and cured under uniform conditions;

21. "Harvested marijuana" means post-flowering medical marijuana not including trim, concentrate or waste;

22. "Heat- or pressure-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of heat or pressure;

23. "Immature plant" means a nonflowering marijuana plant that has not demonstrated signs of flowering;

24. "Inventory tracking system" means the required tracking system that accounts for medical marijuana from either the seed or

immature plant stage until the medical marijuana or medical marijuana product is sold to a patient at a medical marijuana dispensary, transferred to a medical marijuana research facility, destroyed by a medical marijuana business or used in a research project by a medical marijuana research facility;

25. "Licensed patient" or "patient" means a person who has been issued a medical marijuana patient license by the State Department of Health or Oklahoma Medical Marijuana Authority;

26. "Licensed premises" means the premises specified in an application for a medical marijuana business license, medical marijuana research facility license or medical marijuana education facility license pursuant to this act that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, store, transport, test or research medical marijuana or medical marijuana products in accordance with the provisions of this act and rules promulgated pursuant thereto;

27. "Manufacture" means the production, propagation, compounding or processing of a medical marijuana product, excluding marijuana plants, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;

28. "Marijuana" shall have the same meaning as such term is defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

29. "Material change" means any change that would require a substantive revision to the standard operating procedures of a licensee for the cultivation or production of medical marijuana, medical marijuana concentrate or medical marijuana products;

30. "Mature plant" means a harvestable female marijuana plant that is flowering;

31. "Medical marijuana business (MMB)" means a licensed medical marijuana dispensary, medical marijuana processor, medical marijuana commercial grower, medical marijuana laboratory, medical marijuana business operator, or a medical marijuana transporter;

32. "Medical marijuana concentrate" or "concentrate" means a specific subset of medical marijuana that was produced by extracting cannabinoids from medical marijuana. Categories of medical marijuana concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based medical marijuana concentrate, and heat- or pressure-based medical marijuana concentrate;

33. "Medical marijuana commercial grower" or "commercial grower" means an entity licensed to cultivate, prepare and package medical marijuana and transfer or contract for transfer medical marijuana to a medical marijuana dispensary, medical marijuana processor, any other medical marijuana commercial grower, medical marijuana research facility, medical marijuana education facility and pesticide

manufacturers. A commercial grower may sell seeds, flower or clones to commercial growers pursuant to this act;

34. "Medical marijuana education facility" or "education facility" means a person or entity approved pursuant to this act to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging or creation of medical-marijuana-infused products or medical marijuana products as described in this act;

35. "Medical-marijuana-infused product" means a product infused with medical marijuana including, but not limited to, edible products, ointments and tinctures;

36. "Medical marijuana product" or "product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient including, but not limited to, oils, tinctures, edibles, pills, topical forms, gels, creams, vapors, patches, liquids, and forms administered by a nebulizer, excluding live plant forms which are considered medical marijuana;

37. "Medical marijuana processor" means a person or entity licensed pursuant to this act to operate a business including the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or medical marijuana products as described in this act;

38. "Medical marijuana research facility" or "research facility" means a person or entity approved pursuant to this act to conduct medical marijuana research. A medical marijuana research facility is not a medical marijuana business;

39. "Medical marijuana testing laboratory" or "laboratory" means a public or private laboratory licensed pursuant to this act, to conduct testing and research on medical marijuana and medical marijuana products;

40. "Medical marijuana transporter" or "transporter" means a person or entity that is licensed pursuant to this act. A medical marijuana transporter does not include a medical marijuana business that transports its own medical marijuana, medical marijuana concentrate or medical marijuana products to a property or facility adjacent to or connected to the licensed premises if the property is another licensed premises of the same medical marijuana business;

41. "Medical marijuana waste" or "waste" means unused, surplus, returned or out-of-date marijuana, plant debris of the plant of the genus Cannabis, including dead plants and all unused plant parts and roots;

42. "Medical use" means the acquisition, possession, use, delivery, transfer or transportation of medical marijuana, medical

marijuana products, medical marijuana devices or paraphernalia relating to the administration of medical marijuana to treat a licensed patient;

43. "Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a medical marijuana processor or medical marijuana dispensary;

44. "Oklahoma physician" or "physician" means a physician licensed by and in good standing with the State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners or the Board of Podiatric Medical Examiners;

45. "Oklahoma resident" means an individual who can provide proof of residency as required by this act;

46. "Owner" means, except where the context otherwise requires, a direct beneficial owner including, but not limited to, all persons or entities as follows:

a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
b. all partners of a general partnership,
c. all general partners and all limited partners that own an interest in a limited partnership,
d. all members that own an interest in a limited liability company,
e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
f. all persons or entities that own interest in a joint venture,
g. all persons or entities that own an interest in an association,
h. the owners of any other type of legal entity, and
i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

47. "Package" or "packaging" means any container or wrapper that may be used by a medical marijuana business to enclose or contain medical marijuana;

48. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee thereof, except that "person" does not include any governmental organization;

49. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, except that the term "pesticide"

shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration;

50. "Production batch" means:

a. any amount of medical marijuana concentrate of the same category and produced using the same extraction methods, standard operating procedures and an identical group of harvest batch of medical marijuana, or

b. any amount of medical marijuana product of the same exact type, produced using the same ingredients, standard operating procedures and the same production batch of medical marijuana concentrate;

51. "Public institution" means any entity established or controlled by the federal government, state government, or a local government or municipality including, but not limited to, institutions of higher education or related research institutions;

52. "Public money" means any funds or money obtained by the holder from any governmental entity including, but not limited to, research grants;

53. "Recommendation" means a document that is signed or electronically submitted by a physician on behalf of a patient for the use of medical marijuana pursuant to this act;

54. "Registered to conduct business" means a person that has provided proof that the business applicant is in good standing with the Oklahoma Secretary of State and Oklahoma Tax Commission;

55. "Remediation" means the process by which the medical marijuana flower or trim, which has failed microbial testing, is processed into solvent-based medical marijuana concentrate and retested as required by this act;

56. "Research project" means a discrete scientific endeavor to answer a research question or a set of research questions related to medical marijuana and is required for a medical marijuana research license. A research project shall include a description of a defined protocol, clearly articulated goals, defined methods and outputs, and a defined start and end date. The description shall demonstrate that the research project will comply with all requirements in this act and rules promulgated pursuant thereto. All research and development conducted by a medical marijuana research facility shall be conducted in furtherance of an approved research project;

57. "Revocation" means the final decision by the Department that any license issued pursuant to this act is rescinded because the individual or entity does not comply with the applicable requirements set forth in this act or rules promulgated pursuant thereto;

58. "School" means a public or private preschool or a public or private elementary or secondary school used for school classes and instruction. A homeschool, daycare or child-care facility shall not be considered a "school" as used in this act;

59. "Shipping container" means a hard-sided container with a lid or other enclosure that can be secured in place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility;

60. "Solvent-based medical marijuana concentrate" means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of a solvent approved by the Department;

61. "State Question" means Oklahoma State Question No. 788, Initiative Petition No. 412, approved by a majority vote of the citizens of Oklahoma on June 26, 2018;

62. "Strain" means the classification of marijuana or cannabis plants in either pure sativa, indica, afghanica, ruderalis or hybrid varieties;

63. "THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid in marijuana formed by decarboxylation of naturally tetrahydrocannabinolic acid, which generally occurs by exposure to heat;

64. "Test batch" means with regard to usable marijuana, a homogenous, identified quantity of usable marijuana by strain, no greater than ten (10) pounds, that is harvested during a seven-day period from a specified cultivation area, and with regard to oils, vapors and waxes derived from usable marijuana, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength and composition, and that is manufactured, packaged and labeled during a specified time period according to a single manufacturing, packaging and labeling protocol;

65. "Transporter agent" means a person who transports medical marijuana or medical marijuana products for a licensed transporter and holds a transporter agent license pursuant to this act;

66. "Universal symbol" means the image established by the State Department of Health or Oklahoma Medical Marijuana Authority and made available to licensees through its website indicating that the medical marijuana or the medical marijuana product contains THC;

67. "Usable marijuana" means the dried leaves, flowers, oils, vapors, waxes and other portions of the marijuana plant and any mixture or preparation thereof, excluding seed, roots and stalks; and

68. "Water-based medical marijuana concentrate" means a concentrate that was produced by extracting cannabinoids from medical marijuana through the use of only water, ice, or dry ice.

Added by Laws 2019, c. 11, § 2. Amended by Laws 2019, c. 312, § 3, emerg. eff. May 7, 2019; Laws 2019, c. 390, § 1, emerg. eff. May 15, 2019.

§63-427.3. Oklahoma Medical Marijuana Authority – Creation - Duties.

A. There is hereby created the Oklahoma Medical Marijuana Authority within the State Department of Health which shall address issues related to the medical marijuana program in Oklahoma including, but not limited to, the issuance of patient licenses and medical marijuana business licenses, and the dispensing, cultivating, processing, testing, transporting, storage, research, and the use of and sale of medical marijuana pursuant to this act.

B. The Department shall provide support staff to perform designated duties of the Authority. The Department shall also provide office space for meetings of the Authority.

C. The Department shall implement the provisions of this act consistently with the voter-approved State Question No. 788, Initiative Petition No. 412, subject to the provisions of this act.

D. The Department shall exercise its respective powers and perform its respective duties and functions as specified in this act and Title 63 of the Oklahoma Statutes including, but not limited to, the following:

1. Determine steps the state shall take, whether administrative or legislative in nature, to ensure that research on marijuana and marijuana products is being conducted for public purposes, including the advancement of:

a. public health policy and public safety policy,

b. agronomic and horticultural best practices, and

c. medical and pharmacopoeia best practices;

2. Contract with third-party vendors and other governmental entities in order to carry out the respective duties and functions as specified in this act;

3. Upon complaint or upon its own motion and upon a completed investigation, levy fines as prescribed in this act and suspend or revoke licenses pursuant to this act;

4. Issue subpoenas for the appearance or production of persons, records and things in connection with disciplinary or contested cases considered by the Department;

5. Apply for injunctive or declaratory relief to enforce the provisions of this section and any rules promulgated pursuant to this section;

6. Inspect and examine, with notice provided in accordance with this act, all licensed premises of medical marijuana businesses, research facilities and education facilities in which medical marijuana is cultivated, manufactured, sold, stored, transported, tested or distributed;

7. Upon action by the federal government by which the production, sale and use of marijuana in Oklahoma does not violate federal law, work with the Oklahoma State Banking Department and the State Treasurer to develop good practices and standards for banking and finance for medical marijuana businesses;

8. Establish internal control procedures for licenses including accounting procedures, reporting procedures and personnel policies;

9. Establish a fee schedule and collect fees for performing background checks as the Commissioner deems appropriate. The fees charged pursuant to this paragraph shall not exceed the actual cost incurred for each background check; and

10. Require verification for sources of finance for medical marijuana businesses.

Added by Laws 2019, c. 11, § 3. Amended by Laws 2019, c. 477, § 6.

§63-427.4. Oklahoma Medical Marijuana Authority – Executive Director.

A. The Oklahoma Medical Marijuana Authority, in conjunction with the State Department of Health, shall employ an Executive Director and other personnel as necessary to assist the Authority in carrying out its duties.

B. The Authority shall not employ an individual if any of the following circumstances exist:

1. The individual has a direct or indirect interest in a licensed medical marijuana business; or

2. The individual or his or her spouse, parent, child, spouse of a child, sibling, or spouse of a sibling has an application for a medical marijuana business license pending before the Department or is a member of the board of directors of a medical marijuana business, or is an individual financially interested in any licensee or medical marijuana business.

C. All officers and employees of the Authority shall be in the exempt unclassified service as provided for in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

D. The Commissioner may delegate to any officer or employee of the Department any of the powers of the Executive Director and may designate any officer or employee of the Department to perform any of the duties of the Executive Director.

E. The Executive Director shall be authorized to suggest rules governing the oversight and implementation of this act.

F. The Department is hereby authorized to create employment positions necessary for the implementation of its obligations pursuant to this act, including but not limited to Authority investigators and a senior director of enforcement. The Department and the Authority, the senior director of enforcement, the Executive Director, and Department investigators shall have all the powers of any peace officer to:

1. Investigate violations or suspected violations of this act and any rules promulgated pursuant thereto;

2. Serve all warrants, summonses, subpoenas, administrative citations, notices or other processes relating to the enforcement of

laws regulating medical marijuana, concentrate, and medical marijuana product;

3. Assist or aid any law enforcement officer in the performance of his or her duties upon such law enforcement officer's request or the request of other local officials having jurisdiction;

4. Require any business licensee, upon twenty-four (24) hours notice or upon a showing of necessity, to permit an inspection of licensed premises during business hours or at any time of apparent operation, marijuana equipment, and marijuana accessories, or books and records; and to permit the testing of or examination of medical marijuana, concentrate, or product; and

5. Require applicants to submit complete and current applications, information required by this act and fees, and approve material changes made by the applicant or licensee.

Added by Laws 2019, c. 11, § 4.

§63-427.5. Oklahoma Medical Marijuana Authority Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Medical Marijuana Authority Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from fees and fines collected pursuant to this act and all monies received by the Oklahoma Tax Commission from tax proceeds collected pursuant to Section 426 of Title 63 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purposes set forth in Section 426 of Title 63 of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2019, c. 11, § 5.

§63-427.6. Monitoring and disciplinary actions.

A. The State Department of Health shall address issues related to the medical marijuana program in Oklahoma including, but not limited to, monitoring and disciplinary actions as they relate to the medical marijuana program.

B. 1. The Department or its designee may perform on-site assessments of a licensee or applicant for any medical marijuana business license issued pursuant to this act to determine compliance with this act or submissions made pursuant to this section. The Department may enter the licensed premises of a medical marijuana business licensee or applicant to assess or monitor compliance.

2. Inspections shall be limited to twice per calendar year and twenty-four (24) hours of notice shall be provided to a medical

marijuana business applicant or licensee prior to an on-site assessment. However, additional inspections may occur when the Department shows that an additional inspection is necessary due to a violation of this act. Such inspection may be without notice if the Department believes that such notice will result in the destruction of evidence.

3. The Department may review relevant records of a licensed medical marijuana business, licensed medical marijuana research facility or licensed medical marijuana education facility, and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Department requirements and applicable laws. However, prior to conducting any interviews with the medical marijuana business, research facility or education facility, the licensee shall be afforded sufficient time to secure legal representation during such questioning if requested by the business or facility or any of its agents or employees or contractors.

4. The Department shall refer complaints alleging criminal activity that are made against a licensee to appropriate Oklahoma state or local law enforcement authorities.

C. Disciplinary action may be taken against an applicant or licensee under this act for not adhering to the law pursuant to the terms, conditions and guidelines set forth in this act.

D. Disciplinary actions may include revocation, suspension or denial of an application, license or final authorization and other action deemed appropriate by the Department.

E. Disciplinary actions may be imposed upon a medical marijuana business licensee for:

1. Failure to comply with or satisfy any provision of this section;

2. Falsification or misrepresentation of any material or information submitted to the Department;

3. Failing to allow or impeding a monitoring visit by authorized representatives of the Department;

4. Failure to adhere to any acknowledgement, verification or other representation made to the Department;

5. Failure to submit or disclose information required by this section or otherwise requested by the Department;

6. Failure to correct any violation of this section cited as a result of a review or audit of financial records or other materials;

7. Failure to comply with requested access by the Department to the licensed premises or materials;

8. Failure to pay a required monetary penalty;

9. Diversion of medical marijuana or any medical marijuana product, as determined by the Department;

10. Threatening or harming a patient, a medical practitioner or an employee of the Department; and

11. Any other basis indicating a violation of the applicable laws and regulations as identified by the Department.

F. Disciplinary actions against a licensee may include the imposition of monetary penalties, which may be assessed by the Department.

G. Penalties for sales by a medical marijuana business to persons other than those allowed by law occurring within any two-year time period may include an initial fine of One Thousand Dollars ($1,000.00) for a first violation and a fine of Five Thousand Dollars ($5,000.00) for any subsequent violation. The medical marijuana business may be subject to a revocation of any license granted pursuant to this act upon a showing that the violation was willful or grossly negligent.

H. 1. First offense for intentional and impermissible diversion of medical marijuana, concentrate, or products by a patient or caregiver to an unauthorized person shall not be punished under a criminal statute but may be subject to a fine of Two Hundred Dollars ($200.00).

2. The second offense for impermissible diversion of medical marijuana, concentrate, or products by a patient or caregiver to an unauthorized person shall not be punished under a criminal statute but may be subject to a fine of not to exceed Five Hundred Dollars ($500.00) and may result in revocation of the license upon a showing that the violation was willful or grossly negligent.

I. The following persons or entities may request a hearing to contest an action or proposed action of the Department:

1. A medical marijuana business, research facility or education facility licensee whose license has been summarily suspended or who has received a notice of contemplated action to suspend or revoke a license or take other disciplinary action; and

2. A patient or caregiver licensee whose license has been summarily suspended or who has received notice of contemplated action to suspend or revoke a license or take other disciplinary action.

J. All hearings held pursuant to this section shall be in accordance with the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes.

Added by Laws 2019, c. 11, § 6. Amended by Laws 2019, c. 477, § 7.

§63-427.7. See the following versions:

OS 63-427.7v1 (HB 2601, Laws 2019, c. 477, § 8).

OS 63-427.7v2 (SB 1030, Laws 2019, c. 509, § 5).

§63-427.7v1. Registry of patients and caregivers.

A. The Authority shall create a medical marijuana use registry of patients and caregivers as provided under this section. The handling of any records maintained in the registry shall comply with all relevant state and federal laws including, but not limited to,

the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The medical marijuana use registry shall be accessible to Oklahoma-licensed medical marijuana dispensaries to verify the license of a patient or caregiver by the twenty-four-character identifier.

C. All other records regarding a medical marijuana licensee shall be maintained by the Authority and shall be deemed confidential. The handling of any records maintained by the Authority shall comply with all relevant state and federal laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Such records shall be marked as confidential, shall not be made available to the public and shall only be made available to the licensee, designee of the licensee, any physician of the licensee or the caregiver of the licensee.

D. A log shall be kept with the file of the licensee to record any event in which the records of the licensee were made available and to whom the records were provided.

E. The Department shall ensure that all application records and information are sealed to protect the privacy of medical marijuana patient license applicants.

Added by Laws 2019, c. 11, § 7. Amended by Laws 2019, c. 477, § 8.

§63-427.7v2. Registry of patients and caregivers.

A. The Oklahoma Medical Marijuana Authority shall create a medical marijuana use registry of patients and caregivers as provided under this section. The handling of any records maintained in the registry shall comply with all relevant state and federal laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The medical marijuana use registry shall be accessible to:

1. Oklahoma-licensed medical marijuana dispensaries to verify the license of a patient or caregiver by the twenty-four-character identifier; and

2. Any court in this state.

C. All other records regarding a medical marijuana licensee shall be maintained by the Authority and shall be deemed confidential. The handling of any records maintained by the Authority shall comply with all relevant state and federal laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Such records shall be marked as confidential, shall not be made available to the public and shall only be made available to the licensee, designee of the licensee, any physician of the licensee or the caregiver of the licensee.

D. A log shall be kept with the file of the licensee to record any event in which the records of the licensee were made available and to whom the records were provided.

E. The Department shall ensure that all application records and information are sealed to protect the privacy of medical marijuana patient license applicants.
Added by Laws 2019, c. 11, § 7. Amended by Laws 2019, c. 509, § 5.

§63-427.8. Additional rights, restrictions and prohibitions related to medical marijuana use and possession.

A. The rights to possess the marijuana products set forth in Section 420 of Title 63 of the Oklahoma Statutes are cumulative and a duly licensed individual may possess at any one time the totality of the items listed therein and not be in violation of this act so long as the individual holds a valid patient license or caregiver license.

B. Municipal and county governing bodies may not enact medical marijuana guidelines which restrict or interfere with the rights of a licensed patient or caregiver to possess, purchase, cultivate or transport medical marijuana within the legal limits set forth in this act or Section 420 et seq. of Title 63 of the Oklahoma Statutes or require patients or caregivers to obtain permits or licenses in addition to the state-required licenses provided herein.

C. Nothing in this act or Section 420 et seq. of Title 63 of the Oklahoma Statutes shall prohibit a residential or commercial property or business owner from prohibiting the consumption of medical marijuana or medical marijuana product by smoke or vaporization on the premises, within the structures of the premises or within ten (10) feet of the entryway to the premises. However, a medical marijuana patient shall not be denied the right to consume or use other medical marijuana products which are otherwise legal and do not involve the smoking or vaporization of cannabis when lawfully recommended pursuant to Section 420 of Title 63 of the Oklahoma Statutes.

D. A medical marijuana patient or caregiver licensee shall not be denied eligibility in public assistance programs including, but not limited to, Medicaid, Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children Nutrition Program (WIC), Temporary Assistance for Needy Families (TANF) or other such public assistance programs based solely on his or her status as a medical marijuana patient or caregiver licensee, unless required by federal law.

E. A medical marijuana patient or caregiver licensee shall not be denied the right to own, purchase or possess a firearm, ammunition, or firearm accessories based solely on his or her status as a medical marijuana patient or caregiver licensee. No state or local agency, municipal or county governing authority shall restrict, revoke, suspend or otherwise infringe upon the right of a person to own, purchase or possess a firearm, ammunition, or firearm accessories or any related firearms license or certification based

solely on their status as a medical marijuana patient or caregiver licensee.

F. A medical marijuana patient or caregiver in actual possession of a medical marijuana license shall not be subject to arrest, prosecution or penalty in any manner or denied any right, privilege or public assistance, under state law or municipal or county ordinance or resolution including without limitation a civil penalty or disciplinary action by a business, occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this act.

G. A government medical assistance program shall not be required to reimburse a person for costs associated with the medical use of marijuana unless federal law requires reimbursement.

H. Unless otherwise required by federal law or required to obtain federal funding:

1. No employer may refuse to hire, discipline, discharge or otherwise penalize an applicant or employee solely on the basis of such applicant's or employee's status as a medical marijuana licensee; and

2. No employer may refuse to hire, discipline, discharge or otherwise penalize an applicant or employee solely on the basis of a positive test for marijuana components or metabolites, unless:

a. the applicant or employee is not in possession of a valid medical marijuana license,

b. the licensee possesses, consumes or is under the influence of medical marijuana or medical marijuana product while at the place of employment or during the fulfillment of employment obligations, or

c. the position is one involving safety-sensitive job duties, as such term is defined in subsection K of this section.

I. Nothing in this act or Section 420 et seq. of Title 63 of the Oklahoma Statutes shall:

1. Require an employer to permit or accommodate the use of medical marijuana on the property or premises of any place of employment or during hours of employment;

2. Require an employer, a government medical assistance program, private health insurer, worker's compensation carrier or self-insured employer providing worker's compensation benefits to reimburse a person for costs associated with the use of medical marijuana; or

3. Prevent an employer from having written policies regarding drug testing and impairment in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, Section 551 et seq. of Title 40 of the Oklahoma Statutes.

J. Any applicant or employee aggrieved by a willful violation of this section shall have, as his or her exclusive remedy, the same remedies as provided for in the Oklahoma Standards for Workplace Drug

and Alcohol Testing Act set forth in Section 563 of Title 40 of the Oklahoma Statutes.

K. As used in this section:

1. "Safety-sensitive" means any job that includes tasks or duties that the employer reasonably believes could affect the safety and health of the employee performing the task or others including, but not limited to, any of the following:

a. the handling, packaging, processing, storage, disposal or transport of hazardous materials,

b. the operation of a motor vehicle, other vehicle, equipment, machinery or power tools,

c. repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage,

d. performing firefighting duties,

e. the operation, maintenance or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities, power generation or distribution,

f. the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transport of potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component,

g. dispensing pharmaceuticals,

h. carrying a firearm, or

i. direct patient care or direct child care; and

2. A "positive test for marijuana components or metabolites" means a result that is at or above the cutoff concentration level established by the United States Department of Transportation or Oklahoma law regarding being under the influence, whichever is lower.

L. All smokable, vaporized, vapable and e-cigarette medical marijuana product inhaled through vaporization or smoked by a medical marijuana licensee are subject to the same restrictions for tobacco under Section 1-1521 of Title 63 of the Oklahoma Statutes, commonly referred to as the "Smoking in Public Places and Indoor Workplaces Act".

Added by Laws 2019, c. 11, § 8.

§63-427.9. Patient license – Verification of need of applicants – Disabled veteran reduced fee.

A. The Authority may contact the recommending physician of an applicant for a medical marijuana license to verify the need of the applicant for the license.

B. An applicant for a medical marijuana license who can demonstrate his or her status as a one-hundred-percent-disabled

veteran as determined by the U.S. Department of Veterans Affairs and codified at 38 C.F.R., Section 3.340(a)(2013) shall pay a reduced application fee of Twenty Dollars ($20.00). The methods of payment, as determined by the Authority, shall be provided on the website. However, the Authority shall ensure that all applicants have an option to submit the license application and payment by means other than solely by submission of the application and fee online.

C. The patient license shall be valid for up to two (2) years from the date of issuance, unless the recommendation of the physician is terminated pursuant to this act or revoked by the Department.
Added by Laws 2019, c. 11, § 9.

§63-427.10. Physicians who may provide a recommendation – Physician immunity.

A. Only licensed Oklahoma allopathic, osteopathic and podiatric physicians may provide a medical marijuana recommendation for a medical marijuana patient license under this act.

B. A physician who has not completed his or her first residency shall not meet the definition of "physician" under this section and any recommendation for a medical marijuana patient license shall not be processed by the Authority.

C. No physician shall be subject to arrest, prosecution or penalty in any manner or denied any right or privilege under Oklahoma state, municipal or county statute, ordinance or resolution, including without limitation a civil penalty or disciplinary action by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners or by any other business, occupation or professional licensing board or bureau, solely for providing a medical marijuana recommendation for a patient or for monitoring, treating or prescribing scheduled medication to patients who are medical marijuana licensees. The provisions of this subsection shall not prevent the relevant professional licensing boards from sanctioning a physician for failing to properly evaluate the medical condition of a patient or for otherwise violating the applicable physician-patient standard of care.

D. A physician who recommends use of medical marijuana shall not be located at the same physical address as a dispensary.

E. If the physician determines the continued use of medical marijuana by the patient no longer meets the requirements set forth in this act, the physician shall notify the Department and the Authority shall immediately revoke the license.
Added by Laws 2019, c. 11, § 10. Amended by Laws 2019, c. 390, § 2, emerg. eff. May 15, 2019.

§63-427.11. Caregiver license rights.

A. The caregiver license shall provide the caregiver the same rights as the medical marijuana patient licensee, including the

ability to possess marijuana, marijuana products, and mature and immature plants pursuant to this act, but excluding the ability to use marijuana or marijuana products unless the caregiver has a medical marijuana patient license. Caregivers shall be authorized to deliver marijuana and products to their authorized patients. Caregivers shall be authorized to possess medical marijuana and medical marijuana products up to the sum of the possession limits for the patients under his or her care pursuant to this act.

B. An individual caregiver shall be limited to exercising the marijuana cultivation rights of no more than five licensed patients as prescribed by this act.

C. The license of a caregiver shall not extend beyond the expiration date of the underlying patient license regardless of the issue date.

Added by Laws 2019, c. 11, § 11.

§63-427.12. Restrictions on growing medical marijuana.

A. All medical marijuana grown by medical marijuana patient license holders or caregivers may only be grown on real property owned by the patient license holder or on real property for which the patient license holder has the property owner's written permission to grow marijuana on the property.

B. All medical marijuana plants grown by a patient or caregiver shall be grown so that the marijuana is not accessible to a member of the general public. No marijuana plants shall be visible from any street adjacent to the property. For purposes of this section, "visible" means viewable by a normal person with 20/20 eyesight without the use of any device to assist in improving viewing distance or vantage point.

C. It is expressly prohibited to operate extraction equipment or utilize extraction processes if the equipment or process utilizes butane, propane, carbon dioxide or any potentially hazardous material in a residential property.

Added by Laws 2019, c. 11, § 12.

§63-427.13. Oklahoma-licensed business purchase requirement - Inventory tracking system.

A. All medical marijuana and medical marijuana products shall be purchased solely from an Oklahoma-licensed medical marijuana business, and shall not be purchased from any out-of-state providers.

B. 1. The Authority shall have oversight and auditing responsibilities to ensure that all marijuana being grown in Oklahoma is accounted for and shall implement an inventory tracking system. Pursuant to these duties, the Authority shall require that each medical marijuana business keep records for every transaction with another medical marijuana business, patient or caregiver. Inventory

shall be tracked and updated after each individual sale and reported to the Authority.

2. The inventory tracking system licensees use shall allow for integration of other seed-to-sale systems and, at a minimum, shall include the following:

a. notification of when marijuana seeds are planted,
b. notification of when marijuana plants are harvested and destroyed,
c. notification of when marijuana is transported, sold, stolen, diverted or lost,
d. a complete inventory of all marijuana, seeds, plant tissue, clones, plants, usable marijuana or trim, leaves and other plant matter, batches of extract, and marijuana concentrates,
e. all samples sent to a testing laboratory, an unused portion of a sample returned to a licensee, all samples utilized by licensee for purposes of negotiating a sale, and
f. all samples used for quality testing by a licensee.

3. Each medical marijuana business shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the Authority.

4. These records shall include, but not be limited to, the following:

a. the name and license number of the medical marijuana business that cultivated, manufactured or sold the medical marijuana or medical marijuana product,
b. the address and phone number of the medical marijuana business that cultivated, manufactured or sold the medical marijuana or medical marijuana product,
c. the type of product received during the transaction,
d. the batch number of the marijuana plant used,
e. the date of the transaction,
f. the total spent in dollars,
g. all point-of-sale records,
h. marijuana excise tax records, and
i. any additional information as may be reasonably required by the Department.

5. All inventory tracking records containing patient information shall comply with all relevant state and federal laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and shall not be retained by any medical marijuana business for more than sixty (60) days.

Added by Laws 2019, c. 11, § 13.

§63-427.14. See the following versions:

OS 63-427.14v1 (HB 2601, Laws 2019, c. 477, § 9).

OS 63-427.14v2 (SB 1030, Laws 2019, c. 509, § 6).

§63-427.14v1. Medical marijuana business license - Requirements.

A. There is hereby created the medical marijuana business license, which shall include the following categories:

1. Medical marijuana commercial grower;
2. Medical marijuana processor;
3. Medical marijuana dispensary;
4. Medical marijuana transporter; and
5. Medical marijuana testing laboratory.

B. The Oklahoma Medical Marijuana Authority, with the aid of the Office of Management and Enterprise Services, shall develop a website for medical marijuana business applications.

C. The Authority shall make available on its website in an easy-to-find location, applications for a medical marijuana business.

D. The nonrefundable application fee for a medical marijuana business license shall be Two Thousand Five Hundred Dollars ($2,500.00).

E. All applicants seeking licensure as a medical marijuana business shall comply with the following general requirements:

1. All applications for licenses and registrations authorized pursuant to this section shall be made upon forms prescribed by the Authority;
2. Each application shall identify the city or county in which the applicant seeks to obtain licensure as a medical marijuana business;
3. Applicants shall submit a complete application to the Department before the application may be accepted or considered;
4. All applications shall be complete and accurate in every detail;
5. All applications shall include all attachments or supplemental information required by the forms supplied by the Authority;
6. All applications shall be accompanied by a full remittance for the whole amount of the application fees. Application fees are nonrefundable;
7. All applicants shall be approved for licensing review that, at a minimum, meets the following criteria:
    a. all applicants shall be age twenty-five (25) or older,
    b. any applicant applying as an individual shall show proof that the applicant is an Oklahoma resident pursuant to paragraph 11 of this subsection,
    c. any applicant applying as an entity shall show that seventy-five percent (75%) of all members, managers, executive officers, partners, board members or any other form of business ownership are Oklahoma residents pursuant to paragraph 11 of this subsection,

d. all applying individuals or entities shall be registered to conduct business in the State of Oklahoma,
e. all applicants shall disclose all ownership interests pursuant to this act, and
f. applicants shall not have been convicted of a nonviolent felony in the last two (2) years, and any other felony conviction within the last five (5) years, shall not be current inmates, or currently incarcerated in a jail or corrections facility;

8. There shall be no limit to the number of medical marijuana business licenses or categories that an individual or entity can apply for or receive, although each application and each category shall require a separate application and application fee. A commercial grower, processor and dispensary, or any combination thereof, are authorized to share the same address or physical location, subject to the restrictions set forth in this act;

9. All applicants for a medical marijuana business license, research facility license or education facility license authorized by this act shall undergo an Oklahoma criminal history background check conducted by the Oklahoma State Bureau of Investigation (OSBI) within thirty (30) days prior to the application for the license, including:
a. individual applicants applying on their own behalf,
b. individuals applying on behalf of an entity,
c. all principal officers of an entity, and
d. all owners of an entity as defined by this act;

10. All applicable fees charged by OSBI are the responsibility of the applicant and shall not be higher than fees charged to any other person or industry for such background checks;

11. In order to be considered an Oklahoma resident for purposes of a medical marijuana business application, all applicants shall provide proof of Oklahoma residency for at least two (2) years immediately preceding the date of application or five (5) years of continuous Oklahoma residency during the preceding twenty-five (25) years immediately preceding the date of application. Sufficient documentation of proof of residency shall include a combination of the following:
a. an unexpired Oklahoma-issued driver license,
b. an Oklahoma voter identification card,
c. a utility bill preceding the date of application, excluding cellular telephone and Internet bills,
d. a residential property deed to property in the State of Oklahoma, and
e. a rental agreement preceding the date of application for residential property located in the State of Oklahoma.

Applicants that were issued a medical marijuana business license prior to the enactment of the Oklahoma Medical Marijuana and Patient Protection Act are hereby exempt from the two-year or five-year Oklahoma residency requirement mentioned above;

12. All license applicants shall be required to submit a registration with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as provided in Sections 2-302 through 2-304 of Title 63 of the Oklahoma Statutes;

13. All applicants shall establish their identity through submission of a color copy or digital image of one of the following unexpired documents:

a. front and back of an Oklahoma driver license,
b. front and back of an Oklahoma identification card,
c. a United States passport or other photo identification issued by the United States government,
d. certified copy of the applicant's birth certificate for minor applicants who do not possess a document listed in this section, or
e. a tribal identification card approved for identification purposes by the Oklahoma Department of Public Safety; and

14. All applicants shall submit an applicant photograph.

F. The Authority shall review the medical marijuana business application, approve or reject the application and mail the approval, rejection or status-update letter to the applicant within ninety (90) business days of receipt of the application.

G. 1. The Authority shall review the medical marijuana business applications and conduct all investigations, inspections and interviews before approving the application.

2. Approved applicants shall be issued a medical marijuana business license for the specific category applied under which shall act as proof of their approved status. Rejection letters shall provide a reason for the rejection. Applications may only be rejected based on the applicant not meeting the standards set forth in the provisions of this section, improper completion of the application, or for a reason provided for in this act. If an application is rejected for failure to provide required information, the applicant shall have thirty (30) days to submit the required information for reconsideration. No additional application fee shall be charged for such reconsideration.

3. Status-update letters shall provide a reason for delay in either approval or rejection should a situation arise in which an application was submitted properly, but a delay in processing the application occurred.

4. Approval, rejection or status-update letters shall be sent to the applicant in the same method the application was submitted to the Department.

H. A license provided by this act or by Section 421, 422, 423 or 425 of Title 63 of the Oklahoma Statutes shall not be issued until all relevant local licenses and permits have been issued by the municipality, including but not limited to an occupancy permit or certificate of compliance.

I. In the event that an applicant has not received the necessary permits, certificates or licenses from a municipality, but the applicant has fulfilled all other obligations required by this act, the Authority shall grant a conditional license. A conditional license shall remain valid for a period of one (1) year or until the applicant obtains the necessary local permits, certificates or licenses. An applicant shall not transfer any medical marijuana, concentrate or products to a medical marijuana business, patient or caregiver until approval is received from the Authority.

J. A medical marijuana business license shall not be issued to or held by:

1. A person until all required fees have been paid;

2. A person who has been convicted of a nonviolent felony within two (2) years of the date of application, or within five (5) years for any other felony;

3. A corporation, if the criminal history of any of its officers, directors or stockholders indicates that the officer, director or stockholder has been convicted of a nonviolent felony within two (2) years of the date of application, or within five (5) years for any other felony;

4. A person under twenty-five (25) years of age;

5. A person licensed pursuant to this section who, during a period of licensure, or who, at the time of application, has failed to:

a. file taxes, interest or penalties due related to a medical marijuana business, or

b. pay taxes, interest or penalties due related to a medical marijuana business;

6. A sheriff, deputy sheriff, police officer or prosecuting officer, or an officer or employee of the Authority or municipality; or

7. A person whose authority to be a caregiver as defined in this act has been revoked by the Department.

K. In investigating the qualifications of an applicant or a licensee, the Department, Authority and municipalities may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such an agency. In the event the Department considers the criminal history record of the applicant, the Department shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those items

pertaining to the period of time between the last criminal conviction of the applicant and the consideration of the application for a state license.

L. The failure of an applicant to provide the requested information by the Authority deadline may be grounds for denial of the application.

M. All applicants shall submit information to the Department and Authority in a full, faithful, truthful and fair manner. The Department and Authority may recommend denial of an application where the applicant made misstatements, omissions, misrepresentations or untruths in the application or in connection with the background investigation of the applicant. This type of conduct may be considered as the basis for additional administrative action against the applicant. Typos and scrivener errors shall not be grounds for denial.

N. A licensed medical marijuana business premises shall be subject to and responsible for compliance with applicable provisions for medical marijuana business facilities as described in the most recent versions of the Oklahoma Uniform Building Code, the International Building Code and the International Fire Code, unless granted an exemption by the Authority or municipality.

O. All medical marijuana business licensees shall pay the relevant licensure fees prior to receiving licensure to operate a medical marijuana business, as defined in this act for each class of license.

Added by Laws 2019, c. 11, § 14. Amended by Laws 2019, c. 477, § 9.

§63-427.14v2. Medical marijuana business license - Requirements.

A. There is hereby created the medical marijuana business license, which shall include the following categories:

1. Medical marijuana commercial grower;
2. Medical marijuana processor;
3. Medical marijuana dispensary;
4. Medical marijuana transporter; and
5. Medical marijuana testing laboratory.

B. The Authority, with the aid of the Office of Management and Enterprise Services, shall develop a website for medical marijuana business applications.

C. The Authority shall make available on its website or the website of the Oklahoma Medical Marijuana Authority in an easy-to-find location, applications for a medical marijuana business.

D. The nonrefundable application fee for a medical marijuana business license shall be Two Thousand Five Hundred Dollars ($2,500.00).

E. All applicants seeking licensure as a medical marijuana business shall comply with the following general requirements:

1. All applications for licenses and registrations authorized pursuant to this section shall be made upon forms prescribed by the Authority;

2. Each application shall identify the city or county in which the applicant seeks to obtain licensure as a medical marijuana business;

3. Applicants shall submit a complete application to the Department before the application may be accepted or considered;

4. All applications shall be complete and accurate in every detail;

5. All applications shall include all attachments or supplemental information required by the forms supplied by the Authority;

6. All applications shall be accompanied by a full remittance for the whole amount of the application fees. Application fees are nonrefundable;

7. All applicants shall be approved for licensing review that, at a minimum, meets the following criteria:

a. all applicants shall be age twenty-five (25) years of age or older,

b. any applicant applying as an individual shall show proof that the applicant is an Oklahoma resident pursuant to paragraph 11 of this subsection,

c. any applicant applying as an entity shall show that seventy-five percent (75%) of all members, managers, executive officers, partners, board members or any other form of business ownership are Oklahoma residents pursuant to paragraph 11 of this subsection,

d. all applying individuals or entities shall be registered to conduct business in the State of Oklahoma,

e. all applicants shall disclose all ownership interests pursuant to this act, and

f. applicants shall not have been convicted of a nonviolent felony in the last two (2) years, and any other felony conviction within the last five (5) years, shall not be current inmates, or currently incarcerated in a jail or corrections facility;

8. There shall be no limit to the number of medical marijuana business licenses or categories that an individual or entity can apply for or receive, although each application and each category shall require a separate application and application fee. A commercial grower, processor and dispensary, or any combination thereof, are authorized to share the same address or physical location, subject to the restrictions set forth in this act;

9. All applicants for a medical marijuana business license, research facility license or education facility license authorized by

this act shall undergo an Oklahoma criminal history background check conducted by the Oklahoma State Bureau of Investigation (OSBI) within thirty (30) days prior to the application for the license, including:

a. individual applicants applying on their own behalf,
b. individuals applying on behalf of an entity,
c. all principal officers of an entity, and
d. all owners of an entity as defined by this act;

10. All applicable fees charged by OSBI are the responsibility of the applicant and shall not be higher than fees charged to any other person or industry for such background checks;

11. In order to be considered an Oklahoma resident for purposes of a medical marijuana business application, all applicants shall provide proof of Oklahoma residency for at least two (2) years immediately preceding the date of application or five (5) years of continuous Oklahoma residency during the preceding twenty-five (25) years immediately preceding the date of application. Sufficient documentation of proof of residency shall include a combination of the following:

a. an unexpired Oklahoma-issued driver license,
b. an Oklahoma voter identification card,
c. a utility bill preceding the date of application, excluding cellular telephone and Internet bills,
d. a residential property deed to property in the State of Oklahoma, and
e. a rental agreement preceding the date of application for residential property located in the State of Oklahoma;

12. All license applicants shall be required to submit a registration with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as provided in Sections 2-202 through 2-204 of Title 63 of the Oklahoma Statutes;

13. All applicants shall establish their identity through submission of a color copy or digital image of one of the following unexpired documents:

a. front and back of an Oklahoma driver license,
b. front and back of an Oklahoma identification card,
c. a United States passport or other photo identification issued by the United States government,
d. certified copy of the applicant's birth certificate for minor applicants who do not possess a document listed in this section, or
e. a tribal identification card approved for identification purposes by the Oklahoma Department of Public Safety; and

14. All applicants shall submit an applicant photograph.

F. The Authority shall review the medical marijuana business application, approve or reject the application and mail the approval,

rejection or status-update letter to the applicant within ninety (90) days of receipt of the application.

G. 1. The Authority shall review the medical marijuana business applications and conduct all investigations, inspections and interviews before approving the application.

2. Approved applicants shall be issued a medical marijuana business license for the specific category applied under which shall act as proof of their approved status. Rejection letters shall provide a reason for the rejection. Applications may only be rejected based on the applicant not meeting the standards set forth in the provisions of this section, improper completion of the application, or for a reason provided for in this act. If an application is rejected for failure to provide required information, the applicant shall have thirty (30) days to submit the required information for reconsideration. No additional application fee shall be charged for such reconsideration.

3. Status-update letters shall provide a reason for delay in either approval or rejection should a situation arise in which an application was submitted properly, but a delay in processing the application occurred.

4. Approval, rejection or status-update letters shall be sent to the applicant in the same method the application was submitted to the Department.

H. A medical marijuana business license shall not be issued to or held by:

1. A person until all required fees have been paid;

2. A person who has been convicted of a nonviolent felony within two (2) years of the date of application, or within five (5) years for any other felony;

3. A corporation, if the criminal history of any of its officers, directors or stockholders indicates that the officer, director or stockholder has been convicted of a nonviolent felony within two (2) years of the date of application, or within five (5) years for any other felony;

4. A person under twenty-five (25) years of age;

5. A person licensed pursuant to this section who, during a period of licensure, or who, at the time of application, has failed to:

a. file taxes, interest or penalties due related to a medical marijuana business, or

b. pay taxes, interest or penalties due related to a medical marijuana business;

6. A sheriff, deputy sheriff, police officer or prosecuting officer, or an officer or employee of the Authority or municipality;

7. A person whose authority to be a caregiver as defined in this act has been revoked by the Department; or

8. A publicly traded company.

I. In investigating the qualifications of an applicant or a licensee, the Department, Authority and municipalities may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such an agency. In the event the Department considers the criminal history record of the applicant, the Department shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the last criminal conviction of the applicant and the consideration of the application for a state license.

J. The failure of an applicant to provide the requested information by the Authority deadline may be grounds for denial of the application.

K. All applicants shall submit information to the Department and Authority in a full, faithful, truthful and fair manner. The Department and Authority may recommend denial of an application where the applicant made misstatements, omissions, misrepresentations or untruths in the application or in connection with the background investigation of the applicant. This type of conduct may be considered as the basis for additional administrative action against the applicant. Typos and scrivener errors shall not be grounds for denial.

L. A licensed medical marijuana business premises shall be subject to and responsible for compliance with applicable provisions for medical marijuana business facilities as described in the most recent versions of the Oklahoma Uniform Building Code, the International Building Code and the International Fire Code, unless granted an exemption by the Authority or municipality.

M. All medical marijuana business licensees shall pay the relevant licensure fees prior to receiving licensure to operate a medical marijuana business, as defined in this act for each class of license.

Added by Laws 2019, c. 11, § 14. Amended by Laws 2019, c. 509, § 6.

§63-427.15. Authority to develop policies and procedures for disclosure by businesses.

The State Department of Health is hereby authorized to develop policies and procedures for disclosure by a medical marijuana business of financial interest and ownership.

Added by Laws 2019, c. 11, § 15.

§63-427.16. Medical marijuana transporter license - Requirements.

A. There is hereby created a medical marijuana transporter license as a category of the medical marijuana business license.

B. Pursuant to Section 424 of Title 63 of the Oklahoma Statutes, the Authority shall issue a medical marijuana transporter license to licensed medical marijuana commercial growers, processors and dispensaries upon issuance of such licenses and upon each renewal.

C. A medical marijuana transporter license may also be issued to qualifying applicants who are registered with the Oklahoma Secretary of State and otherwise meet the requirements for a medical marijuana business license set forth in this act and the requirements set forth in this section to provide logistics, distribution and storage of medical marijuana, medical marijuana concentrate and medical marijuana products.

D. A medical marijuana transporter license shall be valid for one (1) year and shall not be transferred with a change of ownership. A licensed medical marijuana transporter shall be responsible for all medical marijuana, concentrate and products once the transporter takes control of the product.

E. A transporter license shall be required for any person or entity to transport or transfer medical marijuana, concentrate or product from a licensed medical marijuana business to another medical marijuana business, or from a medical marijuana business to a medical marijuana research facility or medical marijuana education facility.

F. A medical marijuana transporter licensee may contract with multiple licensed medical marijuana businesses.

G. A medical marijuana transporter may maintain a licensed premises to temporarily store medical marijuana, concentrate and products and to use as a centralized distribution point. A medical marijuana transporter may store and distribute medical marijuana, concentrate and products from the licensed premises. The licensed premises shall meet all security requirements applicable to a medical marijuana business.

H. A medical marijuana transporter licensee shall use the seed-to-sale tracking system developed pursuant to this act to create shipping manifests documenting the transport of medical marijuana, concentrate and products throughout the state.

I. A licensed medical marijuana transporter may maintain and operate one or more warehouses in the state to handle medical marijuana, concentrate and products.

J. All medical marijuana, concentrate and product shall be transported:

1. In vehicles equipped with Global Positioning System (GPS) trackers;

2. In a locked container and clearly labeled "Medical Marijuana or Derivative"; and

3. In a secured area of the vehicle that is not accessible by the driver during transit.

K. A transporter agent may possess marijuana at any location while the transporter agent is transferring marijuana to or from a

licensed medical marijuana business, medical marijuana research facility or medical marijuana education facility. The Department shall administer and enforce the provisions of this section concerning transportation.

L. The Authority shall issue a transporter agent license to individual agents, employees, officers or owners of a transporter license in order for the individual to qualify to transport medical marijuana or product.

M. The annual fee for a transporter agent license shall be One Hundred Dollars ($100.00) and shall be paid by the transporter license holder or the individual applicant.

N. The Authority shall issue each transporter agent a registry identification card within thirty (30) days of receipt of:

1. The name, address and date of birth of the person;

2. Proof of residency as required for a medical marijuana business license;

3. Proof of identity as required for a medical marijuana business license;

4. Possession of a valid Oklahoma driver license;

5. Verification of employment with a licensed transporter;

6. The application and affiliated fee; and

7. A criminal background check conducted by the Oklahoma State Bureau of Investigation, paid for by the applicant.

O. If the transporter agent application is denied, the Department shall notify the transporter in writing of the reason for denying the registry identification card.

P. A registry identification card for a transporter shall expire one (1) year after the date of issuance or upon notification from the holder of the transporter license that the transporter agent ceases to work as a transporter.

Q. The Department may revoke the registry identification card of a transporter agent who knowingly violates any provision of this section, and the transporter is subject to any other penalties established by law for the violation.

R. The Department may revoke or suspend the transporter license of a transporter that the Department determines knowingly aided or facilitated a violation of any provision of this section, and the licenseholder is subject to any other penalties established in law for the violation.

S. Vehicles used in the transport of medical marijuana or medical marijuana product shall be:

1. Insured at or above the legal requirements in Oklahoma;

2. Capable of securing medical marijuana during transport; and

3. In possession of a shipping container as defined in this act capable of securing all transported product.

T. Prior to the transport of any medical marijuana or products, an inventory manifest shall be prepared at the origination point of

the medical marijuana. The inventory manifest shall include the following information:

1. For the origination point of the medical marijuana:
   a. the licensee number for the commercial grower, processor or dispensary,
   b. address of origination of transport, and
   c. name and contact information for the originating licensee;
2. For the end recipient license holder of the medical marijuana:
   a. the license number for the dispensary, commercial grower, processor, research facility or education facility destination,
   b. address of the destination, and
   c. name and contact information for the destination licensee;
3. Quantities by weight or unit of each type of medical marijuana product contained in transport;
4. The date of the transport and the approximate time of departure;
5. The arrival date and estimated time of arrival;
6. Printed names and signatures of the personnel accompanying the transport; and
7. Notation of the transporting licensee.

U. 1. A separate inventory manifest shall be prepared for each licensee receiving the medical marijuana.

2. The transporter agent shall provide the other medical marijuana business with a copy of the inventory manifest at the time the product changes hands and after the other licensee prints his or her name and signs the inventory manifest.

3. An inventory manifest shall not be altered after departing the originating premises other than in cases where the printed name and signature of receipt by the receiving licensee is necessary.

4. A receiving licensee shall refuse to accept any medical marijuana or product that is not accompanied by an inventory manifest.

5. Originating and receiving licensees shall maintain copies of inventory manifests and logs of quantities of medical marijuana received for three (3) years from date of receipt.

Added by Laws 2019, c. 11, § 16.

§63-427.17. Medical marijuana testing laboratory license - Requirements.

A. There is hereby created a medical marijuana testing laboratory license as a category of the medical marijuana business license. The Authority is hereby enabled to monitor, inspect and audit a licensed testing laboratory under this act.

B. The Authority is hereby authorized to contract with a private laboratory for the purpose of conducting compliance testing of medical marijuana testing laboratories licensed in this state. Any such laboratory under contract for compliance testing shall be prohibited from conducting any other commercial medical marijuana testing in this state.

C. The Authority shall have the authority to develop acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, and chemical identification and substances used in bona fide research methods so long as it complies with this act.

D. A person who is a direct beneficial owner or an indirect beneficial owner of a medical marijuana dispensary, medical marijuana commercial grower, or medical marijuana processor shall not be an owner of a laboratory.

E. A laboratory and a laboratory applicant shall comply with all applicable local ordinances, including but not limited to zoning, occupancy, licensing and building codes.

F. A separate license shall be required for each specific laboratory.

G. A medical marijuana testing laboratory license may be issued to a person who performs testing and research on medical marijuana and medical marijuana products for medical marijuana businesses, medical marijuana research facilities, medical marijuana education facilities, and testing and research on marijuana and marijuana products grown or produced by a patient or caregiver on behalf of a patient, upon verification of registration. No state-approved medical marijuana testing facility shall operate unless a medical laboratory director is on site during operational hours.

H. A laboratory applicant shall comply with the application requirements of this section and shall submit such other information as required for a medical marijuana business applicant, in addition to any information the Authority may request for initial approval and periodic evaluations during the approval period.

I. A medical marijuana testing laboratory may accept samples of medical marijuana, medical marijuana concentrate or medical marijuana product from a medical marijuana business for testing and research purposes only, which purposes may include the provision of testing services for samples submitted by a medical marijuana business for product development. The Department may require a medical marijuana business to submit a sample of medical marijuana, medical marijuana concentrate or medical marijuana product to a medical marijuana testing laboratory upon demand.

J. A medical marijuana testing laboratory may accept samples of medical marijuana, medical marijuana concentrate or medical marijuana product from an individual person for testing only under the following conditions:

1. The individual person is a patient or caregiver pursuant to this act or is a participant in an approved clinical or observational study conducted by a research facility; and

2. The medical marijuana testing laboratory shall require the patient or caregiver to produce a valid patient license and current and valid photo identification.

K. A medical marijuana testing laboratory may transfer samples to another medical marijuana testing laboratory for testing. All laboratory reports provided to or by a medical marijuana business or to a patient or caregiver shall identify the medical marijuana testing laboratory that actually conducted the test.

L. A medical marijuana testing laboratory may utilize a licensed medical marijuana transporter to transport samples of medical marijuana, medical marijuana concentrate and medical marijuana product for testing, in accordance with this act and the rules adopted pursuant thereto, between the originating medical marijuana business requesting testing services and the destination laboratory performing testing services.

M. The medical marijuana testing laboratory shall establish policies to prevent the existence of or appearance of undue commercial, financial or other influences that may diminish the competency, impartiality and integrity of the testing processes or results of the laboratory, or that may diminish public confidence in the competency, impartiality and integrity of the testing processes or results of the laboratory. At a minimum, employees, owners or agents of a medical marijuana testing laboratory who participate in any aspect of the analysis and results of a sample are prohibited from improperly influencing the testing process, improperly manipulating data, or improperly benefiting from any ongoing financial, employment, personal or business relationship with the medical marijuana business that provided the sample.

N. The Department, pursuant to rules promulgated by the State Commissioner of Health, shall develop standards, policies and procedures as necessary for:

1. The cleanliness and orderliness of a laboratory premises and the location of the laboratory in a secure location, and inspection, cleaning and maintenance of any equipment or utensils used for the analysis of test samples;

2. Testing procedures, testing standards for cannabinoid and terpenoid potency and safe levels of contaminants, and remediation procedures;

3. Controlled access areas for storage of medical marijuana and medical marijuana product test samples, waste and reference standards;

4. Records to be retained and computer systems to be utilized by the laboratory;

5. The possession, storage and use by the laboratory of reagents, solutions and reference standards;

6. A certificate of analysis (COA) for each lot of reference standard;

7. The transport and disposal of unused marijuana, marijuana products and waste;

8. The mandatory use by a laboratory of an inventory tracking system to ensure all test batches or samples containing medical marijuana, medical marijuana concentrate or medical marijuana products are identified and tracked from the point they are transferred from a medical marijuana business, a patient or a caregiver through the point of transfer, destruction or disposal. The inventory tracking system reporting shall include the results of any tests that are conducted on medical marijuana, medical marijuana concentrate or medical marijuana product;

9. Standards of performance;

10. The employment of laboratory personnel;

11. A written standard operating procedure manual to be maintained and updated by the laboratory;

12. The successful participation in a Department-approved proficiency testing program for each testing category listed in this section, in order to obtain and maintain certification;

13. The establishment of and adherence to a quality assurance and quality control program to ensure sufficient monitoring of laboratory processes and quality of results reported;

14. The establishment by the laboratory of a system to document the complete chain of custody for samples from receipt through disposal;

15. The establishment by the laboratory of a system to retain and maintain all required records, including business records, and processes to ensure results are reported in a timely and accurate manner; and

16. Any other aspect of laboratory testing of medical marijuana or medical marijuana product deemed necessary by the Department.

O. A medical marijuana testing laboratory shall promptly provide the Department or designee of the Department access to a report of a test and any underlying data that is conducted on a sample at the request of a medical marijuana business or qualified patient. A medical marijuana testing laboratory shall also provide access to the Department or designee of the Department to laboratory premises and to any material or information requested by the Department to determine compliance with the requirements of this section.

P. A medical marijuana testing laboratory shall retain all results of laboratory tests conducted on marijuana or products for a period of at least two (2) years and shall make them available to the Department upon request.

Q. A medical marijuana testing laboratory shall test samples from each harvest batch or product batch, as appropriate, of medical marijuana, medical marijuana concentrate and medical marijuana product for each of the following categories of testing, consistent with standards developed by the Commissioner:

1. Microbials;
2. Mycotoxins;
3. Residual solvents;
4. Pesticides;
5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
6. Terpenoid potency; and
7. Heavy metals.

R. A test batch shall not exceed ten (10) pounds of usable marijuana or medical marijuana product, as appropriate. A grower shall separate each harvest lot of usable marijuana into harvest batches containing no more than ten (10) pounds. A processor shall separate each medical marijuana production lot into production batches containing no more than ten (10) pounds.

S. Medical marijuana testing laboratory licensure shall be contingent upon successful on-site inspection, successful participation in proficiency testing and ongoing compliance with the applicable requirements in this section.

T. A medical marijuana testing laboratory shall be inspected prior to initial licensure and annually thereafter by an inspector approved by the Authority.

U. Beginning on a date determined by the Commissioner, not later than January 1, 2020, medical marijuana testing laboratory licensure shall be contingent upon accreditation by the NELAC Institute (TNI), ANSI/ASQ National Accreditation Board or another accrediting body approved by the Commissioner, and any applicable standards as determined by the Department.

V. A commercial grower shall not transfer or sell medical marijuana and a processor shall not transfer, sell or process into a concentrate or product any medical marijuana, medical marijuana concentrate or medical marijuana product unless samples from each harvest batch or production batch from which that medical marijuana, medical marijuana concentrate or medical marijuana product was derived has been tested by a medical marijuana testing facility for contaminants and passed all contaminant tests required by this act. Added by Laws 2019, c. 11, § 17. Amended by Laws 2019, c. 312, § 4, emerg. eff. May 7, 2019.

§63-427.18. Packaging and labeling requirements.

A. An Oklahoma medical marijuana business shall not sell, transfer or otherwise distribute medical marijuana or medical marijuana product that has not been packaged and labeled in

accordance with this section and rules promulgated by the State Commissioner of Health.

B. A medical marijuana dispensary shall return medical marijuana and medical marijuana product that does not meet packaging or labeling requirements in this section or rules promulgated pursuant thereto to the entity who transferred it to the dispensary. The medical marijuana dispensary shall document to whom the item was returned, what was returned and the date of the return or dispose of any usable marijuana that does not meet these requirements in accordance with this act.

C. 1. Medical marijuana packaging shall be packaged to minimize its appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.

2. A medical marijuana business shall not place any content on a container in a manner that reasonably appears to target individuals under the age of twenty-one (21), including but not limited to cartoon characters or similar images.

3. Labels on a container shall not include any false or misleading statements.

4. No container shall be intentionally or knowingly labeled so as to cause a reasonable patient confusion as to whether the medical marijuana, medical marijuana concentrate or medical marijuana product is a trademarked product or labeled in a manner that violates any federal trademark law or regulation.

5. The label on the container shall not make any claims regarding health or physical benefits to the patient.

6. All medical marijuana, medical marijuana concentrate and medical marijuana products shall be in a child-resistant container at the point of transfer to the patient or caregiver.

D. The State Department of Health shall develop minimum standards for packaging and labeling of medical marijuana and medical marijuana products. Such standards shall include, but not be limited to, the required contents of labels to be affixed to all medical marijuana and medical marijuana products prior to transfer to a licensed patient or caregiver, which shall include, at a minimum:

1. A universal symbol indicating that the product contains tetrahydrocannabinol (THC);

2. THC and other cannabinoid potency, and terpenoid potency;

3. A statement indicating that the product has been tested for contaminants;

4. One or more product warnings to be determined by the Department; and

5. Any other information the Department deems necessary.

Added by Laws 2019, c. 11, § 18.

§63-427.19. Medical marijuana research license - Requirements.

A. A medical marijuana research license may be issued to a person to grow, cultivate, possess and transfer, by sale or donation, marijuana pursuant to this act for the limited research purposes identified in this section.

B. The fee for a medical marijuana research license shall be Five Hundred Dollars ($500.00) and shall be payable by an applicant for a medical marijuana research license upon submission of his or her application to the Authority.

C. A medical marijuana research license may be issued for the following research purposes:

1. To test chemical potency and composition levels;

2. To conduct clinical investigations of marijuana-derived medicinal products;

3. To conduct research on the efficacy and safety of administering marijuana as part of medical treatment;

4. To conduct genomic, horticultural or agricultural research; and

5. To conduct research on marijuana-affiliated products or systems.

D. 1. As part of the application process for a medical marijuana research license, an applicant shall submit to the Authority a description of the research that the applicant intends to conduct and whether the research will be conducted with a public institution or using public money. If the research will not be conducted with a public institution or with public money, the Authority shall grant the application if it determines that the applicant meets the criteria in this section.

2. If the research will be conducted with a public institution or public money, the Department shall review the research project of the applicant to determine if it meets the requirements of this section and to assess the following:

a. the quality, study design, value or impact of the project,

b. whether the applicant has the appropriate personnel, expertise, facilities, infrastructure, funding and human, animal or other approvals in place to successfully conduct the project, and

c. whether the amount of marijuana to be grown by the applicant is consistent with the scope and goals of the project.

3. If the Authority determines that the research project does not meet the requirements of this section or assesses the criteria to be inadequate, the application shall be denied.

E. A medical marijuana research licensee may only transfer, by sale or donation, marijuana grown within its operation to other medical marijuana research licensees. The Department may revoke a

medical marijuana research license for violations of this section and any other violation of this act.

F. A medical marijuana research licensee may contract to perform research in conjunction with a public higher education research institution or another medical marijuana research licensee.

G. The growing, cultivating, possessing or transferring, by sale or donation, of marijuana in accordance with this section and the rules promulgated pursuant thereto, by a medical marijuana research licensee shall not be a criminal or civil offense under state law. A medical marijuana research license shall be issued in the name of the applicant and shall specify the location in Oklahoma at which the medical marijuana research licensee intends to operate. A medical marijuana research licensee shall not allow any other person to exercise the privilege of the license.

H. If the research conducted includes a public institution or public money, the Authority shall review any reports made by medical marijuana research licensees under state licensing authority rule and provide the Authority with its determination on whether the research project continues to meet research qualifications pursuant to this section.

Added by Laws 2019, c. 11, § 19.

§63-427.20. Medical marijuana education facility license - Requirements.

A. There is hereby created a medical marijuana education facility license.

B. A medical marijuana education facility license may be issued to a person to possess or cultivate marijuana for the limited education and research purposes identified in this section.

C. A medical marijuana education facility license may only be granted to a not-for-profit organization structured under Section 501(c)(3) of the Internal Revenue Code, operating as an Oklahoma not-for-profit registered organization with the Office of the Secretary of State.

D. A medical marijuana education facility license may only be granted upon the submission of a fee of Five Hundred Dollars ($500.00) to the Authority.

E. A medical marijuana education facility license may be issued for the following education and research purposes:

1. To test cultivation techniques, strategies, infrastructure, mediums, lighting and other related technology;

2. To demonstrate cultivation techniques, strategies, infrastructure, mediums, lighting and other related technology;

3. To demonstrate the application and use of product manufacturing technologies;

4. To conduct genomic, horticultural or agricultural research; and

5. To conduct research on marijuana-affiliated products or systems.

F. As part of the application process for a medical marijuana education facility license, an applicant shall submit to the Authority a description of the project and curriculum that the applicant intends to conduct and whether the project and curriculum will be conducted with a public institution or using public money. If the research will not be conducted with a public institution or with public money, the Authority shall grant the application. If the research will be conducted with a public institution or public money, the Authority shall review the research project of the applicant to determine if it meets the requirements of this section and to assess the following:

1. The quality, study design, value or impact of the project;

2. Whether the applicant has the appropriate personnel, expertise, facilities, infrastructure, funding, and human, animal or other approvals in place to successfully conduct the project; and

3. Whether the amount of marijuana to be grown by the applicant is consistent with the scope and goals of the project.

If the Authority determines that the education project does not meet the requirements of this section or assesses the criteria to be inadequate, the application shall be denied.

G. A medical marijuana education facility licensee may only transfer, by sale or donation, marijuana grown within its operation to medical marijuana research licensees. The Department may revoke a medical marijuana education facility license for violations of this section and any other violation of this act.

H. A medical marijuana education facility licensee may contract to perform research in conjunction with a public higher education research institution or another research licensee.

I. The growing, cultivating, possessing or transferring, by sale or donation, of marijuana in accordance with this section and the rules promulgated pursuant thereto, by a medical marijuana education facility licensee shall not be a criminal or civil offense under state law. A medical marijuana education facility license shall be issued in the name of the applicant and shall specify the location in Oklahoma at which the medical marijuana education facility licensee intends to operate. A medical marijuana education facility licensee shall not allow any other person to exercise the privilege of the license.

Added by Laws 2019, c. 11, § 20.

§63-427.21. Advertising restrictions.

A. A medical marijuana business shall not engage in advertising that is deceptive, false or misleading.

B. Medical marijuana advertising shall not contain any statement or illustration that:

1. Promotes overconsumption;

2. Represents that the use of marijuana has curative or therapeutic effects; or

3. Depicts a child or other person under legal age to consume marijuana, or includes:

a. objects such as toys or cartoon or other characters, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana, or

b. any manner or design that would be especially appealing to children or other persons under eighteen (18) years of age.

Added by Laws 2019, c. 11, § 21. Amended by Laws 2019, c. 477, § 10.

§63-427.22. Confidential records.

A. An application or renewal and supporting information submitted by a qualifying patient or designated caregiver under the provisions of this act including, without limitation, information regarding the physician of the qualifying patient shall be considered confidential medical records that are exempt from the Oklahoma Open Records Act.

B. The dispensary records with patient information shall be treated as confidential records that are exempt from the Oklahoma Open Records Act.

C. All financial information provided by an applicant in its application to the Authority shall be treated as confidential records that are exempt from the Oklahoma Open Records Act.

D. All information provided by an applicant that constitutes private business information shall be treated as confidential records that are exempt from the Oklahoma Open Records Act.

E. As used in this section, "private business information" means information that, if disclosed, would give advantage to competitors or bidders including, but not limited to, information related to the planning, site location, operations, strategy, or product development and marketing of an applicant, unless approval for release of those records is granted by the business.

Added by Laws 2019, c. 11, § 22.

§63-427.23. Promulgation of rules to implement provisions of act.

A. The State Commissioner of Health, the Oklahoma Tax Commission, the State Treasurer, the Secretary of State and the Director of the Office of Management and Enterprise Services shall promulgate rules to implement the provisions of this act.

B. The Food Safety Standards Board, in addition to the powers and duties granted in Section 423 of Title 63 of the Oklahoma Statutes, may recommend to the State Commissioner of Health rules

relating to all aspects of the cultivation and manufacture of medical marijuana products.
Added by Laws 2019, c. 11, § 23. Amended by Laws 2019, c. 477, § 11.

§63-428. Short title - Oklahoma Medical Marijuana Waste Management Act.

This act shall be known and may be cited as the "Oklahoma Medical Marijuana Waste Management Act".
Added by Laws 2019, c. 337, § 1, eff. Nov. 1, 2019.
NOTE: Editorially renumbered from § 427 of this title to avoid duplication in numbering.

§63-428.1. Definitions.

As used in this act:

1. "Authority" shall mean the Oklahoma Medical Marijuana Authority, or successor agency;

2. "Commercial licensee" shall mean any person or entity issued a license by the Oklahoma Medical Marijuana Authority, or successor agency, to conduct commercial business in this state;

3. "Disposal" shall mean the final disposition of medical marijuana waste by either a process which renders the waste unusable through physical destruction or a recycling process;

4. "Facility" shall mean a location where the disposal of medical marijuana waste takes place by a licensee;

5. "License" shall mean a medical marijuana waste disposal license;

6. "Licensee" shall mean the holder of a medical marijuana waste disposal license;

7. "Medical marijuana waste" shall mean unused, surplus, returned or out-of-date marijuana and plant debris of the plant of the genus Cannabis, including dead plants and all unused plant parts, except the term shall not include roots, stems, stalks and fan leaves; and

8. "Medical marijuana waste disposal license" shall mean a license issued by the Oklahoma Medical Marijuana Authority, or successor agency.
Added by Laws 2019, c. 337, § 2, eff. Nov. 1, 2019.
NOTE: Editorially renumbered from § 428 of this title to avoid duplication in numbering.

§63-429. Applicability – Jurisdiction - Destruction of plant parts that do not require medical marijuana waste disposal facility – Disposal records.

A. Medical marijuana waste shall be subject to the provisions of this act and shall not be subject to the provisions of the Uniform Controlled Dangerous Substances Act. Nothing in this act shall alter or affect the jurisdictional areas of environmental responsibility of

the Department of Environmental Quality as provided for in Title 27A of the Oklahoma Statutes.

B. Commercial licensees, medical marijuana research facilities and medical marijuana education facilities shall be authorized to destroy the following marijuana plant parts without being required to utilize the services of a medical marijuana waste disposal facility:

1. Root balls;
2. Stems;
3. Fan leaves; and
4. Seeds.

Unless restricted by local ordinance, commercial licensees, medical marijuana research facilities and medical marijuana education facilities shall be authorized to destroy the above-listed marijuana plant parts on-site by open burning, incineration, burying, mulching, composting or any other technique approved by the Department of Environmental Quality.

C. Commercial licensees, medical marijuana research facilities and medical marijuana education facilities engaged in the disposal of medical marijuana waste shall create and maintain documentation on a form prescribed by the Oklahoma Medical Marijuana Authority that includes precise weights or counts of medical marijuana waste and the manner in which the medical marijuana waste is disposed. Such documentation shall contain a witness affidavit and signature attesting to the lawful disposal of the medical marijuana waste under penalty of perjury. All disposal records shall be maintained by commercial licensees, medical marijuana research facilities and medical marijuana educational facilities for a period of five (5) years and shall be subject to inspection and auditing by the Authority.

Added by Laws 2019, c. 337, § 3, emerg. eff. May 9, 2019.

§63-430. Medical marijuana waste disposal license – Screening process – Waste disposal facility permit.

A. There is hereby created and authorized a medical marijuana waste disposal license. A person or entity in possession of a medical marijuana waste disposal license shall be entitled to possess, transport and dispose of medical marijuana waste. No person or entity shall possess, transport or dispose of medical marijuana waste without a valid medical marijuana waste disposal license. The Oklahoma Medical Marijuana Authority shall issue licenses upon proper application by a licensee and determination by the Authority that the proposed site and facility are physically and technically suitable. Upon a finding that a proposed medical marijuana waste disposal facility is not physically or technically suitable, the Authority shall deny the license. The Authority may, upon determining that public health or safety requires emergency action, issue a temporary license for treatment or storage of medical marijuana waste for a

period not to exceed ninety (90) days. The Authority shall not, for the first year of the licensure program, issue more than ten licenses. Upon the conclusion of the first year, the Authority shall assess the need for additional licenses and shall, if demonstrated, increase the number of licenses as deemed necessary by the Authority.

B. Entities applying for a medical marijuana waste disposal license shall undergo the following screening process:

1. Complete an application form, as prescribed by the Authority, which shall include:

a. an attestation that the applicant is authorized to make application on behalf of the entity,
b. full name of the organization,
c. trade name, if applicable,
d. type of business organization,
e. complete mailing address,
f. an attestation that the commercial entity will not be located on tribal land,
g. telephone number and email address of the entity, and
h. name, residential address and date of birth of each owner and each member, manager and board member, if applicable;

2. The application for a medical marijuana waste disposal license made by an individual on his or her own behalf shall be on the form prescribed by the Authority and shall include, but not be limited to:

a. the first, middle and last name of the applicant and suffix, if applicable,
b. the residence address and mailing address of the applicant,
c. the date of birth of the applicant,
d. the preferred telephone number and email address of the applicant,
e. an attestation that the information provided by the applicant is true and correct, and
f. a statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana; and

3. Each application shall be accompanied by the following documentation:

a. a list of all persons or entities that have an ownership interest in the entity,
b. a certificate of good standing from the Oklahoma Secretary of State, if applicable,
c. an Affidavit of Lawful Presence for each owner,
d. proof that the proposed location of the disposal facility is at least one thousand (1,000) feet from a public or private school. The distance shall be

measured from any entrance of the school to the nearest property line point of the facility, and

e. documents establishing the applicant, the members, managers and board members, if applicable, and seventy-five percent (75%) of the ownership interests are Oklahoma residents as established in Section 420 et seq. of Title 63 of the Oklahoma Statutes, as it relates to proof of residency.

C. No license shall be issued except upon proof of sufficient liability insurance and financial responsibility. Liability insurance shall be provided by the applicant and shall apply to sudden and nonsudden bodily injury or property damage on, below or above the surface, as required by the rules of the Authority. Such insurance shall be maintained for the period of operation of the facility and shall provide coverage for damages resulting from operation of the facility during operation and after closing. In lieu of liability insurance required by this subsection, an equivalent amount of cash, securities, bond or alternate financial assurance, of a type and in an amount acceptable to the Authority, may be substituted; provided, that such deposit shall be maintained for a period of five (5) years after the date of last operation of the facility.

D. Submission of an application for a medical marijuana waste disposal license shall constitute permission for entry to and inspection of the facility of the licensee during hours of operation and other reasonable times. Refusal to permit such entry of inspection shall constitute grounds for the nonrenewal, suspension or revocation of a license. The Authority may perform an annual unannounced on-site inspection of the operations and facility of the licensee. If the Authority receives a complaint concerning noncompliance by a licensee with the provisions of this act, the Authority may conduct additional unannounced, on-site inspections beyond an annual inspection. The Authority shall refer all complaints alleging criminal activity that are made against a licensed facility to appropriate state or local law enforcement authorities.

E. The Authority shall issue a permit for each medical marijuana waste disposal facility operated by a licensee. A permit shall be issued only upon proper application by a licensee and determination by the Authority that the proposed site and facility are physically and technically suitable. Upon a finding that a proposed medical marijuana waste disposal facility is not physically or technically suitable, the Authority shall deny the permit. The Authority shall have the authority to revoke a permit upon a finding that the site and facility are not physically and technically suitable for processing. The Authority may, upon determining that public health or safety requires emergency action, issue a temporary permit for

treatment or storage of medical marijuana waste for a period not to exceed ninety (90) days.

F. The cost of a medical marijuana waste disposal license shall be Five Thousand Dollars ($5,000.00) for the initial license. The cost of a medical marijuana waste disposal facility permit shall be Five Hundred Dollars ($500.00). A medical marijuana waste disposal facility permit that has been revoked shall be reinstated upon remittance of a reinstatement fee of Five Hundred Dollars ($500.00) to restore the facility permit. All license and permit fees shall be deposited into the Public Health Special Fund as provided in Section 1-107 of Title 63 of the Oklahoma Statutes.

G. The holder of a medical marijuana waste disposal license shall not be required to obtain a medical marijuana transporter license provided for in the Oklahoma Medical Marijuana and Patient Protection Act for purposes of transporting medical marijuana waste.

H. All commercial licensees, as defined in Section 2 of this act, shall utilize a licensed medical marijuana waste disposal service to process all medical marijuana waste generated by the licensee.

I. The State Commissioner of Health shall promulgate rules for the implementation of this act. Promulgated rules shall address disposal process standards, site security and any other subject matter deemed necessary by the Authority.

Added by Laws 2019, c. 337, § 4, eff. Nov. 1, 2019.

§63-465.20. Smelling, inhaling, etc. of substances which cause unnatural conditions - Exemptions - Penalties.

(a) It shall be unlawful for any person deliberately to smell, inhale, breathe, drink or otherwise consume any compound, liquid, chemical, controlled dangerous substance, prescription drugs or any other substance or chemical containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons or metallic powders, such as gasoline, glue, fingernailpolish, adhesive cement, mucilage, dope, paint dispensed from pressurized containers or any other substance or combination thereof containing solvents releasing toxic vapors, with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system, or any other changing, distorting or disturbing of the eyesight, thinking processes, judgment, balance or coordination of such person.

(b) The provisions of this statute shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist; nor to the consumption of intoxicating liquor.

(c) Any person who violates any provisions of this act relating to inhalation of glue or other substances shall be guilty of a

misdemeanor, and upon conviction shall be subject to imprisonment in the county jail for not more than one (1) year or a fine of not more than Five Hundred Dollars ($500.00), or both such imprisonment and fine.
Laws 1971, c. 109, § 1, emerg. eff. April 27, 1971; Laws 1981, c. 52, § 1, emerg. eff. April 13, 1981.

§63-465.21. Sale of certain paint to intoxicated person.
Any person who knowingly sells paint containing metallic powders dispensed from a pressurized container to an obviously intoxicated person shall be guilty of a misdemeanor.
Laws 1981, c. 52, § 2, emerg. eff. April 13, 1981.

§63-472. City jails.
It shall be the duty of the governing bodies of all municipalities to insure compliance with standards governing conditions in municipal jails as prescribed in Section 192 of Title 74 of the Oklahoma Statutes.
R.L.1910, § 6978. Amended by Laws 1978, c. 244, § 26, eff. July 1, 1978.

§63-475. Contagious disease - Isolation.
Should any prisoners in any county or city jail or holdover complain of illness, the county or city physician, whose duty it may be to attend such prisons, shall be summoned, and if such prisoner should be found to have a contagious disease, he shall be immediately removed and isolated to some room or place having no connection with the other prisoners. R.L. 1910 Sec. 6981.
R.L.1910, § 6981.

§63-476. Isolation of prisoners having contagious disease - Jail construction.
It shall be the duty of officials who construct jails, city prisons or holdovers to provide a room for the segregation of prisoners who may be found to have a contagious disease. R.L. 1910 Sec. 6982.
R.L.1910, § 6982.

§63-477. Sanitation of charitable institutions.
The county commissioners shall provide necessary supplies and cause the charitable institutions of their county to be maintained in a clean and sanitary condition at all times. Enforcement of this section shall be the responsibility of the Director of the Department of Public Welfare.
R.L.1910, § 6983. Amended by Laws 1978, c. 244, § 27, eff. July 1, 1978.

§63-479. Violations - Penalty.

Any official failing in any duty prescribed by the provisions of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than ten dollars nor more than five hundred dollars, and in addition thereto may be removed from office. R.L. 1910 Sec. 6985.

R.L.1910, § 6985.

§63-485.1. Purpose of act.

The purpose of Sections 485.1 through 485.8 of this title shall be to provide a specialized hospital, which shall be named the J.D. McCarty Center for Children with Developmental Disabilities, for the care, maintenance, training, treatment, and general mental and physical rehabilitation of the residents of the state, and when space permits nonresidents, who may be afflicted with cerebral palsy or other developmental disabilities, provided that such specialized hospital shall be able to refuse admission to those patients who after competent examination are determined to be unable to benefit from such training, treatment, and general mental and physical rehabilitation, and provided that such specialized hospital shall be able to discharge and return any child to its parent or guardian if it is determined after admission that such training, treatment, and general mental and physical rehabilitation is not aiding the child. Educational services that may be required during an inpatient stay shall be arranged through and provided by the appropriate local education area (LEA). The term "cerebral palsy" as used in this title shall include all types of cerebral palsy.

Added by Laws 1947, p. 401, § 1, emerg. eff. May 7, 1947. Amended by Laws 1949, p. 433, § 1; Laws 1981, c. 71, § 1, operative July 1, 1981; Laws 1992, c. 307, § 15, eff. July 1, 1992; Laws 1995, c. 262, § 1, eff. July 1, 1995.

§63-485.2. Oklahoma Spastic Paralysis Commission - Creation - Powers and duties.

There is hereby created the Oklahoma Spastic Paralysis Commission, which is designated as an agency of the State of Oklahoma, and is hereby authorized to exercise the powers and duties authorized in this act and all other powers incident and necessary to the purpose of this act.

Laws 1947, p. 401, § 2.

§63-485.3. J.D. McCarty Center for Children with Developmental Disabilities - Establishment and maintenance - Contracts - Payments - Power of Commission - Legal representation – Sale of surplus property and fixtures.

A. The Oklahoma Cerebral Palsy Commission is hereby authorized and empowered to:

1. Establish and maintain the J.D. McCarty Center for Children with Developmental Disabilities, to provide care, maintenance, training, treatment, habilitation and rehabilitation of persons afflicted with cerebral palsy and other developmental disabilities within such institute;

2. Set fees and charges for patient services;

3. Provide care, maintenance, training, treatment and rehabilitation services to children not afflicted with cerebral palsy or developmental disabilities but who may benefit from the services available from the J.D. McCarty Center for Children with Developmental Disabilities, as determined to be practicable by the Oklahoma Cerebral Palsy Commission;

4. Provide services to any adults who may benefit from services available from the J.D. McCarty Center for Children with Developmental Disabilities, as determined to be practicable by the Oklahoma Cerebral Palsy Commission; provided, that services to adults shall not diminish any services available to children;

5. Enter into contracts for the purchase of real estate or other property and to buy or sell real estate, personal property and equipment necessary or incidental to the carrying out of the provisions of Sections 485.1 through 485.11 of this title; and

6. Enter into contracts with the Commission for Human Services and with other agencies of the state and of the counties in furtherance of the provisions of Sections 485.1 through 485.11 of this title; provided, the Oklahoma Cerebral Palsy Commission shall receive from the Commission for Human Services payments aggregating a minimum of One Hundred Thousand Dollars ($100,000.00) annually from funds set aside in the Children with Special Health Care Needs Program; and provided further, the Oklahoma Cerebral Palsy Commission may negotiate with the Commission for Human Services or its successors for additional payments above One Hundred Thousand Dollars ($100,000.00) from such funds.

B. The Commission shall be charged with the duties of management and control of the J.D. McCarty Center for Children with Developmental Disabilities and shall have power to sue or be sued in its own name.

C. The Attorney General shall furnish the Commission with legal representation. The Commission shall not contract for private legal counsel except for extraordinary situations other than normal day-to-day situations, and when approved by the Attorney General.

D. For the purposes of moving the J.D. McCarty Center for Children with Developmental Disabilities to its new facilities, the Oklahoma Cerebral Palsy Commission may sell surplus property and fixtures. Such sale of surplus property and fixtures shall be exempt from Sections 62.2 through 62.6 of Title 74 of the Oklahoma Statutes. The Commission shall sell such surplus property and fixtures at fair market value as determined by the members of the Commission. The

process for the sale and transfer of title shall originate with the Commission. All proceeds from such sale of the property and fixtures shall be deposited into the J.D. McCarty Center for Children with Developmental Disabilities Revolving Fund.
Added by Laws 1947, p. 401, § 3, emerg. eff. May 7, 1947. Amended by Laws 1949, p. 434, § 2, emerg. eff. May 31, 1949; Laws 1976, c. 191, § 4, emerg. eff. June 4, 1976; Laws 1981, c. 71, § 2, operative July 1, 1981; Laws 1988, c. 222, § 4, operative July 1, 1988; Laws 1992, c. 307, § 16, eff. July 1, 1992; Laws 1995, c. 262, § 2, eff. July 1, 1995; Laws 1997, c. 281, § 2, eff. July 1, 1997; Laws 2004, c. 426, § 1, eff. July 1, 2004; Laws 2010, c. 413, § 23, eff. July 1, 2010.
NOTE: Laws 1992, c. 249, § 4 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§63-485.4. Oklahoma Cerebral Palsy Commission - Gifts and bequests.

The Oklahoma Cerebral Palsy Commission is authorized to accept and receive gifts and bequests of money and property, both real and personal, which may be tendered by will or gift, conditionally or unconditionally, for the use of the Commission in the exercise of its powers and duties described in this act. The Commission shall administer the property or funds in the manner consistent with the terms of the gift and provisions of law. The Commission is hereby directed, authorized, and empowered to hold such funds in trust or invest them and use either principal or interest in keeping with the terms of the gift as stipulated by the donors for the sole benefit of the Commission in the performance of its duties provided herein.
Added by Laws 1947, p. 401, § 4, emerg. eff. May 7, 1947. Amended by Laws 2004, c. 426, § 2, eff. July 1, 2004.

§63-485.5. Members of Commission - Appointment - Term - Travel expenses.

The Oklahoma Cerebral Palsy Commission shall be composed of five (5) members who shall serve without compensation. The three members of the Commission serving on the Commission on June 30, 2004, shall serve the remainder of their respective terms. Beginning July 1, 2004, the Governor of the State of Oklahoma shall appoint to the Commission two additional members who shall be chosen from a list of ten persons submitted to the Governor by the Grande Voiture of Oklahoma of La Societe des Quarante Hommes et Huit Chevaux. One new member shall be appointed for a two-year term and one new member for a three-year term on the Commission. Thereafter, any member who takes the place of a member whose term is expiring shall be appointed to a three-year term in the same manner and from a list to be submitted as provided in this section for the original Commission pursuant to this section. Each member of the Commission shall be entitled to be reimbursed for necessary travel expenses pursuant to the State Travel Reimbursement Act.

Added by Laws 1947, p. 401, § 5, emerg. eff. May 7, 1947. Amended by Laws 1949, p. 434, § 3, emerg. eff. May 31, 1949; Laws 1969, c. 5, § 1, emerg. eff. Feb. 3, 1969; Laws 1985, c. 178, § 47, operative July 1, 1985; Laws 2004, c. 426, § 3, eff. July 1, 2004.

§63-485.6. Officers - Organization - Director and personnel - Legal assistance.

A. The members of the Oklahoma Cerebral Palsy Commission shall select from among the members of the Commission a chair, a vice-chair, and a secretary, and organize itself for the purpose of carrying out the provisions of Section 485.1 et seq. of this title.

B. The Commission is hereby authorized in its discretion to employ a director who shall employ and hire other persons as may be required in the estimation of the director and in accordance with federal, state, and local laws to carry out the provisions of this act; provided that physical therapists, physical therapist assistants, occupational therapists, certified occupational therapist aides, speech pathologists, and the Director of Nursing so employed shall be unclassified and exempt from the provisions of the Merit System of Personnel Administration. Other positions may be unclassified as provided for in applicable federal, state, and local laws. The Commission is authorized to hire an attorney to provide legal assistance or to contract for such specialized services only as provided for in Section 485.3 of this title.

Added by Laws 1947, p. 401, § 6, emerg. eff. May 7, 1947. Amended by Laws 1949, p. 435, § 5, emerg. eff. May 31, 1949; Laws 1995, c. 262, § 3, eff. July 1, 1995; Laws 1996, c. 326, § 4, eff. July 1, 1996; Laws 2008, c. 328, § 1, eff. Nov. 1, 2008.

§63-485.7. Bonds of members.

Each member of the Commission shall give bond to the State of Oklahoma in the sum of One Thousand Dollars ($1,000.00) conditioned for the honest and faithful performance of his duties, which bonds shall be approved by the Governor and deposited in the office of the Secretary of State.

Added by Laws 1947, p. 402, § 7, emerg. eff. May 7, 1947. Amended by Laws 1949, p. 435, § 6, emerg. eff. May 31, 1949.

§63-485.8. Partial invalidity.

It is the intention of the Legislature to enact each and every part of this act and if any section, paragraph, sentence, item, or clause of this act shall for any reason be held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Added by Laws 1947, p. 402, § 9, emerg. eff. May 7, 1947.

§63-485.9. Change of name for Institute and Commission.

A. The names of the "Oklahoma Cerebral Palsy Center", formerly the "Oklahoma Cerebral Palsy Institute", and the "Oklahoma Spastic Paralysis Commission" are hereby changed to the "J.D. McCarty Center for Children with Developmental Disabilities" and the "Cerebral Palsy Commission", respectively.

B. Wherever in the statutes of this state the name "Oklahoma Cerebral Palsy Institute" or "Oklahoma Cerebral Palsy Center" occurs, the reference shall be deemed to be to the "J.D. McCarty Center for Children with Developmental Disabilities"; and wherever in said statutes the name "Oklahoma Spastic Paralysis Commission" appears, this reference shall be deemed to be to the "Cerebral Palsy Commission".

Laws 1961, p. 483, §§ 1, 2, emerg. eff. Jan. 30, 1961; Laws 1981, c. 71, § 3, operative July 1, 1981; Laws 1992, c. 307, § 17, eff. July 1, 1992.

§63-485.10. Annuity contracts - Purchases as salary payments.

A part of the salary, not to exceed the exclusion allowances provided in Section 403(b)(2), Internal Revenue Code, payable to any employee of the J.D. McCarty Center for Children with Developmental Disabilities may, at the request of the employee, be paid by the purchase of an annuity contract from any insurance company authorized to do business in Oklahoma by the J.D. McCarty Center for Children with Developmental Disabilities for the employee, and the employee shall be entitled to have such annuity contract continued in force in succeeding years by the J.D. McCarty Center for Children with Developmental Disabilities. The amounts so contributed or paid by the J.D. McCarty Center for Children with Developmental Disabilities for the annuity contract, or to continue it in force, shall be considered as payment of salary, for the same amounts, to the employee for State Retirement purposes, State Aid purposes, or Social Security purposes, but not for State Income Tax purposes. Provided that the amount received under such annuity contracts shall be income subject to state income tax when actually received.

Laws 1967, c. 243, § 3, emerg. eff. May 8, 1967; Laws 1981, c. 71, § 4, operative July 1, 1981; Laws 1992, c. 307, § 18, eff. July 1, 1992.

§63-485.11. J.D. McCarty Center for Children with Developmental Disabilities Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Cerebral Palsy Commission to be designated the "J.D. McCarty Center for Children with Developmental Disabilities Revolving Fund". The fund shall consist of all monies received by the Commission pursuant to statutory authority, but not including appropriated funds, gifts and bequests. The revolving fund shall be a continuing fund, not subject to fiscal year limitations and shall

be under the control and management of the administrative authorities of the Commission. Expenditures from the fund shall be made pursuant to the laws of the state and the statutes relating to the Commission and may include up to Twenty-five Thousand Dollars ($25,000.00) in expenditures for capital improvements within a single fiscal year or as otherwise provided by the Legislature. Warrants for expenditures from the fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the Commission and approved for payment by the Director of the Office of Management and Enterprise Services.
Added by Laws 1986, c. 209, § 5, operative July 1, 1986. Amended by Laws 1988, c. 222, § 5, operative July 1, 1988; Laws 1992, c. 307, § 19, eff. July 1, 1992; Laws 2012, c. 304, § 504.

§63-485.12. Exemptions.

Specialized vehicles utilized by the J.D. McCarty Center for Children with Developmental Disabilities shall not be included in nor subject to provisions of law establishing the State Motor Pool Division within the Office of Management and Enterprise Services.
Added by Laws 1980, c. 345, § 16, emerg. eff. June 25, 1980. Amended by Laws 1983, c. 304, § 27, eff. July 1, 1983; Laws 2002, c. 397, § 29, eff. Nov. 1, 2002. Renumbered from § 159.11 of Title 47 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2012, c. 304, § 505.

§63-488.1. Program of immunization.

The State Department of Public Health is hereby authorized to initiate and organize a state-wide program supplementing a program of the National Foundation for Infantile Paralysis and administer vaccine designed to immunize children against that disease. Said Department is authorized to cooperate further with the authorities of the National Foundation for Infantile paralysis and to make such rules and regulations in connection therewith as will assure the administration of vaccine to the greatest possible number of children within the age group most susceptible to the disease and within the limits of the funds made available for that purpose under the provisions of this act.
Laws 1955, p. 348, § 1.

§63-488.2. Funds.

The Governor of the State is hereby authorized to set aside from his Emergency Contingency Fund such monies as he shall determine may be used for such purpose without impairing said fund beyond the amount deemed by him to be necessary as a reserve for possible contingencies involving the primary purpose of said fund. The State Emergency Relief Board is hereby authorized and directed to determine and set aside all funds which said Board shall determine are not

necessary now or during the next biennium for the normal function of the Emergency Relief Program directed by said Board. The funds made available under the provisions of this section are hereby appropriated to the State Department of Public Health to be used to defray the expenses of purchasing and administering vaccine under the program authorized by the provisions of Section 1 of this act.
Laws 1955, p. 348, § 2.

§63-535. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.

§63-536. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.

§63-537. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.

§63-538. Repealed by Laws 1963, c. 325, art. 17, § 1705, operative July 1, 1963.

§63-663. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-680. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-681. School buildings - Protection from tornadoes and severe weather.

School authorities of the State of Oklahoma, its political subdivisions, and its school districts are authorized to plan, design, and construct new school buildings and make additions to existing school buildings that afford protection for the anticipated school body, faculty, and visitors against tornadoes and severe weather. Each school, administration building and institution of higher learning shall have written plans and procedures in place for protecting students, faculty, administrators and visitors from natural and man-made disasters and emergencies. Plans shall be reviewed and updated annually as appropriate by each school, administration building and institution of higher learning, and placed on file at each school district and each local emergency response organization within the district, which may include police, fire, emergency medical services, sheriff and emergency management of the appropriate jurisdiction. The plans shall be submitted in a format acceptable to the emergency agency no later than November 1 of each year. Each school district and institution of higher learning shall make annual reports to the local school board or Board of

Regents detailing the status of emergency preparedness and identified safety needs for each school or institution.
Added by Laws 1967, c. 4, § 2, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 1, emerg. eff. May 29, 2003; Laws 2008, c. 216, § 3, eff. Nov. 1, 2008; Laws 2013, c. 55, § 1, eff. July 1, 2013.

§63-682. Federal assistance programs - Participation.

Each state institution, agency, board, and department, each political subdivision of the state, and each school district of the state is authorized to participate in such federal assistance programs as may be available or may become available to assist in providing tornado and severe weather protection.
Added by Laws 1967, c. 4, § 3, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 2, emerg. eff. May 29, 2003.

§63-682.1. Vaccination program for first responders.

A. As used in this section:

1. "Department" means the State Department of Health, Bioterrorism Division;

2. "Director" means the Commissioner of Health;

3. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product, to cause or attempt to cause death, disease or other biological malfunction in any living organism;

4. "Disaster locations" means any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster or emergency occurs; and

5. "First responders" means state and local law enforcement personnel, fire department personnel and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.

B. The Department shall offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations. The vaccinations shall include, but are not limited to, hepatitis B vaccination, diphtheria-tetanus vaccination, influenza vaccination, and other vaccinations when recommended by the United States Public Health Service and in accordance with Federal Emergency Management Directors Policy. Immune globulin will be made available when necessary.

C. Participation in the vaccination program will be voluntary by the first responders, except for first responders who are classified as having "occupational exposure" to bloodborne pathogens as defined by the Occupational Safety and Health Administration Standard contained at 29 CFR 1910.1030. First responders who are classified

as having "occupational exposure" to bloodborne pathogens shall be required to take the designated vaccinations.

D. A first responder shall be exempt from vaccinations when a written statement from a licensed physician is presented indicating that a vaccine is medically contraindicated for that person or the first responder signs a written statement that the administration of a vaccination conflicts with their religious tenets.

E. In the event of a vaccine shortage, the Director, in consultation with the Governor and the Centers for Disease Control and Prevention, shall give priority for vaccination to first responders.

F. The Department shall notify first responders of the availability of the vaccination program and shall provide educational materials on ways to prevent exposure to infectious diseases.

G. The Department may contract with county and local health departments, not-for-profit home health care agencies, hospitals and physicians to administer a vaccination program for first responders.

H. This section shall be effective upon receipt of federal funding and/or federal grants for administering a first responders vaccination program. Upon receipt of such funding, the Department shall make available the vaccines to first responders as provided in this section. If federal funds for these vaccines cease, the state shall not be liable for the continuation or cost of vaccines.

Added by Laws 2003, c. 292, § 1, emerg. eff. May 27, 2003.

§63-683.1. Citation.

This act may be cited as the "Oklahoma Emergency Management Act of 2003".

Added by Laws 1967, c. 33, § 1, emerg. eff. March 21, 1967. Amended by Laws 1999, c. 57, § 1, eff. July 1, 1999; Laws 2003, c. 329, § 3, emerg. eff. May 29, 2003.

§63-683.2. Findings and declarations.

A. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural and man-made causes, in order to ensure that preparations of this state will adequately deal with such disasters and emergencies, to generally provide for the common defense and to protect the public peace, health, and safety, to preserve the lives and property of the people of this state, and to carry out the objectives of state and national survival and recovery in the event of a disaster or emergency, it is hereby found and declared to be necessary to:

1. Create the Oklahoma Department of Emergency Management (OEM);

2. Authorize the creation of local organizations for emergency management in the counties and incorporated municipalities of this state;

3. Provide for the formulation and execution of an emergency operations plan for the state;

4. Confer upon the Governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided by the Oklahoma Emergency Management Act of 2003;

5. Provide for the rendering of mutual aid among the political subdivisions of this state and with other states to cooperate with the federal government with respect to carrying out emergency management functions and hazard mitigation; and

6. Provide sufficient organization to meet, prevent or reduce emergencies in the general interest and welfare of the public and this state.

B. It is further declared to be the purpose of the Oklahoma Emergency Management Act of 2003 and the policy of this state that all emergency management and hazard mitigation functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of available workforce, resources and facilities for dealing with disaster and hazard mitigation.

C. It is also directed that each state agency, board, commission, department or other state entity having responsibilities either indicated in the state Emergency Operations Plan or by the nature of the service it provides to the citizens of Oklahoma shall have written plans and procedures in place to protect individual employees, administrators and visitors from natural and man-made disasters and emergencies occurring at the work place. Plans and procedures shall be in concurrence with the Oklahoma Department of Emergency Management Guidebook titled "Emergency Standard Operating Procedures" for state departments, agencies, offices and employees. Each state agency, board, commission, department or other state entity shall provide a calendar year annual report on the status of their emergency management program to OEM. OEM shall compile and integrate all reports into a report to the Governor and Legislature on the status of state emergency preparedness.

D. Each state agency, board, commission, department or other state entity shall have written plans and procedures in place to support the responsibilities stated in the state Emergency Operations Plan.

E. The National Incident Management System (NIMS) shall be the standard for incident management in the State of Oklahoma. All on-scene management of disasters and emergencies shall be conducted using the Incident Command System (ICS).

Added by Laws 1967, c. 33, § 2, emerg. eff. Feb. 14, 1967. Amended by Laws 1976, c. 135, § 1, emerg. eff. May 24, 1976; Laws 1984, c.

113, § 1, eff. July 1, 1984; Laws 1999, c. 57, § 2, eff. July 1, 1999; Laws 2003, c.329, § 4, emerg. eff. May 29, 2003; Laws 2006, c. 199, § 1, emerg. eff. May 26, 2006.

§63-683.3. Definitions.

As used in the Oklahoma Emergency Management Act of 2003:

1. "Emergency management" means the preparation for and the coordination of all emergency functions by organized and trained persons, who will extend existent governmental functions and provide other necessary nongovernmental functions, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters developing to such an extent to cause an extreme emergency situation to arise which by declaration of the Governor jeopardizes the welfare of the citizens of this state. These emergency functions include, but are not limited to, fire fighting, law enforcement, medical and health, search and rescue, public works, warnings, communications, hazardous materials and other special response functions, evacuations of persons from affected areas, emergency assistance services, emergency transportation, and other functions related to preparedness, response, recovery and mitigation;

2. "Emergency Operations Plan" means that plan which sets forth the organization, administration and functions for emergency management by the state or local government;

3. “Emergency” means any occasion or instance for which, in the determination of the President of the United States or the Governor of the State of Oklahoma, federal or state assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert threat of a catastrophe in any part of the state;

4. “Significant events” means all hazardous material releases of any size and type, earthquakes, fires involving large buildings or facilities and large grass or wild fires, explosions, bomb threats, terrorist/civil disturbance, aircraft crash, natural disaster, utility disruption, dam breach, technological/man-made incident, search and rescue, structural collapse, and any other incident that poses significant consequences to the jurisdiction;

5. "Hazard mitigation" means any cost-effective measure which will reduce or eliminate the effects of a natural or man-made disaster;

6. "Local organization for emergency management" means an organization created in accordance with the provisions of the Oklahoma Emergency Management Act of 2003 by state or local authority to perform local emergency management functions;

7. “Man-made disaster” means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or power shortages that require assistance from outside the local political subdivision;

8. "Natural disaster" means any natural catastrophe, including, but not limited to, a tornado, severe storm, high water, flood waters, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought which causes damage of sufficient severity and magnitude to warrant hazard mitigation or the use of resources of the federal government, or the state and political subdivisions thereof to alleviate the damage, loss, hardship or suffering caused thereby; and

9. "Political subdivision" shall mean any county, city, town or municipal corporation of the State of Oklahoma represented by an elected governing body.

Added by Laws 1967, c. 33, § 3, emerg. eff. Feb. 14, 1967. Amended by Laws 1976, c. 135, § 2, emerg. eff. May 24, 1976; Laws 1979, c. 50, § 1, eff. July 1, 1979; Laws 1999, c. 57, § 3, eff. July 1, 1999; Laws 2003, c. 329, § 5, emerg. eff. May 29, 2003.

§63-683.4. Oklahoma Department of Emergency Management – Powers and duties of Director.

A. There is hereby created the Oklahoma Department of Emergency Management (OEM). The Governor shall appoint a Director of the Department, with the advice and consent of the Senate, who shall be the head of the Department. The Governor shall fix the salary of the Director, in cooperation with standards promulgated by the Office of Management and Enterprise Services.

B. The Director may employ personnel and fix their compensation in cooperation with standards promulgated by the Office of Management and Enterprise Services, and may make such expenditures within the appropriation therefor, or from such other available funds as may be necessary to carry out the purposes of the Oklahoma Emergency Management Act of 2003 and other programs specified by law.

C. The Director and other personnel of the Department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

D. The Director, subject to the direction and control of the Governor, shall be the executive head of the Department and shall serve as the chief advisor to the Governor on emergency management and shall:

1. Be responsible to the Governor for carrying out the programs as required by law;

2. Coordinate the activities of all organizations for emergency management within the state;

3. Maintain liaison with and cooperate with the emergency management agencies and organizations of other states and of the federal government;

4. Develop and maintain a comprehensive all-hazards mitigation plan for this state;

5. Implement the Oklahoma Hazard Mitigation Program;

6. Have such additional authority, duties, and responsibilities authorized by the Oklahoma Emergency Management Act of 2003 and as may be prescribed by the Governor;

7. Supervise the Office of Volunteerism in accordance with Section 683.26 of this title; and

8. Report quarterly to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate the balance and outstanding obligations of the State Emergency Fund.

E. The Director shall supervise the formulation, execution, review and revisions of the state Emergency Operations Plan as provided for by Section 683.2 of this title. The plan shall be reviewed annually and revised as necessary.

Added by Laws 1967, c. 33, § 4, emerg. eff. Feb. 14, 1967. Amended by Laws 1982, c. 338, § 48, eff. July 1, 1982; Laws 1984, c. 113, § 2, eff. July 1, 1984; Laws 1991, c. 216, § 13, operative July 1, 1991; Laws 1999, c. 57, § 4, eff. July 1, 1999; Laws 2003, c. 329, § 6, emerg. eff. May 29, 2003; Laws 2010, c. 128, § 1, eff. Nov. 1, 2010; Laws 2012, c. 304, § 506.

§63-683.5a. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-683.6. State Hazard Mitigation Team.

A. There is hereby created the State Hazard Mitigation Team, composed of the administrative heads of the following agencies or their designees:

1. Oklahoma Department of Emergency Management, who shall serve as the Team Coordinator;

2. Oklahoma Water Resources Board;

3. Oklahoma Climatological Survey;

4. Oklahoma Conservation Commission;

5. Corporation Commission;

6. Oklahoma Department of Commerce;

7. Department of Environmental Quality;

8. Department of Human Services;

9. State Department of Health;

10. Department of Transportation;

11. Oklahoma Department of Agriculture, Food, and Forestry or the Secretary of Agriculture;

12. Department of Wildlife Conservation;

13. Oklahoma Historical Society;

14. Oklahoma Insurance Department;

15. Association of County Commissioners of Oklahoma;

16. Oklahoma Municipal League;

17. State Fire Marshal;

18. Department of Labor;

19. A local Emergency Management Director as determined by the President of the Oklahoma Emergency Management Association;

20. State Chancellor or his or her representative for The Oklahoma State System of Higher Education; and

21. State Director or his or her representative for the Oklahoma Department of Career and Technology Education.

B. Depending on the circumstances, the Team Coordinator may request participation of the heads of any other state agencies as deemed appropriate.

C. The Team Coordinator shall also request that a representative of the United States Army Corps of Engineers be appointed by the administrative head of the Tulsa District to participate on the Team.

D. The Team Coordinator shall also request a representative of the U.S. Department of Housing and Urban Development be appointed by the administrative head of the Oklahoma City office to participate on the team.

E. The State Hazard Mitigation Team will meet as determined by the Team Coordinator to review and recommend updates to the State Comprehensive All-hazard Mitigation Plan, and shall have those additional responsibilities as provided by the Team Coordinator, including, but not limited to, the review and recommendation for loan and grant application under the Oklahoma Flood Hazard Mitigation Program.

Added by Laws 1967, c. 33, § 6, emerg. eff. Feb. 14, 1967. Amended by Laws 1979, c. 241, § 7, operative July 1, 1979; Laws 1999, c. 57, § 5, eff. July 1, 1999; Laws 2003, c. 329, § 7, emerg. eff. May 29, 2003; Laws 2008, c. 359, § 12, emerg. eff. June 3, 2008; Laws 2010, c. 258, § 1, eff. Nov. 1, 2010; Laws 2013, c. 227, § 15, eff. Nov. 1, 2013.

§63-683.8. Powers and duties of Governor.

A. The Governor shall have general direction and control of the Oklahoma Department of Emergency Management and shall be responsible for carrying out the provisions of the Oklahoma Emergency Management Act of 2003. In the event of an emergency that exceeds local capability, the Governor may assume direct operational control over all or any part of the emergency management functions within this state.

B. The Governor shall have general direction and control of emergency management within the state and all officers, boards, agencies, individual or groups established under the Emergency Operations Plan. The Governor shall have the authority pursuant to the Oklahoma Emergency Management Act of 2003 to establish such offices, boards, agencies, or positions as may be necessary to carry into effect the Emergency Operations Plan.

C. The Governor is authorized to cooperate with the federal government, with other states, and with private agencies in all

matters pertaining to the emergency management of this state and of the nation.

D. To effect the policy and purpose of the Oklahoma Emergency Management Act of 2003, the Governor is further authorized and empowered to:

1. Make, amend, and rescind the necessary orders and rules to carry out the provisions of the Oklahoma Emergency Management Act of 2003 within the limits of authority conferred upon the Governor herein, with due consideration of the emergency management plans of the federal government;

2. Cause to be prepared and updated annually a comprehensive plan and program for emergency management of this state, such plans and programs to be integrated into and coordinated with the plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state;

3. Procure supplies and equipment in accordance with such plans and programs, institute training programs and public information programs, take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster, and to ensure the furnishing of adequately trained and equipped personnel in time of need, during periods of national emergency, or natural disasters that might occur in this state, or which develop into emergency situations;

4. On behalf of this state, enter into mutual aid arrangements with other states and coordinate mutual aid plans between political subdivisions of this state;

5. Delegate any administrative authority vested in the Governor pursuant to the Oklahoma Emergency Management Act of 2003, and provide for subdelegation of any such authority;

6. Confirm the appointment of qualified emergency managers upon recommendations of local authorities as provided in Section 683.11 of this title;

7. Cooperate with the President of the United States and the heads of the Armed Forces, the Federal Emergency Management Agency, and other appropriate federal officers and agencies, with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction and control of:

a. state emergency management activations and exercises,

b. warnings for actual or exercise events and the equipment to be used in connection therewith,

c. the conduct of civilians and the movement of and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to natural and man-made disasters and emergencies,

d. public meetings or gatherings, and

e. the evacuation and reception of the civil population; and

8. Prescribe uniform signals, warnings, alerts, credentials and insignia.

E. In addition to prevention measures included in the state and local comprehensive plans and programs for emergency management, the Governor shall consider on a continuing basis steps that could be taken to mitigate the harmful consequences of emergencies and natural disasters. At the Governor's direction and pursuant to any other authority specified by law, state agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of matters related to potential to mitigate emergency and natural disasters. The Governor, from time to time, shall make such recommendations to the Legislature, to political subdivisions and to other appropriate public and private entities as may facilitate measures for mitigation of the harmful consequences of emergencies and natural disasters.

Added by Laws 1967, c. 33, § 8, emerg. eff. Feb. 14, 1967. Amended by Laws 1999, c. 57, § 6, eff. July 1, 1999; Laws 2003, c. 329, § 8, emerg. eff. May 29, 2003.

§63-683.9. Natural or man-made emergency - Additional powers of Governor.

The provisions of this section shall be operative only during the existence of a natural or man-made emergency. The existence of such emergency may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in such proclamation, or the Legislature in such resolution, finds that an emergency or disaster has occurred or is anticipated in the immediate future. Any such emergency, whether proclaimed by the Governor or by the Legislature, shall terminate upon the proclamation of the termination thereof by the Governor, or by passage by the Legislature of a concurrent resolution terminating such emergency. During such period as such state of emergency exists or continues, the Governor shall have and may exercise the following additional emergency powers:

1. To activate the Emergency Operations Plan, and to assume regulatory control over all essential resources of this state, directly or through the boards, agencies, offices and officers established by the Emergency Operations Plan, to determine priorities of such resources and allocate such resources as the Governor may deem necessary in cooperation with the political subdivisions of this state, the federal government, or other states. "Resources" shall mean all economic resources within this state including but not limited to food, manpower, health, water, transportation, economic

stabilization, electric power, petroleum, gas, and solid fuel, industrial production, construction and housing.

2. To enforce all laws, rules and regulations relating to emergency management and to assume direct operational control of any or all emergency management forces and helpers in this state.

3. To provide for the evacuation of all or part of the population from any stricken or threatened area or areas within this state and to take such steps as are necessary for the receipt and care of such evacuees.

4. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this act for willful failure to obey any order, rule or regulation adopted pursuant to this act. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving such person an opportunity to be heard in the defense of such person. Pending the preparation and disposition of charges, the Governor may suspend such person for a period not exceeding thirty (30) days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the Governor until it is filled as otherwise provided by law.

5. To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population and to carry out the provisions of the Emergency Operations Plan in a national or state emergency.

Added by Laws 1967, c. 33, § 9, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 9, emerg. eff. May 29, 2003; Laws 2013, 1st Ex.Sess., c. 17, § 2, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex.Sess., c. 17, § 3, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 78, § 12 repealed by Laws 2010, c. 2, § 52, emerg. eff. March 3, 2010.

NOTE: Laws 2009, c. 228, § 29 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex.Sess., c. 17, § 1, emerg. eff. Sept. 10, 2013.

§63-683.10. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-683.11. Political subdivisions - Emergency management programs - Emergency management directors - Declaration of local emergency.

A. All incorporated jurisdictions of this state are required to develop an emergency management program in accordance with the Oklahoma Emergency Management Act of 2003. County jurisdictions are required to have a qualified emergency management director as outlined in this section. Incorporated municipalities are required to either have an emergency management director or create an agreement with the county for emergency management services. Each

local organization for emergency management shall have a director who shall be appointed by the executive officer or governing body of the political subdivision, who shall report directly to the chief executive officer or chief operating officer and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivisions within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to this act. Each local emergency management organization shall develop, maintain and revise, as necessary, an emergency operations plan for the jurisdiction. Each plan shall address the emergency management system functions of preparedness, response, recovery and mitigation. Such plan shall be based upon a hazard and risk assessment for the jurisdiction and shall include provisions for evacuation of all or a portion of the jurisdiction based upon such risk in the event any disaster, as defined in Section 683.3 of this title, necessitates the evacuation of its citizens. Every political subdivision shall ensure that there is widespread dissemination of the plan and information to citizens as to how and when such plan is activated and how citizens are to participate in evacuating their communities in the event of a disaster. The plan shall be reviewed annually. Such plan shall be coordinated with the state.

B. Emergency Management Directors (EMD) shall meet the qualifications promulgated by the Oklahoma Department of Emergency Management (OEM). The minimum qualifications include:

1. U.S. citizenship;
2. High school diploma or equivalent;
3. Valid Oklahoma driver license;
4. Social security number;
5. Has not been convicted of a felony in Oklahoma; and
6. Within one (1) year of appointment, the EMD must complete basic emergency management training provided by the OEM.

C. Prior to employment, the employing agency shall obtain a name-based background search by the Oklahoma State Bureau of Investigation to determine if the EMD has been convicted of a felony.

D. Each Emergency Management Director shall be responsible for all aspects of emergency management in their jurisdiction including: conducting a hazard analysis detailing risks and vulnerabilities, annually updating the existing all-hazard Emergency Operations Plan (EOP), conducting and arranging for necessary training of all relevant personnel, conducting annual exercises to evaluate the plan, managing resources, determining shortfalls in equipment, personnel and training, revising the EOP as necessary, establishing and

maintaining an office of emergency management, communications, warnings, conducting or supervising damage assessment and other pre- and post-disaster-related duties.

E. Local fire departments, law enforcement and other first response agencies shall notify the Emergency Management Director of all significant events occurring in the jurisdiction. Emergency Management Directors shall promptly report significant events to the Oklahoma Department of Emergency Management.

F. In carrying out the provisions of this act, each political subdivision, in which any disaster as defined in Section 683.3 of this title occurs, shall have the authority to declare a local emergency and the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.

Added by Laws 1967, c. 33, § 11, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 10, emerg. eff. May 29, 2003; Laws 2006, c. 214, § 1, eff. Nov. 1, 2006.

§63-683.12. Mutual aid arrangements for reciprocal emergency management.

A. The Director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements.

B. The Director of each local organization for emergency management may, subject to the approval of the Governor, enter into mutual aid arrangements with emergency management agencies or organizations in other border states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted.

Added by Laws 1967, c. 33, § 12, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 11, emerg. eff. May 29, 2003.

§63-683.13. Emergency management activities declared as governmental functions - Workers' benefit rights preserved.

A. All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which the person would otherwise be entitled under this act, or under the workers' compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any Act of Congress. Any municipal fireman or policeman engaged in any emergency management activities, while complying with or attempting to comply with this act or any rule or regulation pursuant thereto, shall be considered as serving in his or her regular line of duty and shall be entitled to all benefits of any applicable pension fund.

B. Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency management worker from any state rendering mutual aid and who holds a comparable license in that state, who shall practice such professional, mechanical, or other skill during an emergency declared under the provisions of this act, when such professional, mechanical or other skill is exercised in accordance with the provisions of this act.

C. As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer, or auxiliary employee of this state, or other states, territories, possession or the District of Columbia, of the federal government, or any neighboring country, or of any political subdivision thereof, or of any agency or organization, performing emergency management services under state supervision, and who has been properly trained in the performance of emergency management functions, at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof. The term "emergency management worker" shall not include any volunteer health practitioner subject to the provisions of the Uniform Emergency Volunteer Health Practitioners Act.

D. Any emergency management worker, as defined in this section, performing emergency management services at any place in this state pursuant to agreements, compacts, or arrangements for mutual aid and assistance, to which the state or a political subdivision thereof is a party, shall possess the same powers, duties, immunities, and privileges the person would ordinarily possess if performing the same duties in the state, province, or political subdivision thereof in which normally employed or rendering services.

Added by Laws 1967, c. 33, § 13, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 12, emerg. eff. May 29, 2003; Laws 2013, 1st

Ex.Sess., c. 17, § 5, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex.Sess., c. 17, § 6, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 78, § 13 repealed by Laws 2010, c. 2, § 53, emerg. eff. March 3, 2010.
NOTE: Laws 2009, c. 228, § 30 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex.Sess., c. 17, § 4, emerg. eff. Sept. 10, 2013.

§63-683.14. Exemption from civil liability.

A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, or providing a mass immunization and prophylaxis site or Strategic National Stockpile storage site during an actual or impending emergency or exercise shall, together with any successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person; provided, that the injury or death was caused by or incidental to the actual use of such premises for such real, actual or impending emergency or exercise, and further provided that nothing herein contained shall grant immunity from gross, willful or wanton acts of negligence.

B. Neither the State of Oklahoma nor any political subdivision thereof nor any officer or employee of the State of Oklahoma or of any political subdivision thereof nor volunteer whose services have been accepted and utilized by an officer or employee of the State of Oklahoma or of any political subdivision thereof for carrying out the functions of this act shall be civilly liable for any loss or injury resulting to any person's company, corporation or other legal entity as a result of any decision, determination, order or action of such employee in the performance of assigned duties and responsibilities under this act during a stated emergency unless such loss or injury was caused by the gross negligence, or willfully and unnecessarily or by the wanton act of such state officer or employee or volunteer. Nothing in this act shall be construed to waive the sovereignty or immunity of the State of Oklahoma, or any political subdivision thereof, from being sued.
Added by Laws 1967, c. 33, § 14, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 13, emerg. eff. May 29, 2003; Laws 2006, c. 199, § 2, emerg. eff. May 26, 2006.

§63-683.15. Limitation on political activity.

No organization for emergency management established under the authority of this act shall participate in any form of political

activity, nor shall it be employed directly or indirectly for political purposes.
Added by Laws 1967, c. 33, § 15, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 14, emerg. eff. May 29, 2003.

§63-683.16. Restriction on employment - Loyalty oath.

No person shall be employed in any capacity in any emergency management organization who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization of emergency management shall, before entering upon employment duties, take the Oklahoma Loyalty Oath, in writing, before a person authorized to administer oaths in this state.
Added by Laws 1967, c. 33, § 16, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 15, emerg. eff. May 29, 2003.

§63-683.17. Appropriation powers - Gifts, grants and loans.

A. Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organizations for emergency management.

B. Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the state acting through the Governor, or such political subdivision acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the state or executive officer or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

C. Whenever any person, firm, or corporation shall offer to the state, or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the state acting through the Governor, or such political subdivision acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the state or executive officer or governing body of such political subdivision may authorize any

officer of the state or the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

D. Each political subdivision shall have the power to provide, by ordinances or otherwise, for a local emergency management organization, and said subdivisions shall have power to make appropriations for emergency management and disaster relief in the manner provided by law for making appropriations for ordinary expenses of such political subdivisions and shall have power to enter into agreements for the purpose of organizing civil defense units; to provide for a mutual method of financing the organization of such units on a basis approved by the State Emergency Management Director and satisfactory to said political subdivisions, but in which case the funds appropriated by said political subdivisions and any other funds provided for civil defense for such mutual purpose shall be nonfiscal funds and shall be placed on deposit with the county treasurer as custodian of such emergency management funds, and from which expenditures may be made on forms prescribed by the State Auditor and Inspector, in accordance with procedures approved by the State Emergency Management Director; and shall have power to render aid to other political subdivisions under mutual aid agreements, provided that the functioning of said units shall be coordinated by the State Emergency Management Director and the Director's staff according to plans promulgated for that purpose.

Added by Laws 1967, c. 33, § 17, emerg. eff. Feb. 14, 1967. Amended by Laws 1979, c. 30, § 105, emerg. eff. April 6, 1979; Laws 2003, c. 329, § 16, emerg. eff. May 29, 2003.

§63-683.18. Utilization of services, equipment, etc.

In carrying out the provisions of this act, the Governor and the executive officers or governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the emergency management organizations of the state upon request.

Added by Laws 1967, c. 33, § 18, emerg. eff. Feb. 14, 1967. Amended by Laws 2003, c. 329, § 17, emerg. eff. May 29, 2003.

§63-683.19. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-683.19a. County and city-county health departments - Benefits, powers, immunities and protections.

The benefits, powers, immunities and protections afforded to political subdivisions under the Oklahoma Emergency Management Act of 2003 shall inure to county and city-county health departments within this state.
Added by Laws 2007, c. 69, § 1, eff. Nov. 1, 2007.

§63-683.21. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-683.22. Repealed by Laws 2003, c. 329, § 61, emerg. eff. May 29, 2003.

§63-683.23. Violations - Civil actions - Jurisdiction - Penalties - Enforcement.

A. The Oklahoma Department of Emergency Management (OEM) may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order or any other appropriate order in the appropriate district court, whenever any person:

1. Violates or fails or refuses to comply with any order or decision issued by the OEM;

2. Interferes with, hinders or delays the OEM in carrying out its duties and responsibilities;

3. Refuses to admit authorized representatives of the OEM;

4. Refuses to permit inspection by authorized representatives of the OEM;

5. Refuses to furnish any information or report requested by the OEM to accomplish its duties and responsibilities;

6. Refuses to permit access to, or copying of, such records as the OEM determines necessary to accomplish its duties and responsibilities.

B. The court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under subsection A of this section shall continue in effect until the completion or final termination of all proceedings for review of such order is made, unless the district court granting such relief sets it aside or modifies it.

C. Any person willfully violating any rule, regulation or order of the OEM shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than six (6) months, or by a fine of not more than Three Thousand Dollars ($3,000.00), or both. Each day of violation shall constitute a separate offense.

D. The Department of Public Safety, the Oklahoma State Bureau of Investigation, and the Oklahoma Tax Commission shall assist the OEM in the enforcement of any rule, regulation or order of the OEM.

Added by Laws 1981, c. 265, § 7, emerg. eff. June 25, 1981. Amended by Laws 2003, c. 329, § 18, emerg. eff. May 29, 2003.

§63-683.24. Emergency Management Disaster Relief Matching Fund.

There is hereby created in the State Treasury a special fund for the Oklahoma Department of Emergency Management, to be designated the Emergency Management Disaster Relief Matching Fund. The fund shall be a continuing fund not subject to fiscal year limitations, and shall be composed of monies that may be appropriated to or otherwise received by said fund. Said fund is to be utilized as the state's share of matching requirements for federal funds advanced under the provisions of Sections 402, 403 and 419, Public Law 93-288, Disaster Relief Act of 1974 and shall not be subject to legislative appropriation.

Added by Laws 1982, c. 374, § 42, emerg. eff. July 20, 1982. Amended by Laws 2003, c. 329, § 19, emerg. eff. May 29, 2003.

§63-683.25. Short title.

This act shall be known and may be cited as the "Oklahoma Volunteerism Act".

Added by Laws 1992, c. 340, § 1. Renumbered from § 8001 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996.

§63-683.26. Voluntary involvement in emergency management programs – Voluntary emergency management initiatives.

The Oklahoma Department of Emergency Management shall:

1. Support voluntary involvement in public and private emergency management programs to meet the needs of the citizens of the State of Oklahoma;

2. Stimulate new voluntary emergency management initiatives and partnerships; and

3. Serve as a resource and advocate within the State of Oklahoma for volunteer agencies, volunteers and programs which utilize volunteers to support emergency response and disaster recovery operations.

Added by Laws 1992, c. 340, § 2. Amended by Laws 1996, c. 244, § 1, eff. July 1, 1996. Renumbered from § 8002 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996. Amended by Laws 2003, c. 329, § 20, emerg. eff. May 29, 2003; Laws 2013, c. 227, § 16, eff. Nov. 1, 2013.

§63-683.27. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.

§63-683.28. Oklahoma Department of Emergency Management – Volunteer programs.

The Oklahoma Department of Emergency Management, in cooperation with governmental entities, individual volunteers and volunteer organizations throughout the State of Oklahoma, shall:

1. Assist all state agencies in the development of emergency management volunteer programs;

2. Operate as a statewide information center for volunteer programs and needed services that could be delivered by volunteer programs;

3. Provide or aid in the provision of technical assistance and training for directors and coordinators of volunteers, for staff, and for individual volunteers for state, local or private entities;

4. Assess and recognize the needs of communities throughout the State of Oklahoma and assist volunteer programs to meet emergency preparedness and disaster recovery programs;

5. Promote and coordinate efforts to expand and improve the statewide voluntary network;

6. Develop, implement and maintain a volunteer clearinghouse to disseminate information to support emergency management volunteer programs and to broaden voluntary involvement throughout the State of Oklahoma;

7. Promote communication and collaboration between public and private volunteer programs in the State of Oklahoma and between the public and private sector's initiatives in meeting emergency human needs;

8. Establish methods for supporting and promoting private sector leadership and responsibility for meeting emergency public needs;

9. Cooperate with federal, state, and local volunteer groups in collecting information on federal, state and private resources which may encourage and improve emergency management volunteer projects within the State of Oklahoma;

10. Develop a program to inform the public of the opportunities to volunteer and of the services emergency management volunteers provide within the State of Oklahoma; and

11. Cooperate with federal, state and local governments and voluntary groups in developing a plan and operational procedures for the receiving and disbursement of donated goods during times of disaster or emergency.

Added by Laws 1992, c. 340, § 3. Amended by Laws 1996, c. 244, § 3, eff. July 1, 1996. Renumbered from § 8003 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996. Amended by Laws 2003, c. 329, § 22, emerg. eff. May 29, 2003; Laws 2013, c. 227, § 17, eff. Nov. 1, 2013.

§63-683.29. Repealed by Laws 2007, c. 93, § 9, eff. Nov. 1, 2007.

§63-683.30. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.

§63-683.31. Repealed by Laws 2013, c. 227, § 18, eff. Nov. 1, 2013.

§63-683.32. Funds, grants, and services from federal government - Receipt and expenditure.

The Director of the Oklahoma Department of Emergency Management may receive and expend funds, grants, and services from the United States Government and agencies and instrumentalities thereof and any other source for reasonable purposes necessary to carry out a coordinated plan of voluntary action throughout the State of Oklahoma. The monies remitted to the Director of the Oklahoma Department of Emergency Management pursuant to this section shall be credited to a separate account in the Revolving Fund for the Oklahoma Department of Emergency Management.
Added by Laws 1992, c. 340, § 6. Amended by Laws 1996, c. 244, § 7, eff. July 1, 1996. Renumbered from § 8006 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996. Amended by Laws 2003, c. 329, § 23, emerg. eff. May 29, 2003.

§63-683.33. Power to make contracts and agreements.
The Director of the Oklahoma Department of Emergency Management may make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the provisions of the Oklahoma Volunteerism Act.
Added by Laws 1992, c. 340, § 7. Amended by Laws 1996, c. 244, § 8, eff. July 1, 1996. Renumbered from § 8007 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996. Amended by Laws 2003, c. 329, § 24, emerg. eff. May 29, 2003.

§63-683.34. Rules.
The Director of the Oklahoma Department of Emergency Management shall promulgate rules necessary for the implementation of the provisions of the Oklahoma Volunteerism Act in accordance with Article 1 of the Administrative Procedures Act, Sections 250.3 through 308.2 and Article II, Sections 309 through 323 of Title 75 of the Oklahoma Statutes.
Added by Laws 1992, c. 340, § 8. Amended by Laws 1996, c. 244, § 9, eff. July 1, 1996. Renumbered from § 8008 of Title 74 by Laws 1996, c. 244, § 11, eff. July 1, 1996. Amended by Laws 2003, c. 329, § 25, emerg. eff. May 29, 2003.

§63-683.35. Short title - Oklahoma First Informer Broadcasters Act.
This act shall be known and may be cited as the "Oklahoma First Informer Broadcasters Act".
Added by Laws 2014, c. 129, § 1, emerg. eff. April 22, 2014.

§63-683.36. Definitions – Training and certification program – Access to area affected by emergency or disaster.
A. As defined in this section:
1. "Broadcaster" means a radio broadcasting station or television broadcasting station primarily engaged in, and deriving

income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech; and

2. "First informer broadcaster" means a person who has been certified as a first informer broadcaster pursuant to subsection C of this section.

B. Broadcasters in this state may, in cooperation with the Oklahoma Department of Emergency Management and a statewide organization that represents radio and television broadcasters, develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster.

C. A statewide organization that represents radio and television broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters. The program established pursuant to this subsection shall:

1. Be consistent with federal law and guidelines;

2. Provide training and education concerning restoring, repairing and resupplying any facilities and equipment of a broadcaster in an area affected by an emergency or disaster; and

3. Provide training and education concerning the personal safety of a first informer broadcaster in an area affected by an emergency or disaster.

D. To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, state and local governmental agencies shall allow a first informer broadcaster access to an area affected by an emergency or disaster for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, and transmit essential emergency or disaster-related public information programming, including, without limitation, repairing and maintaining transmitters and generators, and transporting fuel for generators. Added by Laws 2014, c. 129, § 2, emerg. eff. April 22, 2014.

§63-684.1. Entry into Emergency Management Compact.

The Emergency Management Compact is hereby entered into by this state with any and all other states legally joining therein in accordance with its terms, in the form substantially as follows: Added by Laws 1996, c. 325, § 1, emerg. eff. June 12, 1996.

§63-684.2. Purpose and authorities.

ARTICLE I

Purpose and Authorities

This compact is made and entered into by and between the participating member states, hereinafter called party states, which enact this compact. For the purposes of this compact, the term "states" is taken to mean the several states, the Commonwealth of

Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural or man-made disasters or emergencies.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Added by Laws 1996, c. 325, § 2, emerg. eff. June 12, 1996. Amended by Laws 2003, c. 329, § 26, emerg. eff. May 29, 2003.

§63-684.3. General implementation.

ARTICLE II

General Implementation

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they need in all types of emergencies or the capability of delivering resources to the area where emergencies occur.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Added by Laws 1996, c. 325, § 3, emerg. eff. June 12, 1996.

§63-684.4. Party state responsibilities.

ARTICLE III

Party State Responsibilities

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

1. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural or man-made disasters or emergencies;

2. Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

3. Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

4. Assist in warning communities adjacent to or crossing the state boundaries;

5. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, and resources, both human and material;

6. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

7. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty (30) days of the verbal request. Requests shall provide the following information:

1. A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

2. The amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed; and

3. The specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

D. The Governor of the State of Oklahoma shall not be obligated under this compact to send the requested assistance, except in such Governor's sole and absolute discretion, and may be withdrawn at any time in the sole and absolute discretion of the Governor of Oklahoma.
Added by Laws 1996, c. 325, § 4, emerg. eff. June 12, 1996. Amended by Laws 2003, c. 329, § 27, emerg. eff. May 29, 2003.

§63-684.5. Limitations.

ARTICLE IV
Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue as long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.
Added by Laws 1996, c. 325, § 5, emerg. eff. June 12, 1996.

§63-684.6. Licenses and permits.

ARTICLE V
Licenses and Permits

Whenever any person holds a license, certificate, or other permit issued by any state party evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person

shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.
Added by Laws 1996, c. 325, § 6, emerg. eff. June 12, 1996.

§63-684.7. Liability.

ARTICLE VI
Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.
Added by Laws 1996, c. 325, § 7, emerg. eff. June 12, 1996.

§63-684.8. Supplementary agreements.

ARTICLE VII
Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.
Added by Laws 1996, c. 325, § 8, emerg. eff. June 12, 1996.

§63-684.9. Compensation.

ARTICLE VIII
Compensation

Each state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces who sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.
Added by Laws 1996, c. 325, § 9, emerg. eff. June 12, 1996.

§63-684.10. Reimbursement.

ARTICLE IX

Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

Added by Laws 1996, c. 325, § 10, emerg. eff. June 12, 1996.

§63-684.11. Evacuation.

ARTICLE X

Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

Added by Laws 1996, c. 325, § 11, emerg. eff. June 12, 1996.

§63-684.12. Implementation.

ARTICLE XI
Implementation

A. This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by that state.

B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty (30) days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

Added by Laws 1996, c. 325, § 12, emerg. eff. June 12, 1996.

§63-684.13. Validity.

ARTICLE XII
Validity

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the United States Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18 of the United States Code.

Nothing in this compact shall limit or prohibit the Governor's authority to send troops out of state as specified in Section 229 of Title 44 of the Oklahoma Statutes.

Added by Laws 1996, c. 325, § 13, emerg. eff. June 12, 1996.

§63-684.14. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 31, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.25.

§63-684.15. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 32, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.26.

§63-684.16. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 33, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.27.

§63-684.17. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 34, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.28.

§63-684.18. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 35, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.29.

§63-684.19. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 36, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.30.

§63-684.20. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 37, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.31.

§63-684.21. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 38, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.32.

§63-684.22. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 39, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas

v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.33.

§63-684.23. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 40, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.34.

§63-684.24. Repealed by Laws 2013, 1st Ex. Sess., c. 3, § 1, emerg. eff. Sept. 10, 2013.
NOTE: Laws 2009, c. 228, § 41, which created this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013). Now see Title 63, § 684.35.

§63-684.25. Short title - Uniform Emergency Volunteer Health Practitioners Act.

Sections 3 through 13 of this act shall be known and may be cited as the "Uniform Emergency Volunteer Health Practitioners Act".
Added by Laws 2013, 1st Ex. Sess., c. 3, § 3, emerg. eff. Sept. 10, 2013.
NOTE: Text formerly resided under repealed Title 63, § 684.14, which was derived from Laws 2009, c. 228, § 31, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.26. Definitions.

As used in the Uniform Emergency Volunteer Health Practitioners Act:

1. "Disaster relief organization" means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and that:

   a. is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government or the State Department of Health, and

   b. regularly plans and conducts its activities in coordination with an agency of the federal government or the State Department of Health;

2. "Emergency" means an event or condition that is an emergency pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act;

3. "Emergency declaration" means a declaration of emergency issued by a person authorized to do so under the laws of this state pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act;

4. "Emergency Management Assistance Compact" means the interstate compact approved by Congress by Public Law No. 104-321,110 Stat. 3877;

5. "Entity" means a person other than an individual;

6. "Health facility" means an entity licensed under the laws of this or another state to provide health or veterinary services;

7. "Health practitioner" means an individual licensed under the laws of this or another state to provide health or veterinary services;

8. "Health services" means the provision of treatment, care, advice or guidance, or other services, or supplies, related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including:

a. the following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(1) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and

(2) counseling, assessment, procedures, or other services,

b. sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription, and

c. funeral, cremation, cemetery, or other mortuary services;

9. "Host entity" means an entity operating in this state which uses volunteer health practitioners to respond to an emergency;

10. "License" means authorization by a state to engage in health or veterinary services that are unlawful without the authorization and includes authorization under the laws of this state to an individual to provide health or veterinary services based upon a national certification issued by a public or private entity;

11. "Person" means an individual, corporation, business trust, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

12. "Scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority;

13. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

14. "Veterinary services" means the provision of treatment, care, advice or guidance, or other services, or supplies, related to the health or death of an animal or to animal populations, to the extent necessary to respond to an emergency, including, but not limited to:

a. diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy,

b. use of a procedure for reproductive management, and

c. monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans; and

15. "Volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services and does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state while an emergency declaration is in effect.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 4, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.15, which was derived from Laws 2009, c. 228, § 32, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.27. Applicability to volunteer health practitioners.

The Uniform Emergency Volunteer Health Practitioners Act applies to volunteer health practitioners registered with a registration system that complies with Section 7 of this act and who provide health or veterinary services in this state for a host entity while an emergency declaration is in effect.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 5, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.16, which was derived from Laws 2009, c. 228, § 33, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.28. Regulation of services during emergency.

A. While an emergency declaration is in effect, the State Department of Health may limit, restrict, or otherwise regulate:

1. The duration of practice by volunteer health practitioners;

2. The geographical areas in which volunteer health practitioners may practice;

3. The types of volunteer health practitioners who may practice; and

4. Any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

B. An order issued pursuant to subsection A of this section may take effect immediately, without prior notice or comment, and is not a rule within the meaning of the Administrative Procedures Act.

C. A host entity that uses volunteer health practitioners to provide health or veterinary services in this state shall:

1. Consult and coordinate its activities with the State Department of Health to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and

2. Comply with any laws other than this act relating to the management of emergency health or veterinary services, including the Oklahoma Emergency Management Act of 2003 and the Catastrophic Health Emergency Powers Act.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 6, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.17, which was derived from Laws 2009, c. 228, § 34, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.29. Volunteer health practitioner registration systems.

A. To qualify as a volunteer health practitioner registration system, a system must:

1. Accept applications for the registration of volunteer health practitioners before or during an emergency;

2. Include information about the licensure and good standing of health practitioners which is accessible by authorized persons;

3. Be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under the Uniform Emergency Volunteer Health Practitioners Act; and

4. Meet one of the following conditions:

a. be an emergency system for advance registration of volunteer health practitioners established by a state and funded through the Health Resources Services

Administration under Section 319I of the Public Health Services Act, 42 U.S.C., Section 247d-7b,

b. be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed pursuant to Section 2801 of the Public Health Services Act, 42 U.S.C., Section 300hh,

c. be operated by a:

(1) disaster relief organization,

(2) licensing board,

(3) national or regional association of licensing boards or health practitioners,

(4) health facility that provides comprehensive inpatient and outpatient health-care services, including a tertiary care and teaching hospital, or

(5) governmental entity, or

d. be designated by the State Department of Health as a registration system for purposes of the Uniform Emergency Volunteer Health Practitioners Act.

B. While an emergency declaration is in effect, the State Department of Health, a person authorized to act on behalf of the Department, or a host entity may confirm whether volunteer health practitioners utilized in this state are registered with a registration system that complies with subsection A of this section. Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

C. Upon request of a person in this state authorized under subsection B of this section, or a similarly authorized person in another state, a registration system located in this state shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

D. A host entity shall not be required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 7, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.18, which was derived from Laws 2009, c. 228, § 35, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.30. Recognition of volunteer health practitioners licensed in other states.

A. While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with Section 7 of this act and licensed and in good standing in the state upon which the registration of the practitioner is based, may practice in this state to the extent authorized by the Uniform Emergency Volunteer Health Practitioners Act as if the practitioner were licensed in this state.

B. A volunteer health practitioner qualified under subsection A of this section is not entitled to the protections of the Uniform Emergency Volunteer Health Practitioners Act if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 8, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.19, which was derived from Laws 2009, c. 228, § 36, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.31. No effect on credentialing and privileging.

A. For purposes of this section:

1. "Credentialing" means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility; and

2. "Privileging" means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.

B. The Uniform Emergency Volunteer Health Practitioners Act does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 9, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.20, which was derived from Laws 2009, c. 228, § 37, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.32. Provision of volunteer health or veterinary services – Administrative sanctions.

A. Subject to subsections B and C of this section, a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

B. Except as otherwise provided in subsection C of this section, the Uniform Emergency Volunteer Health Practitioners Act does not authorize a volunteer health practitioner to provide services that are outside the scope of practice of the practitioner, even if a similarly licensed practitioner in this state would be permitted to provide the services.

C. The State Department of Health may modify or restrict the health or veterinary services that volunteer health practitioners may provide pursuant to the Uniform Emergency Volunteer Health Practitioners Act. An order under this subsection may take effect immediately, without prior notice or comment, and is not a rule within the meaning of the Administrative Procedures Act.

D. A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide pursuant to the Uniform Emergency Volunteer Health Practitioners Act.

E. A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of any limitation, modification, or restriction under this section or that a similarly licensed practitioner in this state would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or restriction or that a similarly licensed practitioner in this state would not be permitted to provide a service if:

1. The practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service; or

2. From all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service.

F. In addition to the authority granted by law of this state other than the Uniform Emergency Volunteer Health Practitioners Act to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this state:

1. May impose administrative sanctions upon a health practitioner licensed in this state for conduct outside of this state in response to an out-of-state emergency;

2. May impose administrative sanctions upon a practitioner not licensed in this state for conduct in this state in response to an in-state emergency; and

3. Shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

G. In determining whether to impose administrative sanctions under subsection F of this section, a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the scope of practice, education, training, experience, and specialized skill of the practitioner.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 10, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.21, which was derived from Laws 2009, c. 228, § 38, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.33. Relation to other laws.

A. The Uniform Emergency Volunteer Health Practitioners Act does not limit rights, privileges, or immunities provided to volunteer health practitioners by laws other than the Uniform Emergency Volunteer Health Practitioners Act. Except as otherwise provided in subsection B of this section, the Uniform Emergency Volunteer Health Practitioners Act does not affect requirements for the use of health practitioners pursuant to the Emergency Management Assistance Compact.

B. The State Department of Health, pursuant to the Emergency Management Assistance Compact, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state.

Added by Laws 2013, 1st Ex. Sess., c. 3, § 11, emerg. eff. Sept. 10, 2013.

NOTE: Text formerly resided under repealed Title 63, § 684.22, which was derived from Laws 2009, c. 228, § 39, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.34. Regulatory authority.

The State Board of Health may promulgate rules to implement the Uniform Emergency Volunteer Health Practitioners Act. In doing so, the State Department of Health shall consult with and consider the recommendations of the entity established to coordinate the implementation of the Emergency Management Assistance Compact and shall also consult with and consider rules promulgated by similarly

empowered agencies in other states to promote uniformity of application of the Uniform Emergency Volunteer Health Practitioners Act and make the emergency response systems in the various states reasonably compatible.
Added by Laws 2013, 1st Ex. Sess., c. 3, § 12, emerg. eff. Sept. 10, 2013.
NOTE: Text formerly resided under repealed Title 63, § 684.23, which was derived from Laws 2009, c. 228, § 40, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-684.35. Uniformity of application and construction.
In applying and construing the Uniform Emergency Volunteer Health Practitioners Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.
Added by Laws 2013, 1st Ex. Sess., c. 3, § 13, emerg. eff. Sept. 10, 2013.
NOTE: Text formerly resided under repealed Title 63, § 684.24, which was derived from Laws 2009, c. 228, § 41, which was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§63-685.1. Citation.
This act shall be known and may be cited as the "Emergency Interim Executive and Judicial Succession Act", and shall be cumulative to the Oklahoma Emergency Management Act of 2003.
Added by Laws 1959, p. 212, § 1, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 1, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 28, emerg. eff. May 29, 2003.

§63-685.2. Findings and declarations.
Because of the existing possibility of natural and man-made emergencies and disasters in the United States of unprecedented size and destructiveness, and in the event such an incident occurs: to assure continuity of government through legally-constituted leadership, authority and responsibility in offices of the government of the state and its political subdivisions; to provide for the effective operation of governments during an emergency caused by an incident in the United States; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary: to provide for additional officers who can exercise the powers and discharge the duties of Governor; to provide for emergency interim succession to governmental offices of this state and its political subdivisions in the event incumbents thereof (and their

deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices hereinafter referred to as deputies) are unavailable to perform the duties and functions of such offices; and to provide for special emergency judges who can exercise the powers and discharge the duties of judicial offices in the event regular judges are unavailable, the provisions of this act are adopted to meet emergency conditions, which result from natural and man-made emergencies and disasters in the United States.
Added by Laws 1959, p. 212, § 2, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 2, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 29, emerg. eff. May 29, 2003.

§63-685.3. Definitions.

As used in this act:

1. "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and the duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the offices;

2. "Emergency interim successor" means a person designated pursuant to this act, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by the Constitution, statutes, charters and ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office;

3. "Office" includes all state and local offices, the powers and duties of which are defined by the Constitution, statutes, charters and ordinances, except the office of Governor, and except those in the Legislature and the judiciary;

4. “Emergency” means any occasion or instance for which, in the determination of the President of the United States or the Governor of the State of Oklahoma, federal or state assistance is needed to supplement state and local efforts and capabilities to save lives and protect property and public health and safety, or to lessen or avert threat or catastrophe in any part of the state;

5. "Political subdivision" includes counties, cities, towns, districts, authorities and other public corporations and entities whether organized and existing under charter or general law;

6. "Deputy" means a person legally authorized by an officer to exercise the office or right which the official possesses, for and in place of the officer; and

7. “Man-made disaster” means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical

spill or release, and power shortage that require assistance in addition to the assistance of the local political subdivision.
Added by Laws 1959, p. 212, § 3, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 3, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 30, emerg. eff. May 29, 2003.

§63-685.4. Emergency interim succession to office of Governor.

Whenever a natural or man-made disaster or emergency occurs in the United States, and in the event that the Governor, for any of the reasons specified in Article VI, Section 16 of the Oklahoma Constitution, is not able to exercise the powers and discharge the duties of the Governor's office, or is unavailable, and in the event the Lieutenant Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives be for any of the reasons specified in the Constitution not able to exercise the powers and discharge the duties of the office of Governor, or be unavailable, the State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, and members of the Corporation Commission in the order of their election districts, shall each in the order named, if no officer higher in the enumerated order is available, exercise the powers and discharge the duties of the office of Governor until a new Governor is elected and qualified; provided, however, that no emergency interim successor to the aforementioned offices may serve as Governor.
Added by Laws 1959, p. 212, § 4, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 4, emerg. eff. June 13, 1963; Laws 1979, c. 30, § 161, emerg. eff. April 6, 1979; Laws 2003, c. 329, § 31, emerg. eff. May 29, 2003.

§63-685.5. Emergency interim succession to state offices other than Governor.

All state officers, other than the Governor, subject to such regulations as the Governor, or other official authorized under the Constitution and this act to exercise the powers and discharge the duties of the Office of Governor, may issue, upon approval of this act, in addition to any deputy, shall designate, by the title of their office or position, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this act to ensure their current status. The officer shall designate a sufficient number of such emergency interim successors so that there will be not less than three nor more than seven deputies or emergency interim successors or any combination thereof, at any time. In the event that any state officer is unavailable following an emergency or disaster, and in the event a deputy, if any, is also unavailable, the said powers of the office shall be exercised and said duties of the office shall be discharged by the designated emergency interim successors in the

order specified. The authority of an emergency successor shall cease:

1. When the incumbent of the office, or a deputy or an interim successor higher in designation becomes available to exercise the powers and to perform the duties of the office; or

2. When a successor to the office has been duly elected or appointed and has qualified according to law.

Added by Laws 1959, p. 213, § 5, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 5, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 32, emerg. eff. May 29, 2003.

§63-685.6. Interim succession to political subdivision offices.

The respective officers of each city or incorporated town, and of all other political subdivisions, of this state, shall designate interim successors, and shall specify the order of succession of deputies and interim successors, in the same manner, and with the same effect, as is provided for state officers by Section 5 hereof. Laws 1959, p. 213, § 6; Laws 1963, c. 270, § 6, emerg. eff. June 13, 1963.

§63-685.7. Special emergency judges.

Whenever an emergency or disaster occurs in the United States, and in the event that any judge of any court is unavailable to exercise the powers and discharge the duties of the office, and no other judge authorized to act or no special judge appointed in accordance with the provisions of the Constitution or statutes is available to exercise the powers and discharge the duties of such office, the duties of the office shall be discharged and the powers exercised by the special emergency judges, each of whom shall otherwise be qualified to serve as a judge, as hereinafter provided for:

1. The Governor shall designate for each member of the Supreme Court special emergency judges in the number of not less than three nor more than seven for each member of said court, and shall specify the order of their succession.

2. The Governor shall designate for each member of the Court of Criminal Appeals special emergency judges in the number of not less than three nor more than seven for each member of said court, and shall specify the order of their succession.

3. The Chief Justice of the Supreme Court, in consultation with the other members of said court, shall designate for each court of record, except the Supreme Court and the Court of Criminal Appeals, special emergency judges in the number of not less than three nor more than seven for each judge of said courts and shall specify their order of succession.

4. The judge of the district court, or the senior judge of any such district, in consultation with the other district judges of that

district, where there is more than one judge shall designate not less than three nor more than seven emergency judges for courts not of record within that district and shall specify their order of succession.

Such special emergency judges shall, in the order specified, exercise the powers and discharge the duties of such office in case of the unavailability of the regular judge or judges or persons immediately preceding them in the designation. The designating authority shall review and revise, as necessary, designations made pursuant to this act to ensure their current status.

Said special emergency judges shall discharge the duties and exercise the powers of such office until such time as a vacancy which may exist shall be filled in accordance with the Constitution and statutes or until the regular judge or one preceding the designee in the order of succession becomes available to exercise the powers and discharge the duties of the office.

Added by Laws 1959, p. 213, § 7, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 7, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 33, emerg. eff. May 29, 2003.

§63-685.8. Oaths.

At the time of their designation, emergency interim successors and special emergency judges shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provisions of law relative to taking office.

Laws 1959, p. 214, § 8; Laws 1963, c. 270, § 8, emerg. eff. June 13, 1963.

§63-685.9. Limitation on exercise of powers and duties by interim successors and special emergency judges - Termination of authority by Legislature.

Officials authorized to act as Governor pursuant to this act, emergency interim successors and special emergency judges are empowered to exercise the powers and discharge the duties of an office as herein authorized only after an emergency or disaster occurs in the United States, as defined herein, has occurred. The Legislature by concurrent resolution may, at any time, terminate the authority of said emergency interim successors and special emergency judges to exercise the powers and discharge the duties of office as herein provided.

Added by Laws 1959, p. 214, § 9, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 270, § 9, emerg. eff. June 13, 1963; Laws 2003, c. 329, § 34, emerg. eff. May 29, 2003.

§63-685.10. Removal of successors.

Until such time as the persons designated as emergency interim successors or special emergency judges are authorized to exercise the powers and discharge the duties of an office in accordance with this act, including Section 9 hereof, said persons may be removed or replaced by said designating authority at any time, with or without cause.

Laws 1959, p. 214, § 10; Laws 1963, c. 270, § 10, emerg. eff. June 13, 1963.

§63-685.11. Disputes.

Any dispute concerning a question of fact arising under this act with respect to an office in the executive branch of the state government (except a dispute of fact relative to the Office of Governor) shall be adjudicated by the Governor (or other official authorized under the Constitution and this act to exercise the powers and discharge the duties of the office of Governor) and his decision shall be final. Such disputes with respect to the Office of Governor shall be determined by the Supreme Court.

Laws 1959, p. 214, § 11; Laws 1963, c. 270, § 11, emerg. eff. June 13, 1963.

§63-686.1. Citation.

This act shall be known as the "Emergency Management Interim Legislative Succession Act" and shall be cumulative to the Oklahoma Emergency Management Act of 2003.

Added by Laws 1959, p. 215, § 1, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 1, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 35, emerg. eff. May 29, 2003.

§63-686.2. Declarations.

The Legislature declares:

1. Because of existing possibilities of natural or man-made disasters or emergencies of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the Legislature; and

2. Because to conform in time of emergency or disaster to existing legal requirements pertaining to the Legislature would be impracticable, and would jeopardize continuity of operation of a legally constituted Legislature; it is therefore necessary to adopt special provisions as hereinafter set out for the effective operation of the Legislature during natural or man-made disasters or emergencies.

Added by Laws 1959, p. 215, § 2, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 2, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 36, emerg. eff. May 29, 2003.

§63-686.3. Definitions.

As used in this act:

1. ”Emergency” means any occasion or instance for which, in the determination of the President of the United States or the Governor of the State of Oklahoma, federal or state assistance is needed to supplement state and local efforts and capabilities to save lives, protect property, public health and safety, or to lessen or avert threat of a catastrophe in any part of the state;

2. “Man-made disaster” means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or a power shortage that requires assistance from outside the local political subdivision; and

3. "Unavailable" means absent from the place of session, other than on official business of the Legislature, or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

Added by Laws 1959, p. 215, § 3, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 3, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 37, emerg. eff. May 29, 2003.

§63-686.4. Designation of emergency interim successor.

Each legislator shall designate not fewer than three nor more than seven emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that at all times there are at least three such qualified emergency interim successors.

Laws 1959, p. 215, § 4; Laws 1963, c. 340, § 4, emerg. eff. June 24, 1963.

§63-686.5. Emergency interim successor defined - Qualification - Tenure.

An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he may, under the Constitution and statutes hold the office of the legislator to whose powers and duties he is designated to succeed, but no constitutional or statutory provision prohibiting a legislator from holding another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the legislator designating him or of any subsequent incumbent of the legislative office.

Laws 1959, p. 215, § 5; Laws 1963, c. 340, § 5, emerg. eff. June 24, 1963.

§63-686.6. Maintaining minimum number of successors.

Prior to an emergency or disaster, if a legislator fails to designate the required minimum number of emergency interim successors within sixty (60) days following the effective date of this act or, after such period, if for any reason the number of emergency interim successors for any legislator falls below the required minimum and remains below such minimum for a period of sixty (60) days, then the floor leader of the same political party in the same house as such legislator shall, by and with the consent of the Speaker of the House of Representatives or President Pro Tempore of the Senate, promptly designate as many emergency interim successors as are required to achieve such minimum number, but the floor leader shall not assign to any designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a legislator for succession to the legislator’s own powers and duties. Each emergency interim successor designated by the floor leader shall serve at the pleasure of the designating person, but the legislator for whom the emergency successor is designated or any subsequent incumbent of the office may change the rank in order of succession or replace at the pleasure of the designating person any emergency interim successor so designated.

Added by Laws 1959, p. 215, § 6, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 6, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 38, emerg. eff. May 29, 2003.

§63-686.7. Effective date of designations and removals - Recording.

Each designation of an emergency interim successor shall become effective when the legislator or party floor leader making the designation files with the Secretary of State the successor's name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or party floor leader, so acting, files this information with the Secretary of State. All such data shall be open to public inspection. The Secretary of State shall inform the Governor, the Oklahoma Department of Emergency Management, the journal clerk of the house concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The journal clerk of each house shall enter all information regarding emergency interim successors for the house in its public journal at the beginning of each legislative session and shall enter all changes in membership or order of succession as soon as possible after the occurrence.

Added by Laws 1959, p. 216, § 7, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 7, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 39, emerg. eff. May 29, 2003.

§63-686.8. Oaths.

Promptly after designation each emergency interim successor shall take the oaths required for the legislator to whose powers and duties he is designated to succeed. No other oath shall be required. The oath shall be administered (by the Speaker of the House of Representatives for the emergency interim successors designated for that house, and by the President Pro Tempore of the Senate for the emergency interim successors designated to serve for the Senate.)
Laws 1959, p. 216, § 8; Laws 1963, c. 340, § 8, emerg. eff. June 24, 1963.

§63-686.9. Successors to keep informed.

Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices and current business of the Legislature, and each legislator shall assist his emergency interim successors to keep themselves so informed.
Laws 1959, p. 216, § 9; Laws 1963, c. 340, § 9, emerg. eff. June 24, 1963.

§63-686.10. Changing place of session.

Whenever, in the event of an emergency or disaster or upon finding that an emergency or disaster may be imminent, the Governor deems the place of session then prescribed to be unsafe, the Governor may change it to any place within the state which the Governor deems safer and more convenient.
Added by Laws 1959, p. 216, § 10, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 10, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 40, emerg. eff. May 29, 2003.

§63-686.11. Calling of session - Limitations suspended.

In the event of an emergency or disaster, the Governor shall call the Legislature into session as soon as practicable, and in any case within thirty (30) days following the inception of the emergency or disaster. Each legislator and each emergency interim successor, unless the Governor is certain that the legislator to whose powers and duties the legislator is designated to succeed or any emergency interim successor higher in order of succession will not be unavailable, shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the emergency or disaster, and at any subsequent session, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

Added by Laws 1959, p. 216, § 11, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 11, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 41, emerg. eff. May 29, 2003.

§63-686.12. Exercise of powers and duties by successors - Ouster provisions applicable.

If, in the event of an emergency or disaster a legislator is unavailable, the emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until the incumbent legislator, an emergency interim successor higher in order of succession, or a legislator appointed or elected and legally qualified can act. Each house of the Legislature shall, in accordance with its own rules, determine who is entitled under the provisions of this act to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

Added by Laws 1959, p. 216, § 12, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 12, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 42, emerg. eff. May 29, 2003.

§63-686.13. Privileges and immunities - Compensation and allowances.

When an emergency interim successor exercises the powers and assumes the duties of a legislator, the emergency interim successor shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. In the event of an emergency or disaster, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a legislator, shall be accorded the privileges and immunities of a legislator while traveling to and from a place of session and shall be compensated for travel in the same manner and amount as a legislator. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of office of an incumbent legislator.

Added by Laws 1959, p. 216, § 13, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 13, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 43, emerg. eff. May 29, 2003.

§63-686.14. Termination of authority.

The authority of emergency interim successors to succeed to the powers and duties of legislators, the operation of the provisions of this act relating to quorum, the number of affirmative votes required for legislative action, and limitations on the length of sessions and

the subjects which may be acted upon shall expire two (2) years following the inception of an emergency or disaster, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies and the calling of elections for the Legislature in accordance with applicable constitutional and statutory provisions. The Governor, acting by proclamation, or the Legislature, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon a finding that events render the extension or restoration necessary, but no extension or restoration shall be for a period of more than one (1) year.
Added by Laws 1959, p. 217, § 14, emerg. eff. June 5, 1959. Amended by Laws 1963, c. 340, § 14, emerg. eff. June 24, 1963; Laws 2003, c. 329, § 44, emerg. eff. May 29, 2003.

§63-687.1. Citation.

This act shall be known as the "Emergency Interim Relocation Act", and shall be cumulative to the Oklahoma Emergency Management Act of 2003.
Added by Laws 1961, p. 587, § 1, emerg. eff. July 11, 1961. Amended by Laws 2003, c. 329, § 45, emerg. eff. May 29, 2003.

§63-687.2. Definitions.

As used in this act:

1. “Emergency” means any occasion or instance for which, in the determination of the President of the United States or the Governor of the State of Oklahoma, federal or state assistance is needed to supplement state and local efforts and capabilities to save lives, protect property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state; and

2. “Man-made disaster” means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or power shortage that requires assistance from outside the local political subdivision.
Added by Laws 1961, p. 587, § 2, emerg. eff. July 11, 1961. Amended by Laws 2003, c. 329, § 46, emerg. eff. May 29, 2003.

§63-687.3. Temporary disaster locations for seat of state government.

A. Whenever a disaster makes it imprudent or impossible to conduct the affairs of state government at its seat in Oklahoma City, Oklahoma, the Governor may proclaim temporary locations for the seat of state government at any place he deems advisable, either inside or outside of the state. The Governor may issue necessary orders for orderly transition of the affairs of government to any temporary emergency or man-made disaster location, which remains the seat of state government until the Legislature establishes a new location, or

until the emergency or man-made disaster is declared ended by the Legislature and the seat is returned to its normal location in Oklahoma City, Oklahoma.

B. Any official act or meeting required to be performed at the seat of state government is valid when performed at a temporary emergency or man-made disaster location under this section.

Added by Laws 1961, p. 588, § 3, emerg. eff. July 11, 1961. Amended by Laws 2003, c. 329, § 47, emerg. eff. May 29, 2003.

§63-687.4. Temporary disaster locations for seat of local government.

A. Whenever an emergency or man-made disaster makes it imprudent or impossible to conduct the affairs of any local government at its regular location, the governing body may meet at any place, inside or outside the limits of the political subdivision, at the call of the presiding officer or any two members of the governing body, and designate by ordinance a temporary emergency or man-made disaster location of the local government, which remains the seat of the local government until the governing body establishes a new location or until the emergency or man-made disaster is declared ended by the Legislature and the seat is returned to its normal location.

B. Any official act or meeting required to be performed at the seat of the local government is valid when performed at a temporary emergency or man-made disaster location under this section.

Added by Laws 1961, p. 588, § 4, emerg. eff. July 11, 1961. Amended by Laws 2003, c. 329, § 48, emerg. eff. May 29, 2003.

§63-688.1. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.

§63-688.2. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.

§63-688.3. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.

§63-688.4. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.

§63-688.5. Repealed by Laws 2006, c. 199, § 13, emerg. eff. May 26, 2006.

§63-689. Repealed by Laws 2003, c. 292, § 2, emerg. eff. May 27, 2003.

§63-689.1. Renumbered as § 4-2-102 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-689.1B. Renumbered as § 4-2-104 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-689.2. Renumbered as § 4-2-105 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-690.1. Short title – Purposes.

A. Sections 7 through 12 of this act shall be known and may be cited as the "Oklahoma Flood Hazard Mitigation Program".

B. The purposes of the Oklahoma Flood Hazard Mitigation Program are to provide:

1. An orderly and continuing means of assistance by the state government to political subdivisions of this state in carrying out their responsibilities to alleviate the suffering and damage that result from flooding by:

a. providing state assistance programs for public losses and needs sustained in flood disasters,

b. encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the state and political subdivisions,

c. achieving greater coordination and responsiveness of flood disaster preparedness and relief programs, and

d. encouraging hazard mitigation measures, such as development of land-use and construction regulations, floodplain management, and environmental planning, to reduce losses from flood disasters in municipalities;

2. For the protection of life and property and to limit the repetitive expenditures of public funds in areas that are subject to chronic flooding and other flood disasters;

3. Financial assistance to local governments for the development and implementation of flood hazard mitigation projects;

4. For the cooperation of state environmental agencies and other state and federal agencies in the development and implementation of the Oklahoma Flood Hazard Mitigation Program; and

5. For the establishment of land development principles which will eliminate inappropriate and unsafe real estate development in municipal areas subject to repetitive or chronic flooding.

Added by Laws 1999, c. 57, § 7, eff. July 1, 1999.

§63-690.2. Definitions.

For purposes of the Oklahoma Flood Hazard Mitigation Program:

1. "Board" means the Oklahoma Water Resources Board;

2. "Department" means the Oklahoma Department of Emergency Management;

3. "Dwelling unit" means a place of residence and may be a single- or multiple-dwelling building;

4. "Flood" or "flooding" means general and temporary conditions of partial or complete inundation of normally dry land areas from the overflow of lakes, streams, rivers, or any other inland waters and from surface run-off;

5. "Flood hazard mitigation" means any cost-effective measure which will reduce or eliminate the effects of a flood disaster;

6. "Flood hazard mitigation projects" means those projects designed to correct, alleviate or eliminate a condition or situation which poses a repetitive threat to life, property, or public safety from the effects of a flood disaster;

7. "Flood disaster" means any flood catastrophe, including but not limited to high water, flood waters, or wind-driven water which causes damage of sufficient severity and magnitude to warrant flood hazard mitigation or the use of resources of the federal government, or the state and political subdivisions thereof to alleviate the damage, loss, hardship, or suffering caused thereby;

8. "Political subdivision" means any county, city, town, or municipal corporation of the State of Oklahoma;

9. "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature which is appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein including terms for years; and

10. "State Hazard Mitigation Team" means the entity created pursuant to Section 683.6 of this title.

Added by Laws 1999, c. 57, § 8, eff. July 1, 1999. Amended by Laws 2003, c. 329, § 49, emerg. eff. May 29, 2003.

§63-690.3. Duties of Department of Emergency Management.

A. In addition to other responsibilities and duties specified by law, the Oklahoma Department of Emergency Management:

1. Shall develop and maintain flood hazard mitigation measures for this state, as a component of the state's comprehensive hazard mitigation plan and consistent with the flood hazard mitigation plans of the federal government to the fullest possible extent. The Department shall coordinate and encourage the development and publication of flood hazard mitigation plans by political subdivisions to ensure that such political subdivision plans are consistent with the flood hazard mitigation measures in the comprehensive hazard mitigation plan of this state to the fullest possible extent;

2. Shall provide guidance, information and training sufficient to allow political subdivisions to request state and federal natural disaster assistance;

3. Shall coordinate the development and maintenance of flood hazard mitigation projects with other state and federal programs;

4. Shall set mitigation priorities based upon recommendations of the State Hazard Mitigation Team;

5. May, after recommendation from the State Hazard Mitigation Team, approve applications for grants and loans to political subdivisions for flood hazard mitigation projects from any funds available for such purposes pursuant to the considerations specified by Section 690.4 of this title;

6. Shall evaluate, after recommendation from the State Hazard Mitigation Team, and award grant or loan applications based upon minimum eligibility criteria and state priorities;

7. Shall be the initial recipient of applications for loans and grants for flood hazard mitigation activities from political subdivisions; and

8. Shall have the State Hazard Mitigation Team meet as needed to review loan and grant applications and provide recommendations thereon to the Department.

B. The Department shall be the lead agency and shall compile and submit to the Federal Emergency Management Agency an application to receive funds pursuant to the Flood Hazard Mitigation Financial Assistance Program, the Hazard Mitigation Grant Program or any other flood assistance programs, and other public or private planning or project grants to implement measures to reduce flood losses.

C. The Department shall also have authority to:

1. Establish advisory councils with sufficient geographic balance to ensure statewide representation;

2. Coordinate central files and clearinghouse procedures for flood hazard mitigation resource data information and encourage the use of compatible information and standards; and

3. Provide to the extent practicable financial, technical, research, and other assistance to effectuate the purposes of the Oklahoma Flood Hazard Mitigation Program.

D. The Department shall promulgate, by rule, procedures and criteria for the evaluation of grant and subgrant applications that seek to receive a portion of those funds made available to this state for flood hazard mitigation.

Added by Laws 1999, c. 57, § 9, eff. July 1, 1999. Amended by Laws 2003, c. 329, § 50, emerg. eff. May 29, 2003.

§63-690.4. Grants or loans for flood hazard mitigation.

A. A political subdivision of this state may apply to the Oklahoma Department of Emergency Management for a grant or loan for flood hazard mitigation projects on forms provided by the Department.

B. Grants or loans for flood hazard mitigation shall be prioritized by the State Hazard Mitigation Team based on the following considerations:

1. The extent and effectiveness of flood mitigation measures already implemented by the political subdivision requesting the grant;

2. The feasibility, practicality, and effectiveness of the proposed flood mitigation measures and the associated benefits and detriments;

3. The level of assistance that should be provided to the political subdivision, based on available facts regarding the nature, extent, and severity of the flood hazard problems;

4. The frequency of occurrence of flooding disasters that has resulted in declaration of the area as a flood disaster area by the Governor of this state or by the President of the United States;

5. The economic, social, and environmental benefits and detriments of the proposed flood mitigation measures;

6. Whether the floodplain management ordinance or regulation adopted by the political subdivision meets the minimum standards established by the Federal Emergency Management Agency, the degree of enforcement of the ordinance or regulation, and whether the political subdivision is complying with the ordinance or regulation;

7. The financial capability of the political subdivision to solve its flood hazard problems without financial assistance; and

8. The estimated cost and method of financing of the proposed flood mitigation measures based on local money and federal and state financial assistance.

C. A grant shall not exceed seventy-five percent (75%) of the total cost of the proposed mitigation project and a loan shall not exceed the total cost of the proposed mitigation project.

Added by Laws 1999, c. 57, § 10, eff. July 1, 1999. Amended by Laws 2003, c. 329, § 51, emerg. eff. May 29, 2003.

§63-690.5. Recommendation of priorities for flood hazard mitigation projects.

In addition to other responsibilities designated or assigned to it by the Department, the State Hazard Mitigation Team shall have the power and duty to recommend priorities for flood hazard mitigation projects for purposes of providing grants or loans for such projects, based upon considerations specified by Section 690.4 of this title.

Added by Laws 1999, c. 57, § 11, eff. July 1, 1999. Amended by Laws 2003, c. 329, § 52, emerg. eff. May 29, 2003.

§63-690.6. Funding of acquisition of real property by municipalities.

A. The Legislature declares it to be necessary for the public health and welfare to provide a means for municipalities in this state to implement measures to reduce losses from flood disasters. The acquisition of real property for this objective shall constitute a public purpose for which public funds may be expended.

B. Municipalities are empowered and authorized to acquire fee title to real property and easements therein by purchase, gift, devise, lease or otherwise for flood control.

C. Title information, appraisal reports, offers, and counteroffers are confidential until an option contract is executed or, if no option contract is executed, until thirty (30) days before a contract or agreement for purchase is considered for approval by the governing board of the municipality. However, each municipality may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the municipality determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the municipality, the title information, appraisal report, offers, and counteroffers shall become available to the public.

D. Real property acquired for the purposes enumerated in this section may also be used for recreational purposes, and whenever practicable such real property shall be open to the general public for recreational uses. Except when prohibited by a covenant or other restriction, real property managed and controlled by the municipality may be used for multiple purposes, including, but not limited to, agriculture and silviculture, as well as boating and other recreational uses.

E. The provisions of this section shall not limit the exercise of similar powers delegated by statute to any state or political subdivision of this state.

Added by Laws 1999, c. 57, § 12, eff. July 1, 1999.

§63-695.1. Short title.

Sections 3 through 12 of this act shall be known and may be cited as the “Oklahoma Intrastate Mutual Aid Compact”.

Added by Laws 2006, c. 199, § 3, emerg. eff. May 26, 2006.

§63-695.2. Purpose - Definitions - Statewide mutual aid system - Reimbursement.

A. The purpose of the Oklahoma Intrastate Mutual Aid Compact is to create a system of intrastate mutual aid between participating jurisdictions in the state.

B. As used in the Oklahoma Intrastate Mutual Aid Compact:

1. "Jurisdiction" means any county, city, town or municipal corporation of the State of Oklahoma represented by an elected governing body and city-county health department created pursuant to the Oklahoma Public Health Code.

Sovereign Tribal Nations in the State of Oklahoma shall also be considered jurisdictions under the Oklahoma Intrastate Mutual Aid Compact and participating unless electing not to participate or later withdrawing from the system.

Public universities in this state which maintain CLEET-certified law enforcement agencies may elect to be considered jurisdictions under the provisions of this act and shall retain the right to later withdraw from the system;

2. "Emergency" means any occasion or instance for which assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe; and

3. "Emergency responder" means anyone with special skills, qualifications, training, knowledge, and experience in the public or private sectors that would be beneficial to a participating jurisdiction in response to a local emergency as defined in applicable law or ordinance or authorized drill or exercise.

C. Each participant of the system shall recognize that emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential for the protection of lives and property and for best use of available assets both public and private. The system shall provide for mutual assistance among the participating jurisdictions in the prevention of, response to, and recovery from, any disaster or emergency, or any other activity, as determined by the participating jurisdictions. The system shall provide for mutual cooperation among the participating jurisdictions in conducting disaster-related exercises, testing, or other training activities outside actual declared emergency periods. This legislation provides no immunity, rights, or privileges for any individual responding to a state of emergency that is not requested and/or authorized to respond by a participating jurisdiction. Participating jurisdictions will be ensured eligibility, to the fullest extent possible, for state and federal disaster funding.

D. All jurisdictions within the state, upon enactment of this legislation, are automatically a part of the statewide mutual aid system. A jurisdiction within the state may elect not to participate or to later withdraw from the system upon enacting an appropriate resolution by its governing body declaring that it elects not to participate in the statewide mutual aid system and providing a copy of the resolution to the Oklahoma Department of Emergency Management. This legislation does not preclude participating jurisdictions from entering into supplementary agreements with another jurisdiction and does not affect any other agreement to which a jurisdiction may currently be a party or decide to be a party to.

E. Many disasters begin as emergencies where local jurisdictions require fire service and/or law enforcement assistance. These services would normally be requested and provided at the department level as normal day-to-day operations with no reimbursement. If an incident response expands beyond a normal day-to-day emergency into a disaster situation, reimbursement for mutual aid services may be

necessary and will be in accordance with the Federal Emergency Management Agency reimbursement policy.

F. In support of the Emergency Management Compact, Section 684.1 et seq. of this title, the Governor or the representative of the Governor may request mutual aid assistance from local jurisdictions for other states or their jurisdictions. In such situations, the assisting local jurisdiction shall be considered an agent of the state.

Added by Laws 2006, c. 199, § 4, emerg. eff. May 26, 2006. Amended by Laws 2009, c. 79, § 1, eff. Nov. 1, 2009; Laws 2010, c. 258, § 2, eff. Nov. 1, 2010; Laws 2013, c. 201, § 1, eff. Nov. 1, 2013.

§63-695.3. Prompt, full and effective response - Legally designated jurisdiction official.

Each jurisdiction recognizes that there will be emergencies which require immediate actions and implementation of procedures to apply outside resources to make prompt and effective response to such an emergency. This is because few, if any, individual jurisdictions have all the resources they need in all types of emergencies and the capability of delivering resources to the area where emergencies occur.

The prompt, full and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster shall be the underlying principle on which all articles of this Compact shall be understood.

On behalf of the chief elected officer of each jurisdiction participating in the Compact, the legally designated jurisdiction official who is assigned responsibility for emergency management will be responsible for the formulation of the appropriate aid plans and procedures necessary to implement the Compact.

Added by Laws 2006, c. 199, § 5, emerg. eff. May 26, 2006. Amended by Laws 2010, c. 258, § 3, eff. Nov. 1, 2010.

§63-695.4. Procedural plans and programs - Requests for assistance - Consultation between jurisdictions - Discretion.

A. It shall be the responsibility of each jurisdiction to formulate procedural plans and programs for interjurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating such plans, and in carrying them out, the jurisdictions, insofar as practical, shall:

1. Review individual jurisdictional hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the jurisdictions might jointly suffer, whether due to natural or man-made disasters or emergencies;

2. Review individual emergency plans of the jurisdictions and develop a plan that will determine the mechanism for the interjurisdictional management and provision of assistance concerning any potential emergency;

3. Develop interjurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

4. Assist in warning communities adjacent to or crossing the jurisdictional boundaries;

5. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, critical lifeline equipment, and resources, both human and material;

6. Inventory and set procedures for the interjurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

7. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

All jurisdictions should use and conform to the current national standard for on-scene management and command systems.

B. The authorized representative of a jurisdiction may request assistance of another jurisdiction by contacting the authorized representative of that jurisdiction. The provisions of the Oklahoma Intrastate Mutual Aid Compact shall apply only to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty (30) days of the verbal request. Requests shall provide the following information:

1. A description of the emergency service function for which assistance is needed including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

2. The amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed; and

3. The specific place and time for staging of the response of the assisting party and a point of contact at that location.

C. There shall be frequent consultation between jurisdiction officials who have assigned emergency management responsibilities and other appropriate representatives of the jurisdictions with affected jurisdictions, with free exchange of information, plans, and resource records relating to emergency capabilities.

D. Jurisdictions shall not be obligated under the Compact to send the requested assistance, and assistance may be withdrawn at any time in the sole and absolute discretion of the jurisdiction.

Added by Laws 2006, c. 199, § 6, emerg. eff. May 26, 2006.

§63-695.5. Necessary actions and provisions - Powers, duties, rights and privileges of emergency forces - Command and control.

Any jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by the Oklahoma Intrastate Mutual Aid Compact in accordance with the terms hereof; provided that it is understood that the jurisdiction rendering aid may withhold resources to the extent necessary to provide reasonable protection for its own jurisdiction.

Each jurisdiction shall afford the emergency forces of any jurisdiction, while operating within its jurisdictional limits under the terms and conditions of the Compact, the same powers, duties, rights, and privileges as are afforded forces of the jurisdiction in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under operational control of the emergency services authorities of the jurisdiction receiving assistance and must report to the incident check-in location for assignment.

Added by Laws 2006, c. 199, § 7, emerg. eff. May 26, 2006.

§63-695.6. Professional, mechanical or other licenses, certificates or permits.

Whenever any person holds a license, certificate, or other permit issued by any jurisdiction party evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving jurisdiction, such person shall be deemed licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, or a nondisaster incident or activity as determined by the participating jurisdictions, subject to such limitations and conditions as the requesting jurisdiction may prescribe by executive order or otherwise.

Added by Laws 2006, c. 199, § 8, emerg. eff. May 26, 2006. Amended by Laws 2010, c. 258, § 4, eff. Nov. 1, 2010.

§63-695.7. Liability and immunity.

Officers or employees of a jurisdiction rendering aid in another jurisdiction pursuant to the Oklahoma Intrastate Mutual Aid Compact shall be considered within the scope of employment of the requesting jurisdiction for tort liability and immunity purposes. No jurisdiction or its officers or employees rendering aid in another jurisdiction pursuant to the Compact shall be liable on account of any act or omission in good faith on the jurisdiction of such forces while so engaged or on account of the maintenance or use of any

equipment or supplies in connection therewith. Good faith shall not include willful misconduct, gross negligence, or recklessness.
Added by Laws 2006, c. 199, § 9, emerg. eff. May 26, 2006.

§63-695.8. Compensation and death benefits.

Each jurisdiction shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that jurisdiction and representatives of deceased members of such forces who sustain injuries or are killed while rendering aid pursuant to the Oklahoma Intrastate Mutual Aid Compact, in the same manner and on the same terms as if the injury or death were sustained within its own jurisdiction.
Added by Laws 2006, c. 199, § 10, emerg. eff. May 26, 2006.

§63-695.9. Reimbursement for loss, damage, expense or cost.

Any jurisdiction rendering aid in another jurisdiction pursuant to the Oklahoma Intrastate Mutual Aid Compact shall be reimbursed by the jurisdiction receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding jurisdiction may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving jurisdiction without charge or cost; and provided further, that any two or more jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Compensation expenses shall not be reimbursable under this section.
Added by Laws 2006, c. 199, § 11, emerg. eff. May 26, 2006.

§63-695.10. Plans for evacuation and interjurisdiction reception of civilian population.

Plans for the orderly evacuation and interjurisdiction reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party jurisdictions of the Oklahoma Intrastate Mutual Aid Compact and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the jurisdiction from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors.

Added by Laws 2006, c. 199, § 12, emerg. eff. May 26, 2006.

§63-701. Shooting galleries - Standards and specifications.

(A) Open air shooting galleries constructed from and after the effective date of this act shall conform to the following standards and specifications:

(a) There shall be a backstop not less than seven and one-half (7 1/2) feet high, which shall be constructed of steel of a thickness not less than U.S. standard eight-gauge steel and shall be well lapped at the joints; the backstop shall be not less than eight (8) nor more than twenty-five (25) feet wide.

(b) Attached to each side of the backstop at ninety (90) degree angles, extending toward the counter, shall be side walls of the same height as the backstop, which side walls shall be constructed of steel of a thickness not less than U.S. standard sixteen-gauge steel and shall be from six (6) to twenty-five (25) feet in length. In the event the steel side walls do not extend to the counter, the remaining portion of the side walls shall be so constructed as to prevent any person from getting into the line of fire.

(c) The inside edge of the counter from which the shooting takes place shall be placed not less than twenty-five (25) feet from the backstop or any metal target.

(d) All targets shall be placed not less than twelve (12) inches from the ends of the backstop, and shall be not less than twenty-four (24) inches from the top and not less than twelve (12) inches from the bottom of the backstop.

(B) Closed shooting galleries constructed after the effective date of this act shall be lawful of any size, provided that closed shooting galleries shall be constructed so that they at least conform to the minimum requirements of open air shooting galleries.

Laws 1955, p. 187, § 1.

§63-702. Ammunition.

The only type of ammunition which shall be lawful for use in shooting galleries shall be twenty-two (22) caliber shorts.

Added by Laws 1955, p. 187, § 2.

§63-703. Operators and employees - 21 years of age.

No person under the age of twenty-one (21) years shall operate or be employed at any shooting gallery. Violation of this section shall be cause for revocation of the inspection statement provided for in Section 4 of this act.

Laws 1955, p. 187, § 3.

§63-704. Inspection statement.

Before any shooting gallery shall begin to operate in any county, city or town of this state, it shall be inspected by the sheriff of

said county, or his authorized deputy, for safety, and the owner must have a statement in writing by said sheriff or his authorized deputy that he has inspected the premises and is of the opinion that it is safe to operate. Such statement shall not be furnished by the sheriff or his authorized deputy unless the shooting gallery meets the requirements of this act. In the event a shooting gallery is moved from one place to another, a new inspection statement must be secured by the owner or operator prior to beginning operation. It is hereby made the duty of the sheriff of each county personally or through his authorized deputy to make the inspection required herein upon request of the owner or operator. Shooting galleries constructed prior to the effective date of this act shall be furnished an inspection statement as required herein even though such shooting gallery does not meet the requirements of this act if, in the opinion of the sheriff or his authorized deputy, it is safe to operate.
Laws 1955, p. 187, § 4.

§63-705. License tax.
Cities and towns wherein shooting galleries are operated are hereby authorized to levy and collect a license tax upon their operation, which license tax shall not exceed Twenty Dollars ($20.00) per year.
Laws 1955, p. 187, § 5.

§63-706. Hours for opening and closing - Exception.
In cities and towns and in areas outside the corporate limits of a city or town, shooting galleries shall close from 11:59 o'clock p.m. Saturday until 8:00 a.m. Monday, except that cities having a population in excess of fifty thousand (50,000), according to the next preceding Federal Decennial Census, may permit the operation of shooting galleries during the period from 11:59 o'clock p.m. Saturday and 8:00 a.m. Monday.
Laws 1955, p. 188, § 6.

§63-707. Penalties.
Any violation of this act is hereby made a misdemeanor punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.
Laws 1955, p. 188, § 7.

§63-708. Public shootings sponsored by non-profit organizations exempt.

Nothing in this act shall apply to turkey shoots or similar types of public shootings sponsored by civic, fraternal, veterans, or other nonprofit organizations.
Laws 1955, p. 188, § 8.

§63-709. Repealed by Laws 1997, c. 256, § 1, emerg. eff. May 23, 1997.

§63-709.1. Repealed by Laws 1997, c. 256, § 1, emerg. eff. May 23, 1997.

§63-709.2. Noise - Exemption from liability.

A. Notwithstanding any municipal ordinance or rule regulating noise to the contrary, a governmental official may not seek a civil or criminal penalty or injunction against a shooting range, or its owner or operators, on the basis of noise emanating from the range, provided the noise at the property line of the shooting range does not exceed one hundred fifty (150) decibels.

B. No person shall bring any suit in law or equity or any other claim for relief against a shooting range, or its owners or operators, based upon noise emanating from the shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels.

C. Notwithstanding any law to the contrary, any ordinance or rule relating to noise adopted by any local unit of government, whether before, on, or after the effective date of this act, shall not be deemed to be enforceable against a shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels. The ordinance or rule shall not serve as the basis for any suit in law or equity, whether brought by a governmental official or person. In no event shall the provisions of this subsection affect the outcome of any suit brought prior to the effective date of this act in which a final order of judgment or relief has been entered.
Added by Laws 1996, c. 191, § 23, emerg. eff. May 16, 1996.

§63-931. Board of Medicolegal Investigations - Membership - Compensation - Meetings.

The Board of Medicolegal Investigations is hereby re-created. The members of the Board shall be:

1. The Director of the State Bureau of Investigation, or a designee;
2. The State Commissioner of Health, or a designee;
3. The Dean of the College of Medicine of the University of Oklahoma, or a designee;

4. The President or Dean of the Oklahoma State University Center for Health Sciences, or a designee;

5. The President of the Oklahoma Bar Association, or a designee;

6. The President of the Oklahoma Osteopathic Association, or a designee;

7. The President of the Oklahoma State Medical Association, or a designee; and

8. A funeral director, as provided by Section 396.3 of Title 59 of the Oklahoma Statutes, appointed by the Oklahoma Funeral Board.

The Chief Medical Examiner shall be an ex officio nonvoting member of the Board. The Board shall elect one of its members as chair and one of its members as vice-chair. Elections of board members shall be held annually. An elected member shall not serve in the same capacity as chair or vice-chair for more than two (2) consecutive years. Members of the Board shall receive no compensation for their services on this Board. Regular meetings of the Board shall be held at such times as determined by its members, and special meetings may be called by the chair. Four members shall constitute a quorum.

Added by Laws 1961, p. 604, § 1, eff. Jan. 2, 1962. Amended by Laws 1969, c. 143, § 1, emerg. eff. April 9, 1969; Laws 1972, c. 246, § 1, emerg. eff. April 7, 1972; Laws 1980, c. 112, § 1, emerg. eff. April 10, 1980; Laws 1983, c. 333, § 23, emerg. eff. June 29, 1983; Laws 1987, c. 231, § 7, eff. July 1, 1987; Laws 1996, c. 234, § 1, eff. July 1, 1996; Laws 2005, c. 410, § 1, eff. July 1, 2005; Laws 2014, c. 293, § 1, eff. Nov. 1, 2014; Laws 2015, c. 85, § 1, eff. Nov. 1, 2015.

§63-932. Rules and regulations.

The Board is hereby authorized to promulgate rules and regulations necessary or appropriate to carry out effectively the provisions of this act. Such rules and regulations shall be filed with the Secretary of State and shall not be effective until ten (10) days after the date of filing. The Board shall, on the date of filing, send a copy of the rules and regulations by the United States mail to the state regulatory board the licensees of which are affected thereby.

Laws 1961, p. 605, § 2.

§63-933. Office of Chief Medical Examiner.

The Office of the Chief Medical Examiner of the State of Oklahoma is hereby established to be operated under the control and supervision of the Board. The Office shall be directed by the Chief Medical Examiner, and the Chief Medical Examiner may employ such other staff members as the Board shall specify.

Laws 1961, p. 605, § 3; Laws 1972, c. 246, § 2, emerg. eff. April 7, 1972.

§63-934. Appointment and qualifications of Chief Medical Examiner.

The Board of Medicolegal Investigations shall appoint a Chief Medical Examiner who shall be a physician licensed to practice in Oklahoma and a Diplomate of the American Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology. The Chief Medical Examiner shall serve at the pleasure of the Board. In addition to the duties prescribed by law, the Chief Medical Examiner may teach in any educational capacity.

Added by Laws 1961, p. 605, § 4, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 3, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 2, eff. July 1, 1996; Laws 2014, c. 293, § 2, eff. Nov. 1, 2014.

§63-935. Responsibility of Examiner - Delegation of duties.

The Chief Medical Examiner shall be directly responsible to the Board for the performance of the duties provided for in this act and for the administration of the office of the Chief Medical Examiner. The Chief Medical Examiner may, however, delegate specific duties to competent and qualified personnel who may act for the Chief Medical Examiner within the scope of the express authority granted by the Chief Medical Examiner, subject, however, to such rules as the Board may prescribe.

Added by Laws 1961, p. 605, § 5, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 4, emerg. eff. April 7, 1972; Laws 2006, 2nd Ex.Sess., c. 83, § 9, eff. Oct. 1, 2006; Laws 2008, c. 269, § 5, eff. July 1, 2008; Laws 2014, c. 293, § 3, eff. Nov. 1, 2014.

§63-935.1. Office of the State Medical Examiner relocation

The Office of the State Medical Examiner and the Board of Medicolegal Investigations are authorized to relocate the Office of the State Medical Examiner to a location determined by the Board as provided by law.

Added by Laws 2010, c. 329, § 1, emerg. eff. June 6, 2010. Amended by Laws 2015, c. 85, § 2, eff. Nov. 1, 2015; Laws 2016, c. 94, § 1, emerg. eff. Apr. 19, 2016.

§63-936. Office and laboratory.

The Board shall provide for a central and eastern office and shall see that there is maintained a laboratory suitably equipped with facilities for performance of the duties imposed by Section 931 et seq. of this title.

Added by Laws 1961, p. 605, § 6, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 5, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 4, eff. Nov. 1, 2014; Laws 2015, c. 85, § 3, eff. Nov. 1, 2015.

§63-937. Appointment and qualifications of county medical examiners.

The Chief Medical Examiner shall appoint medical examiners for the state. Each medical examiner so appointed shall be a Doctor of Medicine or Osteopathic Medicine, shall hold a valid board certification to practice forensic pathology in Oklahoma, and shall hold office at the pleasure of the Chief Medical Examiner. The Chief Medical Examiner shall appoint a Deputy Chief Medical Examiner to serve in the capacity of the Chief Medical Examiner in the event the Chief Medical Examiner is absent, ill, or disqualified by personal interest.

Added by Laws 1961, p. 605, § 7, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 1, emerg. eff. June 19, 1963; Laws 1965, c. 258, § 1, emerg. eff. June 21, 1965; Laws 1972, c. 246, § 6, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 5, eff. Nov. 1, 2014; Laws 2015, c. 85, § 4, eff. Nov. 1, 2015.

§63-938. Types of deaths to be investigated - Autopsies.

A. All human deaths of the types listed herein shall be investigated as provided by law:

1. Violent deaths, whether apparently homicidal, suicidal, or accidental;

2. Deaths under suspicious, unusual or unnatural circumstances;

3. Deaths related to disease which might constitute a threat to public health;

4. Deaths unattended by a licensed physician for a fatal or potentially-fatal illness;

5. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;

6. Deaths of any persons detained or occurring in custody of penal incarceration; and

7. Deaths of persons whose bodies are to be cremated, transported out of the state, donated to educational entities, to include limited portions of the body, or otherwise made ultimately unavailable for pathological study.

B. The Chief Medical Examiner shall state on the certificate of death of all persons whose death was caused by execution pursuant to a lawful court order that the cause of death was the execution of such order.

Added by Laws 1961, p. 605, § 8, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 2, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 7, emerg. eff. April 7, 1972; Laws 2000, c. 161, § 1, eff. July 1, 2000; Laws 2014, c. 293, § 6, eff. Nov. 1, 2014.

§63-939. Production of records, documents, evidence or other material.

Except as otherwise provided by law, the Chief Medical Examiner shall produce records, documents, evidence or other material of any nature only upon the order of a court of competent jurisdiction. An interested party or litigant in a civil or criminal action may make application for an order to produce such materials. The court, after notice to all parties, including the Chief Medical Examiner, and a hearing on the application, may, upon the showing of good cause, direct the release of a copy or any part of such material. In addition, the court may also direct the payment of reasonable costs by the requesting party for the production of the material. The production of such material shall take place at the Office of the Chief Medical Examiner unless, upon a showing of good cause, specifically ordered otherwise by the court.
Added by Laws 1961, p. 606, § 9, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 8, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 3, eff. July 1, 1996; Laws 2014, c. 293, § 7, eff. Nov. 1, 2014.

§63-940. Cooperation of state and county officials - Notification of deaths.

A. All law enforcement officers and other state and county officials shall cooperate with the Chief Medical Examiner and all other medical examiners in making investigations required pursuant to the provisions of Sections 931 through 954 of this title. Said officials and the physician in attendance of the deceased, or other persons when the deceased was unattended by a physician, shall promptly notify the medical examiner of the occurrence of all deaths coming to their attention which, pursuant to the provisions of Sections 931 through 954 of this title, are subject to investigation, and shall assist in making dead bodies and related evidence available for investigation.

Subject to the provisions of Sections 931 through 954 of this title, bodies shall not be disturbed until authorized by the Chief Medical Examiner or his or her designee and the representative of any law enforcement agency which has begun an investigation of the cause of death. Said authorization may be given by telephone. Nothing in Sections 931 through 954 of this title shall prevent the district attorney or his or her designee from authorizing the removal of a body when the removal is determined to be in the public interest and conditions at the scene are adequately documented and preserved by photographs and measurements.

B. The death of any patient, inmate, ward, or veteran in a state hospital or other institution shall be reported by the chief administrative officer of the hospital or institution or his or her designee to the Office of the Chief Medical Examiner at the time of the death and prior to release of the body.

1. Within thirty-six (36) hours, a written report shall be submitted and shall be accompanied by true and correct copies of all

medical records of the hospital or institution concerning the deceased patient.

2. The Chief Medical Examiner shall have the authority to require production of any records, documents, or equipment or other items regarding the deceased patient deemed necessary to investigate the death.

Added by Laws 1961, p. 606, § 10, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 9, emerg. eff. April 7, 1972; Laws 1978, c. 114, § 1, emerg. eff. March 31, 1978; Laws 1980, c. 178, § 1, emerg. eff. May 14, 1980; Laws 1984, c. 36, § 1, emerg. eff. March 28, 1984; Laws 1988, c. 326, § 34, emerg. eff. July 13, 1988; Laws 2014, c. 293, § 8, eff. Nov. 1, 2014.

§63-940a. Liability for removal of body.

No funeral establishment or its employees shall be liable for the action, per se, of removing a body when ordered to do so by any public official having the authority to order such removal.

Added by Laws 1999, c. 188, § 1, emerg. eff. May 21, 1999.

§63-941. Investigation by county examiner.

Upon receipt of notice of death of any person which under Section 931 et seq. of this title is subject to investigation, a representative Death Investigator from the Office of the Chief Medical Examiner shall immediately initiate an investigation and shall document in detail, by the end of his or her assigned shift, all the known and available facts of the death scene in the electronic database of the Chief Medical Examiner. Decedent specimens, evidence, and photographs shall be sent to the Office of the Chief Medical Examiner. The investigating official of the Office of the Chief Medical Examiner may take charge of any object or writing found on or near the body which is deemed necessary for the purpose of establishing the cause and/or manner of death.

Upon conclusion of the investigation and determination that such objects or writings are no longer needed as evidence, the medical examiner or the medical examiner's designee may deliver them to the district attorney, law enforcement agency, or family for disposition.

The investigating medical examiner or the medical examiner's designee shall have access at all times to any and all medical and dental records and history of the deceased, including, but not limited to, radiographs and medical records, in the course of his or her official investigation to determine the cause and manner of death. Such records may not be released to any other person by the

medical examiner, and the custodians of such records shall incur no liability by reason of the release of such records to the medical examiner. The body of the deceased shall be turned over to the funeral director designated by the person responsible for burial within twenty-four (24) hours of receipt of the decedent unless a longer period is necessary to complete the required investigation.
Added by Laws 1961, p. 606, § 11, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 10, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 9, eff. Nov. 1, 2014; Laws 2015, c. 85, § 5, eff. Nov. 1, 2015.

§63-941a. Custody of the body.

Upon completion of an investigation by the Office of the Chief Medical Examiner, the body of the deceased shall be released to the person legally entitled to the custody thereof, or his or her representative, unless:

1. A release is signed by the person legally entitled to the custody of the body; or
2. The attending physician has notified the Chief Medical Examiner of the State of Oklahoma, or his or her designee, of the need for further investigation into the cause of death, or has notified the appropriate district attorney of such need; or
3. The laws of this state or the regulations of the Board of Medicolegal Investigations require additional information or examination that cannot be obtained or completed within the above period of time.

Added by Laws 1975, c. 174, § 1. Amended by Laws 2014, c. 293, § 10, eff. Nov. 1, 2014; Laws 2015, c. 85, § 6, eff. Nov. 1, 2015.

§63-941b. Condition of the body.

When attending a patient at time of death, physicians shall take care that the remains of the deceased are left in such a state that will not hinder or unnecessarily complicate the preparation for burial or other disposition, provided that nothing herein shall interfere with or restrict a physician's sworn duty to do all things necessary to save the patient's life.

Added by Laws 1975, c. 174, § 2. Amended by Laws 2015, c. 85, § 7, eff. Nov. 1, 2015.

§63-942. Report of findings.

A. 1. Upon completion of an investigation, the medical examiner shall reduce his or her findings to writing upon the form supplied to

the medical examiner which shall be promptly sent to the Chief Medical Examiner by mail.

2. If the medical examiner finds that the deceased had illicit, prescription or nonprescription drugs in his or her system at the time of death, the medical examiner shall document in his or her findings if the death was:

a. a natural or accidental death with drug involvement,
b. a homicide by drugs,
c. a suicide by drug overdose, or
d. a death with drug involvement, but the manner of death could not be determined.

3. A fatality shall not be considered a drug-related death unless the medical examiner determines that the drug or drugs present in the deceased materially contributed to the death.

B. Copies of reports shall be furnished by the Chief Medical Examiner to investigating agencies having official interest therein. Copies of reports shall also be furnished to the spouse of the deceased or any person within one degree of consanguinity of the deceased upon request and within five (5) business days of the request once the cause and manner of death have been determined and the death certificate has been issued.

Added by Laws 1961, p. 606, § 12, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 3, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 11, emerg. eff. April 7, 1972; Laws 2011, c. 344, § 2, eff. Nov. 1, 2011; Laws 2014, c. 293, § 11, eff. Nov. 1, 2014.

§63-942a. Appeal of medical examiner's findings.

A. The next of kin of the deceased may appeal the findings of the medical examiner to the district court of Oklahoma County under a petition for judicial review within two (2) years from the completion of the report. Such appeal shall be made in writing, shall state the nature and reasons for the appeal, and shall be supported by affidavit. The burden of proof shall be on the petitioner to establish by a preponderance of the evidence that the death certificate is in error. The petitioner shall notify the Office of the Chief Medical Examiner in writing upon filing the petition for judicial review. No jury shall be impaneled and no monetary damages shall be awarded under a cause of action filed pursuant to this subsection.

B. The court shall conduct an evidentiary hearing. Should the court find that the findings of the medical examiner are erroneous, the court shall immediately order the Chief Medical Examiner to correct the report and transmit the appropriate paperwork to the State Department of Health for the correction of the death certificate.

Added by Laws 2011, c. 344, § 3, eff. Nov. 1, 2011. Amended by Laws 2014, c. 293, § 12, eff. Nov. 1, 2014.

§63-943. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

§63-944. Autopsy - Public interest - Collection of specimens.

When necessary in connection with an investigation to determine the cause and/or manner of death and when the public interest requires it, the Chief Medical Examiner, his or her designee or a district attorney shall require and authorize an autopsy to be conducted. In determining whether the public interest requires an autopsy the medical examiner or district attorney involved shall take into account but shall not be bound by request therefor from private persons or from other public officials.

The medical examiner or his or her designee may collect and retain such blood, tissue, bone, fluid or body waste specimens as are deemed necessary to carry out his or her duties as specified in Section 931 et seq. of this title. No autopsy authorization shall be required as a prerequisite to the collection of such specimens. Added by Laws 1961, p. 606, § 14, eff. Jan. 2, 1962. Amended by Laws 1965, c. 258, § 2, emerg. eff. June 21, 1965; Laws 1968, c. 182, § 1; Laws 1972, c. 246, § 13, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 13, eff. Nov. 1, 2014; Laws 2015, c. 85, § 8, eff. Nov. 1, 2015.

§63-944.1. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

§63-944.2. Unconstitutional.
NOTE: Editorially renumbered from § 944.1 to avoid a duplication in numbering.
NOTE: Section, derived from Laws 1985, c. 245, § 3, mandating sharing of costs of operation by requiring a fee for autopsies performed by State Medical Examiner, declared unconstitutional by State ex rel, Jordan v. City of Bethany, Okl., 769 P.2d 164(1989).

§63-945. Person to perform autopsy - Extent - Report of findings.

A. When properly authorized, an autopsy shall be performed by the Chief Medical Examiner or such person as may be designated by him or her for such purpose. The Chief Medical Examiner or a person designated by him or her may authorize arterial embalming of the body prior to the autopsy when such embalming would in his or her opinion not interfere with the autopsy. The extent of the autopsy shall be made as is deemed necessary by the person performing the autopsy.

B. A full and complete report of the facts developed by the autopsy together with the findings of the person making it shall be

prepared and filed in the Office of the Chief Medical Examiner without unnecessary delay. Copies of such reports and findings shall be furnished to district attorneys and law enforcement officers making a criminal investigation in connection with the death.

C. Upon receiving a written, signed and dated records request, a copy of the full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, shall be released by the Office of the Chief Medical Examiner to the public in the most expedient manner available or as requested by the records requester and, under the following conditions, shall be furnished to:

1. District attorneys and any law enforcement agency with authority to make a criminal investigation in connection with the death; provided, such copies shall not be shared with any other entity unless otherwise provided by law;

2. The spouse of the deceased or any person related within two (2) degrees of consanguinity to the deceased, unless the district attorney or law enforcement agency making a criminal investigation objects to the release of documents to any family member. District attorneys and law enforcement agencies shall be prohibited from objecting to the release of the full and complete autopsy report to the family if the decedent was in state custody, in custody of law enforcement or is deceased due to lethal action of a law enforcement officer; and

3. Any insurance company conducting an insurer's investigation of any insurance claim arising from the death of the individual upon whom the autopsy was performed.

D. The full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, shall be withheld from public inspection and copying for ten (10) business days following the date the report is generated by the Office of the Chief Medical Examiner, except as provided for in subsection C of this section.

E. The Office of the Chief Medical Examiner shall produce a summary report of investigation by the medical examiner at the same time the full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, is released to the parties listed in subsection C of this section. The summary report of investigation shall be made available for public inspection and copying without delay. Any person may obtain a copy of the summary report of investigation in the most expedient manner available or as requested by the records requester.

F. The summary report of investigation shall include, but not be limited to the following information, if known:

1. Decedent name, age, birth date, race, sex, home address, examiner notified by name and title and including date and time, location where decedent was injured or became ill, including name of

facility, address, city, county, type of premises, date and time; location of death including name of facility, city, county, type of premises, date and time, and location body was viewed by medical examiner including address, city, county, type of premises and date and time;

2. If the death was a motor vehicle accident, whether the decedent was the driver, passenger or pedestrian, and the type of vehicle involved in the accident;

3. A description of the body, including but not limited to the external physical examination, rigor, livor, external observations including hair, eye color, body length and weight, and other external observations, as well as the presence and location of blood; and

4. The probable cause of death, other significant conditions contributing to the death but not resulting in the underlying cause given, manner of death, case disposition, case number, and name and contact information of the medical examiner performing the autopsy, including a signature and certification statement that the facts contained in the report are true and correct to the best of their knowledge and the date the report was signed and generated.

G. At the conclusion of the ten (10) business-day-period, the full and complete report shall be made available as a public record except when a district attorney or law enforcement agency with authority to make a criminal investigation in connection with the death declares that the full and complete report contains information that would materially compromise an ongoing criminal investigation. Such declaration shall be in writing to the Office of the Medical Examiner and be an open record available from the Office of Medical Examiner.

1. Upon such declaration, the district attorney or law enforcement agency shall request from the appropriate district court a hearing for an extension of time during which the full and complete autopsy report, not including information in the summary report, may be withheld.

2. When a request for an extension of time has been filed with the court, the full and complete autopsy report in question may be withheld until the court has issued a ruling on the requested extension of time to release the autopsy report. Such requests for an extension of time during which the autopsy may be withheld shall be made on the grounds that release of the full and complete autopsy report will materially compromise an ongoing criminal investigation.

3. Courts considering such requests shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the district attorney or law enforcement agency.

4. If an extension of time is granted by the court, the initial extension shall be ordered by the court for a period of six (6) months. Subsequent extensions shall only be ordered after a hearing by the court for an additional one year and cumulative time

extensions shall not exceed more than four (4) years and six (6) months; provided, under no circumstance shall an extension of time be granted by the court if the deceased person was in state custody, in custody of law enforcement or was deceased due to lethal action of a law enforcement officer.

5. In the event that six (6) months have expired from the date of the initial release of the autopsy report without any person being criminally charged in the case in question and release of the autopsy or portions of the autopsy have been denied on the grounds of materially compromising a criminal investigation, an appeal of such denial may be made to the appropriate district court. Courts considering appeals for temporarily withholding an autopsy report shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the district attorney or law enforcement agency. In response to such appeals, the district court shall order that the autopsy report be made available for public inspection and copying with no redaction, or shall order an extension of time during which the autopsy report may be withheld under the provisions of this section.

6. Any court order obtained pursuant to this subsection shall be served upon the Office of the Chief Medical Examiner by the party requesting or granted the extension by the court.

H. An order granting an extension of time shall be applicable to the autopsy report for the duration of the extension; provided, each subsequent time extension shall only be ordered by the district court for an additional twelve-month period of time or less and cumulative time extensions shall not exceed four (4) years and six (6) months; provided, charges being filed against a person in the case in question or an autopsy report being entered into evidence as part of a criminal prosecution nullifies any granted extension of time.

I. The opportunities to withhold an autopsy report or portions of an autopsy report provided in this section shall expire in totality four (4) years and six (6) months after the date the autopsy report was generated, at which time the autopsy report previously withheld on the grounds provided for in this section shall be made available for public inspection and copying.

J. Nothing in this section shall prohibit a district attorney or law enforcement agency with authority to make a criminal investigation in connection with the death from immediately releasing portions of information contained in the full and complete autopsy report for the purposes of assisting with the criminal investigation or apprehension of any person involved in a criminal act that resulted in the death of another person.

K. After ten (10) business days from the release of the full and complete report, nothing in this section shall prohibit the spouse of the deceased or any person related within two (2) degrees of consanguinity to the deceased who has received a copy of the full and

complete autopsy report from the Office of the Chief Medical Examiner from authorizing the Office of the Chief Medical Examiner's office to release the full and complete autopsy report to any other person subject to approval by the court.
Added by Laws 1961, p. 607, § 15, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 14, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 14, eff. Nov. 1, 2014; Laws 2017, c. 385, § 1, eff. Nov. 1, 2017.

§63-946. Exhuming of bodies - Hearing - Autopsy - Reports.

A. If death occurred under circumstances as enumerated in Section 938 of this title, and if the body has been buried without proper certification of death, it shall be the duty of the investigating official, upon ascertaining such facts, to notify the Chief Medical Examiner and the district attorney of the county in which the body was buried. The district attorney shall present facts to the judge of the district court of that county, and the judge, after a hearing, may by written order require the body to be exhumed and an autopsy performed by the Chief Medical Examiner or his or her designee. A copy of the court order for exhumation shall be provided to the State Department of Health. A complete report of the facts developed by the autopsy and the findings of the person making the same shall be filed with the Chief Medical Examiner without unnecessary delay and a copy furnished the district attorney of the county within which the death occurred or within which the body was buried, or both.

B. No order for exhumation, as provided for in subsection A of this section, shall be made without notice of the hearing being served upon the decedent's next of kin, five (5) days prior to the hearing. The notice shall be served in the same manner as provided for by law for the service of summons in a civil action, shall include the date, time and place of the hearing and shall advise the person so notified that he or she has the right to appear and be heard by the court at that time. Provided, that the district attorney may, by affidavit, advise the court that the identity or whereabouts of any persons required to be served with notice under this subsection is unknown and cannot be ascertained with due diligence. Upon finding that the facts stated in the affidavit are true, the court shall not require notice be given.
Added by Laws 1961, p. 607, § 16, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 15, emerg. eff. April 7, 1972; Laws 1981, c. 87, § 1, eff. Oct. 1, 1981; Laws 2011, c. 105, § 37, eff. Nov. 1, 2011; Laws 2014, c. 293, § 15, eff. Nov. 1, 2014.

§63-947. Certificate of death.

A. The certification of death of any person whose death is investigated under Section 931 et seq. of this title shall be made by the Chief Medical Examiner or his or her designee upon a medical

examiner death certificate provided by the State Registrar of Vital Statistics. Such death certificates shall be valid only when signed by the Chief Medical Examiner or his or her designee. Copies of all such certificates shall be forwarded immediately upon receipt by the State Registrar of Vital Statistics to the Office of the Chief Medical Examiner.

B. Any certification of death by an attending physician may be referred by the State Registrar of Vital Statistics to the Chief Medical Examiner for investigation and the amending of the original certificate of death by the filing of a medical examiner death certificate by the Chief Medical Examiner or his or her designee when the death is determined by the Chief Medical Examiner to be one properly requiring investigation under Section 938 of this title.

C. Medical examiner death certificates will not be required in cases investigated solely for the purpose of issuing a permit for transport of a body out of state.

Added by Laws 1961, p. 607, § 17, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 16, emerg. eff. April 7, 1972; Laws 1989, c. 163, § 1, emerg. eff. May 8, 1989; Laws 2014, c. 293, § 16, eff. Nov. 1, 2014.

§63-948. Storage of biological specimens - Storage fees - Drug screens.

A. The Office of the Chief Medical Examiner (OCME) shall store biological specimens in the control of the OCME for the potential purpose of independent analyses in matters of civil law, only upon receipt of a written request for such storage and payment of a storage fee. The fee shall be paid by the person requesting storage to the Office of the Chief Medical Examiner. The Board shall promulgate rules establishing a fee for storage of such biological specimens which shall not exceed One Hundred Dollars ($100.00) per year for a period of time not to exceed five (5) years. All fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Chief Medical Examiner Revolving Fund.

B. 1. The Office of the Chief Medical Examiner (OCME) is authorized to perform drug screens on specimens in the custody of the OCME, provided the request is made by an agency or party authorized to receive such information. The OCME may limit drug screens within the technical and physical capabilities of the OCME.

2. The authorization for drug screens shall apply only to specimens from cases already within the jurisdiction of the OCME and only when the analyses are deemed by the Chief Medical Examiner or Deputy Chief Medical Examiner not to conflict with any investigation of the case by the state.

3. The Board of Medicolegal Investigations shall establish a fee for drug screen services by rule. All fees collected pursuant to the

provisions of this subsection shall be deposited to the Chief Medical Examiner Revolving Fund.
Added by Laws 1961, p. 607, § 18, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 4, emerg. eff. June 19, 1963; Laws 1968, c. 182, § 2; Laws 1972, c. 246, § 17, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 4, eff. July 1, 1996; Laws 2004, c. 559, § 1, eff. Nov. 1, 2004; Laws 2014, c. 293, § 17, eff. Nov. 1, 2014; Laws 2017, c. 343, § 2.

§63-948.1. Fee schedule - Exemptions.

A. The Board of Medicolegal Investigations may establish a fee schedule for forensic services, permits and reports rendered to members of the public and other agencies.

1. No fee schedule may be established or amended by the Board except during a regular legislative session. The Board shall comply with the Administrative Procedures Act for adoption of rules and establishing or amending any such fee schedule.

2. Except as otherwise specified in this section, the Board shall charge fees only within the following ranges:

a. permit for cremations that occur within the state: One Hundred Dollars ($100.00) to Two Hundred Dollars ($200.00),

b. forensic science service: One Hundred Dollars ($100.00) to Three Thousand Dollars ($3,000.00),

c. report copies: Ten Dollars ($10.00) for report of investigation, including toxicology, and Twenty Dollars ($20.00) for an autopsy report, including toxicology,

d. x-rays: Fifteen Dollars ($15.00) each,

e. microscopic slides, Hematoxylin, and Eosin (H&E): Ten Dollars ($10.00) each,

f. special stains: Fifteen Dollars ($15.00) each, and

g. photographs: Twenty-five Dollars ($25.00) per compact disc (CD) or other suitable digital storage media.

3. Medical examiner permit certificates shall be required in cases investigated solely for the purpose of issuing a permit for transporting a body out of state.

4. The Board of Medicolegal Investigations shall charge a fee for out-of-state shipment of human remains whenever the Office of the Chief Medical Examiner has not been required to conduct an investigation of the death.

5. An out-of-state transport permit and cremation permit shall both be required for bodies containing body parts sent out of state or out of country, while remaining body parts remain unused.

B. The Board shall base the fee schedule for forensic science services, permits and reports upon reasonable costs of review,

investigation and forensic science service delivery; provided, however, the fee schedule shall be within the ranges specified in subsection A of this section. The Board shall continue a system of basic and continuing educational service and training for all personnel who render forensic science services in order to ensure uniform statewide application of the rules of the Board. The Board shall consider the reasonable costs associated with such training and continuing education in setting the forensic science service fees.

C. The Board may exempt by rule any agency or class of individuals from the requirements of the fee schedule if the Board determines that the fees would cause an unreasonable economic hardship or would otherwise hinder or conflict with an agency's responsibilities.

D. All statutory fees currently in effect for permits or forensic science services administered by the Chief Medical Examiner and the Board of Medicolegal Investigations within the jurisdiction of the Office of the Chief Medical Examiner shall remain in effect until such time as the Board acts to implement new schedules pursuant to the provisions of this section and Section 948 of this title. Added by Laws 2004, c. 559, § 2, eff. Nov. 1, 2004. Amended by Laws 2014, c. 293, § 18, eff. Nov. 1, 2014; Laws 2015, c. 85, § 9, eff. Nov. 1, 2015.

§63-949. Records - Evidence - Sudden Unexpected Death in Infants and Children.

A. 1. a. The Office of the Chief Medical Examiner shall keep full and complete records, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death and all other relevant information concerning the death. The full report and detailed findings of the autopsy, if any, shall be a part of the record in each case.

b. The Chief Medical Examiner shall track and forward, within seventy-two (72) hours after the examination, demographic information on sudden, unexpected and nontraumatic infant deaths including, but not limited to, Sudden Infant Death Syndrome (SIDS), to the Oklahoma SIDS Coordinator at the State Department of Health and the SIDS Foundation of Oklahoma. As used in this subparagraph, "Sudden Unexpected Death in Infants and Children" (SUDIC) means the sudden, unexpected death of an apparently healthy infant less than one (1) year of age which remains unexplained following a complete medicolegal analysis and death scene investigation. The Chief Medical Examiner shall follow up with further notification upon final determination

of a cause of death. Such notification shall be for statistical reporting purposes only.

2. The office shall promptly deliver to each district attorney having jurisdiction of the case, copies of all cases relating to a death for which further investigation may be advisable. Any district attorney or other law enforcement official may, upon request, obtain copies of such records or other information deemed necessary to the performance of such district attorney's or other law enforcement official's official duties.

B. No report, findings, testimony, or other information of a medical examiner shall be admitted in evidence in any civil action in any court in this state, except under the following circumstances:

1. Certified copies of reports pertaining to the factual determinations of views and examination of or autopsies upon the bodies of deceased persons by the Chief Medical Examiner or anyone under his or her supervision or control may be admitted in evidence in any civil case in a court of competent jurisdiction in this state by stipulation of all parties in the case;

2. If a party refuses to stipulate to admission, the reports may be requested by any party seeking to admit the records as evidence. The request shall be made to the Office of the Chief Medical Examiner, who shall furnish same;

3. The party seeking admission of the reports shall then serve interrogatories concerning the facts to be answered under oath by the person preparing the records. The interrogatories and answers thereto shall be subject to the rules of evidence and may be admissible in evidence in any civil case in a court of competent jurisdiction. Objections to the interrogatories shall be made by any party in accordance with law just as if the interrogatories had been served on the objecting party. Cross interrogatories shall be submitted and shall be answered and admitted in evidence in the same manner as interrogatories;

4. The taking of depositions shall then be allowed pursuant to the provisions of Section 3230 of Title 12 of the Oklahoma Statutes; provided, however, depositions shall take place at the Office of the Chief Medical Examiner or anyone under his or her supervision or control whose testimony is sought, unless all parties, including the medical examiner, agree the deposition can be taken elsewhere;

5. No other testimony of the Chief Medical Examiner or anyone under his or her supervision and control shall be admitted in evidence in any civil action in any court of this state, unless timely application is made to the court by an interested party or litigant and timely notice of the application is given to the medical examiner. After a hearing, the court, for good cause shown, may order the appearance of the Chief Medical Examiner or anyone under his or her supervision and control for the purpose of testifying and may order that a subpoena be issued for that appearance; provided,

however, that such order by the court shall be the exception and not the rule; and

6. The cost of the records or certified copies thereof shall be paid by the party requesting same. The reasonable fee charged by the Chief Medical Examiner or anyone under his or her supervision and control for answering interrogatories or cross interrogatories, submitting to depositions, or providing testimony shall be paid by the party submitting same. This fee shall be in place of any other witness fee allowed by law.

C. Certified copies of reports and findings, exclusive of hearsay evidence, may be admitted in evidence in preliminary hearings and criminal trials by stipulation.

D. Certified copies of reports of investigations by a medical examiner, laboratory reports and/or autopsy reports may be furnished to the next of kin or others having need for them upon written statement and payment of a reasonable fee set by the Board of Medicolegal Investigations.

Added by Laws 1961, p. 607, § 19, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 18, emerg. eff. April 7, 1972; Laws 1974, c. 275, § 1, emerg. eff. May 29, 1974; Laws 1976, c. 63, § 1; Laws 1999, c. 55, § 2, emerg. eff. April 5, 1999; Laws 2004, c. 190, § 1, eff. July 1, 2004; Laws 2014, c. 293, § 19, eff. Nov. 1, 2014.

§63-950. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

§63-951. Transporting of bodies for autopsy or scientific tests.

The Chief Medical Examiner shall maintain a contract transport service authorized to transport bodies of deceased persons of whose death he or she is officially informed to an appropriate place for autopsy or for the performance of scientific tests; provided that, after the autopsy shall have been performed or such tests made, the bodies of such deceased persons shall be returned to the county from which they were brought, or, when so authorized by the district attorney of the county and upon request of the nearest relative of the deceased or other person who may be responsible for burial, the body may be transported to some place other than the county. The Chief Medical Examiner or his or her designee may authorize payment for the services in transporting the body to the place designated for autopsy, which shall be submitted upon a claim filed with the Board of Medicolegal Investigations.

Added by Laws 1961, p. 608, § 21, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 6, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 20, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 20, eff. Nov. 1, 2014.

§63-952. Persons excluded from serving as examiners or deputies.

It is specifically provided that no embalmer, funeral director, or employee of a funeral home shall be employed in any capacity with the Office of the Chief Medical Examiner, nor shall any member of law enforcement including but not limited to peace officers, deputy sheriffs, and reserve deputies.
Added by Laws 1961, p. 608, § 22, eff. Jan. 2, 1962. Amended by Laws 2014, c. 293, § 21, eff. Nov. 1, 2014.

§63-953. Penalties.
Any person who willfully fails to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term not to exceed thirty (30) days, or by both such fine and imprisonment.
Laws 1961, p. 608, § 23.

§63-954. Chief Medical Examiner Revolving Fund.
A. The Board of Medicolegal Investigations is authorized to accept grants, gifts, fees or funds from persons, associations, corporations, or foundations for any purpose authorized by the Board.
B. There is hereby created in the State Treasury a revolving fund for the Office of the Chief Medical Examiner to be designated the "Chief Medical Examiner Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all moneys received from:
1. Laboratory analysis fees pursuant to the provisions of Section 1313.2 of Title 20 of the Oklahoma Statutes;
2. Grants, gifts, fees or funds from persons, associations, corporations or foundations pursuant to this section;
3. Document fees pursuant to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes;
4. Specimen storage and drug screen service fees pursuant to the provisions of Section 948 of Title 63; and
5. Cremation, burial at sea or other recognized means of dissolution permit fees pursuant to Section 1-329.1 of this title.
All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of the Chief Medical Examiner for the duties imposed upon the Board of Medicolegal Investigations by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1961, p. 608, § 24, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 7, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 21, emerg. eff. April 7, 1972; Laws 1987, c. 5, § 73, emerg. eff. March 11, 1987; Laws 1987, c. 236, § 121, emerg. eff. July 20, 1987;

Laws 1988, c. 74, § 2, eff. Nov. 1, 1988; Laws 1994, c. 382, § 33, eff. Sept. 1, 1994; Laws 2012, c. 304, § 508; Laws 2017, c. 343, § 3.

§63-981. Activity within six (6) feet of high voltage overhead line or conductorprohibited.

No person, firm, corporation or association shall, individually or through an agent or employee and no person as an agent or employee of any person, firm, corporation or association, shall perform or permit any agent or employee to perform any function or activity upon any land, building, highway, or other premises, when it is possible during the performance of such activity for any person or employee engaged in performing work connected with or related to such function or activity to move to or to be placed in a position within six feet of any high voltage overhead electrical line or conductor, or when it is possible for any part of any tool, equipment, machinery or material to be used by any such person or employee to be brought within six (6) feet of any such overhead high voltage line or conductor through any lateral, vertical or swinging motion during the performance of such function or activity.

Added by Laws 1963, c. 118, § 1, emerg. eff. May 31, 1963.

§63-982. Storing, moving, etc. of equipment, materials, or buildings within six feet of lines prohibited.

No person, firm, corporation or association shall, individually or through an agent or employee, and no person as an agent or employee of any person, firm, corporation or association, shall store, operate, erect, maintain, move or transport any tools, machinery, equipment, supplies, materials, apparatus, house or other building, or any part thereof, within six (6) feet of any high voltage overhead conductor.

Laws 1963, c. 118, § 2, emerg. eff. May 31, 1963.

§63-983. Posting of warning signs in cranes, derricks and similar apparatus.

No person, firm, corporation or association shall, individually or through an agent or employee, or as an agent or employee, operate any crane, derrick, power shovel, drilling rig, hoisting equipment, or similar apparatus, any part of which is capable of vertical, lateral or swinging motion, unless there is posted and maintained in plain view of the operator thereof, a durable warning sign legible at twelve (12) feet, reading:

"Unlawful to operate this equipment within six feet of high voltage lines."

Each day's failure to post or maintain such signs shall constitute a separate violation.

Laws 1963, c. 118, § 3, emerg. eff. May 31, 1963.

§63-984. Violations and penalties.

Every person, firm, corporation, association, and every agent or employee of any such person, firm, corporation, or association, who violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine of not more than Five Hundred Dollars ($500.00), or imprisonment in the county jail for a term not to exceed six (6) months, or both such fine and imprisonment; and in addition thereof, if such violation results in physical or electrical contact with any overhead high voltage line or conductor, the person, firm, corporation or association violating the provisions of this act, shall be liable to the owner or operator of such high voltage line or conductor for all damage to such facilities and for all liability incurred by such owner or operator as a result of any such accidental contact.
Added by Laws 1963, c. 118, § 4, emerg. eff. May 31, 1963.

§63-985. Definitions.

For the purpose of this act: (a) "high voltage" shall mean a voltage in excess of seven hundred fifty (750) volts between conductors, or between any single conductor and the ground; (b) "overhead lines or overhead conductors" shall mean all bare or insulated electrical conductors installed above ground excepting those conductors that are deenergized and grounded or that are enclosed in iron pipe or other metal covering of equal strength.
Laws 1963, c. 118, § 5, emerg. eff. May 31, 1963.

§63-986. Temporary clearance of lines - Costs.

When any person, firm or corporation desires to temporarily carry on any function, activity, work or operation in closer proximity to any high-voltage line or conductor than permitted by this act, the person or persons responsible for the work to be done shall promptly notify the operator of the high-voltage conductors of the work to be performed and make appropriate arrangements with the operator of the high-voltage conductors for temporary mechanical barriers, temporary deenergization and grounding of the conductors, or temporarily raising of the conductors before proceeding with any work which would impair the clearances required by this act.

The actual costs incurred by any operator of high-voltage conductors in providing clearances as above set out shall be paid by the persons, firms or corporations requesting the operator of the high-voltage conductors to provide said temporary clearances. Unless and until arrangements satisfactory to the operator of the high-voltage conductors for such payment have been made, such operator shall be under no duty to provide clearances as set out herein.
Laws 1963, c. 118 § 6, emerg. eff. May 31, 1963.

§63-987. Operations and activities exempt.

This act shall not be construed as applying to, nor shall it apply to: (a) construction, reconstruction, operation or maintenance of any high-voltage overhead conductor, supporting structures or appurtenances for the support or operation of high-voltage conductor by person authorized by the owner or operator; nor (b) to work being done on telephone or communication circuits or their supporting structures; nor (c) to the operation or maintenance of any equipment traveling or moving upon fixed rails of any railroad company subject to the jurisdiction of the Interstate Commerce Commission and/or to the Corporation Commission of the State of Oklahoma.
Laws 1963, c. 118, § 7, emerg. eff. May 31, 1963.

§63-1051. Short title.
This act may be cited as the "Oklahoma Housing Authorities Act."
Laws 1965, c. 251, § 1, emerg. eff. June 18, 1965.

§63-1052. Application of act.
The provisions of this act shall apply in all counties of this state.
Laws 1965, c. 251, § 2, emerg. eff. June 18, 1965.

§63-1053. Finding and declaration of necessity.
It is hereby declared:
(a) that there exists in urban and rural areas in certain counties in the state unsanitary, unsafe, and overcrowded dwelling accommodations; that in such urban and rural areas within the state there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons of low income can afford and that such shortage forces such persons to occupy unsanitary, unsafe, and overcrowded dwelling accommodations;
(b) that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;
(c) that these slum areas cannot be cleared nor can the shortage of safe and sanitary dwelling for persons of low income be adequately relieved through the operation of private enterprise and that housing projects for persons of low income as herein defined would therefore not be competitive with private enterprise;
(d) that such projects would also make housing available for persons of low income who are displaced in the rehabilitation, clearance, or redevelopment of slums and blighted areas or as the result of other governmental action, and for veterans of low income who are unable to provide themselves with decent housing on the basis

of the benefits heretofore made available to them through certain government guarantees of loans to veterans for the purchase of residential property;

(e) that the clearance, replanning and preparation for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations and maintaining a wholesome living environment for persons of low income are charitable and public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;

(f) that residential construction activity is closely correlated with general economic activity and that the undertakings authorized by this act to aid the provision of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and

(g) that it is in the public interest that preparations for such projects and activities be made now, and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Laws 1965, c. 251, § 3, emerg. eff. June 18, 1965.

§63-1054. Definitions.

The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Authority" means any public body corporate and politic created by this act.

(b) "City" means any incorporated city or town in the state. "County" means any county in the state.

(c) "Governing body" means, in the case of a city, the council or other governing body of the city in which is vested legislative authority customarily imposed on the city council, and, in the case of a county, the board of county commissioners.

(d) "Mayor" means the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of a city.

(e) "Clerk" means the city clerk or the county clerk, as the case may be.

(f) "Area of operation" means:

(1) in the case of an authority of a city, the city and the area within one (1) mile of the territorial boundaries thereof, except that the area of operation of an authority of any city shall not include any area which lies within the territorial boundaries of some other city;

(2) in the case of an authority of a county, all of the county for which it is created: Provided, that a county authority shall not

undertake any project within the boundaries of any city unless a resolution shall have been adopted by the governing body of the city and by any authority which shall have been theretofore established and authorized to exercise its powers in the city declaring that there is need for the county authority to exercise its powers within that city. No authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein.

(g) "Federal government" includes the United States of America, the Public Housing Administration, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Slum" means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(i) "Housing project" or "project" means any work or undertaking on contiguous or noncontiguous sites:

(1) to demolish, clear, or remove buildings from any slum area;

(2) to provide or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multifamily structures under conventional, condominium, or cooperative sales contract; lease-purchase agreement; loans; or subsidizing of rentals or charges) decent, safe and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income; or

(3) to accomplish a combination of the foregoing. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient or desirable appurtenances; streets, sewers, water service, utilities, parks, site preparation, and landscaping; and facilities for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements and all other work in connection therewith; and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

(j) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding, however, the local housing authority shall not

exceed the guidelines in establishing incomes set forth by the Department of Housing and Urban Development.

(k) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this act.

(l) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein including terms for years.

(m) "Obligee of an authority" or "obligee" includes any bondholder, agent or trustee for any bondholder, or lessor demising to the authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(n) "Persons engaged in national defense activities" means persons in the Armed Forces of the United States; employees of the Department of Defense; and workers engaged or to be engaged in activities connected with national defense. The term also includes the families of the persons, employees, and workers who reside with them.

(o) "Major disaster" means any flood, drought, fire, hurricane, tornado, earthquake, storm, or other catastrophe which, in the determination of the governing body, is of sufficient severity and magnitude to warrant the use of available resources of the federal, state, and local governments to alleviate the damage, hardship, or suffering caused thereby.

(p) "State public body" means any city, county, municipal corporation, commission, district, authority, agency, subdivision, or public body of the state.

Added by Laws 1965, c. 251, § 4, emerg. eff. June 18, 1965. Amended by Laws 1967, c. 339, § 1; Laws 1969, c. 281, § 1; Laws 1971, c. 218, § 1, emerg. eff. June 11, 1971.

§63-1055. Creation of city and county authorities.

In each city and in each county of the state there is hereby created a public body corporate and politic to be known as the "housing authority" of the city or county; provided, that the authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or county, as the case may be, by proper resolution declares that there is need for an authority to function in the city or county.

The governing body shall give consideration as to the need for an authority (1) on its own motion or (2) upon the filing of a petition signed by not less than five percent (5%) of the qualified voters of the city or county, as the case may be, asserting that there is need

for an authority to function in the city or county and requesting that its governing body so declare.

The governing body shall adopt a resolution declaring there is need for an authority in the city or county, as the case may be, if it finds (1) that insanitary or unsafe inhabited dwelling accommodations exist in the city or county, and (2) that there is a shortage of safe and sanitary dwelling accommodations in the city or county available to persons of low income at rentals or prices they can afford. If the governing body declares a need for housing exists, as set forth in (1) and (2) of this paragraph, said governing body shall issue notice of such need and the number of housing units proposed in a newspaper having a general circulation in the area in which the need is certified. Such notice shall set forth the facts that said declaration of need is final, if not protested within thirty (30) days from date of said notice by the method provided in the next succeeding paragraph.

Provided, however, that if a petition signed by not less than five percent (5%) of the legal registered voters of the city or county affected, as the case may be, is submitted to the governing body within thirty (30) days of the adoption of said resolution then said resolution shall be ineffective until approved by a majority of those voting on the question at a special or general election; provided that in the event said resolution is not approved by a majority of those voting at any special or general election, then the same or a similar resolution shall not be adopted by the governing body for a period of one (1) year thereafter.

Provided further, however, in all cities and counties of less than two hundred thousand (200,000) population, according to the last Federal Decennial Census, all projects not authorized prior to July 1, 1968, shall be ineffective until approved by a majority of those voting on the question at a special or general election; except projects authorized under the provisions of Section 1057 of this act.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, an authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of the resolution and proof of the approval by a majority of the voters as herein prescribed. A copy of the resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

Laws 1965, c. 251, § 5; Laws 1967, c. 339, § 2; Laws 1969, c. 281, § 2, emerg. eff. April 25, 1969.

§63-1055.1. Certain housing authorized to use state controlled communication towers.

Any city, county, Rural Electric Cooperative or Indian housing authority created pursuant to Sections 1055 and 1057 of Title 63 of

the Oklahoma Statutes is hereby authorized subject to approval of the state agency controlling such communication towers to use state controlled communication towers; provided such use shall meet engineering specifications to ensure that such towers shall not be damaged or the purpose of such towers shall not be interfered with. Added by Laws 1986, c. 94, § 1.

§63-1056. Petitions and elections to discontinue the construction of additional public housing projects.

A. 1. Upon the filing of a petition by five percent (5%) of the qualified voters of the city or county, as the case may be, asserting there is need for limiting an authority to its existing operations and prohibiting such authority from engaging in additional projects or additions to existing projects, or upon its own motion, the governing body of that city or county, as the case may be, shall call an election of the qualified voters residing in the area of the authority for the purpose of deciding whether or not the authority shall be limited to its existing operations and prohibited from engaging in additional projects or additions to existing projects.

2. The date for such election shall be set by the governing body by resolution; provided, that such election shall be held not less than eight (8) weeks nor more than twelve (12) weeks after the date such petition is filed.

B. If a protest to such petition is filed, the burden of proving the insufficiency of such petition shall be upon the protestants. The hearing on such protest shall be held and the protest decided by the governing body within four (4) weeks after the filing thereof.

C. 1. At such election the question before the voters shall be:

Shall the Public Housing Authority of _____ be limited to its existing operations and prohibited from engaging in additional projects or making additions to existing projects?

( ) YES

( ) NO

2. The question shall be decided by a majority of those voting thereon.

D. The authority shall be limited to its existing operations and prohibited from engaging in additional projects or additions to existing projects upon certification that a majority of those voting thereon have voted in the affirmative.

E. 1. If an authority has been so limited and prohibited as a result of such an election the filing of a petition by five percent (5%) of the qualified voters of the city or county, as the case may be, asserting that there is a need for restoring the power of an authority to engage in additional projects and additions to existing projects, the governing body shall, by resolution, call an election of the qualified voters residing in the area of the authority for the purpose of deciding whether such power shall be restored.

2. Such election shall be held not less than eight (8) weeks nor more than twelve (12) weeks after the date such petition is filed.

3. If a protest to such petition is filed, the burden of proving the insufficiency of such petition shall be upon the protestants. The hearing on such protest shall be held and the protest decided by the governing body within four (4) weeks after the filing thereof.

4. At such election the question before the voters shall be:

a. Shall the power of the Public Housing Authority of _____ to engage in additional projects and to make additions to existing projects be restored?

( ) YES

( ) NO

b. The question shall be decided by a majority of those voting thereon.

F. No election under subsection C or E of this section shall be called or held within twelve (12) months after the last election thereunder.

G. A public housing authority whose powers have been limited by an election held pursuant to this section prior to November 1, 1998, shall have its powers fully restored by operation of law if a period of at least fifteen (15) years has elapsed from the date the election results were certified.

Added by Laws 1965, c. 251, § 6, emerg. eff. June 18, 1965. Amended by Laws 1998, c. 99, § 1, eff. Nov. 1, 1998.

§63-1057. Creation of Indian housing authorities – Transfer of management and control.

A. There is hereby created, with respect to each Indian tribe, band, or nation in the state, a public body corporate and politic, to function in the operating area of each Indian tribe, band, or nation to be known as the "housing authority" of the Indian tribe, band, or nation. The Indian housing authority shall be an agency of the State of Oklahoma, possessing all powers, rights, and functions herein specified for city and county authorities created pursuant to this act. The Indian housing authority shall not transact any business nor exercise its powers hereunder until or unless the governing council of the tribe, band, or nation, as the case may be, by proper resolution, declares that there is a need for a housing authority to function for the tribe, band, or nation.

B. Except as otherwise provided in this act, all the provisions of law applicable to housing authorities created for cities and counties and the commissioners of such authorities shall be applicable to Indian housing authorities and commissioners, unless a different meaning clearly appears from the context. The Chief or other governing head of an Indian tribe, band, or nation is hereby authorized to exercise all appointing and other powers with respect

to an Indian housing authority that are vested by this act in the mayor of a city relating to a city housing authority.

C. The Oklahoma Legislature finds that, under the authority of this section, state agency Indian housing authorities may be operated in the area of federally recognized Indian tribes, bands and nations in this state, upon proper resolution declaring that there is a need for a housing authority to function in the operating area of the tribe, band or nation. State agency Indian housing authorities are funded exclusively with federal funds designated for the purpose of providing housing in the area of the tribe, band or nation for whose benefit the housing authority was established. The state agency Indian housing authorities are managed by tribal members appointed by the governing head of the tribe. At the time that state agency Indian housing authorities were authorized to operate for the benefit of the tribe, band or nation, the tribes, bands and nations were not eligible to receive federal funding for housing purposes. Federally recognized Indian tribes, bands and nations are now eligible to receive federal funding for housing purposes and many have received federal funds, and many have created tribal housing authorities for the purpose of providing housing for their tribal members. In the exercise of their sovereign powers, some tribes, bands and nations desire or may in the future desire to undertake the control and management of the state agency Indian housing authorities created for their benefit and to assume all the assets and liabilities, while other tribes, bands or nations may wish to consolidate the state agency Indian housing authority created or which may be created for their benefit into tribal housing programs. In the interest of the sovereign power of federally recognized Indian tribes, economy of efforts, and the maintenance of cooperative relationships between the state and federally recognized Indian tribes, and in light of the above findings, the state hereby authorizes any federally recognized Indian tribe, band or nation for whose benefit a state agency housing authority was or may be created, to assume management and control of the state agency Indian housing authority and all its assets, as provided in this section.

D. Any federally recognized Indian tribe, band or nation for whose benefit a state agency housing authority has been or will be created is hereby empowered to undertake the management and control of the program of the state agency upon:

1. The assumption of all present and future liabilities of the state agency housing authority;

2. The acceptance of all assets of the state agency housing authority;

3. Upon agreeing to continue to operate a housing authority or program; and

4. Upon entering into local cooperative agreements for payments in lieu of taxes in an amount that is not more than the amount

authorized under the Native American Housing Assistance and Self-Determination Act and rules implementing the act.

E. The governing body of any federally recognized Indian tribe, band or nation may exercise the power to undertake management and control of the state agency Indian housing authority created for its benefit by adopting an ordinance or resolution to undertake management and control. The resolution or ordinance shall provide that the tribe, band or nation will assume all the assets and all the liabilities of the state agency Indian housing authority and agrees to continue to operate the housing program for the benefit of its members, and will enter into local cooperative agreements with payments in lieu of taxes as required in paragraph 4 of subsection D of this section and in accordance with Section 1066 of this title.

F. Upon the filing of a resolution or ordinance as provided for in subsection E of this section with the office of the Secretary of State, the Oklahoma Attorney General, and the office of the county clerk in the county in which any land being transferred is located, the management and control of the state agency Indian housing authority created for the tribe, band or nation, together with the ownership of all housing authority assets and liabilities shall transfer to the tribe, band or nation, and the state agency Indian housing authority for that tribe, band or nation shall cease to exist. No further action on the state's part is necessary to transfer title of all state agency Indian housing authority real property to the tribe, band or nation. The filing of a copy of this statute, a certified copy of the required resolution or ordinance and the legal description of the land(s) shall transfer title. The land so transferred, until transferred to the ownership of individual tribal members, is declared to be used for charitable purposes and to be public property used for essential public and governmental purposes. The property shall be exempt from ad valorem taxes, as long as the tribe, band or nation continues to make the in lieu of tax payments as required in this section.

Added by Laws 1965, c. 251, § 7, emerg. eff. June 18, 1965. Amended by Laws 2010, c. 172, § 1, emerg. eff. April 26, 2010.

§63-1058. Appointment, qualifications, tenure and meetings of authority commissioners.

A. When a housing authority is authorized to transact business and exercise powers hereunder, five (5) persons shall be appointed as commissioners of the authority as follows:

1. In the case of a city, by the mayor with the advice and consent of the governing body; or

2. In the case of a county, by the board of county commissioners, and at least one of the persons so appointed shall be a tenant in a housing project under the jurisdiction of such authority. The term of office of each commissioner shall be for

three (3) years, except that of the commissioners first appointed one shall serve for a term of one (1) year and two shall serve for terms of two (2) years. All vacancies shall be filled for the unexpired term. Each commissioner shall qualify by taking the official oath of office prescribed by statute or ordinance for elected officials of the county or city, as the case may be.

B. A commissioner shall receive no compensation for his services, but may be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties or, except as otherwise provided in this subsection, receive a per diem payment of not to exceed Thirty-five Dollars ($35.00) plus mileage as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74, for expenses incurred in attending meetings of the housing authority. An Indian housing authority or the tribal government the authority serves may elect to set a different monetary amount for per diem and mileage payments than specified in this subsection for the commissioners of that Indian housing authority. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of appointment or reappointment of any commissioner shall be filed with the authority and this certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

C. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the commissioners of an authority may be held anywhere within the area of operation of the authority or within any additional area in which the authority is authorized to undertake a project. Such meetings shall be held pursuant to the provisions of the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

D. The commissioners of an authority shall elect a chairman and vice chairman from among the commissioners. An authority may employ an executive director, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Added by Laws 1965, c. 251, § 8, emerg. eff. June 18, 1965. Amended by Laws 1967, c. 339, § 3; Laws 1974, c. 97, § 1; Laws 1977, c. 254, § 1; Laws 1982, c. 305, § 1, emerg. eff. May 28, 1982; Laws 1987, c. 34, § 1, eff. Nov. 1, 1987; Laws 2008, c. 62, § 2, emerg. eff. April 21, 2008.

§63-1059. Interest of commissioners, officers, or employees.

A. During his tenure and for one (1) year thereafter, no commissioner, officer, or employee of the local housing authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquired any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, the commissioner, officer, or employee, in any such event, shall immediately disclose his interest in writing to the authority, and such disclosure shall be entered upon the minutes of the authority, and the commissioner, officer, or employee shall not participate in any action by the authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of an authority issued in connection with any housing project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency.

B. Nothing in this section shall be construed to apply to the housing authority commissioner who is a tenant.

Amended by Laws 1988, c. 233, § 4, operative July 1, 1988.

§63-1060. Removal of commissioners.

For inefficiency, neglect of duty or misconduct in office, or allowing any portion of any project to become dilapidated, unsanitary or unkept, a commissioner of an authority may be removed by the governing body, or, in the case of an authority for a county, by the board of county commissioners, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

Laws 1965, c. 251, § 10, emerg. eff. June 18, 1965.

§63-1061. Power of authority.

Every authority shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein specifically granted:

(a) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations.

(b) Within its area of operation: to prepare, carry out and operate projects and to provide for the acquisition, construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof. Provided, however, that a public hearing to consider a proposed project requiring construction, purchasing, leasing or renting of more than twenty new housing units shall be held together by the authority and governing body, and any such project must be found to be in the public interest by a majority of the members constituting said authority and a majority of the members constituting said governing body as a condition precedent to the implementation of any such project. Notice of the public hearing required by this provision shall be given by publication in a newspaper of general circulation within the jurisdiction of the authority at least ten (10) days and not more than thirty (30) days prior to said hearing; provided that an additional public hearing shall be held by the authority before the same shall select any location for any contiguous or noncontiguous area of land on which the authority proposes to construct more than twenty additional new housing units, and such hearing shall have as its subject the location of the proposed additional units. Notice of the public hearing required by this provision shall be given in a newspaper of general circulation within the jurisdiction of the authority at least ten (10) days and not more than thirty (30) days prior to said hearing and three members of the Commission must concur in the selection of any such location, except that the aforesaid proviso concerning an additional public hearing shall not apply to a location in an approved urban renewal project area.

(c) To undertake and carry out studies and analyses of housing needs within its area of operation and ways of meeting such needs, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rental and sale prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and to make the results of such studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing and slum clearance.

(d) To utilize, contract with, act through, assist and cooperate or deal with any person, agency, institution or organization, public or private, for the provision of services, privileges, works or facilities for or in connection with its projects; and, notwithstanding anything to the contrary contained in this act or in

any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract awarded or entered into in connection with a project stipulations requiring that the contractor and all subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions attached to the financial aid of the project. Construction, restitution, improvement, extension, alteration or major repair of any project or any part thereof shall be open to competitive bidding: provided, however, nothing in this section shall prevent a local housing authority from requesting proposals from property owners and/or developers to provide certain kinds of housing to the housing authority either presently existing or to be developed; provided, that the local authority establish safeguards relating to laws and regulations of the United States wherein the same has entered into contracts with the authority to provide financial assistance in acquiring the same; provided, further, that no authority shall discriminate in its seeking, or in the award, of any contract for services, acquisition of real or personal property, construction of buildings, dwelling units, streets, utilities, site grading, landscaping and repairs to any of its holdings or upon property that the authority plans to acquire, to include renovations, solely based on the race, sex, color, religious beliefs or national origin of a person or firm; except an Indian authority may give preference in its awarding of a contract in all forms so long as the services to be performed, or the construction of buildings, dwellings, site improvements, repairs or renovation is to be performed or carried out on a federally recognized tribal reservation or former reservations and only then upon land held in trust by, or owned by, the respective Indian tribe; and provided, further, that all previously listed restrictions and regulations concerning public hearings and locations of said projects are complied with in their entirety.

(e) To lease, rent, sell or lease with option to purchase any dwelling, accommodations, lands, buildings, structures or facilities embraced in any project and, subject to the limitations contained in this act with respect to the rental of or charges for dwellings in housing projects, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property or interest therein; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein, provided, however, that before any

such personal property shall be sold it shall be advertised for sale in a newspaper of general circulation within the jurisdiction of the authority, and such advertisement shall state the time and place where written bids shall be received, or public auction shall be held, that such property shall be sold to the highest bidder, and that the authority may, within its discretion, reject all bids and readvertise such property for sale in the event any property, real or personal, acquired by the authority, by eminent domain or otherwise, is later found to be in excess of its needs, or unsuitable or unuseable for any reason, such property shall, before being sold, leased, exchanged, transferred, assigned, pledged or disposed of in any other manner, be first offered to those persons, individuals, groups, organizations, corporations, municipalities or their successors from whom it was first procured by the authority, at the same price as paid by the authority at the time of acquiring same, and except that lands acquired by the authority may be sold to other governmental agencies for public purposes, as long as such parcel of land does not exceed one percent (1%) of the total land held by the authority and the sale is made within ninety (90) days of the effective date of this act; to make loans for the provisions of housing for occupancy by persons of low income; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by the authority, including the power to pay premiums on any such insurance; provided, however, that notwithstanding any provisions in this law, the authority may develop programs for the sale of individual homes and/or two-family units to low income families or to families who have at one time qualified as low income families under this act, under terms which the housing authority may establish under conditions acceptable to bondholders, other lenders and the federal government.

(f) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which public funds in the custody of a county treasurer or the Treasurer of the State of Oklahoma may be legally invested; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be cancelled.

(g) Within its area of operation: to determine where slum areas exist or where there is unsafe, unsanitary or overcrowded housing; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of slum areas and the problem of eliminating unsafe, unsanitary or overcrowded housing and providing dwelling accommodations for persons of low income; and to cooperate with the state or any state public body in action taken in connection with such problems. Provided, however, the authority shall not have

the power to relocate any persons to other areas until housing has been provided for such persons under this act.

(h) Acting through one or more commissioners or other persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(i) To exercise all or any part or combination of powers herein granted.

The powers of an authority shall not include: (1) the power to appropriate funds of a city or county; (2) the power to levy taxes and assessments; (3) the power to zone or rezone; or (4) the power to make exceptions to zoning ordinances or building regulations of a city or county.

No provision by law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state. Amended by Laws 1982, c. 305, § 2, emerg. eff. May 28, 1982.

§63-1062. Operation of housing not for profit.

It is hereby declared to be the policy of this state to accomplish the charitable and public purposes of this act that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income and that no authority shall construct or operate any housing project for profit, or as a source of revenue to the city or county. To this end an authority shall fix the rentals or payments for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available monies, revenues, income and receipts of the authority from whatever sources derived, including Federal financial assistance necessary to maintain the low-rent character of the project, will be sufficient:

(a) to pay, as the same become due, the principal and interest on the bonds of the authority;

(b) to create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on its bonds;

(c) to meet the cost of, and to provide for, maintaining and operating the projects, including necessary reserves therefor and the cost of any insurance, and the administrative expenses of the authority; and

(d) to make such payments in lieu of taxes and, after payment in full of all obligations for which federal annual contributions are pledged, to make such repayments of federal and local contributions as it determines are consistent with the maintenance of the low-rent character of projects.

Rentals or payments for dwellings shall be established and the projects administered, insofar as possible, so as to assure that any federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low-rent character of the projects. Nothing herein shall be construed to limit the amount an authority may charge for nondwelling facilities. All such income, together with other income and revenue, shall be used in the operation of the projects to aid in accomplishing the charitable and public purposes of this act.

Laws 1965, c. 251, § 12, emerg. eff. June 18, 1965.

§63-1063. Tenant eligibility.

An authority shall issue regulations establishing eligibility requirements, consistent with the purposes and objectives of this act, for admission to and continued occupancy in its projects.

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority with respect to a housing project, to vest in an obligee the right, in the event of a default by the authority, to take possession or cause the appointment of a receiver thereof, free from all of the restrictions imposed by this or the preceding section.

Laws 1965, c. 251, § 13, emerg. eff. June 18, 1965.

§63-1064. Cooperation between authorities.

Any two or more authorities may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and giving security therefor, planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects located within the area of operation of any one or more of said housing authorities. For such purpose a housing authority may by resolution prescribe and authorize any other housing authority or authorities, so joining or cooperating with it, to act on its behalf with respect to any or all powers, as its agent or otherwise, in the name of the housing

authority or authorities so joining or cooperating, or in its own name.
Laws 1965, c. 251, § 14, emerg. eff. June 18, 1965.

§63-1065. Dwellings for disaster victims and defense workers.

Notwithstanding the provisions of this or any other act relating to rentals of, preferences or eligibility for admission to, or occupancy of dwellings in housing projects, during a time of war as declared by Congress an authority determines that there is an acute need for housing to assure the availability of dwellings for persons engaged in national defense activities or for victims of a major disaster at any time the same may occur, the authority may undertake the development and administration of housing projects for the federal government, and dwellings in any housing project under the jurisdiction of the authority may be made available to persons engaged in national defense activities or to victims of a Major disaster, as the case may be. An authority is authorized to contract with the federal government or the state or a state public body for advance payment or reimbursement for the furnishing of housing to victims of a major disaster, including the furnishing of the housing free of charge to needy disaster victims during any period covered by a determination of acute need by the authority as herein provided.
Laws 1965, c. 251, § 15; Laws 1967, c. 339, § 6.

§63-1066. Tax exemption and payments in lieu of taxes.

The property and funds of a housing authority are declared to be used for charitable purposes and to be public property used for essential public and governmental purposes, and such property and the authority are exempt from all taxes, including sales and use taxes and special assessments of the state or any state or local public body. In lieu of taxes on its property an authority shall agree to make such payments to the state or any state or local public body as the governing body of the city or county finds consistent with the maintenance of the low-rent character of housing projects and the achievement of the purposes of this act, provided that not less than one-half (1/2) of the annual amount of such payment in lieu of taxes shall be paid to the school district within which the property of the housing authority is located. The amount of money collected under the provisions of this act shall not be considered as chargeable income to the district receiving such funds. The tax exemption provided by this section does not apply to any portion of a project used by a profit-making enterprise, but in taxing such portions appropriate allowance shall be made for any expenditure by an authority for utilities or other public services which it provides to serve the property.
Laws 1965, c. 251, § 16; Laws 1969, c. 341, § 1, emerg. eff. May 8, 1969.

§63-1067. Planning, zoning and building laws.

All projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated.

Laws 1965, c. 251, § 17, emerg. eff. June 18, 1965.

§63-1068. Bonds.

An authority shall have power to issue bonds from time to time, in its discretion, for any of its corporate purposes. It shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable:

(a) exclusively from the income and revenues of the project financed with the proceeds of such bonds;

(b) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or

(c) from its revenues generally.

Any such bonds may be additionally secured by a pledge of any loan, grant, or contributions, or parts thereof, from the federal government or other source, or a pledge of any income or revenues of the authority.

Neither the members of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority, and such bonds and obligations shall so state on their face, shall not be a debt of the city or county, or of the state or any political subdivision thereof, and neither the city or county nor the state or any political subdivision thereof shall be liable thereon, and in no event shall such bonds or obligations be payable out of any funds or properties other than those of the authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The provisions of this act exempting from taxation the properties of an authority and its bonds and interest thereon and income therefrom shall be considered part of the contract for the security of the bonds and shall have the force of contract, by virtue of this act and without the necessity of the same being restated in said bonds, between the bondholders and each and every one thereof, including all transferees of said bonds from time to time on the one hand and an authority and the state on the other.

Laws 1965, c. 251, § 18, emerg. eff. June 18, 1965.

§63-1069. Form and sale of bonds.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six percent (6%) per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or its trust indenture may provide.

The bonds must be sold at public sale at not less than par. Bonds of the authority shall not be purchased by members of the authority or its employees or members of their immediate families.

In case any of the members or officers of an authority whose signatures appear on any bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceeding involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a project, as herein defined, shall be conclusively deemed to have been issued for such purposes and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this act.

Laws 1965, c. 251, § 19; Laws 1968, c. 254, § 1; Laws 1969, c. 341, § 2, emerg. eff. May 8, 1969.

§63-1070. Provisions of bonds and trust indentures.

In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(a) to pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) to covenant against pledging all or any part of its rents, fees and revenues, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project

or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it.

(c) to covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed, or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof.

(d) to covenant, subject to the limitations contained in this act, as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the monies held in such funds.

(e) to prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent to such action, and the manner in which such consent may be given.

(f) to covenant as to the use, maintenance, and replacement of any or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance monies.

(g) to covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligations; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(h) to vest in any obligee of the authority or any specified proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in such obligees the right, in the event of a default by said authority, to take possession of and use, operate and manage any project or any part thereof or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such monies in accordance with the agreement of the authority with such obligees; to provide for the powers and duties of such obligees and to limit the liabilities thereof; and to provide the terms and conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds.

(i) to exercise all or any part or combination of the powers herein granted; to make such covenants, other than and in addition to the covenants herein expressly authorized, and to do any and all such

acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.
Laws 1965, c. 251, § 20, emerg. eff. June 18, 1965.

§63-1071. Housing bonds, legal investments and security.
The state and all public officers, private citizens, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations and savings and loan associations, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any monies or funds belonging to them or within their control in any bonds or other obligations issued by a housing authority created by the Housing Authorities Law of this state or issued by any public housing authority or agency in the United States, any of its territories, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, when such bonds or other obligations are secured by a pledge of annual contributions or other financial assistance to be paid by the United States Government or any agency thereof, or when such bonds or other obligations are secured by an agreement between the United States Government or any agency thereof and the public housing authority or agency in which the United States Government or any agency thereof agrees to lend to the public housing authority or agency, prior to the maturity of the bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity, which monies under the terms of the agreement are required to be used for this purpose, and such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state; it being the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations: Provided, however, that nothing contained in this section shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities. The provisions of this section shall apply notwithstanding any restrictions on investments contained in other laws.
Laws 1965, c. 251, § 21, emerg. eff. June 18, 1965.

§63-1072. Construction of bond provisions.

This act without reference to other statutes of the state shall constitute full authority for the authorization and issuance of bonds hereunder. No other law with regard to the authorization or issuance of obligations or the deposit of the proceeds thereof that requires a bond election or in any way impedes or restricts the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.
Added by Laws 1965, c. 251, § 22, emerg. eff. June 18, 1965.

§63-1073. Remedies of an obligee.

An obligee of an authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) by mandamus, suit, action or proceeding at law or in equity, to compel an authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the authority and the fulfillment of all duties imposed upon it by this act.

(b) by suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of an obligee of the authority.
Laws 1965, c. 251, § 23, emerg. eff. June 18, 1965.

§63-1074. Additional remedies conferrable by the authority.

An authority shall have power, by its resolution, trust indenture, lease or other contract, to confer upon any obligee the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) to cause possession of any project or any part thereof to be surrendered to any such obligee.

(b) to obtain the appointment of a receiver of any project of the authority or any part thereof and of the rents and profits therefrom. if such receiver be appointed, he may enter and take possession of such project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such monies in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

(c) to require the authority and the commissioners, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

Laws 1965, c. 251, § 24, emerg. eff. June 18, 1965.

§63-1075. Exemption of property from execution sale.

All property, including funds acquired or held by an authority pursuant to this act, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the authority be a charge or lien upon such property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the authority on its rents, fees, or revenues, or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this act. An authority may waive its exemption hereunder with respect to claims against any profit-making enterprise occupying any portion of a project provided that such waiver does not affect or impair the rights of any obligee of the authority.

Laws 1965, c. 251, § 25, emerg. eff. June 18, 1965.

§63-1076. Aid from federal government.

In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept contributions, grants, or other financial assistance from the federal government for or in aid of any project or related activities concerning health, environmental and similar problems of persons of low income, to take over or lease or manage any project or undertaking constructed or owned by the federal government and, to these ends, to comply with such conditions and enter into such contracts, covenants, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize any authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the provision of decent, safe, and sanitary dwellings and maintaining a wholesome living environment for persons of low income by the authority. To accomplish this purpose an authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government any provisions which the federal government may require as conditions to its financial aid not inconsistent with the purposes of this act.

Laws 1965, c. 251, § 26, emerg. eff. June 18, 1965.

§63-1077. Transfer of possession or title to federal government.

In any contract with the federal government for annual contributions to any authority the authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws, to convey to

the federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants and conditions to which the authority is subject; such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project and funds in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted.
Laws 1965, c. 251, § 27, emerg. eff. June 18, 1965.

§63-1078. Eminent domain.

An authority shall have the right to acquire by the exercise of the power of eminent domain any real property or interest therein which it may deem necessary for its purposes under this act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the same manner and by like proceedings as provided for railroad corporations under the laws of this state.

Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to any city, county, or any other political subdivision of the state may be acquired without its consent.

In the event any housing authority in exercising any of the powers conferred by this act makes necessary the relocation, raising, rerouting or changing the grade of or altering the construction of any railroad, common carrier, public utility property or facility, all such relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the expense of the housing authority, provided that the housing authority shall not disturb the possession or operation of any railroad, common carrier, or public utility in or to the appropriated property or facility until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the railroad, common carrier or public utility.
Laws 1965, c. 251, § 28, emerg. eff. June 18, 1965.

§63-1079. Reports and audits.

At least once a year an authority shall file with the clerk of the governing body of the jurisdiction within which the authority operates a complete financial and operating report of the preceding fiscal year which shall be and remain a public record. When required

by federal law, an authority shall file an audit of all financial and other transactions for the previous fiscal year and shall file such audit with the clerk as a public record and make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.
Added by Laws 1965, c. 251, § 29, emerg. eff. June 18, 1965. Amended by Laws 2003, c. 79, § 1, eff. July 1, 2003.

§63-1080. Cooperation in undertaking projects.

For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of projects located within its jurisdiction, any state or local public body may, upon such terms, with or without consideration, as it may determine:

(a) dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to a housing authority, or to the federal government;

(b) cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with such projects;

(c) furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake;

(d) plan or replan, zone or rezone any parts of such state or local public body; make exceptions from building regulations and ordinances; make changes in its map;

(e) cause services to be furnished to a housing authority of the character which such state or local public body is otherwise empowered to furnish;

(f) enter into agreements with respect to the exercise by such state or local public body of its powers relating to the repair, improvement, condemnation, closing or demolition of unsafe, unsanitary, or unfit buildings;

(g) do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such projects;

(h) incur the entire expense of any public improvements made by such state or local public body in exercising the powers granted in this act; and

(i) enter into agreements with a housing authority respecting action to be taken by such state or local public body pursuant to any of the powers granted by this act.

If at any time title to or possession of any project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including any agency or instrumentality of the United

States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency. Except as heretofore provided in Section 11, subsection (e), for resale to prior owners, any sale, conveyance, lease or agreement provided for in this section shall be made by a state or local public body with appraisal, public notice, advertisement and public bidding.
Laws 1965, c. 251, § 30, emerg. eff. June 18, 1965.

§63-1081. Agreements as to payments by housing authority.

In connection with any project of a housing authority located wholly or partly within the area in which any state or local public body is authorized to act, any state or local public body shall agree with the housing authority with respect to the payment by the authority of such sums in lieu of taxes for any year or period of years as are determined by the governing body of the city or county to be consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this act.
Laws 1965, c. 251, § 31, emerg. eff. June 18, 1965.

§63-1082. Other state and local aid.

In addition to other aids provided herein, the state or any state or local public body is authorized to make contributions in the form of donation of land, buildings or personal property for or in aid of the charitable purpose of housing persons or families of low income in decent, safe, and sanitary dwellings.
Laws 1965, c. 251, § 32, emerg. eff. June 18, 1965.

§63-1083. Rural electric cooperative housing authority.

There is hereby created, with respect to each rural electric cooperative in the state, a public body corporate and politic, to function in the operating area of such rural electric cooperative to be known as the "housing authority" of said cooperative which shall be an agency of the State of Oklahoma possessing all powers, rights and functions provided by law for city and county housing authorities. No rural electric cooperative housing authority shall transact any business or exercise any powers unless the governing board of said cooperative, by proper resolution, declares that there is a need for an authority to function for said cooperative.

Except as otherwise provided in this act, all the provisions of law applicable to housing authorities created for cities and counties and the commissioners of such authorities shall be applicable to rural electric cooperative housing authorities and the commissioners thereof unless a different meaning clearly appears from the context. The chief executive officer of each rural electric cooperative is authorized to exercise all appointing and other powers with respect

to a rural electric cooperative housing authority that are vested by law in the mayor of a city relating to a city housing authority.
Added by Laws 1971, c. 218, § 2, emerg. eff. June 11, 1971.

§63-1083.1. Rural electric cooperative housing authorities - Exemption from publication of notice, petition and election procedure.

There is hereby created, with respect to each rural electric cooperative in the state, a public body corporate and politic, to function in the operating area of such rural electric cooperative to be known as the "housing authority" of said cooperative which shall be an agency of the State of Oklahoma possessing all powers, rights and functions provided by law for city and county housing authorities. No rural electric cooperative housing authority shall transact any business or exercise any powers unless the governing board of said cooperative, by proper resolution, declares that there is a need for an authority to function for said cooperative.

Except as otherwise provided in this act, all the provisions of law applicable to housing authorities created for cities and counties and the commissioners of such authorities shall be applicable to rural electric cooperative housing authorities and the commissioners thereof unless a different meaning clearly appears from the context. The chief executive officer of each rural electric cooperative is authorized to exercise all appointing and other powers with respect to a rural electric cooperative housing authority that are vested by law in the mayor of a city relating to a city housing authority. The requirements of Section 1055 of Title 63 of the Oklahoma Statutes as to publication of notice, petition and election and the provisions of Section 1056 of Title 63 of the Oklahoma Statutes shall not apply to rural electric cooperative housing authorities.
Added by Laws 1973, c. 274, § 1, emerg. eff. May 30, 1973.

§63-1084. Industrial housing - Adoption of Federal standards.

Notwithstanding any other provisions of law, or of any municipal or county ordinance or local building code, the standards for factory-built housing, housing prototypes, subsystems, materials and components certified as acceptable by the Federal Department of Housing and Urban Development are hereby deemed acceptable and approved for use in housing construction in this state. A certificate from the State Director of the Federal Housing Administration of the Department of Housing and Urban Development shall constitute prima facie evidence that the products or materials listed therein are acceptable and such certificates shall be furnished by the building contractor to any local building inspector or other local housing authority upon request. The provisions of this act will not preclude on-site inspections by cities and towns of the service connections for electrical and sanitary facilities.

Added by Laws 1971, c. 254, § 1, emerg. eff. June 16, 1971.

§63-1092.1. Short title.

Sections 3 and 4 of this act and Sections 1093, 1094, 1095, 1097, 1098 and 1099 of Title 63 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Relocation Assistance Act".

Added by Laws 1988, c. 315, § 3, emerg. eff. July 6, 1988.

§63-1092.2. Compliance with Federal Uniform Relocation Act - Compensation and reimbursement payments.

A. When any department, agency or instrumentality of the state, or any county, municipality, or other political subdivision of the state, or any other public or private entity subject to the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Public Laws 91-646, and 100-17, Title IV, hereinafter referred to as the Federal Uniform Relocation Act, undertakes any project which results in the acquisition of real property or in any person being displaced from the home, business, or farm of such person, such department, agency or instrumentality of the state, county, municipality or other political subdivision of the state, or other public or private entity may provide relocation assistance, and make relocation payments to such displaced person and do such other acts and follow such procedures and practices as may be necessary to comply with the provisions of the Federal Uniform Relocation Act.

B. Any payment made or to be made pursuant to the authority granted in this section shall be for compensating or reimbursing the displaced person or owner of real property in accordance with the requirements of the Federal Uniform Relocation Act and such payment shall not for any purpose be deemed or considered compensation for real property acquired or compensation for damages to remaining property.

Added by Laws 1988, c. 315, § 4, emerg. eff. July 6, 1988.

§63-1093. Responsibility for conduct of assistance programs.

Except as provided in this section, the responsibility for the conduct of the relocation assistance programs shall be with the entity authorizing or requiring the relocation. An entity authorizing or requiring relocation may enter into contracts with any individual, firm, association or corporation for services in connection with such programs, or may carry out its functions pursuant to Section 4 of this act through any federal or state agency or instrumentality having an established organization for conducting relocation assistance programs.

Amended by Laws 1988, c. 315, § 5, emerg. eff. July 6, 1988.

§63-1094. Availability of funds.

Funds appropriated or otherwise available to any state agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that program or project.
Added by Laws 1971, c. 342, § 10, operative July 1, 1971.

§63-1095. Costs to units of local government.
If a unit of local government acquires real property, and federal-state financial assistance is available to pay the cost, in whole or in part, of the acquisition of such real property, or of the improvement for which such property is acquired, the cost to the unit of local government of providing the payments and services prescribed by this act shall be included as part of the costs of the project for which state financial assistance is available to such unit of local government, and shall be eligible for state financial assistance in the same manner and to the same extent as other project costs.
Added by Laws 1971, c. 342, § 11, operative July 1, 1971.

§63-1097. Payments not considered as income or resources.
No payment received by a displaced person under this act shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of the state's personal income tax law, corporation tax law or other tax laws. Such payments shall not be considered as income or resources of any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.
Added by Laws 1971, c. 342, § 13, operative July 1, 1971.

§63-1098. Act not to create new elements of value or damage.
Nothing in this act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of value or of damage not in existence immediately prior to the date of enactment of this act.
Added by Laws 1971, c. 342, § 14, operative July 1, 1971.

§63-1099. Appeals.
Any person or business concern aggrieved by final administrative determination, as provided by the Administrative Procedures Act, concerning eligibility for relocation payments authorized by this act may appeal such determination to the district court of the district in which the land taken for public use is located or in which the project is conducted.
Added by Laws 1971, c. 342, § 15, operative July 1, 1971.

§63-2051. Citation.

This act shall be cited as the Oklahoma Community Social Service Centers Act.
Laws 1967, c. 211, § 1, emerg. eff. May 1, 1967.

§63-2052. Purpose.
It is the purpose of this act to provide and aid in providing in Oklahoma communities suitable and adequate space for housing state departments and other governmental and nongovernmental entities which provide social and/or health services for individuals or groups.
Laws 1967, c. 211, § 2, emerg. eff. May 1, 1967.

§63-2053. Community defined.
For purposes of this act, community shall be defined as follows:
community shall be an area comprised of all or parts of one or more counties or a delineated area within one or more municipalities or counties as determined by the State Board of Health.
Laws 1967, c. 211, § 3; Laws 1971, c. 104, § 1, emerg. eff. April 27, 1971.

§63-2054. Community Social Service Center Authority - Powers, rights and privileges.
The State Health Department is hereby designated as the Oklahoma Community Social Service Center authority and is authorized to exercise the following powers, rights, and privileges in carrying out the purposes of this act:
(a) To prepare and publish guidelines, procedures, priorities, and regulations following consultation with other state departments and approval by the State Board of Health.
(b) To acquire by purchase, lease, sublease, or gift, any and all property, real, personal, or mixed, necessary to the exercise of the powers, rights, privileges, and functions conferred upon it by this act.
(c) To acquire, build, extend, and improve any and all facilities which, in the judgment of the Authority, will benefit the people of the state, or which are necessary to the accomplishment of the purpose of this act.
(d) To maintain and operate or enter into contracts with official or nonprofit public bodies to maintain and operate facilities acquired under the provisions of this act.
(e) To fix and contract concerning annual charges to tenants occupying space in facilities acquired under the provisions of this act.
(f) To enter into agreements with any person or entity for the acquisition of property to accomplish the purposes of this act.
(g) To receive, allocate, or otherwise expend appropriations made by the Government of the State of Oklahoma to accomplish the purposes of this act.

(h) To apply for and receive directly, or through public bodies in which the state has taken a beneficial interest, grants or allocations from instrumentalities of the Government of the United States which will assist in accomplishing the purposes of this act.

(i) To deposit all funds received by it from Community Social Service Centers properties in a special account in the Office of the State Treasurer, which said account in the Office of the State Treasurer, which said account hereby is authorized and designated the County Social Service Centers Account. Any funds in said account shall be disbursed by the State Treasurer at the direction of the authority for expenditures relative to the establishment, improvement, maintenance and operation of County Social Service Centers.

Laws 1967, c. 211, § 4, emerg. eff. May 1, 1967.

§63-2055. Title to property.

Title to all property acquired under the provision of this act shall vest in the State of Oklahoma.

Laws 1967, c. 211, § 5, emerg. eff. May 1, 1967.

§63-2056. Building of centers on leased land.

Any community social service center may be built on leased land owned by any other governmental agency subject to the approval of the Office of Management and Enterprise Services.

Added by Laws 1971, c. 104, § 2, emerg. eff. April 27, 1971. Amended by Laws 1983, c. 304, § 63, eff. July 1, 1983; Laws 2012, c. 304, § 509.

§63-2057. East Central Oklahoma Health and Social Service Center at Ada - Transfer of management and operation.

The management and operation of the property used by the East Central Oklahoma Health and Social Service Center at Ada, Oklahoma, under the Oklahoma Community Social Service Centers Act, Section 2051 et seq. of this title, shall be transferred from the State Department of Health and shall be vested in the Office of Public Affairs, on April 7, 1972, which shall have sole authority to rent space in all buildings of the facility and to operate and maintain such buildings. All income derived from the operations of the property shall be deposited in the Building and Facility Revolving Fund.

Amended by Laws 1983, c. 304, § 64, eff. July 1, 1983; Laws 1984, c. 279, § 12, operative July 1, 1984.

§63-2058. Transfer of property, records, funds, etc. - Assumption of obligations.

All property, records, equipment, supplies, funds, including trust funds and revolving funds, and other assets, owned or possessed by the State Department of Health for the East Central Oklahoma

Health and Social Service Center at Ada, Oklahoma, are hereby transferred on April 7, 1972, to the Office of Public Affairs. All contracts, leases, agreements, and obligations to which the State Department of Health is a party for or on behalf of said Health Center shall be assumed by the Director of the Office of Management and Enterprise Services for the benefit of the East Central Oklahoma Health and Social Service Center at Ada, Oklahoma.
Added by Laws 1972, c. 134, § 8, emerg. eff. April 7, 1972. Amended by Laws 1983, c. 304, § 65, eff. July 1, 1983; Laws 2012, c. 304, § 510.

§63-2059. National Guard Advocacy Program.

A. The State Regents for Higher Education, Oklahoma Military Department, and schools of social work in this state shall develop a Guard Advocacy Program (GAP) for Oklahoma National Guard soldiers and airmen. The Program shall include curricula designed to:

1. Facilitate and improve access to community resources that improve health;

2. Increase social support;

3. Increase productivity; and

4. Prevent life-skills and life-crisis issues from developing into behavioral health emergencies.

B. The information, records, materials and reports related to the provision of services authorized under subsection A of this section shall remain confidential and contain privileged information. Such records, materials and reports shall not be open to public inspection nor their contents disclosed.

C. The State Regents for Higher Education, the Adjutant General and the State Board of Licensed Social Workers shall promulgate rules to implement the provisions of this act.
Added by Laws 2017, c. 163, § 1, eff. July 1, 2017.

§63-2060. Short title – Oklahoma Certified Healthy Communities Act.

A. This section shall be known and may be cited as the "Oklahoma Certified Healthy Communities Act".

B. The State Department of Health shall establish and maintain a program for the voluntary certification of communities that promote wellness, encourage the adoption of healthy behaviors, and establish safe and supportive environments.

C. The Department shall develop criteria for certification. The criteria may include, but shall not be limited to:

1. The development and publication of educational materials that promote health;

2. The development, implementation, and enforcement of local social host policies;

3. The implementation of local ordinances that promote the establishment of sidewalks, walking trails, and bicycle lanes;

4. The development of parks and recreation areas;
5. The establishment of community gardens;
6. Incentives and support for farmers' markets;
7. Incentives and support for community health services, such as free clinics;
8. Incentives and support for community mental health services; and
9. Incentives and support for improved housing, including energy efficiency.

D. The Department shall develop an online scoring system based on the criteria developed pursuant to subsection C of this section. The program shall recognize three levels of certification based on the online scoring system as follows:
1. Basic certification;
2. Merit certification; and
3. Excellence certification.

E. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, may promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2010, c. 217, § 2, eff. Nov. 1, 2010. Amended by Laws 2013, c. 229, § 73, eff. Nov. 1, 2013.

§63-2061. Short title – Oklahoma Certified Healthy Schools Act.

A. This section shall be known and may be cited as the "Oklahoma Certified Healthy Schools Act".

B. The State Department of Health shall establish and maintain a program for the voluntary certification of schools that promotes wellness, encourages the adoption of healthy behaviors, and establishes safe and supportive environments.

C. The program shall recognize three levels of certification as follows:
1. Basic certification;
2. Merit certification; and
3. Excellence certification.

D. The Department shall develop criteria for certification, which, at a minimum, may include the following for each level of certification:
1. Basic certification: The school shall meet at least two criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model;
2. Merit certification: The school shall meet at least three criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model; and
3. Excellence certification: The school shall meet at least four criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model.

E. Subject to available funding specifically appropriated for this purpose, the Department may provide a monetary reward to schools that earn certification as follows:

1. Basic certification: Two Thousand Five Hundred Dollars ($2,500.00);

2. Merit certification: Five Thousand Dollars ($5,000.00); and

3. Excellence certification: Ten Thousand Dollars ($10,000.00).

F. Schools that obtain a reward pursuant to subsection E of this section shall use the funds for the enhancement of wellness activities and the promotion of healthy environments. Such activities may include, but are not limited to:

1. Improving playgrounds;

2. Purchasing sports equipment; and

3. Equipping school kitchens for healthy cooking.

G. The Department shall develop an online application form for schools seeking to become an Oklahoma Certified Healthy School.

H. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, may promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2010, c. 217, § 3, eff. Nov. 1, 2010. Amended by Laws 2013, c. 229, § 74, eff. Nov. 1, 2013.

§63-2071. Declaration - definition.

Family planning services are declared to be essential to the health and welfare of the citizens of Oklahoma. The term "family planning" as used herein shall encompass the spacing of children and infertility or sterility in husbands and/or wives.

Laws 1967, c. 342, § 1, emerg. eff. May 18, 1967.

§63-2072. Establishment and operation of centers.

The State Department of Health is authorized to establish family planning Centers. These centers may be operated as a part of the services of a county, district, cooperative or city-county department of health, or may be operated directly by the State Department of Health, or by the State Department of Health in cooperation with nongovernmental agencies or organizations.

Laws 1967, c. 342, § 2, emerg. eff. May 18, 1967.

§63-2073. Educational materials and information - Physician to direct.

The family planning centers shall furnish educational materials and information with respect to achieving a planned parenthood, including advice as to contraceptive practices, medical surgery devices and pharmaceuticals. These centers are authorized to carry out clinical activities incident to child spacing, including medical examinations, insertion of contraceptive devices, prescription of

pharmaceuticals, and may furnish drugs and devices to eligible persons. The family planning centers shall be under the direction of a physician, licensed by the State of Oklahoma to practice medicine.
Laws 1967, c. 342, § 3, emerg. eff. May 18, 1967.

§63-2074. Rules, regulations and standards.

The State Board of Health is authorized to promulgate rules, regulations and standards for the operation of family planning centers as follows:

a. Eligibility of persons for service.

b. Approval of contraceptives, practices, devices and pharmaceuticals, and the methods of their utilization.

c. Clinical procedures.

d. Medical services to applicants.

e. Establish a fee schedule to be charged applicants who are financially able to pay for services and devices, pharmaceuticals or other equipment and supplies furnished.

f. Records to be maintained.

g. Any other rules, regulations or standards required to carry out the legislative intent expressed in this act.

Laws 1967, c. 342, § 4, emerg. eff. May 18, 1967.

§63-2075. Fees.

Fees collected in family planning centers shall be forwarded to the State Department of Health, and shall be deposited in the Public Health Special Fund, and expended as is now provided by statute, or as may be provided in the future. Provided, however, that where family planning centers are a part of the services of a county, district, cooperative or city-county department of health the State Commissioner of Health may direct that such fees be deposited with the county treasurer of the county where the center is located, and the Commissioner may direct that such fees be added to a specified item or items of appropriations for the county, district, cooperative or city-county health department, and no further action or appropriation by the county excise board shall be required to make such funds available for expenditure.
Laws 1967, c. 342, § 5, emerg. eff. May 18, 1967.

§63-2151. Blood products or tissues - Addition to human body - Warranty.

The procurement, processing, distribution or use of whole blood, plasma, blood products, blood derivatives and other human tissues such as corneas, bones or organs for the purpose of injecting, transfusing or transplanting any of them into the human body, for compensation or otherwise, shall be deemed a transaction for the purposes of this act. No such transaction shall give rise to any implied warranty of the fitness, quality, suitability of purpose,

safety, acceptability to the body of the patient or of any other characteristic or circumstance incident to the transaction involved bearing upon the propriety of the transaction, as applied to the recipient, on the part of the person or persons rendering such service, in the absence of negligence. Provided, that the provisions of this act shall in no way be deemed to affect the operations of the Oklahoma State Penitentiary.
Laws 1968, c. 209, § 1.

§63-2151.1. Organ and tissue donations from HIV positive persons.

No reproductive tissue(s) shall be procured for donation purposes from any person testing positive for the human immunodeficiency virus (HIV) infection. Organ(s) and tissue(s) may be procured for donation purposes from any person testing positive for HIV infection, provided such procurement and donation are consistent with the HIV Organ Policy Equity (HOPE) Act (P.L. 113-51, 127 Stat. 579 (2013)) and the regulations promulgated thereunder by the Organ Procurement and Transplantation Network and the United States Food and Drug Administration.

1. Every donor, donor candidate or tissue(s) or organ(s) to be donated shall be tested for the virus infection immediately prior to the donation of reproductive tissue(s) or tissue(s) or organ(s) for transplant. If such test has not been conducted immediately prior to the donation, then the test shall be conducted immediately prior to the implantation of the donor organ(s) or tissue(s).

2. If the donor is living, the donor shall be notified of the test results. Notification shall be consistent with donor confidentiality and with the requirements of state and federal law. The hospital or other facility responsible for the reproductive tissue, tissue or organ donation shall provide directly or otherwise make available appropriate information and counseling services to reproductive tissue donors and to living tissue or organ donors.
Added by Laws 1988, c. 153, § 5, eff. July 1, 1988. Amended by Laws 2017, c. 198, § 1, eff. Nov. 1, 2017.

§63-2152. Donation of blood.

Any person sixteen (16) years of age with parental permission or authorization, or seventeen (17) years of age or older without parental permission or authorization shall be eligible to donate blood voluntarily; provided that only persons eighteen (18) years of age or older may receive compensation for blood so donated.
Added by Laws 1969, c. 196, § 1, emerg. eff. April 18, 1969. Amended by Laws 1974, c. 15, § 1; Laws 1984, c. 124, § 1, eff. Nov. 1, 1984; Laws 2010, c. 197, § 1, eff. Nov. 1, 2010.

§63-2153. Preplacement or replacement of blood as a condition of treatment.

No hospital or blood donor organization shall require either preplacement or replacement of blood as a condition of treatment. Every statement of policy to or request of a patient or his next of kin by a physician or the personnel of a hospital or a blood donor organization regarding preplacement or replacement of blood through voluntary donations on behalf of the patient pursuant to any scheduled transfusion of whole blood or one or more of the component parts of whole blood, shall be made in a manner not calculated or likely to result in a marked increase in anxiety or emotional disturbance on the part of the patient or his next of kin. Every blood donor organization shall adopt policies and procedures for directed blood donations. Such designated donations must be medically suitable of purpose, safety, and acceptability to the body of the recipient.

Any hospital or blood donor organization that violates the provisions of this section may be denied all benefits and privileges granted by state law to such institutions.

Amended by Laws 1986, c. 146, § 1, operative June 1, 1986.

§63-2154. Statement of benefits from donation of blood.

Every hospital or blood donor organization shall furnish the donor, preceding or at the time of a blood donation, a concise, complete, written statement as to any benefits which may arise from his donation of blood.

This statement shall include, at least, the agency policy regarding blood replacement, financial benefit, if any, for blood program participation and designation of who shall be the recipient of any such financial benefit.

Laws 1978, c. 174, § 2.

§63-2161. Short title.

This act shall be known and may be cited as the "Oklahoma Blood Exchange Act".

Laws 1980, c. 281, § 1, eff. Oct. 1, 1980.

§63-2162. Purpose of act.

The purpose of the Oklahoma Blood Exchange Act is to insure cooperation among and between the regional blood service and distribution systems operating within the state and to provide whole blood, blood components and blood derivatives at the lowest possible cost to all persons in the state.

Laws 1980, c. 281, § 2, eff. Oct. 1, 1980.

§63-2163. Definitions.

As used in this act:

"Blood service systems" means regional providers of whole blood, blood components or blood derivatives; provided, for purposes of this

act, all regional providers operating with the same establishment license number of the United States Department of Health and Human Services will be considered one blood service system. For purposes of this act, blood service systems shall not include individual hospital blood banks.
Amended by Laws 1986, c. 14, § 1, eff. July 1, 1986.

§63-2166. Contracts for blood and blood products.
Regional blood service systems operating within the state shall establish plans and procedures for the exchange of blood and blood products on a basis of regularly scheduled shipments based upon past use and anticipated needs. Prior to contracting with out-of-state blood suppliers for blood products, blood service systems operating within the state shall first seek to contract with other systems operating within the state and shall not enter into contracts for shipments of blood and blood products from service systems not operating within the state until after exhausting efforts to establish a contractual agreement for shipments from blood service systems operating within the state.
Laws 1980, c. 281, § 6, eff. Oct. 1, 1980.

§63-2167. Blood solicitation and donation.
A. It shall be the intent of the Legislature that each blood service system operating in this state use only blood and blood products obtained from volunteer donors, except in an emergency calling for a rare blood type that is not available from a nonpaid donor or in an unusual disaster situation when normal supply is interrupted or depleted. Blood collected from inmates in correctional facilities shall not be used to transfuse patients in this state.
B. Blood solicitation or donation as a prerequisite for surgical or medical reasons is hereby prohibited.
C. Every blood donor organization shall adopt policies and procedures for directed blood donations. Such designated donations must be medically suitable of purpose, safety, and acceptability to the body of the recipient.
D. Appeals for blood donations should be directed at the community at large, including organized groups within the community. While appeals to the family and friends of the hospitalized patients are an acceptable part of total donor recruitment program, blood service establishments should exercise discretion in such appeals and should carefully avoid the use of any undue pressure or coercion.
Amended by Laws 1986, c. 146, § 2, operative June 1, 1986.

§63-2167.1. Test for detection of antibodies to human T-lymphotropic virus type III - Notification of donors.

Each blood service system shall have a test to detect the presence of antibodies to the human T-lymphotropic virus type III. Such test shall be performed on each donation of blood prior to the use, disposal, distribution, or exchange of such blood. If antibodies to the human T-lymphotropic virus type III are found to be present in such blood donation, the blood shall not be used for any blood transfusion. The donor of any blood donation containing antibodies to the human T-lymphotropic virus type III shall be notified of such results upon completion of specific confirmatory testing by the blood service system that took the donation. The notification shall be made in a manner consistent with donor confidentiality.
Added by Laws 1986, c. 146, § 3, operative June 1, 1986.

§63-2168. Statement of benefits arising from donation of blood - Donor forms - Unlawful representations.

A. Every blood service system shall furnish a blood donor, preceding or at the time of a blood donation, a concise, complete, written statement as to any benefit which may arise from the donation of blood. This statement shall include, at least, the system policy regarding blood replacement, benefits, if any, for blood program participation and designation of who shall be the recipient of any such benefits.

B. Every blood service system shall provide a form to the donor to be filled in by the donor, preceding or at the time of the blood donation. The form shall provide for the name, address, or location where the donor may be located for notification pursuant to Section 3 of this act.

C. It shall be unlawful for any blood service system, or its agent or employee, to make any representation, oral or written, that a donation of blood will or may result in benefits to the blood donor or his designee, such as the refund of any fees, blood credits, family protection and the like, unless such benefits will, in fact, accrue to the blood donor or his designee.

D. It shall be unlawful for any blood service system, or its agent or employee, to make any representation, oral or written, that blood or blood products are or will be provided free if such blood service system receives any fee or remuneration, whether directly or indirectly, for providing and/or transfusing blood or blood products.
Amended by Laws 1986, c. 146, § 4, operative June 1, 1986.

§63-2169. Financial statements and reports.

Each blood service system operating within this state shall publish annually a financial statement which clearly identifies, on an individual system basis, its assets, liabilities, income, expenses and net worth and shall maintain an accounting system which facilitates a determination that its system of charges is reasonably

related to the costs for blood, blood components and related services and activities.
Amended by Laws 1986, c. 14, § 2, eff. July 1, 1986.

§63-2170. Violations - Penalties.
Any violation of this act shall be a misdemeanor and upon conviction thereof, shall result in a fine of not more than Five Hundred Dollars ($500.00).
Laws 1980, c. 281, § 10, eff. Oct. 1, 1980.

§63-2171. Repealed by Laws 2005, c. 108, § 5, eff. July 1, 2005.

§63-2172. Repealed by Laws 2005, c. 108, § 5, eff. July 1, 2005.

§63-2173. Short title.
This act shall be known and may be cited as the "Danielle Martinez Act".
Added by Laws 2005, c. 87, § 1, emerg. eff. April 21, 2005.

§63-2174. Repealed by Laws 2017, c. 47, § 1, eff. Nov. 1, 2017.

§63-2175. Public umbilical cord blood bank – Education program – Donation to bank.
A. Contingent on the provision of appropriated funds designated for the State Department of Health or the donation of private funds to the State Department of Health for such purpose, on or before January 1, 2009, the State Department of Health, in collaboration with a private blood donor or private blood bank organization, shall establish, operate and maintain a public umbilical cord blood bank or cord blood collection operation for the purpose of collecting and storing umbilical cord blood and placental tissue donated by maternity patients at hospitals licensed in this state.
B. On or before January 1, 2009, the State Department of Health, in collaboration with a private blood donor or private blood bank organization shall establish a program to educate maternity patients with respect to the subject of cord blood banking. The program shall provide maternity patients with sufficient information to make an informed decision on whether or not to participate in a private or public umbilical cord blood banking program and shall include, but not be limited to, explanations and information on:
1. The difference between public and private umbilical cord blood banking;
2. The medical process involved in umbilical cord blood banking;
3. The current and potential future medical uses of stored umbilical cord blood;
4. The benefits and risks involved in banking umbilical cord blood; and

5. The availability and cost of storing umbilical cord blood and placental tissue in public and private umbilical cord blood banks.

C. 1. Each physician licensed in this state and each hospital licensed in this state shall inform each pregnant patient under the care of the physician or hospital, not later than thirty (30) days from the commencement of the patient's third trimester of pregnancy, of the opportunity to donate to the public umbilical cord blood bank, established under subsection A of this section, blood and tissue extracted from the umbilical cord and placenta, following delivery of a newborn child, at no cost to the patient.

2. Nothing in this section shall be construed to:

a. obligate a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of a physician licensed in this state, the collection would threaten the health of the mother or child,

b. prohibit a maternity patient from donating or storing blood extracted from the umbilical cord or placenta of the patient's newborn child to a private umbilical cord blood and placental tissue bank, or

c. impose a requirement upon attending medical personnel who object to umbilical cord blood or placental tissue donation as being in conflict with their religious tenets and practice.

Added by Laws 2008, c. 151, § 1, eff. July 1, 2008.

§63-2175.1. State Commissioner request for information about public cord blood collection operation.

A. On or before July 1, 2008, the State Commissioner of Health shall request information from one or more umbilical cord blood banks concerning the establishment of a public cord blood collection operation within this state to collect, transport, process and store cord blood units from Oklahoma residents for therapeutic and research purposes. Any such request for information shall contain provisions inquiring about the ability of the umbilical cord blood bank to:

1. Establish and operate one or more collection sites within the state to collect a targeted number of cord blood units;

2. Implement collection procedures designed to collect cord blood units that reflect the state's racial and ethnic diversity;

3. Set up public cord blood collection operations not later than six (6) months after execution of a contract with the state, provided the umbilical cord blood bank is able to negotiate any necessary contracts related to the collection sites within that time frame;

4. Participate in the National Cord Blood Coordinating Center or similar national cord blood inventory center by listing cord blood units in a manner that assures maximum opportunity for use;

5. Have a program that provides cord blood units for research and agree to provide cord blood units that are unsuitable for

therapeutic use to researchers located within the state at no charge; and

6. Maintain national accreditation by an accrediting organization recognized by the federal Health Resources and Services Administration.

B. On or before January 1, 2009, the Commissioner of Health shall submit, as and in the manner provided for by law, a summary of the responses to the request for information, along with any recommendations, to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of those committees of the Legislature with legislative responsibility over matters relating to public health.

Added by Laws 2008, c. 151, § 2, eff. July 1, 2008.

§63-2200.1. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.1A. Short title.

This act shall be known and may be cited as the "Oklahoma Uniform Anatomical Gift Act".

Added by Laws 2009, c. 139, § 1, eff. Nov. 1, 2009.

§63-2200.2. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.2A. Definitions.

As used in the Oklahoma Uniform Anatomical Gift Act:

1. "Adult" means an individual who is at least eighteen (18) years of age;

2. "Agent" means an individual:

a. authorized to make health care decisions on the principal's behalf by a power of attorney for health care, or

b. expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal;

3. "Anatomical donor program" means an entity that is registered with the State Anatomical Board to receive and issue bodies or body parts for education or research;

4. "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education;

5. "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift and includes a stillborn infant and, subject to restrictions imposed by any other provisions of law, a fetus;

6. "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual and does not include a person to whom an anatomical gift could pass under Section 2200.11A of this title;

7. "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver license, identification card, or donor registry;

8. "Donor" means an individual whose body or part is the subject of an anatomical gift;

9. "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts;

10. "Driver license" means a license or permit issued by the Department of Public Safety to operate a vehicle, whether or not conditions are attached to the license or permit;

11. "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes;

12. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual and does not include a guardian ad litem;

13. "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state;

14. "Identification card" means an identification card issued by the Department of Public Safety;

15. "Know" means to have actual knowledge;

16. "Minor" means an individual who is under eighteen (18) years of age;

17. "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization;

18. "Non-transplant tissue bank" means an entity that is registered with the State Anatomical Board to engage in the recovery, screening, testing, processing, storage, or distribution of tissue for education and research;

19. "Parent" means a parent whose parental rights have not been terminated;

20. "Part" means an organ, an eye, or tissue of a human being and does not include the whole body;

21. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

22. "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state;

23. "Procurement organization" means an eye bank, organ procurement organization, or tissue bank;

24. "Prospective donor" means an individual who is dead or near death and who has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education and does not include an individual who has made a refusal;

25. "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift;

26. "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted;

27. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

28. "Refusal" means a record created under Section 2200.7A of this title that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part;

29. "Sign" means, with the present intent to authenticate or adopt a record, to:

a. execute or adopt a tangible symbol, or

b. attach to or logically associate with the record an electronic symbol, sound, or process;

30. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

31. "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law, including an enucleator;

32. "Tissue" means a portion of the human body other than an organ or an eye and does not include blood unless the blood is donated for the purpose of research or education;

33. "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue; and

34. "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.
Added by Laws 2009, c. 139, § 2, eff. Nov. 1, 2009. Amended by Laws 2012, c. 119, § 3, eff. Nov. 1, 2012.

§63-2200.3. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.3A. Applicability.
This act applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.
Added by Laws 2009, c. 139, § 3, eff. Nov. 1, 2009.

§63-2200.4. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.4A. Persons authorized to make anatomical gift before donor's death.
Subject to Section 6 of this act, an anatomical gift of a donor’s body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in Section 5 of this act by:
1. The donor, if the donor is an adult or if the donor is a minor and is:
   a. emancipated, or
   b. authorized under state law to apply for a driver license because the donor is at least sixteen (16) years of age;
2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
3. A parent of the donor, if the donor is an unemancipated minor; or
4. The donor’s guardian.
Added by Laws 2009, c. 139, § 4, eff. Nov. 1, 2009.

§63-2200.5. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.5A. Manner of making anatomical gift before donor's death.

A. A donor may make an anatomical gift:

1. By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver license or identification card;

2. In a will;

3. During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

4. As provided in subsection B of this section.

B. A donor or other person authorized to make an anatomical gift under Section 4 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

1. Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

2. State that it has been signed and witnessed as provided in paragraph 1 of this subsection.

C. Revocation, suspension, expiration, or cancellation of a driver license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

D. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

E. The making of an anatomical gift shall not of itself be construed to authorize or direct the denial of health care when the withholding or withdrawal of such health care will result in or hasten death of the donor.

Added by Laws 2009, c. 139, § 5, eff. Nov. 1, 2009.

§63-2200.6. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.6A. Amending or revoking anatomical gift before donor's death.

A. Subject to Section 8 of this act, a donor or other person authorized to make an anatomical gift under Section 4 of this act may amend or revoke an anatomical gift by:

1. A record signed by:

a. the donor,

b. the other person, or

c. subject to subsection B of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

2. A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

B. A record signed pursuant to subparagraph c of paragraph 1 of subsection A of this section must:

1. Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

2. State that it has been signed and witnessed as provided in paragraph 1 of this subsection.

C. Subject to Section 8 of this act, a donor or other person authorized to make an anatomical gift under Section 4 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

D. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

E. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection A of this section.

Added by Laws 2009, c. 139, § 6, eff. Nov. 1, 2009.

§63-2200.7. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.7A. Refusal to make anatomical gift - Effect of refusal.

A. An individual may refuse to make an anatomical gift of the individual's body or part by:

1. A record signed by:

a. the individual, or

b. subject to subsection B of this section, another individual acting at the direction of the individual if the individual is physically unable to sign;

2. The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

3. Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

B. A record signed pursuant to subparagraph b of paragraph 1 of subsection A of this section must:

1. Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the individual; and

2. State that it has been signed and witnessed as provided in paragraph 1 of this subsection.

C. An individual who has made a refusal may amend or revoke the refusal:

1. In the manner provided in subsection A of this section for making a refusal;

2. By subsequently making an anatomical gift pursuant to Section 4 of this act that is inconsistent with the refusal; or

3. By destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

D. Except as otherwise provided in subsection H of Section 8 of this act, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

Added by Laws 2009, c. 139, § 7, eff. Nov. 1, 2009.

§63-2200.8. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.8A. Preclusive effect of anatomical gift, amendment, or revocation.

A. Except as otherwise provided in subsection G of this section and subject to subsection F of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under Section 5 of this act or an amendment to an anatomical gift of the donor's body or part under Section 6 of this act.

B. A donor's revocation of an anatomical gift of the donor's body or part under Section 6 of this act is not a refusal and does not bar another person specified in Section 4 or 9 of this act from making an anatomical gift of the donor's body or part under Section 5 or 10 of this act.

C. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under Section 5 of this act or an amendment to an anatomical gift of the donor's body or part

under Section 6 of this act, another person may not make, amend, or revoke the gift of the donor's body or part under Section 10 of this act.

D. A revocation of an anatomical gift of a donor's body or part under Section 6 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under Section 5 or 10 of this act.

E. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under Section 4 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

F. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under Section 4 of this act, an anatomical gift of a part for one or more of the purposes set forth in Section 4 of this act is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under Section 5 or 10 of this act.

G. If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

H. If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Added by Laws 2009, c. 139, § 8, eff. Nov. 1, 2009.

§63-2200.9. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.9A. Persons authorized to make anatomical gift of decedent's body or part.

A. Subject to subsections B and C of this section and unless barred by Section 7 or 8 of this act, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

1. An agent of the decedent at the time of death who could have made an anatomical gift under paragraph 2 of Section 4 of this act immediately before the decedent's death;
2. The spouse of the decedent;
3. Adult children of the decedent;
4. Parents of the decedent;

5. Adult siblings of the decedent;
6. Adult grandchildren of the decedent;
7. Grandparents of the decedent;
8. An adult who exhibited special care and concern for the decedent;
9. The persons who were acting as the guardians of the person of the decedent at the time of death; and
10. Any other person having the authority to dispose of the decedent's body.

B. If there is more than one member of a class listed in paragraph 1, 3, 4, 5, 6, 7 or 9 of subsection A of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to whom the gift may pass under Section 11 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

C. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection A of this section is reasonably available to make or to object to the making of an anatomical gift.

Added by Laws 2009, c. 139, § 9, eff. Nov. 1, 2009.

§63-2200.10. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.10A. Manner of making, amending, or revoking anatomical gift of decedent's body or part.

A. A person authorized to make an anatomical gift under Section 9 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

B. Subject to subsection C of this section, an anatomical gift by a person authorized under Section 9 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under Section 9 of this act may be:
1. Amended only if a majority of the reasonably available members agree to amending the gift; or
2. Revoked only if a majority of the members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

C. A revocation under subsection B of this section is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.
Added by Laws 2009, c. 139, § 10, eff. Nov. 1, 2009.

§63-2200.11. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.11A. Persons who may receive anatomical gift - Purpose of gift.

A. An anatomical gift may be made to the following persons named in the document of gift:

1. A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, for research or education as designated by the State Anatomical Board;

2. Subject to subsection B of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part; or

3. An eye bank or tissue bank.

B. If an anatomical gift to an individual under paragraph 2 of subsection A of this section cannot be transplanted into the individual, the part passes in accordance with subsection G of this section in the absence of an express, contrary indication by the person making the anatomical gift.

C. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection A of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

1. If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank;

2. If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank;

3. If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ; and

4. If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate anatomical donor program or non-transplant tissue bank registered with the State Anatomical Board.

D. For the purpose of subsection C of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

E. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection A of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection G of this section.

F. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor", "organ donor", or "body donor", or by a symbol or statement of similar import, the gift may be used for transplantation, research, or therapy, and the gift passes in accordance with subsection G of this section.

G. For purposes of subsections B, E and F of this section, the following rules apply:

1. If the part is an eye, the gift passes to the appropriate eye bank;

2. If the part is tissue, the gift passes to the appropriate tissue bank; and

3. If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

H. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph 2 of subsection A of this section, passes to the organ procurement organization as custodian of the organ.

I. If an anatomical gift does not pass pursuant to subsections A through H of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

J. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under Sections 2200.5A or 2200.10A of this title or if the person knows that the decedent made a refusal under Section 2200.7A of this title that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

K. Except as otherwise provided in paragraph 2 of subsection A of this section, nothing in the Oklahoma Uniform Anatomical Gift Act affects the allocation of organs for transplantation or therapy.

Added by Laws 2009, c. 139, § 11, eff. Nov. 1, 2009. Amended by Laws 2012, c. 119, § 4, eff. Nov. 1, 2012.

§63-2200.12. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.12A. Search and notification.

A. The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

1. A law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and

2. If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

B. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph 1 of subsection A of this section and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

C. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Added by Laws 2009, c. 139, § 12, eff. Nov. 1, 2009.

§63-2200.13. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.13A. Delivery of document of gift not required - Right to examine.

A. A document of gift need not be delivered during the donor's lifetime to be effective.

B. Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under Section 11 of this act.

Added by Laws 2009, c. 139, § 13, eff. Nov. 1, 2009.

§63-2200.14. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.14A. Rights and duties of procurement organization and others

A. When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the Department of Public Safety and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

B. A procurement organization must be allowed reasonable access to information in the records of the Department of Public Safety to ascertain whether an individual at or near death is a donor.

C. When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

D. Unless prohibited by any other provisions of law, at any time after a donor's death, the person to whom a part passes under Section 2200.11A of this title may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

E. Unless prohibited by any other provisions of law, an examination under subsection C or D of this section may include an examination of all medical and dental records of the donor or prospective donor.

F. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

G. Upon referral by a hospital under subsection A of this section, a procurement organization shall make a reasonable search for any person listed in Section 2200.9A of this title having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

H. Subject to subsection I of Section 2200.11A of this title and Section 2200.23A of this title, the rights of the person to which a part passes under Section 2200.11A of this title are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this act, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under Section 2200.11A of this title, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

I. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

J. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

K. A hospital may adopt guidelines for the interaction between organ procurement organizations and hospital staff. Nothing in the Oklahoma Uniform Anatomical Gift Act shall be construed as to authorize an organ procurement organization to use coercion or emotional abuse of patients, families of patients, physicians or hospital staff in any aspect of the organ donation process, including, but not limited to, the testing and screening of potential donors and the procurement of organs. For purposes of this subsection, "emotional abuse" shall include, but not be limited to, demanding, insisting or pressuring families in a manner that fails to exhibit sympathy, compassion or sensitivity to the emotional well-being of those involved.

Added by Laws 2009, c. 139, § 14, eff. Nov. 1, 2009. Amended by Laws 2016, c. 284, § 1, eff. Nov. 1, 2016.

§63-2200.15. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.15A. Coordination of procurement and use of gifts.

Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

Added by Laws 2009, c. 139, § 15, eff. Nov. 1, 2009.

§63-2200.16. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.16A. Sale or purchase of parts prohibited - Reasonable fees.

A. Except as otherwise provided in subsection B of this section, a person that, for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death commits a felony and upon conviction is subject to a fine of not more than Fifty Thousand Dollars ($50,000.00) or imprisonment for not more than five (5) years, or both such fine and imprisonment.

B. A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

Added by Laws 2009, c. 139, § 16, eff. Nov. 1, 2009.

§63-2200.17. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.17A. Falsification, etc. of document of gift for financial gain - Penalties.

A person that, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal commits a felony and upon conviction is subject to a fine of not more than Fifty Thousand Dollars ($50,000.00) or imprisonment for not more than five (5) years, or both such fine and imprisonment.

Added by Laws 2009, c. 139, § 17, eff. Nov. 1, 2009.

§63-2200.18. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.18A. Immunity.

A. A person who acts in accordance with this act or with the applicable anatomical gift law of another state or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

B. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

C. In determining whether an anatomical gift has been made, amended, or revoked under this act, a person may rely upon representations of an individual listed in paragraph 2, 3, 4, 5, 6, 7 or 8 of subsection A of Section 9 of this act relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.
Added by Laws 2009, c. 139, § 18, eff. Nov. 1, 2009.

§63-2200.19. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.19A. Law governing validity and interpretation - Presumption of validity.

A. A document of gift is valid if executed in accordance with:

1. This act;

2. The laws of the state or country where it was executed; or

3. The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

B. If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

C. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.
Added by Laws 2009, c. 139, § 19, eff. Nov. 1, 2009.

§63-2200.20. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.20A. Life Share Donor Registry.

A. 1. There is hereby established within the State Department of Health, an organ, eye and tissue donor registry for the State of Oklahoma to be known as the "Life Share Donor Registry". The Department is authorized to contract with the designated organ procurement organization who shall act on behalf of the Department by carrying out the functions of the Department in the administration of the registry, in compliance with 18 U.S.C. Section 2721. The contract between the Department and the designated organ procurement organization shall be subject to the concurrence and approval of the Department of Public Safety.

2. The registry shall maintain and update as needed the pertinent information on all Oklahomans who have indicated a willingness to be an organ donor, eye donor or tissue donor by a

designation on a driver license, a state identification card, a donor card, an online or other organ donor registry enrollment form, or any other document of gift.

3. The registry and all information therein shall be confidential and shall be subject to access only by the designated organ procurement organization and by eye banks and tissue banks licensed by the State of Oklahoma seven (7) days a week, twenty-four (24) hours per day; however, the personal information and highly restricted personal information shall only be available to the designated organ, tissue, and eye procurement organizations solely for the purpose of identifying a potential donor and only when acting on behalf of the State Department of Health as prescribed in paragraph 1 of this subsection. The placement of any personal information and highly restricted personal information on the registry that, at the time of placement, was confidential under the Open Records Act or the Driver's Privacy Protection Act (DPPA), 18 U.S.C. Sections 2721 through 2725, shall remain confidential.

4. The purpose of the registry shall include, but not be limited to:

a. providing a means of recovering an anatomical gift for transplantation or research, and

b. collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye and tissue donation.

B. Procedures to administer the Life Share Donor Registry shall specify:

1. The information placed in the registry may include personal information and highly restricted personal information, as defined in 18 U.S.C. Section 2721, and access to such information shall conform to the Driver's Privacy Protection Act (DPPA), 18 U.S.C. Sections 2721 through 2725;

2. Authorization for the designated organ procurement organization or an eye or tissue bank, licensed by the State of Oklahoma, to analyze registry data under research protocols directed toward determination and identification of the means to promote and increase organ, eye and tissue donation within this state;

3. A process for updating information in the registry including a method whereby an individual may revoke his or her intent to be an organ, eye, or tissue donor;

4. The method for making information on the registry available to the designated organ procurement organizations and to tissue banks and eye banks licensed by the State of Oklahoma;

5. Limitations on the use of and access to the registry;

6. A toll-free telephone number, available twenty-four (24) hours a day, for use by the public to obtain information on becoming an organ, tissue or eye donor;

7. A process for establishing, implementing, maintaining, and administering an online organ, eye and tissue donor registration process and ensuring the confidentiality of information provided;

8. A process for a donor who has registered online to sign a confirmation card that will be returned to the designated organ procurement organization and made part of the registry record; and

9. Procedures for collaborating with the Department of Public Safety to transmit stored driver license data by the Department of Public Safety, in conformance with 18 U.S.C. Section 2721, to the Life Share Donor Registry maintained by the designated organ procurement organization, and to ensure the confidentiality of such information for present and potential donors. Monies credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund created in Section 2220.3 of Title 63 of the Oklahoma Statutes may be used for a one-time transfer to the Department of Public Safety for the reasonable costs associated with the initial installation and setup of equipment and software for electronic transfer of donor information. All actual electronic transfers of donor information shall be at no charge to the designated organ procurement organization; however, all costs associated with the creation and maintenance of the Life Share Donor Registry shall be paid by the designated organ procurement organization.

C. Information obtained by the designated organ procurement organization shall be used for the purpose of:

1. Establishing a statewide organ, eye, and tissue donor registry that is accessible to designated organ procurement organizations and to eye banks and tissue banks, licensed by the State of Oklahoma, for the recovery, preservation, transportation, and placement of organs, eyes, and tissue; and

2. Designated organ procurement organizations in other states when an Oklahoma resident is a donor of an anatomical gift and is not located in Oklahoma at the time of death or immediately before the death of the donor.

Added by Laws 2009, c. 139, § 20, eff. Nov. 1, 2009.

§63-2200.21. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.21A. Effect of anatomical gift on advance health care directive.

A. As used in this section:

1. “Advance health care directive” means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor’s direction concerning a health care decision for the prospective donor;

2. “Declaration” means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor; and

3. “Health care decision” means any decision regarding the health care of the prospective donor.

B. If a prospective donor has a declaration or advance health care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor’s attending physician and prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor’s declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this act to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under Section 9 of this act. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

Added by Laws 2009, c. 139, § 21, eff. Nov. 1, 2009.

§63-2200.22. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.22A. Cooperation between medical examiner and procurement organizations.

A. A medical examiner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

B. If a medical examiner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the medical examiner and a postmortem examination is going to be performed, unless the medical examiner denies recovery in accordance with Section 23 of this act, the medical examiner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

C. A part may not be removed from the body of a decedent under the jurisdiction of a medical examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the medical examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a medical examiner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the medical examiner.
Added by Laws 2009, c. 139, § 22, eff. Nov. 1, 2009.

§63-2200.23. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.23A. Facilitation of anatomical gift from body of decedent under medical examiner's jurisdiction.

A. Upon request of a procurement organization, a medical examiner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the medical examiner. If the decedent’s body or part is medically suitable for transplantation, therapy, research, or education, the medical examiner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the medical examiner only if relevant to transplantation, therapy, research or education.

B. The medical examiner may conduct a medicolegal investigation by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the medical examiner that the medical examiner determines may be relevant to the investigation.

C. A person who has any information requested by a medical examiner pursuant to subsection B of this section shall provide that information as expeditiously as possible to allow the medical examiner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

D. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the medical examiner and a postmortem examination is not required, or the medical examiner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the medical examiner

and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

E. The medical examiner and procurement organizations shall enter into an agreement setting forth protocols and procedures to govern relations between the parties when an anatomical gift of a part from the decedent under the jurisdiction of the medical examiner has been or might be made, but the medical examiner believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death. Decisions regarding the recovery of organs, tissue and eyes from such a decedent shall be made in accordance with the agreement. In the event that the medical examiner denies recovery of an anatomical gift, the procurement organization may request the Chief Medical Examiner to reconsider the denial and to permit the recovery to proceed. The parties shall evaluate the effectiveness of the protocols and procedures at regular intervals but no less frequently than every two (2) years.

F. If the medical examiner or designee allows recovery of a part under subsection D or E of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the medical examiner with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the postmortem examination.

G. If a medical examiner or designee is required to be present at a removal procedure under subsection E of this section, upon request the procurement organization requesting the recovery of the part shall reimburse the medical examiner or designee for the additional costs incurred in complying with subsection E of this section.

Added by Laws 2009, c. 139, § 23, eff. Nov. 1, 2009.

§63-2200.24. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.24A. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Added by Laws 2009, c. 139, § 24, eff. Nov. 1, 2009.

§63-2200.25. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.

NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.25A. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(a) of that act, 15 U.S.C. Section 7001, or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Added by Laws 2009, c. 139, § 25, eff. Nov. 1, 2009.

§63-2200.26. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.26A. References to act.

Any references in the Oklahoma Statutes to the Uniform Anatomical Gift Act shall mean the Oklahoma Uniform Anatomical Gift Act.

Added by Laws 2009, c. 139, § 26, eff. Nov. 1, 2009.

§63-2200.27. Repealed by Laws 2009, c. 139, § 31, eff. Nov. 1, 2009.
NOTE: This section was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2200.27A. Office of Chief Medical Examiner - Compensation from recovery organizations.

Neither the Office of the Chief Medical Examiner nor any employee of the Office of the Chief Medical Examiner of this state shall receive compensation of any kind from any organ, eye or tissue recovery organization except as provided in subsection G of Section 23 of this act.

Added by Laws 2009, c. 139, § 27, eff. Nov. 1, 2009.

§63-2201. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2202. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2203. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2204. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2205. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2206. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2207. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2208. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2209. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009. NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2209.1. Permits - Rules.

A. On or after November 1, 1999, no person, corporation, partnership, association or other legal entity shall establish, operate or maintain a tissue bank that procures bone, skin, or connective tissue unless that entity has been issued a permit by the State Department of Health.

B. The State Board of Health shall promulgate rules necessary to implement the provisions of this section which shall include, but not be limited to:

1. Requirements for the tissue banks to submit an initial permit application that identifies the proposed service area, the tissue

transplantation patient needs in the service area, the probable impact of the establishment and operation of the entity on other tissue banks currently servicing the area, and whether the tissue bank is a for profit or not for profit entity;

2. A requirement that tissue banks, within one (1) year after receipt of a permit, be accredited by the American Association of Tissue Banks or another nationally recognized accreditation organization for tissue agencies;

3. Provisions that all tissue banks employ a procurement technician or other technical operations personnel certified as a Certified Tissue Bank Specialist by the American Association of Tissue Banks or another nationally recognized accreditation or certification organization for tissue agencies and personnel;

4. A requirement that each tissue bank maintain compliance with federal Food and Drug Administration regulations;

5. A provision that each tissue bank have a medical director who is a physician licensed to practice medicine in this state;

6. Requirements for tissue banks to give priority in tissue distribution to the Oklahoma medical community and Oklahoma patients; and

7. A requirement that each tissue bank submit an annual report to the Department which shall provide the accreditation status of the entity, report of regulatory or internal inspections that affect quality, the certification status of personnel employed by the tissue agency, identity and qualification of the current medical director, type and geographic origins of donor tissue obtained, and units of processed tissue used for patients in the service area of the tissue bank.

C. A permit application or renewal thereof, shall be accompanied by a non-refundable fee established by the Board of Health not to exceed One Thousand Dollars ($1,000.00).

D. Upon receipt of a complete initial permit application, the Department shall cause a public notice of the proposed tissue bank to be published in a newspaper with the greatest circulation. The Department shall also provide written notice of the permit application to existing tissue banks in the state. Any person or organization may submit written comments regarding the proposed tissue bank to the Department.

E. The Department shall issue or deny an initial permit within seventy-five (75) days after publication of the notice. All permits shall be issued for a period not to exceed thirty-six (36) months and shall automatically expire unless renewed.

F. The Department may deny, revoke, suspend or not renew a permit for failure of a tissue bank to comply with the provisions of this section or rules promulgated pursuant thereto. Any tissue bank that has been determined by the Department to have violated any provision of this section or rule promulgated pursuant thereto, is

liable for an administrative penalty of no more than One Hundred Dollars ($100.00) for each day on which a violation occurs or continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

G. The issuance, denial, suspension, non-renewal or revocation of a permit may be appealed under the provisions of Article II of the Administrative Procedures Act, Section 308a of Title 75 of the Oklahoma Statutes.

H. The Department may bring an action in a court of competent jurisdiction for equitable relief to redress or restrain any entity from providing tissue bank services without a valid permit. Said court shall have jurisdiction to determine said action, and to grant the necessary appropriate relief, including but not limited to, mandatory or prohibitive injunctive relief or interim equitable relief.

Added by Laws 1999, c. 278, § 4, eff. July 1, 1999. Amended by Laws 2001, c. 353, § 5, eff. Nov. 1, 2001.

§63-2210. Eye recovery by certified eye bank technicians - Eye banks.

A. 1. With respect to a gift of eyes as provided for in this chapter, eye bank technicians who have successfully completed a course in eye recovery in the State of Oklahoma or elsewhere and have received a certificate of competence from the Eye Bank Association of America, may recover eyes for such gift after proper certification of death by a physician and compliance with the extent of such gift as required by the Oklahoma Uniform Anatomical Gift Act.

2. No such properly certified eye bank technician acting in accordance with the terms of this chapter shall have any liability, civil or criminal, for such eye recovery.

B. No eye bank shall operate in Oklahoma unless the eye bank:

1. Within one (1) year after beginning operation, is accredited by the Eye Bank Association of America or other nationally recognized accrediting association for eye banks;

2. Employs an eye bank technician certified by the Eye Bank Association of America or other nationally recognized accrediting or certifying association for eye banks;

3. Has as its medical director a board-certified ophthalmic surgeon licensed to practice in this state; and

4. Gives priority to the needs of patients being treated in Oklahoma.

C. Before developing a new eye bank, the person proposing to operate the eye bank shall apply to the State Commissioner of Health for a permit. The permit application shall be in such form as the Commissioner shall prescribe and shall include a demonstration of the eye bank's probable impact on existing eye banks serving the area where the new eye bank is to be located. The permit application

shall be accompanied by a filing fee equal to one quarter of one percent (.25%) of the capital cost of the proposed eye bank, with a minimum fee of Five Hundred Dollars ($500.00).

D. Upon receipt of a completed permit application, the Commissioner shall cause public notice to be published in a newspaper of general circulation in the area where the eye bank is to be located and in a newspaper of general circulation in the area where the application is available for inspection. Any person may submit written comments regarding the proposed eye bank to the Commissioner.

E. The Commissioner shall issue or deny the permit within seventy-five (75) days after publication of the notice. A permit shall expire thirty-six (36) months from the date of issue. If construction is not completed on or before the permit's expiration date, the permit shall be null and void.

F. Any issuance or denial of a permit may be appealed under Article II of the Administrative Procedures Act, Section 308a of Title 75 of the Oklahoma Statutes.

G. Each eye bank operating in this state shall report annually to the Commissioner on a form prescribed by the Commissioner. The form shall include information on the following:

1. The accreditation status of the eye bank;
2. The certification status of the eye bank technician;
3. The identity and qualifications of the medical director;
4. The numbers and geographic origins of donor corneas and whole eyes; and
5. The numbers and geographic destinations of corneas and other parts of eyes.

Added by Laws 1971, c. 147, § 1, emerg. eff. May 21, 1971, Amended by Laws 1978, c. 137, § 1; Laws 1997, c. 281, § 3, eff. July 1, 1997; Laws 2009, c. 139, § 28, eff. Nov. 1, 2009.

NOTE: Laws 2008, c. 382, § 314 was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009) and repealed by Laws 2009, c. 139, § 29, eff. Nov. 1, 2009.

§63-2210.1. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.

NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2211. Donor notation on driver license.

In order to provide an expeditious procedure for a person to make a gift of all or part of the body of the person pursuant to the provisions of the Uniform Anatomical Gift Act, the Department of Public Safety shall make space available on the front and back of the driver license and the identification card for an organ and tissue donor notation. The donor notation shall identify the licensee or

cardholder as an organ and tissue donor for the purposes of the Uniform Anatomical Gift Act. Any person may have the organ and tissue donor notation removed from the records of the person maintained by the Department by notifying the Department in writing or by presenting the license or identification card to the Department or a motor license agent for replacement and payment of the appropriate fee, pursuant to the provisions of Section 6-114 or subsection H of Section 6-105 of Title 47 of the Oklahoma Statutes, and informing the Department or motor license agent that the person desires to have the organ and tissue donor notation removed from the license or identification card.
Added by Laws 1983, c. 173, § 1, eff. Jan. 1, 1984. Amended by Laws 1987, c. 2, § 1, eff. Nov. 1, 1987; Laws 1992, c. 217, § 18, eff. July 1, 1992; Laws 2004, c. 395, § 3, eff. July 1, 2004.

§63-2212. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2213. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2214. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2215. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2216. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2217. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2218. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.

NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2220.1. Short title.

This act shall be known and may be cited as the "Cheryl Selman Organ Donor Education and Awareness Act". Any references in the statutes to the Oklahoma Organ Donor Education and Awareness Program Act shall be deemed references to the Cheryl Selman Organ Donor Education and Awareness Act.

There is hereby created the Organ Donor Education and Awareness Program (ODEAP), the purpose of which shall be to promote and encourage organ donor education and awareness in this state.

Added by Laws 2000, c. 279, § 1, eff. Nov. 1, 2000.

§63-2220.2. Organ donor education and awareness programs.

A. The State Department of Health and the State Department of Education, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall develop organ donor education awareness programs to educate the general public on the importance of organ donation and shall recommend priorities in the expenditures from the Oklahoma Organ Donor Education and Awareness Program Fund.

B. In administering this act, the State Department of Health and the State Department of Education are authorized, but not limited to:

1. Develop and implement educational programs and campaigns to increase organ donation in Oklahoma;

2. Make policy recommendations for the promotion of organ donation in Oklahoma;

3. Recommend priorities in the expenditures from the Oklahoma Organ Donor Education Program Fund;

4. Accept and hold property; and

5. Utilize local resources including volunteers when appropriate.

C. The State Department of Health and the State Department of Education shall annually submit to the Governor and the Legislature a report detailing its expenditures of fund monies, its activities, the status of organ donation in the state, and any recommendations for legislative changes by the first day of December beginning December 1, 2002.

Added by Laws 2000, c. 279, § 2, eff. Nov. 1, 2000. Amended by Laws 2013, c. 229, § 75, eff. Nov. 1, 2013.

§63-2220.3. Oklahoma Organ Donor Education and Awareness Program Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the

"Oklahoma Organ Donor Education and Awareness Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from:

1. Any state monies appropriated for the purpose of implementing the provisions of the Oklahoma Organ Donor Education and Awareness Program Act; and

2. Any monies collected pursuant to this section or any other monies available to the State Department of Health to implement the provisions of the Oklahoma Organ Donor Education and Awareness Program Act.

B. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended to promote and encourage organ donor education and awareness.

C. Monies credited to the fund, excluding administrative fees paid to the Oklahoma Tax Commission, may be used for, but are not limited to:

1. Administration of the Oklahoma Organ Donor Education and Awareness Program Act;

2. Development and promotion of organ donor public education and awareness programs in cooperation with the Oklahoma Organ Sharing Network including, but not limited to, the American Red Cross and the Oklahoma Lions Eye Bank;

3. To assist in the publication of information pamphlets or booklets by the State Department of Health and the State Superintendent of Public Instruction regarding organ donation and donations to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund. The State Department of Health shall distribute such informational pamphlets or booklets to the Department of Public Safety for distribution to applicants for original, renewal, or replacement driver licenses and identification cards when making a voluntary contribution pursuant to Section 2220.5 of this title and to the Oklahoma Tax Commission for distribution to individuals when making a voluntary contribution pursuant to the state income tax check off provided for in Section 2220.4 of this title;

4. Implementation of organ donor education and awareness programs in the elementary and secondary schools of this state by the State Department of Education;

5. Grants by the State Department of Health to certified organ procurement organizations for the development and implementation of organ donor education and awareness programs in this state;

6. Encouraging the incorporation of organ donor information into the medical and nursing school curriculums of the state's medical and nursing schools. If funds are provided to a university for this educational purpose, the university shall annually evaluate the extent to which the curriculum has affected the attitudes of its

students and graduates with regard to organ donation and shall forward the evaluation results to the State Department of Health; and

7. A reserve fund in an interest-bearing account with five percent (5%) of the monies received by the fund annually to be placed in this account. No funds may be expended from the reserve fund account until the required balance has reached One Hundred Thousand Dollars ($100,000.00) and then these funds may only be used in years when donations do not meet the average normal operating fee incurred by the fund, and funds are expended to meet expenses. Once the balance in the reserve fund account reaches One Hundred Thousand Dollars ($100,000.00), excess funds earned by interest, and yearly allocations may be used at the discretion of the State Department of Health to cover operating costs and to provide additional funds.

D. The fund may accept bequests and grants from individuals, corporations, organizations, associations, and any other source. The fund supplements and augments services provided by state agencies and does not take the place of such services.

E. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2000, c. 279, § 3, eff. Nov. 1, 2000. Amended by Laws 2001, c. 131, § 13, eff. July 1, 2001; Laws 2012, c. 304, § 511; Laws 2013, c. 229, § 76, eff. Nov. 1, 2013.

§63-2220.4. Income tax return contributions.

A. Each individual taxpayer required to file a state income tax return who desires to contribute to the Oklahoma Organ Donor Education and Awareness Program Fund, as created in Section 2220.3 of this title, may designate the contribution on the appropriate income tax form. The contribution may not increase or decrease the income or liability of the taxpayer and may be made by reducing the income tax refund of a taxpayer by the amount designated or by accepting additional payment from the taxpayer by the amount designated, whichever is appropriate.

B. 1. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after December 31, 2001, an opportunity for the taxpayer to donate for the benefit of the Oklahoma Organ Donor Education and Awareness Program Fund. The instructions accompanying the income tax form shall be provided to the Oklahoma Tax Commission by the State Department of Health and shall contain a description of the purpose for which the Oklahoma Organ Donor Education and Awareness Program Revolving Fund was established and information on the use of monies from the income tax contribution.

2. Taxpayers who are entitled to refunds shall have the refunds reduced by the amount designated by the taxpayer. The Oklahoma Tax

Commission shall annually determine the total amount designated plus the amount received in excess payments and shall report the total amount to the Office of the State Treasurer. The State Treasurer shall credit the total amount to the Oklahoma Organ Donor Education and Awareness Program Fund created in Section 2220.3 of this title at the earliest possible time.

C. The incremental cost of administration of contributions shall be paid out of the fund to the Oklahoma Tax Commission from amounts received pursuant to this section before funds are expended for the purposes of the fund.

Added by Laws 2000, c. 279, § 4, eff. Nov. 1, 2000. Amended by Laws 2001, c. 358, § 27, eff. July 1, 2001.

§63-2220.5. Driver license or identification applications - Voluntary contributions.

A. 1. An applicant for an original or replacement driver license or identification card shall be given an opportunity to make a voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the driver license or identification card fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 2220.3 of this title.

2. An applicant for a vehicle title or transfer of title or for a vehicle license plate shall be given an opportunity to make a minimum voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the title or license plate fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 2220.3 of this title.

3. The contribution prescribed in this section is voluntary and may be refused by the applicant. The Department of Public Safety and the Oklahoma Tax Commission shall make available an information booklet or other informational sources on the importance of organ donation to applicants for licensure, as designed and provided by the State Department of Health and the State Superintendent of Public Instruction.

B. The Department of Public Safety and motor license agents shall inquire of each applicant at the time of presentation of a completed application for an original driver license or identification card whether the applicant is interested in making the One Dollar ($1.00) contribution prescribed in subsection A of this section and whether the applicant is interested in being an organ and tissue donor. The Department of Public Safety or motor license

agents shall also specifically inform the applicant of the ability to make an organ and tissue donation. The Department of Public Safety shall notify the State Commissioner of Health of the name, address, date of birth, and driver license number or identification card number of applicants who indicate that they are interested in being an organ donor.

C. The incremental cost of administration of contributions to the fund, not to exceed one percent (1%) of the monies received pursuant to the provisions of this section, shall be paid by the fund to the Department of Public Safety or the Oklahoma Tax Commission, as applicable, from amounts received pursuant to the provisions of this section before funds are expended for the purposes of the fund.
Added by Laws 2000, c. 279, § 5, eff. Nov. 1, 2000. Amended by Laws 2001, c. 131, § 14, eff. July 1, 2001; Laws 2004, c. 395, § 4, eff. July 1, 2004; Laws 2013, c. 229, § 77, eff. Nov. 1, 2013.

§63-2220.6. Education and awareness curricula for elementary and secondary schools.

The State Superintendent of Public Instruction shall develop and implement in conjunction with the State Department of Health an organ donor education and awareness curriculum for use in the elementary and secondary schools of this state. The State Board of Education shall promulgate rules to enact the provisions of this section not later than the 2001-2002 school year.
Added by Laws 2000, c. 279, § 6, eff. Nov. 1, 2000. Amended by Laws 2013, c. 229, § 78, eff. Nov. 1, 2013.

§63-2220.10. Repealed by Laws 2009, c. 139, § 30, eff. Nov. 1, 2009.
NOTE: Laws 2008, c. 382, § 318, which repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Weddington v. Henry, 202 P.3d 143, 2008 OK 102 (2009).

§63-2220.11. Renumbered as § 848-2.20B of Title 74 by Laws 2002, c. 451, § 2, eff. July 1, 2002.

§63-2251. Renumbered as § 1-2300 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Also renumbered as § 1-2300 of this title by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2252. Renumbered as § 1-2301 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Amended and also renumbered as § 1-2301 of this title by Laws 1990, c. 225, §§ 1 and 11, respectively, eff. Sept. 1, 1990.

§63-2253. Renumbered as §1-2302 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990.

§63-2254. Renumbered as § 1-2303 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Amended and also renumbered as § 1-2303 of this title by Laws 1990, c. 225, §§ 3 and 11, respectively, eff. Sept. 1, 1990.

§63-2255.1. Renumbered as § 1-2401 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2401 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.2. Renumbered as § 1-2402 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2402 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.3. Renumbered as § 1-2403 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2403 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.4. Renumbered as § 1-2404 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2404 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.4A. Renumbered as § 1-2405 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2405 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.5. Renumbered as § 1-2406 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2406 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.6. Renumbered as § 1-2407 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2407 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.7. Renumbered as § 1-2408 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2408 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.8. Renumbered as § 1-2409 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2409 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.9. Renumbered as § 1-2410 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2410 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2255.10. Renumbered as § 1-2411 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990. Renumbered as § 1-2411 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2256. Renumbered as § 1-2412 of Title 63 by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2257. Renumbered as § 1-2413 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2258. Renumbered as § 1-2414 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2258.2. Renumbered as § 1-2415 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2258.3. Renumbered as § 1-2416 of Title 63 by Laws 1990, c. 210, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2258.4. Renumbered as § 1-2416.1 of this title by Laws 1991, c. 336, § 10, eff. July 1, 1991.

§63-2259. Renumbered as § 1-2417 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2259.1. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990.

§63-2260. Renumbered as § 1-2418 of this title by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2261. Renumbered as § 1-2419 of Title 63 by Laws 1990, c. 217, § 10, eff. Sept. 1, 1990 and by Laws 1990, c. 225, § 11, eff. Sept. 1, 1990.

§63-2263. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990.

§63-2264. Repealed by Laws 1990, c. 225, § 12, eff. Sept. 1, 1990.

§63-2351. Definitions.

As used in this act:

1. "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the State Health Department after notice and hearing as required by the Administrative Procedures Act, and which are so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

2. "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass extrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures, and fixed glazed panels adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the State Department of Health may determine after notice and hearings as required by the Administrative Procedures Act; whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

Added by Laws 1971, c. 217, § 1, eff. Jan. 1, 1972.

§63-2352. Labeling.

Each light of safety glazing material manufactured, distributed, imported or sold for use in hazardous locations or installed in such a location within the State of Oklahoma shall be permanently labeled by such means as etching, sandblasting or firing ceramic material on the safety glazing material. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1-1966 and such other further requirements as may be adopted by the State Health Department. The label must be legible and visible after installation. Such safety glazing labeling shall not be used on other than safety glazing materials.

Added by Laws 1971, c. 217, § 2, eff. Jan. 1, 1972.

§63-2353. Safety glazing materials required in hazardous locations.

It shall be unlawful within the State of Oklahoma to knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing material other than safety glazing materials in, or for use in, any hazardous location as defined in Section 1, paragraph 2.

Added by Laws 1971, c. 217, § 3, eff. Jan. 1, 1972.

§63-2354. Employees - Nonliability.

No liability under this act shall be created as to workmen who are employees of a contractor, subcontractor or other employer responsible for compliance with this act.

Added by Laws 1971, c. 217, § 4, eff. Jan. 1, 1972.

§63-2355. Law governing.

Local ordinances that substantially comply to this act shall take precedence over this act.

Added by Laws 1971, c. 217, § 5, eff. Jan. 1, 1972.

§63-2356. Penalties.

Whoever violates the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500.00) or imprisonment of not more than one (1) year, or both.

Added by Laws 1971, c. 217, § 6, eff. Jan. 1, 1972.

§63-2407. Short title.

Sections 2407 through 2415 of this title shall be known and may be cited as the "Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act".

Added by Laws 1982, c. 290, § 1. Amended by Laws 2005, c. 395, § 1, eff. Nov. 1, 2005.

§63-2408. Definitions.

As used in the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act:

1. "Deaf person" or “hard-of-hearing person” means an individual whose sense of hearing is nonfunctional for the ordinary purposes of life, and also may include a person who is deaf-blind, meaning a deaf or hard-of-hearing person whose vision is also nonfunctional for the ordinary purposes of life;

2. "Qualified legal interpreter" means:

a. an individual certified by the State Board of Examiners of Certified Courtroom Interpreters, or

b. (1) an individual who possesses the knowledge and skills necessary to accurately and impartially interpret spoken English into the equivalent visual languages and modes, and currently certified by the National Registry of Interpreters for the Deaf as one of the following:

(a) Specialist Certificate: Legal (SC:L). In the event none are available, then

(b) Certificate of Interpretation and Certificate of Transliteration (CI & CT), Comprehensive Skills Certificate (CSC), or National Association of the Deaf Certificate Level 5 (NAD5),

(2) an individual who possesses the knowledge and skills necessary to accurately and impartially transliterate for a person who is oral or nonsigning using the equivalent oral or captioned mode, and is currently certified by the National Registry of Interpreters for the Deaf as one of the following:

(a) Specialist Certificate: Oral Transliteration Certificate (OTC). In the event none are available, then

(b) Specialist Certificate: Legal (SC:L). In the event none are available, then

(c) Certificate of Interpretation and Certificate of Transliteration (CI & CT), Comprehensive Skills Certificate (CSC), or National Association of the Deaf Certificate Level 5 (NAD5). In the event none are available, then a recognized national or state certifying body of captionists, or

(3) an individual who:

(a) is deaf or hard-of-hearing who possesses the knowledge, skills, specialized training and experience to enhance communication with persons who are deaf or hard-of-hearing and whose communication modes are so unique that they cannot be adequately assessed by interpreters who are hearing, and

(b) holds the following qualifications as a deaf interpreter: National Registry of Interpreters for the Deaf, Certified Deaf Interpreter (CDI); in the event none are available, then an Oklahoma QAST Deaf Evaluator may be utilized; and

3. "Appointing authority" means any court, department, board, commission, agency, licensing authority, political subdivision or municipality of the state.

Added by Laws 1982, c. 290, § 2. Amended by Laws 2005, c. 395, § 2, eff. Nov. 1, 2005.

§63-2409. Appointment of interpreter in court action or grand jury proceeding.

A. In any case before any state or local court or grand jury, wherein a person who is deaf or hard-of-hearing is a litigant, defendant, spectator as required by subtitle A of Title II of the Americans with Disabilities Act, Pub. L. 101-336, witness, party, prospective juror, or juror, the court shall, upon request, appoint a qualified legal interpreter to interpret the proceedings to the deaf or hard-of-hearing person and interpret testimony or statements and to assist in preparation with counsel. The court shall also appoint a qualified legal interpreter, upon request, for any party proceeding in forma pauperis in an action before the court. The individual who is deaf or hard-of-hearing shall determine which type of qualified legal interpreter best fits the needs of the individual.

B. Efforts to obtain the services of a qualified legal interpreter with the highest available level of certification, skill and specialized training in the area of legal interpretation for the deaf or hard-of-hearing will be made prior to accepting services of an interpreter with lesser certification and skill. Once a qualified legal interpreter is appointed, the interpreter shall be afforded the time necessary to make a language assessment in order to ensure effective communication, and to assess whether a deaf interpreter may also be necessary. Based on the language assessment, the interpreter will make recommendations to the court.

C. The provisions of this section shall be construed in conjunction with Sections 1 through 10 of Senate Bill No. 779 of the 1st Session of the 50th Oklahoma Legislature, if that bill is enacted.

Added by Laws 1982, c. 290, § 3. Amended by Laws 1989, c. 194, § 1, eff. Nov. 1, 1989; Laws 1995, c. 73, § 2, emerg. eff. April 12, 1995; Laws 2005, c. 395, § 3, eff. Nov. 1, 2005.

§63-2410. Arrests - Appointment of interpreter.

A. In the event a person who is deaf or hard-of-hearing is arrested and taken into custody for any alleged violation of a criminal law of this state or for civil contempt, a qualified legal interpreter shall be obtained through any interpreter service agency providing qualified legal interpreting services for the deaf and hard-of-hearing or with individuals who meet the qualifications for a qualified legal interpreter in order to communicate to the person that person’s legal rights and to interview and interrogate properly. No statement taken from such deaf or hard-of-hearing person before a qualified legal interpreter is present shall be admissible in court. The individual who is deaf or hard-of-hearing shall determine which type of qualified legal interpreter best fits the needs of the individual.

B. The provisions of this section shall be construed in conjunction with Sections 1 through 10 of Senate Bill No. 779 of the

1st Session of the 50th Oklahoma Legislature, if that bill is enacted.
Added by Laws 1982, c. 290, § 4. Amended by Laws 2005, c. 395, § 4, eff. Nov. 1, 2005.

§63-2411. Administrative proceedings - Appointment of interpreter.

In any proceeding before any department, board, commission, agency or licensing authority of the state, in any political subdivision or municipality, wherein any deaf or hard-of-hearing person is a defendant, applicant, spectator as required by subtitle A of Title II of the Americans with Disabilities Act, Pub. L. 101-336, complainant, principal witness or party, such department, board, commission, agency, licensing authority, political subdivision or municipality shall appoint a qualified legal interpreter upon request of the deaf or hard-of-hearing individual. The individual who is deaf or hard-of-hearing shall determine which type of qualified legal interpreter best fits the needs of the individual. It shall be the duty of the appointing authority to inform the deaf or hard-of-hearing person of the rights of that person to the services of an interpreter.
Added by Laws 1982, c. 290, § 5. Amended by Laws 1989, c. 194, § 2, eff. Nov. 1, 1989; Laws 2005, c. 395, § 5, eff. Nov. 1, 2005.

§63-2412. Notice of necessity of interpreter - Proof of hearing loss.

Every deaf or hard-of-hearing person whose appearance in any proceeding entitles that person to a qualified legal interpreter shall make a good faith effort to notify the appointing authority of the desire of the person for an interpreter. An appointing authority may require a person requesting the appointment of an interpreter to furnish reasonable proof of hearing loss when the appointing authority has reason to believe that the person does not have a hearing loss.
Added by Laws 1982, c. 290, § 6. Amended by Laws 2005, c. 395, § 6, eff. Nov. 1, 2005.

§63-2413. Request for interpreter.

It shall be the responsibility of the appointing authority to request interpreter services through any interpreter service agency providing qualified legal interpreting services for the deaf and hard-of-hearing or with individuals who meet the qualifications for a qualified legal interpreter.
Added by Laws 1982, c. 290, § 7. Amended by Laws 1986, c. 7, § 3, eff. July 1, 1986; Laws 1995, c. 73, § 3, emerg. eff. April 12, 1995; Laws 2005, c. 395, § 7, eff. Nov. 1, 2005.

§63-2413.1. Contracts with employees of other state agencies for interpreter services.

Any agency of this state that requires the services of a qualified interpreter for a deaf person is authorized to enter into contracts with employees of other state agencies if the work hours of employment would not be contemporaneous except as otherwise authorized by the agency who is the employer of such interpreter.
Added by Laws 1988, c. 69, § 1, emerg. eff. March 25, 1988.

§63-2414. Oath or affirmation of true interpretation.

Before a qualified legal interpreter may participate in any proceedings under the provisions of the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act, such interpreter shall make an oath or affirmation that the interpreter will make a true interpretation in the manner most readily understood by the person who is deaf or hard-of-hearing.
Added by Laws 1982, c. 290, § 8. Amended by Laws 2005, c. 395, § 8, eff. Nov. 1, 2005.

§63-2415. Interpreter's fees – Recess periods.

A. A qualified legal interpreter appointed under the provisions of the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act shall be entitled to the prevailing rate for qualified legal interpreters in this state; provided, any interpreter who is appointed pursuant to Section 2409 or 2410 of this title shall be paid in accordance with the fee schedule established pursuant to Section 7 of Senate Bill No. 779 of the 1st Session of the 50th Oklahoma Legislature, if that bill is enacted. Prior to the establishment of a fee schedule or if Senate Bill No. 779 of the 1st Session of the 50th Oklahoma Legislature is not enacted, payment shall be the prevailing rate for qualified legal interpreters in this state. When the interpreter is appointed by a court, the fee shall be paid out of the local court fund as provided for in Section 1304 of Title 20 of the Oklahoma Statutes and when the interpreter is otherwise appointed, the fee shall be paid by the appointing authority. The person for whom the interpreter is appointed shall not be assessed a reimbursement fee.

B. The appointing authority shall provide recess periods as necessary for the qualified legal interpreter as determined by the interpreter.
Added by Laws 1982, c. 290, § 9. Amended by Laws 1989, c. 194, § 3, eff. Nov. 1, 1989; Laws 1995, c. 73, § 4, emerg. eff. April 12, 1995; Laws 1999, c. 11, § 1, emerg. eff. April 5, 1999; Laws 2005, c. 395, § 9, eff. Nov. 1, 2005.

§63-2416. Short title.

This act shall be known and may be cited as the "Telecommunications for the Deaf and Hard-of-Hearing Act". Added by Laws 1986, c. 183, § 1, eff. July 1, 1986. Amended by Laws 1998, c. 246, § 24, eff. Nov. 1, 1998.

§63-2417. Duties and responsibilities of State Department of Rehabilitation Services.

The State Department of Rehabilitation Services is hereby directed to:

1. Provide for the availability, distribution and maintenance, at no cost to qualified individuals with hearing or speech disabilities, or both, telecommunication devices and ring-signaling devices compatible with the telecommunications relay services for deaf or hard-of-hearing and speech-impaired individuals requirements of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder; and

2. Design and implement a needs assessment test so that individuals with hearing or speech disabilities, or both, are benefited by this program. Provided, however, that no equipment and maintenance shall be provided without charge for those individuals meeting more than two hundred percent (200%) of the income guidelines for food stamps. The State Department of Rehabilitation Services shall develop a sliding scale to provide equipment and maintenance to individuals exceeding the needs test specified by this paragraph. Added by Laws 1986, c. 183, § 2, eff. July 1, 1986. Amended by Laws 1993, c. 364, § 19, emerg. eff. June 11, 1993; Laws 1994, c. 315, § 13, eff. July 1, 1994; Laws 1998, c. 246, § 25, eff. Nov. 1, 1998.

§63-2418. Telephone access line surcharge - Telecommunications for the Hearing Impaired Revolving Fund.

A. There is hereby imposed a surcharge of five cents ($0.05) per local exchange telephone access line per month to pay for the equipment and maintenance program provided for in Section 2417 of this title and to provide for other needed services for the deaf, severely hard-of-hearing, severely speech-impaired and deaf-blind programs administered through the State Department of Rehabilitation Services, such surcharge to be paid by each local exchange subscriber to local telephone service in this state, unless such subscriber is otherwise exempt from taxation.

B. The surcharge shall be collected on the regular monthly bill by each local exchange telephone company operating in this state and shall be remitted quarterly to the Oklahoma Tax Commission no later than twenty (20) days following the end of each quarter.

C. There is hereby created in the State Treasury the Telecommunications for the Deaf and Hard-of-Hearing Revolving Fund. The fund shall consist of monies imposed in subsection A of this section. All monies accruing to the fund are hereby appropriated and

may be budgeted and expended by the State Department of Rehabilitation Services. The fund shall be a continuing fund not subject to fiscal year limitations and expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of the Office of Management and Enterprise Services for the purpose of implementation of this act.
Added by Laws 1986, c. 183, § 3, eff. July 1, 1986. Amended by Laws 1987, c. 5, § 140, operative March 31, 1987; Laws 1987, c. 196, § 17, operative July 1, 1987; Laws 1994, c. 315, § 14, eff. July 1, 1994; Laws 1998, c. 246, § 26, eff. Nov. 1, 1998; Laws 2012, c. 357, § 3, eff. July 1, 2012; Laws 2013, c. 15, § 78, emerg. eff. April 8, 2013.
NOTE: Laws 2012, c. 304, § 512 repealed by Laws 2013, c. 15, § 79, emerg. eff. April 8, 2013.

§63-2418.1. Certified local exchange telephone companies - Compliance with federal legislation - Assessment of surcharge.

Each certified local exchange telephone company shall comply with the provisions of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder relating to telecommunications relay services for deaf and hard-of-hearing and speech-impaired individuals and shall assess a surcharge to each customer on a per line per month basis to recover the costs associated with such compliance and advise the Commission of any changes.
Added by Laws 1994, c. 315, § 15, eff. July 1, 1994. Amended by Laws 1998, c. 246, § 27, eff. Nov. 1, 1998.

§63-2419. Collection of revenues to cease under certain conditions.

If the revenues collected under this act exceed the costs of operating the program provided for in this act, and if such excess at any time equals the three-year average of expenditures under this act then such collections shall cease until one half of such surplus has been exhausted.
Added by Laws 1986, c. 183, § 4, eff. July 1, 1986.

§63-2451. Renumbered as § 1-2517 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999.

§63-2452. Renumbered as § 1-2518 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999.

§63-2453. Renumbered as § 1-2519 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999.

§63-2454. Renumbered as § 1-2520 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999.

§63-2455. Renumbered as § 1-2521 of this title by Laws 1999, c. 156, § 5, eff. Nov. 1, 1999.

§63-2501. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2502. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2503. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2504. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2505. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2506. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2507. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2508. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2508.1. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2509. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2510. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2511. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2512. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2513. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2514. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2521. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2522. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2523. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2524. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2525. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2525.1. Renumbered as § 2508.1 of this title by Laws 1995, c. 204, § 9, eff. July 1, 1995.

§63-2525.2. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2525.3. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2525.4. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2525.5. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2525.6. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2525.7. Repealed by Laws 2003, c. 197, § 58, eff. Nov. 1, 2003.

§63-2526. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2527. Repealed by Laws 1994, c. 100, § 3, eff. Sept. 1, 1994.

§63-2528.1. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.2. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.3. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.4. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.5. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.6. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.7. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.8. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.9. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-2528.10. Repealed by Laws 2011, c. 278, § 54 and Laws 2011, c. 360, § 43.

§63-1-2550. Repealed by Laws 1999, c. 93, § 10, eff. Nov. 1, 1999.

§63-2550.1. Definitions.

As used in Sections 2550.1 through 2550.4 of this title:

1. "Covered person" means an individual who receives medical care and treatment through a managed care plan. In the case of a minor child, the term includes the parent or legal guardian of the child and, in the case of an incapacitated or partially incapacitated person, the legal guardian of that person;

2. "Degenerative and disabling condition or disease" means a condition or disease caused by a congenital or acquired injury or illness that requires a specialized rehabilitation program or a high level of care, service, resources or continued coordination of care in the community;

3. "Designee of the covered person" means an individual designated by the covered person to represent the interests of the covered person, including the covered person's provider;

4. "Managed care plan" means a plan operated by a managed care entity, including the Oklahoma State and Education Employees Group Insurance Board, that provides for the financing and delivery of health care services to persons enrolled in such plan through:

a. arrangements with selected providers to furnish health care services,

b. standards for the selection of participating providers,

c. organizational arrangements for ongoing quality assurance, utilization review programs, and dispute resolution, and

d. financial incentives for persons enrolled in the managed care plan to use the participating providers and procedures provided for by the managed care plan;

provided, however, the term "managed care plan" shall not include a preferred provider organization (PPO) as defined in Section 6054 of Title 36 of the Oklahoma Statutes, or a certified workplace medical plan as defined in Section 14.2 of Title 85 of the Oklahoma Statutes;

5. "Provider" shall have the same meaning as such term is defined by a health maintenance organization, an indemnity plan or a preferred provider organization; and

6. "Treatment plan" means a proposal developed for a covered person that is specifically tailored to the individual's treatment needs for a specific illness or condition, and that includes, but is not limited to:

a. a statement of treatment goals or objectives, based upon and related to a medical evaluation,

b. treatment methods and procedures to be used to obtain these goals, and

c. identification of the types of professional personnel who will carry out the treatment procedures.

Added by Laws 1999, c. 361, § 1, eff. Nov. 1, 1999. Amended by Laws 2000, c. 292, § 4, eff. Nov. 1, 2000.

§63-2550.2. Referral to and treatment by specialist.

A. A managed care plan that has no participating provider for a covered benefit requiring a specialist shall arrange for a referral to a specialist with expertise in treating the covered benefit. The specialist shall agree to abide by the terms of the plan's provider contract if the terms are commensurate with the terms of contracts for similar specialists.

B. 1. A managed care plan shall include procedures by which a covered person in a managed care plan, upon diagnosis by a primary care provider of a condition that without specialized treatment would result in deleterious outcomes that would threaten life or limb or a degenerative and disabling condition or disease, either of which requires specialized medical care over a prolonged period of time, may be referred to a specialist with expertise in treating such condition or disease.

2. The specialist may be responsible for and may provide and coordinate the covered person's primary and specialty care only if the specialist is willing to abide by the terms of the plan's contract and capable of providing such care.

3. If the managed care plan, or the primary care provider in consultation with the managed care plan and the specialist, if any, determines that the most appropriate coordinator of the covered person's care is a specialist, the managed care plan shall authorize a referral of the covered person to the specialist. In no event shall a managed care plan be required to permit a covered person to elect treatment by a nonparticipating specialist, except pursuant to the provisions of subsection A of this section.

C. 1. A referral pursuant to this section shall be pursuant to a treatment plan agreed to by the managed care plan, the specialist and the primary care provider which complies with the covered benefits of the health plan and which is developed in consultation with the primary care provider, if appropriate, the specialist, and the covered person or the designee of the covered person.

2. Subject to the terms of the treatment plan agreed to by the managed care plan, the specialist and the primary care provider and subject to the terms of the plan's contract, a specialist shall be permitted to treat the covered person without a referral from the covered person's primary care provider and may authorize referrals, procedures, tests and other medical services as the covered person's primary care provider would otherwise be permitted to provide or authorize.

3. If a managed care plan refers a covered person to a nonparticipating specialist, services provided pursuant to the treatment plan shall be provided pursuant to the provisions of

subsection A of this section at no additional cost to the covered person beyond what the covered person would otherwise pay for services received within the network of the managed care plan.

D. A managed care plan shall implement procedures for a standing referral to a specialist if the primary care provider determines in consultation with the specialist and the managed care plan that a covered person needs continuing care from a specialist. The referral shall be made pursuant to a treatment plan that complies with covered benefits of the managed care plan.

Added by Laws 1999, c. 361, § 2, eff. Nov. 1, 1999.

§63-2550.3. Termination of participating providers – Procedures and conditions.

A. Every managed care plan shall establish procedures governing termination of a participating provider who is terminated for reasons other than cause. The procedures shall include assurance of continued coverage of services, at the contract terms and price by a terminated provider for up to ninety (90) calendar days from the date of notice to the covered person, for a covered person who:

1. Has a degenerative and disabling condition or disease;

2. Has entered the third trimester of pregnancy. Additional coverage of services by the terminated provider shall continue through at least six (6) weeks of postpartum evaluation; or

3. Is terminally ill.

B. 1. If a participating provider voluntarily chooses to discontinue participation as a network provider in a managed care plan, the managed care plan shall permit a covered person to continue an ongoing course of treatment with the disaffiliated provider during a transitional period:

a. of up to ninety (90) days from the date of notice to the managed care plan of the provider's disaffiliation from the managed care plan's network, or

b. that includes delivery and postpartum care if the covered person has entered the third trimester of pregnancy at the time of the provider's disaffiliation.

2. If a provider voluntarily chooses to discontinue participation as a network provider participating in a managed care plan, such provider shall give at least a ninety-day notice of the disaffiliation to the managed care plan. The managed care plan shall immediately notify the disaffiliated provider's patients of that fact.

3. Notwithstanding the provisions of paragraph 1 of this subsection, continuing care shall be authorized by the managed care plan during the transitional period only if the disaffiliated provider agrees to:

a. continue to accept reimbursement from the managed care plan at the rates applicable prior to the start of the transitional period as payment in full,
b. adhere to the managed care plan's quality assurance requirements and to provide to the managed care plan necessary medical information related to such care, and
c. otherwise adhere to the managed care plan's policies and procedures, including, but not limited to, policies and procedures regarding referrals, and obtaining preauthorization and treatment plan approval from the managed care plan.

Added by Laws 1999, c. 361, § 3, eff. Nov. 1, 1999.

§63-2550.4. Nonformulary or prior-authorized drugs - Approval.

A. A managed care plan that has a closed formulary or that requires prior authorization to obtain certain drugs shall approve or disapprove a provider's or a covered person's request for a nonformulary drug or a drug that requires prior authorization within twenty-four (24) hours of receipt of such request.

B. If the managed care plan does not render a decision within twenty-four (24) hours, the provider or covered person shall be entitled to a seventy-two-hour supply of the drug. The managed care plan shall then approve or disapprove the request for a nonformulary drug or prior authorized drug within the additional seventy-two-hour period.

C. Failure of the managed care plan to respond within the subsequently allowed seventy-two-hour period shall be deemed as approval of the request for the nonformulary drug or prior authorized drug; provided, however, the approval shall be subject to the terms of the managed care plan's drug formulary; provided further, the purchase of the approved drug shall be at no additional cost to the covered person beyond what the covered person would otherwise pay for a prescription pursuant to the managed care plan.

D. All providers and covered persons in a managed care plan shall be provided with a copy of the plan's drug prior authorization process upon initial contracting or enrollment and at the time of enactment of any subsequent changes to the process.

Added by Laws 1999, c. 361, § 4, eff. Nov. 1, 1999.

§63-2551. Short title.

This act shall be known and may be cited as "The Uniform Duties to Disabled Persons Act."

Added by Laws 1975, c. 212, § 1, emerg. eff. May 27, 1975.

§63-2552. Definitions.

In the Uniform Duties to Disabled Persons Act:

1. "Disabled condition" means the condition of being unconscious, semiconscious, incoherent or otherwise incapacitated to communicate;

2. "Disabled person" means a person in a disabled condition;

3. "The emergency symbol" means the caduceus inscribed within a six-barred cross used by the American Medical Association to denote emergency information;

4. "Identifying device" means an identifying bracelet, necklace, metal tag or similar device bearing the emergency symbol and the information needed in an emergency; and

5. "Medical practitioner" means a person who is a member of the class of persons authorized to use the term “physician” pursuant to Section 725.2 of Title 59 of the Oklahoma Statutes.

Added by Laws 1975, c. 212, § 2, emerg. eff. May 27, 1975. Amended by Laws 2000, c. 52, § 7, emerg. eff. April 14, 2000.

§63-2553. Identifying devices and identification cards.

A. A person who suffers from epilepsy, diabetes, a cardiac condition or any other type of illness that causes temporary blackouts, semiconscious periods or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, has religious objections to certain forms of medication or medical treatment, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.

B. Any person may carry an identification card bearing his name, type of medical condition, physician's name and other medical information.

C. By wearing an identifying device a person gives his consent for any who finds him in a disabled condition to make a reasonable search if warranted of his clothing or other effects for an identification card of the type described in subsection B.

Added by Laws 1975, c. 212, § 3, emerg. eff. May 27, 1975.

§63-2554. Duties of law enforcement officers.

A. A law enforcement officer shall make a diligent effort to determine whether any disabled person he finds is an epileptic or a diabetic or suffers from some other type of illness that would cause the condition. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention.

B. In seeking to determine whether a disabled person suffers from an illness, a law enforcement officer shall make a reasonable search for an identifying device and an identification card of the type described in subsection B, Section 3 of this act, and examine them for emergency information. The law enforcement officer may not search for an identifying device or an identification card in a

manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the disabled person's condition.

C. A law enforcement officer who finds a disabled person without an identifying device or identification card is not relieved of his duty to that person to make a diligent effort to ascertain the existence of any illness causing the disabled condition.

D. A cause of action against a law enforcement officer does not arise from his making a reasonable search of the disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

E. A law enforcement officer who determines or has reason to believe that a disabled person is suffering from an illness causing his condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with him, the officer shall make a reasonable effort to cause the disabled person to be transported immediately to a medical practitioner or to a facility where medical treatment is available. If the officer believes it unduly dangerous to move the disabled person, he shall make a reasonable effort to obtain the assistance of a medical practitioner.

Added by Laws 1975, c. 212, § 4, emerg. eff. May 27, 1975.

§63-2555. Medical practitioners - Duties - Liability.

A. A medical practitioner, in discharging his duty to a disabled person whom he has undertaken to examine or treat, shall make a reasonable search for an identifying device or identification card of the type described in subsection B, Section 3 of this act, and examine them for emergency information.

B. A cause of action against a medical practitioner does not arise from his making a reasonable search of a disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

Added by Laws 1975, c. 212, § 5, emerg. eff. May 27, 1975.

§63-2556. Persons other than law enforcement officers or medical practitioners.

A. A person, other than a law enforcement officer or medical practitioner, who finds and undertakes to help a disabled person may:

1. Make a reasonable search for an identifying device; and

2. If the identifying device is found may make a reasonable search for an identification card of the type described in subsection B, Section 3 of this act.

B. A cause of action does not arise from a reasonable search to locate an identifying device or identification card as authorized by subsection A of this section.
Added by Laws 1975, c. 212, § 6, emerg. eff. May 27, 1975.

§63-2557. Penalties.
A person who with intent to deceive provides, wears, uses or possesses a false identifying device or identification card of the type described in subsection B, Section 3 of this act, is guilty of a misdemeanor and upon conviction may be fined not more than Three Hundred Dollars ($300.00) or imprisoned for not more than ninety (90) days, or both.
Added by Laws 1975, c. 212, § 7, emerg. eff. May 27, 1975.

§63-2558. Duties as additional.
The duties imposed by this act are in addition to, and not in limitation of, other duties existing under the law of this state.
Added by Laws 1975, c. 212, § 8, emerg. eff. May 27, 1975.

§63-2601. Definitions.
For the purposes of this act, the following words and phrases mean:
(a) "Minor" means any person under the age of eighteen (18) years of age, except such person who is on active duty with or has served in any branch of the Armed Services of the United States shall be considered an adult.
(b) "Health professional" means for the purposes of this act any licensed physician, psychologist, dentist, osteopathic physician, podiatrist, chiropractor, registered or licensed practical nurse or physician's assistant.
(c) "Health services" means services delivered by any health professional including examination, preventive and curative treatment, surgical, hospitalization, and psychological services, except abortion or sterilization. Should the health services include counseling concerning abortion, all alternatives will be fully presented to the minor. Services in this act shall not include research or experimentation with minors except where used in an attempt to preserve the life of that minor, or research as approved by an appropriate review board involved in the management of reportable diseases.
Amended by Laws 1985, c. 299, § 8, eff. Nov. 1, 1985.

§63-2602. Right of self-consent under certain conditions - Doctor patient privileges
A. Notwithstanding any other provision of law, the following minors may consent to have services provided by health professionals in the following cases:

1. Any minor who is married, has a dependent child or is emancipated;

2. Any minor who is separated from his parents or legal guardian for whatever reason and is not supported by his parents or guardian;

3. Any minor who is or has been pregnant, afflicted with any reportable communicable disease, drug and substance abuse or abusive use of alcohol; provided, however, that such self-consent only applies to the prevention, diagnosis and treatment of those conditions specified in this section. Any health professional who accepts the responsibility of providing such health services also assumes the obligation to provide counseling for the minor by a health professional. If the minor is found not to be pregnant nor suffering from a communicable disease nor drug or substance abuse nor abusive use of alcohol, the health professional shall not reveal any information whatsoever to the spouse, parent or legal guardian, without the consent of the minor;

4. Any minor parent as to his child;

5. Any spouse of a minor when the minor is unable to give consent by reason of physical or mental incapacity;

6. Any minor who by reason of physical or mental capacity cannot give consent and has no known relatives or legal guardian, if two physicians agree on the health service to be given;

7. Any minor in need of emergency services for conditions which will endanger his health or life if delay would result by obtaining consent from his spouse, parent or legal guardian; provided, however, that the prescribing of any medicine or device for the prevention of pregnancy shall not be considered such an emergency service; or

8. Any minor who is the victim of sexual assault; provided, however, that such self-consent only applies to a forensic medical examination by a qualified licensed health care professional.

If any minor falsely represents that he may give consent and a health professional provides health services in good faith based upon that misrepresentation, the minor shall receive full services without the consent of the minor's parent or legal guardian and the health professional shall incur no liability except for negligence or intentional harm. Consent of the minor shall not be subject to later disaffirmance or revocation because of his minority.

B. The health professional shall be required to make a reasonable attempt to inform the spouse, parent or legal guardian of the minor of any treatment needed or provided under paragraph 7 of subsection A of this section. In all other instances the health professional may, but shall not be required to inform the spouse, parent or legal guardian of the minor of any treatment needed or provided. The judgment of the health professional as to notification shall be final, and his disclosure shall not constitute libel, slander, the breach of the right of privacy, the breach of the rule

of privileged communication or result in any other breach that would incur liability.

Information about the minor obtained through care by a health professional under the provisions of this act shall not be disseminated to any health professional, school, law enforcement agency or official, court authority, government agency or official employer, without the consent of the minor, except through specific legal requirements or if the giving of the information is necessary to the health of the minor and public. Statistical reporting may be done when the minor's identity is kept confidential.

The health professional shall not incur criminal liability for action under the provisions of this act except for negligence or intentional harm.

Added by Laws 1975, c. 225, § 2, emerg. eff. May 29, 1975. Amended by Laws 1976, c. 161, § 2; Laws 2016, c. 305, § 1, emerg. eff. May 16, 2016.

§63-2603. Payment for services.

The spouse, parents or legal guardian of the minor shall not be liable for payment for any health services provided under the authority of this act, unless they shall have expressly agreed to pay for such care. Minors consenting to health services shall thereby assume financial responsibility for the cost of said services except those who are proven unable to pay and who receive the services in public institutions.

Added by Laws 1975, c. 225, § 3, emerg. eff. May 29, 1975.

§63-2604. Safeguards to protect minor.

If major surgery, general anesthesia; or a life-threatening procedure has to be undertaken on a minor, it shall be necessary for the physician to obtain concurrence from another physician except in an emergency in a community where no other surgeon can be contacted within a reasonable time.

In cases where emergency care is needed and the minor is unable to give self-consent; a parent, spouse or legal guardian may authorize consent.

Added by Laws 1975, c. 225, § 4, emerg. eff. May 29, 1975.

§63-2605. Providing of health care not mandatory.

Nothing in this act shall require any health professional to provide health care nor shall any health professional be liable for refusal to give health care.

Added by Laws 1975, c. 225, § 5, emerg. eff. May 29, 1975.

§63-2621. Short title.

Sections 1 through 3 of this act shall be known and may be cited as the "Medical Savings Account Act".

Added by Laws 1995, c. 249, § 1, eff. Nov. 1, 1995.

§63-2622. Definitions.

As used in the Medical Savings Account Act:

1. "Account holder" means the individual including but not limited to an employee of an employer or dependents of the individual on whose behalf the medical savings account is established;

2. "Dependent child" means any person under the age of twenty-one (21) years or any person who is legally entitled or subject to a court order for the provision of proper and necessary subsistence, education, medical care, or any other care necessary for the health, or well-being of such person, and who is not otherwise emancipated, married or a member of the Armed Forces of the United States, or who is mentally or physically incapacitated and cannot provide for themselves;

3. "Eligible medical expenses" means an expense paid by the taxpayer for medical care described in Section 213(d) of the Internal Revenue Code;

4. "Medical savings account" or "account" means an account established in this state pursuant to a medical savings account program to pay the eligible medical expenses of an account holder and the dependents of the account holder;

5. "Medical savings account program" or "program" means a program that includes all of the following:

a. the purchase by an individual or employer of a qualified higher deductible health benefit plan which is approved by the State Department of Health and offered by an entity regulated by the State Department of Health or is approved by the Insurance Commissioner and offered by an entity regulated by the Insurance Commissioner or is offered by the State and Education Employees Group Insurance Board for the benefit of the individual or an employee of the employer and the dependents of that individual or the employee,

b. the deposit by an individual into a medical savings account or the contribution on behalf of an employee into a medical care account by an employer of all or part of the premium differential realized by the employer based on the purchase of a qualified higher deductible health plan for the benefit of the employee. An employer that did not previously provide a health plan or provide a health coverage policy, certificate, or contract for employees may contribute all or part of the deductible of a qualified higher deductible health benefit plan; and

6. "Trustee" means a chartered state bank, savings and loan association, licensed securities dealer or trust company authorized

to act as a fiduciary; a national banking association or savings and loan association authorized to act as a fiduciary; or an insurance company.
Added by Laws 1995, c. 249, § 2, eff. Nov. 1, 1995. Amended by Laws 1996, c. 183, § 1, eff. July 1, 1996.

§63-2623. Medical savings account - Contributions and withdrawals.

A. For taxable years beginning after December 31, 1995, an individual who is a resident of this state or an employer shall be allowed to deposit contributions to a medical savings account. The amount of deposit for the first taxable year subsequent to the effective date of this act shall not exceed:

1. Two Thousand Dollars ($2,000.00) for the account holder;

2. Two Thousand Dollars ($2,000.00) for the spouse of the account holder; and

3. One Thousand Dollars ($1,000.00) for each dependent child of the account holder.

B. The maximum allowable amount of deposit for subsequent years shall be increased annually by a percentage equal to the previous year's increase in the national Consumer Price Index (CPI).

C. Contributions made to and interest earned on a medical savings account shall be exempt from taxation as adjusted gross income in this state as provided for in Section 2358 of Title 68 of the Oklahoma Statutes.

D. Upon agreement between an employer and employee, an employee may either have the employer contribute to the employee's medical savings account under a medical savings account program or continue to make contributions under the employee's existing health insurance policy or program, subject to the restrictions in paragraph 1 of subsection E of this section. For purposes of the Medical Savings Account Act, an employer shall include a participating employer as defined in the Oklahoma State Employees Benefits Act.

E. The medical savings account shall be established as a trust under the laws of this state and placed with a trustee.

1. The trustee shall utilize the funds held in a medical savings account solely for the purpose of paying the eligible medical expenses of the account holder or the dependents of the account holder or to purchase a health benefit plan, certification, or contract if the account holder does not otherwise have health insurance coverage. Funds held in a medical savings account shall not be used to cover medical expenses of the account holder or dependents of the account holder that are otherwise covered by other means, including but not limited to medical expenses covered pursuant to an automobile insurance policy, a workers' compensation insurance policy or self-insured plan, or another health coverage policy, certificate, or contract.

2. The account holder may submit prior to the end of the tax year documentation of medical expenses paid by the account holder during that tax year to the trustee and the trustee shall reimburse the account holder for eligible medical expenses from the medical savings account.

3. Any funds remaining in a medical savings account at the end of the tax year after all medical expenses have been paid unless withdrawn as provided for in this section shall remain in the account and may be used by the account holder for payment of future medical expenses.

F. An account holder may withdraw money from the medical savings account of the account holder for any purpose other than a purpose listed in paragraph 1 of subsection E of this section, only on the last business day of the trustee's business year. If money is withdrawn on that date, pursuant to this subsection, it shall be considered income for income tax purposes and shall not be eligible for the exemption provided in Section 2358 of Title 68 of the Oklahoma Statutes.

G. If the account holder withdraws money for any purpose, other than a purpose described in paragraph 1 of subsection E of this section, at any time other than on the last business day of the trustee's business year, all of the following shall apply:

1. The amount of the withdrawal shall be considered income for income tax purposes and shall not be eligible for the tax exemption provided in Section 2358 of Title 68 of the Oklahoma Statutes;

2. The trustee shall withhold and shall pay on behalf of the account holder a penalty to the Oklahoma Tax Commission equal to ten percent (10%) of the amount of the withdrawal; and

3. All interest earned on the account during the tax year in which a withdrawal occurs shall be considered income for income tax purposes.

H. Upon the death of the account holder, the account principal, as well as any interest accumulated thereon, shall be distributed to the estate of the account holder and shall be taxed as part of the estate.

I. If an employee is no longer employed by an employer that participates in a medical savings account program and the employee, not more than sixty (60) days after the final day of employment, transfers the account to a new trustee or requests in writing to the trustee of the former employer that the account remain with that trustee and that trustee agrees to retain the account, the money in the medical savings account may be utilized for the benefit of the account holder or the dependents of the account holder subject to this act, and the money shall remain exempt from taxation pursuant to Section 2358 of Title 68 of the Oklahoma Statutes. Not more than thirty (30) days after the expiration of the sixty-day transfer period, if the account holder has not transferred the account or the

trustee has not accepted the account of the former employee, the employer shall mail a check to the last-known address of the former employee in an amount equal to the amount in the account on the date the check is mailed. The amount shall be taxed and subject to penalty as provided for in subsection G of this section. If an employee becomes employed with a different employer that participates in a medical savings account program before the expiration of the sixty-day transfer period, the employee may transfer the medical savings account to the trustee of the new employer without penalty.
Added by Laws 1995, c. 249, § 3, eff. Nov. 1, 1995. Amended by Laws 1996, c. 183, § 2, eff. July 1, 1996.

§63-2654.1. Short title - Definitions.

A. This act shall be known and may be cited as the "Oklahoma Poison Control Act".

B. As used in the Oklahoma Poison Control Act:

1. "Center" means the Oklahoma Poison Control Center; and

2. "Director" means the dean of the College of Pharmacy at the Oklahoma Health Sciences Center.

Added by Laws 1994, c. 364, § 1, emerg. eff. June 10, 1994.

§63-2654.2. Oklahoma Poison Control Center.

There is hereby created the Oklahoma Poison Control Center within Children's Hospital of Oklahoma. The University Hospitals Authority shall contract with the University of Oklahoma Health Sciences Center College of Pharmacy for the implementation of this act. The purpose of the center is to implement a statewide emergency poison and drug information program designed and structured to deliver reliable, accurate, qualified professional judgments and responses to requests for emergency poison and drug information data.
Added by Laws 1994, c. 364, § 2, emerg. eff. June 10, 1994.

§63-2654.3. Authority of Director.

The Director may:

1. Employ any and all coordination measures necessary to effectuate the purposes of the Oklahoma Poison Control Act;

2. Engage in any educational program or effort if, in the judgment of the Director, such activity would effectuate the purposes of the Oklahoma Poison Control Act;

3. Employ experts and consultants and compensate those individuals at rates determined by the Director;

4. Engage in programs of experimental or demonstrational research;

5. Appoint an advisory committee to assist in the development and review of rules promulgated under the authority of the Oklahoma Poison Control Act and reimburse the members for their expenses;

6. Accept and administer loans, grants, or other funds and gifts, conditional or otherwise, from the federal government and any and all other public or private sources;

7. Formulate, promulgate, adopt, amend, and enforce rules and regulatory standards necessary to effectuate the Oklahoma Poison Control Act; and

8. Establish and charge fees for the provision of nonemergency informational and educational services as well as contract therefor.

Added by Laws 1994, c. 364, § 3, emerg. eff. June 10, 1994.

§63-2654.4. Certification as regional poison control center.

The program of the center shall be structured and designed, to the extent resources permit, to meet the criteria for certification as a regional poison control center by the American Association of Poison Control Centers.

Added by Laws 1994, c. 364, § 4, emerg. eff. June 10, 1994.

§63-2656.1. Administration of oaths - Federal grant or contract funds.

The Commission may administer oaths at any hearing or investigation conducted pursuant to this act, and may receive federal grant or contract funds by complying with the requirements therefor.

Laws 1980, c. 297, § 13, emerg. eff. June 13, 1980.

§63-2656.2. Annual report - Distribution.

The Oklahoma Health Planning Commission shall prepare and distribute an annual report to the Oklahoma Legislature, to any health systems agency as established by federal law, and to any other person who requests the report, which shall include the status of each review currently being conducted, the reviews completed since the last report and a general statement of the findings and decisions made in the course of such reviews.

Laws 1980, c. 297, § 14, emerg. eff. June 13, 1980.

§63-2657. Definitions.

As used in this act, unless the context clearly indicates otherwise:

1. "Ambulatory surgical center" means:

   a. an establishment with an organized medical staff of physicians, with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures, with continuous physician services available on call, and registered professional nursing services available on site, whenever a patient is in the facility, which provides services or other accommodations for patients to recover for a period not to exceed twenty-three (23) hours after surgery, or

b. an establishment with an organized medical staff of dentists, with permanent facilities that are equipped and operated primarily for the purpose of performing dental surgical procedures, with continuous dental services available on call, and registered professional nursing services available on site, whenever a patient is in the facility, which provides services or other accommodations for patients to recover for a period not to exceed twenty-three (23) hours after surgery;

2. "Commissioner" means the Commissioner of Health;

3. "Governmental unit" means any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state; and

4. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

Added by Laws 1976, c. 293, § 1, emerg. eff. June 15, 1976. Amended by Laws 1992, c. 356, § 2, eff. Sept. 1, 1992; Laws 2008, c. 390, § 1, eff. Nov. 1, 2008.

§63-2658. License policy

No person or governmental unit acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain an ambulatory surgical center in this state without a license under this act issued by the Commissioner.

Added by Laws 1976, c. 293, § 2, emerg. eff. June 15, 1976.

§63-2659. Application

A. Application for a license shall be made to the Commissioner upon forms provided by the Commissioner and shall contain such information as the Commissioner may require. The Commissioner shall require affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under the provisions of this act.

B. Each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of One Hundred Dollars ($100.00). All license fees shall be deposited in the State Treasury to the credit of the General Fund of the Department of Health.

Added by Laws 1976, c. 293, § 3, emerg. eff. June 15, 1976.

§63-2660. Issuance of a license

A. Upon receipt of an application for a license, the Commissioner shall issue a license if the applicant and ambulatory surgical center facilities meet the requirements established under this act. A license, unless sooner suspended or revoked, shall be renewable annually upon receipt of an application for a license and the license fee from the licensee and approval by the Commissioner.

B. Each license shall be issued only for the premises, persons or governmental units named in the application and shall not be transferable or assignable except with the written consent of the Commissioner. Licenses shall be posted in a conspicuous place on the licensed premises.
Added by Laws 1976, c. 293, § 4, emerg. eff. June 15, 1976.

§63-2661. Hearing - Notice

A. The Commissioner, after notice and opportunity for a hearing to the applicant or licensee, may deny, suspend or revoke a license in any case in which the Commissioner finds that there has been a substantial failure to comply with the requirements of this act.

B. Notice shall be given by registered mail or by personal service and shall set forth the particular reasons for the action proposed by the Commissioner. The notice shall fix a date not less than thirty (30) days from the date of the mailing or service, at which time the licensee or applicant shall be given an opportunity for a prompt and fair hearing.

C. At the hearing the licensee or applicant may present evidence, examine witnesses and be represented by counsel of his choice. On the basis of the hearing, or upon default of the licensee or applicant, the Commissioner shall make a determination specifying his findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the licensee or applicant.

D. The decision revoking, suspending or denying the license or application shall become final thirty (30) days after it is so mailed or served unless the applicant or licensee within that period appeals the decision.

E. Any person or governmental unit aggrieved by a decision of the Commissioner may appeal to the district court.
Added by Laws 1976, c. 293, § 5, emerg. eff. June 15, 1976.

§63-2662. Rules and regulations

The State Board of Health shall adopt such reasonable rules, regulations and standards as are necessary to insure that the quality of medical care in ambulatory surgical centers is the same as that required in hospitals licensed in the State of Oklahoma.
Added by Laws 1976, c. 293, § 6, emerg. eff. June 15, 1976.

§63-2663. Inspections and investigations

The Commissioner shall make, or cause to be made, such inspections and investigations as he deems necessary.
Added by Laws 1976, c. 293, § 7, emerg. eff. June 15, 1976.

§63-2663A. Consultant pharmacists – Required visits to ambulatory surgical center.

A consultant pharmacist shall be required to visit an ambulatory surgical center no more than one time per month.
Added by Laws 2011, c. 88, § 1, emerg. eff. April 20, 2011.

§63-2664. Penalty

A. Any person operating, conducting, managing or establishing an ambulatory surgical center without a license required by this act is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. Each day of continuing violation shall constitute a separate offense.

B. The Attorney General shall represent the Commissioner and shall institute an action in the name of the state for injunctive or other relief against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of an ambulatory surgical center without a license issued pursuant to the provisions of this act.
Added by Laws 1976, c. 293, § 8, emerg. eff. June 15, 1976.

§63-2665. Discriminatory practices

No entity, governmental, public or private, providing individual or group health insurance or reimbursing for health care shall discriminate in its payment or reimbursement procedures against ambulatory surgical centers. Provided, however, that this section shall not require the same dollar amount of benefits be paid on account of inpatient hospital treatment.
Added by Laws 1976, c. 293, § 9, emerg. eff. June 15, 1976.

§63-2666. Formal transfer agreement.

An ambulatory surgical center shall have a formal transfer agreement with a general hospital, as defined in Section 1-701 of Title 63 of the Oklahoma Statutes, located not more than a twenty-minute travel distance from the center, or all physicians performing surgery in the ambulatory surgical center shall have admitting privileges at a general hospital, located not more than a twenty-minute travel distance from the center.
Added by Laws 2007, c. 168, § 1, eff. Nov. 1, 2007.

§63-2701. Public policy.

It is declared to be the public policy of this state, in order to safeguard the public health, safety and welfare, to encourage certain knowledgeable persons to make written report to the Division of Services for the Blind and Visually Impaired of the State Department of Rehabilitation Services as to individuals suffering from blindness or serious visual impairment so that the Division may inform them as to rehabilitative education and training programs of the state.

Added by Laws 1976, c. 50, § 1, emerg. eff. April 12, 1976. Amended by Laws 1998, c. 107, § 4, eff. July 1, 1998; Laws 2019, c. 51, § 4, eff. Nov. 1, 2019.

§63-2702. Medical report - Immunity.

Any licensed surgeon, medical doctor, osteopathic physician, optometrist, dentist, intern or registered nurse who, from attending or examining an individual, concludes that such individual is blind or visually impaired to a material and uncorrected extent, and in good faith participates in the making of written report of said conclusion to the Division of Services for the Blind and Visually Impaired of the State Department of Rehabilitation Services, shall have immunity from liability, civil and criminal, for so reporting. Added by Laws 1976, c. 50, § 2, emerg. eff. April 12, 1976. Amended by Laws 1998, c. 107, § 5, eff. July 1, 1998; Laws 2019, c. 51, § 5, eff. Nov. 1, 2019.

§63-2801. Short title.

This act shall be known as the Oklahoma Emergency Telephone Act. Laws 1979, c. 176, § 1, emerg. eff. May 16, 1979.

§63-2802. Definitions.

As used in this act:

1. "Basic system" means a telephone service which automatically connects a person dialing the primary emergency telephone number to an established public safety answering point through normal telephone service facilities;

2. "Department" means the Department of Public Safety;

3. "Direct dispatch method" means a method whereby a call over a basic or sophisticated system is connected to a centralized dispatch center providing for the dispatching of an appropriate emergency service unit upon receipt of a telephone request for such services and a decision as to the proper action to be taken;

4. "Methods", as used in paragraphs 3, 8, 9 and 11 of this section, means the procedures to be followed by the public agency or public safety agency affected by such paragraphs;

5. "Primary emergency telephone number" means the digits nine-one-one (911);

6. "Public agency" means any agency or political subdivision of the state which provides or has authority to provide fire fighting, police, ambulance, medical or other emergency services;

7. "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical or other emergency services;

8. "Referral method" means a method whereby a call over a basic or sophisticated system results in providing the requesting party

with the telephone number of the appropriate public safety agency or other provider of emergency services;

9. "Relay method" means a method whereby a call over a basic or sophisticated system results in pertinent information being noted by the recipient of a telephone request for emergency services and is relayed to appropriate public safety agencies or other providers of emergency services for dispatch of an emergency service unit;

10. "Sophisticated system" means a basic system with the additional capability of automatic identification of the caller's number, holding the incoming call, reconnection on the same telephone line, clearing a telephone line or automatic call routing or combinations of such capabilities; and

11. "Transfer method" means a method whereby a call over a basic or sophisticated system is received and directly transferred to an appropriate public safety agency or other provider of emergency services.

Laws 1979, c. 176, § 2, emerg. eff. May 16, 1979.

§63-2803. Establishment of basic or sophisticated system.

Every public agency or public safety agency within its respective jurisdiction may establish a basic or sophisticated system, if technologically compatible with the existing local telephone network. The establishment of such systems shall be centralized where feasible. Any system established pursuant to this act may include a segment of the territory of a public agency. All systems shall be designed to meet the requirements of each community and public agency served by the system. Every system, whether basic or sophisticated, may be designed to have the capability of utilizing at least three of the four methods specified in paragraphs 3, 8, 9 and 11 of Section 2 of this act, in response to emergency calls. In addition to the number "911", a public agency or public safety agency may maintain a separate secondary backup number, and shall maintain a separate number for nonemergency telephone calls.

Laws 1979, c. 176, § 3, emerg. eff. May 16, 1979.

§63-2804. Services included in system.

Every system may include police, fire fighting and emergency medical and ambulance services, and may include other emergency services, in the discretion of the affected public agency, such as poison control services, suicide prevention services and emergency management services. The system may incorporate a private ambulance service. In those areas in which a public safety agency of the state provides such emergency services, the system may include such public safety agencies.

Added by Laws 1979, c. 176, § 4, emerg. eff. May 16, 1979. Amended by Laws 2003, c. 329, § 53, emerg. eff. May 29, 2003.

§63-2805. Preparation and implementation of system.

In order to insure that proper preparation and implementation of such systems can be accomplished as provided in Section 2803 of this title, the Department of Public Safety may develop an overall plan prior to development of any system and shall coordinate the implementation of systems to be established pursuant to the provisions of Section 2803 of this title. Any such plan shall contain an estimate of the costs of installing alternate 911 systems and an estimate of the first year's additional operating expenses, if any. The Department may formulate a plan by which it and the public agencies and public safety agencies involved may share proportionately the costs of any system and method from their current funds. The Department may aid such agencies in the formulation of concepts, methods and procedures which will improve the operation of systems and which will increase cooperation between public safety agencies. The Department may consult at regular intervals with the State Fire Marshal, the Oklahoma State Bureau of Investigation, the State Department of Health, the Department of Emergency Management and the public utilities in this state providing telephone service.
Added by Laws 1979, c. 176, § 5, emerg. eff. May 16, 1979. Amended by Laws 2003, c. 329, § 54, emerg. eff. May 29, 2003; Laws 2008, c. 302, § 9, emerg. eff. June 2, 2008.

§63-2806. Technical and operational standards for basic or sophisticated system.

The Department of Public Safety may establish technical and operational standards for the development of basic and sophisticated systems. Such standards shall be forwarded to the Corporation Commission for consideration of any tariff limitations and conditions which may need revision to accommodate such standards; and the Corporation Commission may issue such revisions after whatever hearings or procedures it deems appropriate.
Laws 1979, c. 176, § 6, emerg. eff. May 16, 1979.

§63-2807. Submission of final plan to public telephone utilities - Alternative reports.

A. All public agencies shall submit final plans for the establishment of any system to the public telephone utilities and may make arrangement with such utilities for the implementation of the planned emergency telephone system. A copy of the plan required by this subsection shall be filed with the Department of Public Safety.

B. If any public agency has implemented or is a part of a system which would be authorized by this act on the effective date of this act such public agency may submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

C. Plans filed pursuant to subsection A of this section shall conform to minimum standards established pursuant to Section 6 of this act.
Laws 1979, c. 176, § 7, emerg. eff. May 16, 1979.

§63-2808. Joint power or written cooperative agreements for implementation of plan - Powers of public safety agency employees - Immunity.

In implementing systems pursuant to this act, all public agencies in a single system may annually enter into a joint powers agreement or any other form of written cooperative agreement which is applicable when need arises on a day-to-day basis. Every employee of every public safety agency which is a participant in a system may respond and take any action to any call whether within or without the authorized territorial jurisdiction of the public safety agency. In response to emergency calls, employees of public safety agencies shall have the same immunity for any acts performed in the line of duty outside their authorized jurisdiction as they enjoy within it. No cause of action shall be created by any incorrect dispatch or response by any system or any public safety agency.
Laws 1979, c. 176, § 8, emerg. eff. May 16, 1979.

§63-2809. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§63-2810. Duties or liabilities of public telephone utility not affected.

Nothing contained in this act shall be deemed to establish or impose upon any public telephone utility providing services needed to implement the provisions hereof any duties or liabilities beyond those specified in applicable tariffs filed with the Oklahoma Corporation Commission.
Laws 1979, c. 176, § 10, emerg. eff. May 16, 1979.

§63-2811. Short title.

This act shall be known and may be cited as the "Nine-One-One Emergency Number Act".
Added by Laws 1986, c. 230, § 1, emerg. eff. June 10, 1986.

§63-2812. Purpose.

It is the purpose of the Nine-One-One Emergency Number Act, Section 2811 et seq. of this title, to establish the telephone number nine-one-one (911) as the primary emergency telephone number for use in this state and to encourage units of local governments and combinations of such units to develop and improve emergency communication procedures and facilities in order to expedite the response of law enforcement, fire, medical, rescue, and other

emergency services to any person requiring such assistance. The Legislature finds and declares that:

1. It is in the public interest to shorten the time required for a citizen to request and receive emergency aid;

2. Thousands of different emergency telephone numbers exist throughout the state, and telephone exchange boundaries and central office service areas do not necessarily correspond to political boundaries;

3. Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public safety efforts by making it less difficult to quickly notify public safety personnel.

Added by Laws 1986, c. 230, § 2, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 1, emerg. eff. April 13, 1988.

§63-2813. Definitions.

As used in the Nine-One-One Emergency Number Act, Section 2811 et seq. of this title, unless the context otherwise requires:

1. "Area served" means the geographic area which shall be served by the emergency telephone service provided by the governing body of a county, municipality, part of a county or combination of such governing bodies;

2. "Emergency telephone service" means any telephone system utilizing a three-digit number, nine-one-one (911), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel;

3. "Emergency telephone fee" means a fee to finance the operation of emergency telephone service;

4. "Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of Section 2815 of this title. Any such combined administering board shall be formed and shall enter into an agreement between the governing body of each entity in accordance with the Interlocal Cooperation Act. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved;

5. "Local exchange telephone company" means any company providing exchange telephone services to any service user in this state, and shall include any competitive local exchange carrier as defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

6. "Person" means any service user, including but not limited to, any individual, firm, partnership, copartnership, joint venture,

association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, any political subdivision of the state, or any federal or state agency, department, commission, board or bureau;

7. "Public agency" means any city, town, county, municipal corporation, public district, public trust or public authority located within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

8. "Service user" means any person who is provided exchange telephone service in this state; and

9. "Tariff rate" means the rate or rates billed by a local exchange telephone company stated in tariffs applicable for such company, as approved by the Oklahoma Corporation Commission, which represent the recurring charges of such local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

Added by Laws 1986, c. 230, § 3, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 2, emerg. eff. April 13, 1988; Laws 1995, c. 350, § 1, eff. July 1, 1995; Laws 2001, c. 30, § 2, eff. July 1, 2001.

§63-2814. Political subdivisions authorized to operate emergency telephone service - Service fee - Election.

A. In addition to other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may impose an emergency telephone fee, as provided in this section, for emergency telephone service in areas, subject to the jurisdiction of the governing body. The governing body may do such other acts as are necessary for the protection and preservation of the public health if necessary for the operation of the emergency telephone system.

B. The governing body is hereby authorized, by ordinance in the case of municipalities and by resolution in the case of counties or a combined governing body, to provide for the operation of emergency telephone service and to impose an emergency telephone fee in the area to be served by the system. The ordinance or resolution shall submit to the voters in the area to be served the question of the imposition of emergency telephone service and the amount of the emergency telephone fee. The ordinance or resolution shall propose the amount of the emergency telephone fee to begin the second year and for each year thereafter, in an amount not greater than fifteen percent (15%) of the tariff rate, and shall call for an election to

be held within one (1) year from the date the ordinance or resolution is adopted.

The ordinance or resolution shall also provide for the collection of an amount not to exceed five percent (5%) of the tariff rate in areas subject to the jurisdiction of the governing body for a period of no longer than one (1) year. The one (1) year, five percent (5%) fee shall be a part of, not an addition to, the fee set by the voters. The collection of the five percent (5%) fee may begin, prior to the election, within thirty (30) days after the resolution or ordinance becomes effective. The one (1) year, five percent (5%) fee shall be used to provide for the cost of conducting the election to set the emergency telephone fee and any initial or start-up cost necessary to implement the emergency telephone service. If the fee is not approved by the electors, any remaining money collected during the first year shall be distributed to the local exchange telephone company and then shall be refunded to each service user charged on a pro rata basis.

C. Within sixty (60) days of the publication of the resolution adopted pursuant to subsection B of this section, there may be filed with the county election board of the affected county or counties a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding general election of the county or affected area.

Within sixty (60) days of publication of an ordinance adopted by a municipality pursuant to subsection B of this section, there may be filed with the county election board of the county in which the municipality is located a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding election of the city.

The petitions may request that the question of the installation and operation of emergency telephone service and imposition of the one (1) year, five percent (5%) emergency telephone fee as called for in the resolution or ordinance be disapproved.

Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition.

If a majority of the votes cast in an election held pursuant to subsection B of this section disapprove the operation of emergency telephone service and imposition of an emergency telephone fee or a majority of the votes cast disapprove the one (1) year, five percent (5%) emergency telephone fee, upon certification of the election results by the county election board or boards, the resolution or ordinance shall not take effect and the emergency telephone service and the emergency telephone fee called for in the resolution or ordinance shall not be imposed. If the resolution or ordinance is

disapproved by the electors, any remaining money collected during the first year shall be distributed to the local exchange telephone company and then shall be refunded to each service user charged on a pro rata basis.

D. If the governing board does not take action to provide for the operation of emergency telephone service and to impose an emergency telephone fee as provided in subsection B of this section, there may be filed with the county election board or boards of the affected area a petition signed by not less than three percent (3%) of the total numbers of votes cast in the next preceding election of the affected area.

The petition shall request that the question of the installation and operation of emergency telephone service and imposition of a fee in an amount not greater than fifteen percent (15%) of the tariff rate be submitted to the qualified voters of the county, municipality or area to be served. Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition.

If a majority of the votes cast at an election held pursuant to this subsection approve the installation and operation of emergency telephone service and imposition of an emergency telephone fee the governing body shall provide for the installation and operation of the service, impose the approved fee and provide for the governance of the system. If the affected area is governed by two or more governmental entities the governing bodies of each shall enter into an agreement in accordance with the Interlocal Cooperative Act to provide for the governance of the system.

E. Any fee imposed by a county or combined governing body shall not apply to any portion of the county located within the boundaries of a municipality or other governmental entity also imposing an emergency telephone fee pursuant to the provisions of the Nine-One-One Emergency Number Act. The approved emergency telephone fee shall be effective upon certification of the election results by the county election board or boards. Except as provided for in subsections G and I of this section, an emergency telephone fee imposed prior to the effective date of this act shall continue at the established amount until an election to change the fee is called as provided for in this section.

F. If a majority of the votes cast at an election held pursuant to subsection B of this section approve the installation and operation of emergency telephone service and imposition of an emergency telephone fee, the governing body shall provide for the installation and operation of the service and impose the approved fee. The initial five percent (5%) fee, established by resolution or an ordinance, as provided pursuant to the provisions of subsection B

of this section shall remain in effect for the remainder of the first year.

G. The emergency telephone fee approved pursuant to the provisions of this section shall be reviewed at least once each calendar year by the governing body which shall, in accordance with subsection D of Section 2815 of this title, establish the amount of the fee for the next calendar year, not to exceed the amount set by the electors. The governing body shall have the power and authority to reduce the emergency telephone fee being paid by the service users of the emergency telephone system to the estimated amount needed for the annual operation and maintenance of the system. If the governing body makes a reduction and in a subsequent year determines it is necessary to increase the fee to operate and maintain the system, the governing body may raise the fee up to an amount not to exceed the amount previously set by the electors. Any fee imposed by the electors of a county, municipality or area served shall remain at the amount approved by the electors until a new vote of the electors is conducted in the manner for which an election may be conducted to impose a fee as provided for in this section. The proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in this section. Collection of the fee may begin at any time if an existing service is already operative or at any time subsequent to execution of a contract with the provider of the emergency telephone service at the discretion of the governing body.

H. If the fee approved by the voters is less than fifteen percent (15%) and the governing body determines there exists a need for ancillary communications systems necessary to communicate the reported emergency to the appropriate emergency service and personnel and the governing body also determines that the fee set by the electors is not sufficient to fund the ancillary communications systems, the governing body may by resolution or ordinance call an election to submit the question of raising the voter-approved fee in a sufficient amount, not to exceed fifteen percent (15%), for such additional time as determined by the governing body it is necessary to purchase the ancillary communications equipment. The vote shall be conducted in the manner provided for in subsection B of this section.

I. A governing body with an existing emergency telephone service system in operation prior to the effective date of this act may by ordinance or resolution restore the emergency telephone fee set at three percent (3%) to an amount not to exceed five percent (5%) of the tariff rate for such additional time as is necessary to fund ancillary communications equipment necessary to communicate the reported emergency to the appropriate emergency service and personnel.

Within sixty (60) days of the publication of the resolution adopted pursuant to this subsection, there may be filed with the county election board of the affected county or counties a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding general election of the county or affected area.

Within sixty (60) days of publication of an ordinance adopted by a municipality pursuant to this subsection, there may be filed with the county election board of the county in which the municipality is located a petition signed by not less than three percent (3%) of the total number of votes cast in the next preceding election of the city.

The petitions may request that the question of restoring the emergency telephone fee to an amount not to exceed five percent (5%) of the tariff rate to fund ancillary communications equipment be submitted to the qualified voters of the county, municipality or area to be served.

Upon determination of the sufficiency of the petition and certification by the county election board or boards, the proposition shall be submitted to the qualified voters of the county, municipality or area to be served not less than sixty (60) days following the certification of the petition. If a majority of the votes cast at the election are for restoring the emergency telephone fee to an amount not to exceed five percent (5%) of the tariff rate to fund ancillary communications equipment, the resolution or ordinance restoring the fee shall become effective. The increase of the fee may be implemented within thirty (30) days after the resolution or ordinance becomes effective.

J. The tariff rate used for initial calculation of the emergency telephone service fee shall remain static for the purpose of calculating future fees for emergency telephone service. Therefore, future rate changes for emergency telephone service shall be stated as a percentage of the initial tariff rate.

K. The emergency telephone fee shall be imposed only upon the amount received from the tariff for exchange telephone service or its equivalent. No fee shall be imposed upon more than one hundred exchange access lines or their equivalent per person per location.

L. Every billed service user shall be liable for any fee imposed pursuant to this section until it has been paid to the local exchange telephone company.

M. The duty to collect any fee imposed pursuant to the authority of the Nine-One-One Emergency Number Act from a service user shall commence at a time specified by the governing body. Fees imposed pursuant to this section that are required to be collected by the local exchange telephone company shall be added to and shall be stated separately in the billings to the service user.

N. The local exchange telephone company shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this section, however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for exchange telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company shall annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company to be nonpayment of any fee imposed pursuant to the authority of this section.

O. Any fee imposed pursuant to the authority provided by this section shall be collected insofar as practicable at the same time as, and along with, the charges for exchange telephone service in accordance with the regular billing practice of the local exchange telephone service. The tariff rates determined by or stated in the billing of the local exchange telephone company shall be presumed to be correct if such charges were made in accordance with the business practices of the local exchange telephone company. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

Added by Laws 1986, c. 230, § 4, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 3, emerg. eff. April 13, 1988; Laws 1990, c. 125, § 1, emerg. eff. April 24, 1990; Laws 1993, c. 67, § 1; Laws 1995, c. 350, § 2, eff. July 1, 1995.

§63-2815. Due date of fee - Penalty for late payment - Filing of return - Determination of fee - Audit - Governing bodies, boards.

A. Any fee imposed pursuant to Section 2814 of this title and the amounts required to be collected are due monthly. The amount of fee collected in one (1) month by the local exchange telephone company shall be remitted to the governing body no later than thirty (30) days after the close of the month in which such fees were collected. In the event the fee collected is not remitted by the local exchange telephone company or by a competitive local exchange company, as both are defined in Section 139.102 of Title 17 of the Oklahoma Statutes, to the governing body within thirty (30) days after the close of the month in which such fees were collected, then the local exchange telephone company shall remit a penalty to the governing body. The penalty shall be equal to ten percent (10%) of the original unremitted fee, payable on the first day of each month the fee remains delinquent. All fees collected by the local exchange telephone company and remitted to the governing body and any other money collected to fund the emergency telephone system shall be deposited in a special nine-one-one account established by the governing body, and shall be used only to fund the expenditures

authorized by the Nine-One-One Emergency Number Act. The governing body shall account for all disbursements from the account and shall not allow the funds to be transferred to another account not specifically established for the operation of the emergency telephone system.

B. On or before the last day of each month, a return for the preceding month shall be filed with the governing body in a form the governing body and the local exchange telephone company agree to. The local exchange telephone company required to file the return shall deliver the return together with a remittance of the amount of the fee payable to the treasurer or other person responsible to the governing body for receipt of payments from the fee. The local exchange telephone company shall maintain records of the amount of any fee collected in accordance with the provisions of the Nine-One-One Emergency Number Act. The records shall be maintained for a period of one (1) year from the time the fee is collected.

C. From every remittance of the collected fee to the governing body made on or before the date when the same becomes due, the local exchange telephone company required to remit the fee shall be entitled to deduct and retain for administrative costs, an amount not to exceed three percent (3%) of the first five percent (5%) of the emergency telephone fee.

D. At least once each calendar year, the governing body shall establish the fee for the subsequent year in an amount not to exceed the amount approved by the voters as provided by the provisions of Section 2814 of this title that, together with any surplus revenues, will produce sufficient revenues to fund the expenditures authorized by the Nine-One-One Emergency Number Act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make the determination of the fee amount no later than September 1 of each year and shall fix the new fee to take effect commencing with the first billing period of each service user on or following the next January 1. Immediately upon making its determination and fixing the fee, the governing body shall publish in its minutes the new fee, and it shall, at least ninety (90) days before the new fee shall become effective, notify by certified mail every local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the governing body. The governing body may at its own expense require an annual audit of the books and records of the local exchange telephone company concerning the collection and remittance of the fee authorized by the Nine-One-One Emergency Number Act.

E. The governing body shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used by the governing body for the operation of an emergency

telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the governing body. All audits shall be conducted in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States. A copy of the audit shall be filed with the State Auditor and Inspector and action taken in accordance with Section 212A of Title 74 of the Oklahoma Statutes. The audit of the emergency telephone system accounts may be paid for and be considered a part of the operating expenses of the emergency telephone system.

F. The governing body shall meet at least quarterly to oversee the operations of the emergency telephone system, review expenditures, set and approve an operating budget and take such other action as necessary for the operation and management of the system. The records and meetings of the governing body shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

G. A governing body made up of two or more governmental entities shall have a board consisting of not less than three members; provided, the board shall consist of at least one member representing each governmental entity, appointed by the governing body of each participating governmental entities, as set forth in the agreement forming the board. The members shall serve for terms of not more than three (3) years as set forth in the agreement. Members may be appointed to serve more than one term. The names of the members of the governing body board and the appointing authority of each member shall be maintained in the office of the county clerk in the county or counties in which the system operates, along with copies of the agreement forming the board and any amendments to that agreement. Added by Laws 1986, c. 230, § 5, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 4, emerg. eff. April 13, 1988; Laws 1995, c. 350, § 3, eff. July 1, 1995; Laws 2002, c. 192, § 1, eff. Nov. 1, 2002.

§63-2815.1. Outgoing calls - Confidentiality - Liability.

A. Nine-one-one emergency telephone service information may be used by a public law enforcement or public health agency for the purpose of placing outgoing emergency calls that notify the public of an emergency or provide to the public information relative to an emergency.

B. Nine-one-one emergency telephone service information shall be confidential. Any public law enforcement or public health agency that uses nine-one-one emergency telephone service information for the purposes set forth in subsection A of this section shall establish methods and procedures that ensure the confidentiality of the information.

C. For purposes of this section “nine-one-one emergency telephone service information” shall mean the name, address and

telephone number of a service user of a local exchange telephone company.

D. No person providing service pursuant to this section shall be liable for using nine-one-one emergency telephone service information, or providing such information to any public law enforcement or public health agency, in accordance with subsection B of this section.

Added by Laws 2003, c. 309, § 1, eff. Jan. 1, 2004. Amended by Laws 2008, c. 138, § 1, emerg. eff. May 9, 2008.

§63-2816. Bonds.

The governing body may issue and sell bonds to finance:

1. The acquisition by any method of facilities, equipment or supplies necessary to begin providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service or any component or system associated therewith; or

2. Any payment necessary for the governing body to associate with an existing nine-one-one emergency telephone service system or nine-one-one wireless emergency telephone service system.

Added by Laws 1986, c. 230, § 6, emerg. eff. June 10, 1986. Amended by Laws 2000, c. 115, § 5, eff. Nov. 1, 2000.

§63-2817. Liability.

A. No public agency or employee of a public agency shall be liable for the method of providing or failure to provide nine-one-one emergency telephone or communication service or nine-one-one wireless emergency telephone service or for the method of providing or failure to provide emergency response service.

B. No public agency or employee of a public agency shall have any special duty to any service user or other user of the nine-one-one emergency telephone system or nine-one-one wireless emergency telephone system or any other telecommunication or communication system supplying or obligated to supply nine-one-one service.

C. A service provider of telecommunications or other communication services involved in providing nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service shall not be liable for any claim, damage, or loss arising from the provision of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

D. As used in this section:

1. "Employee" shall have the same meaning as defined in Section 152 of Title 51 of the Oklahoma Statutes; and

2. "Communication" means the transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio,

satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used.
Added by Laws 1986, c. 230, § 7, emerg. eff. June 10, 1986. Amended by Laws 2000, c. 115, § 6, eff. Nov. 1, 2000; Laws 2008, c. 138, § 2, emerg. eff. May 9, 2008.

§63-2818. Contract for administration of emergency telephone service.

For the administration of nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, any governing body may contract directly with the provider of the nine-one-one emergency telephone service or nine-one-one wireless emergency telephone service, or may contract and cooperate with:

1. Any public agency;
2. Other states or their political subdivisions;
3. Any association or corporation for their political subdivisions; or
4. Any association or corporation.

Added by Laws 1986, c. 230, § 8, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 5, emerg. eff. April 13, 1988; Laws 2000, c. 115, § 7, eff. Nov. 1, 2000.

§63-2818.2. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997.

§63-2818.3. Repealed by Laws 1997, c. 46, § 14, emerg. eff. April 7, 1997.

§63-2818.4. Presumption to be considered by committee in developing recommendations.

The Statewide Emergency 911 Advisory Committee shall, in developing its recommendations pursuant to Section 2818.3 of Title 63 of the Oklahoma Statutes, consider the presumption that all providers of dial tone are obligated to participate in the provision of 911 service and its funding.
Added by Laws 1996, c. 198, § 1, emerg. eff. May 20, 1996.

§63-2819. Renumbered as § 2870 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016.

§63-2820. Use of nine-one-one number for nonemergency purposes.

Any person who owns a telephone or who is charged line or rent charges from the telephone utility, who uses the nine-one-one number for nonemergency calls or who allows minor children to use the nine-one-one number for nonemergency purposes shall be notified by certified mail, restricted delivery, after the third such infraction.

Added by Laws 1988, c. 130, § 7, emerg. eff. April 13, 1988. Amended by Laws 1990, c. 92, § 2, eff. Sept. 1, 1990.

§63-2821. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2841. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2842. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2843. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2843.1. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2843.2. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2844. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2846. Mandatory provision of emergency telephone service – Confidentiality - Liability.

A. All local exchange companies, and wireless and other telephone service companies providing service to users in an area in which nine-one-one emergency telephone service is currently operating shall also provide emergency telephone service to all subscribing service users in that area. Wireless and other telephone service companies shall provide information necessary for automatic number identification, automatic location identification and selective routing of nine-one-one emergency wireless calls to cities and counties answering emergency telephone calls for maintenance of existing nine-one-one databases. The governing body may reasonably require sufficient information to ensure compliance with this section and to provide data for audit and budgetary calculation purposes.

B. Information that a wireless service provider is required to furnish in providing nine-one-one service is confidential and exempt from disclosure. The wireless service provider is not liable to any person who uses a nine-one-one service created under this act for the release of information furnished by the wireless service provider in providing nine-one-one service. Information that is confidential under this section may be released only for budgetary calculation purposes and only in aggregate form so that no provider-specific information may be extrapolated.

Added by Laws 2000, c. 115, § 9, eff. Nov. 1, 2000.

§63-2847. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2849. Renumbered as § 2871 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016.

§63-2851. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2852. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2853. Repealed by Laws 2016, c. 324, § 14, eff. Jan. 1, 2017.

§63-2855.1. Direct access to 9-1-1 service required

DIRECT ACCESS TO 9-1-1 SERVICE REQUIRED

A. A business owner or operator that owns or controls a telephone system or equivalent system which utilizes Voice over Internet Protocol (VoIP) enabled service and provides outbound dialing capacity or access shall be required to configure the telephone or equivalent system to allow a person initiating a 9-1-1 call on the system to directly access 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code.

B. A business owner or operator that provides residential or business facilities utilizing a telephone system or equivalent system as described in subsection A, shall configure the telephone or equivalent system to provide a notification to a central location on the site of the residential or business facility when a person within the residential or business facility dials 9-1-1, provided the business owner or operator's system is able to be configured to provide such notification without an improvement to the system's hardware. The requirement of this subsection does not require a business owner or operator to have a person available at the central location to receive such notification.

C. Telephone service providers and Interconnected VoIP Service providers shall, within sixty (60) days following the enactment of this act, and at least once annually thereafter, provide written notification detailing the provisions of this act to any current commercial customers operating in this state who may be affected by this act. Such providers shall inform any new commercial customers of the requirements of this act at the time service is initiated.

D. The provisions of this act shall apply to the extent such provisions are not inconsistent with or preempted by federal law.

Added by Laws 2016, c. 146, § 2, eff. Jan. 1, 2017.

§63-2861. Short title - Oklahoma 9-1-1 Management Authority Act.

This act shall be known and may be cited as the "Oklahoma 9-1-1 Management Authority Act".

Added by Laws 2016, c. 324, § 1, eff. Nov. 1, 2016.

§63-2862. Definitions.

As used in the Oklahoma 9-1-1 Management Authority Act:

1. "Authority" means the Oklahoma 9-1-1 Management Authority created in Section 3 of this act;

2. "Governing body" means the board of county commissioners of a county, the city council, tribal authority or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies including county or municipal beneficiary public trusts, or other public trusts which shall have an administering board. A governing body made up of two or more governmental entities shall have a board consisting of not less than three members and shall consist of at least one member representing each governmental entity, appointed by the governing body of each participating governmental entity, as set forth in the agreement forming the board. The members of the board shall serve for terms of not more than three (3) years as set forth in the agreement. Members may be appointed to serve more than one term. The names of the members of the governing body board and the appointing authority of each member shall be maintained in the office of the county clerk in the county or counties in which the system operates, along with copies of the agreement forming the board and any amendments to that agreement;

3. "Next-generation 9-1-1" or "NG9-1-1" means an:

a. IP-based system comprised of hardware, software, data, and operational policies and procedures that:

(1) provides standardized interfaces from emergency call and message services to support emergency communications,

(2) processes all types of emergency calls, including voice, text, data and multimedia information,

(3) acquires and integrates additional emergency call data useful to call routing and handling,

(4) delivers the emergency calls, messages and data to the appropriate public safety answering point and other appropriate emergency entities,

(5) supports data or video communications needs for coordinated incident response and management, and

(6) provides broadband service to public safety answering points or other first responder entities, or

b. IP-based system comprised of hardware, software, data and operational policies and procedures that conforms with subsequent amendments made to the definition of Next Generation 9-1-1 services in Public Law 112-96;

4. "9-1-1 emergency telephone service" means any telephone system whereby telephone subscribers may utilize a three-digit number (9-1-1) for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and which the wireless service provider is required to provide pursuant

to the Federal Communications Commission Order 94-102 (961 Federal Register 40348);

5. "9-1-1 wireless telephone fee" means the fee imposed in Section 5 of this act to finance the installation and operation of emergency 9-1-1 services and any necessary equipment;

6. "Place of primary use" means the street address representative of where the use of the mobile telecommunications service of the customer primarily occurs, which shall be the residential street address or the primary business street address of the customer and shall be within the licensed service area of the home service provider in accordance with Section 55001 of Title 68 of the Oklahoma Statutes and the federal Mobile Telecommunications Sourcing Act, P.L. No. 106-252, codified at 4 U.S.C. 116-126;

7. "Prepaid wireless telecommunications service" means a telecommunications wireless service that provides the right to utilize mobile wireless service as well as other telecommunications services including the download of digital products delivered electronically, content and ancillary services, which are paid for in advance and sold in predetermined units or dollars of which the number declines with use in a known amount;

8. "Proprietary information" means wireless service provider or VoIP service provider, subscriber, market share, cost and review information;

9. "Public agency" means any city, town, county, municipal corporation, public district, public trust, substate planning district, public authority or tribal authority located within this state which provides or has authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services;

10. "Public safety answering point" or "PSAP" means an entity responsible for receiving 9-1-1 calls and processing those calls according to specific operational policy;

11. "Wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, and includes a provider of wireless two-way communication service, radio-telephone communications related to cellular telephone service, network radio access lines or the equivalent, and personal communication service. The term does not include a provider of:

a. a service whose users do not have access to 9-1-1 service,

b. a communication channel used only for data transmission, or

c. a wireless roaming service or other nonlocal radio access line service;

12. "Wireless telecommunications connection" means the ten-digit access number assigned to a customer regardless of whether more than one such number is aggregated for the purpose of billing a service user; and

13. "Voice over Internet Protocol (VoIP) provider" means a provider of interconnected Voice over Internet Protocol service to end users in the state, including resellers.

Added by Laws 2016, c. 324, § 2, eff. Nov. 1, 2016.

§63-2863. Oklahoma 9-1-1 Management Authority – Creation - Members.

A. There is hereby created the Oklahoma 9-1-1 Management Authority which shall be the governing board overseeing the development and regulation of 9-1-1 emergency systems in this state and managing the distribution of all 9-1-1 telephone fees collected pursuant to the provisions of Section 5 of this act.

B. The Authority shall be composed of the following members:

1. One member representing a tribal authority that operates a 9-1-1 system to be appointed by the President Pro Tempore of the Senate;

2. One member representing a statewide organization dedicated to public safety to be appointed by the President Pro Tempore of the Senate;

3. One member representing a statewide organization dedicated to career development for emergency number professionals to be appointed by the Governor;

4. One member representing a statewide organization dedicated to representing Oklahoma municipalities to be appointed by the Speaker of the House of Representatives;

5. One member representing a statewide organization representing Oklahoma county commissioners to be appointed by the Governor;

6. One member representing a statewide association of regional councils of government to be appointed by the President Pro Tempore of the Senate;

7. The Chief Information Officer for the state, or designee;

8. One member representing a substate planning district to be appointed by the Governor;

9. Two members each representing a municipal government operating a 9-1-1 system and having a population of less than one hundred thousand (100,000), one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Governor;

10. One member representing a municipal government operating a 9-1-1 system and having a population of more than one hundred thousand (100,000) but less than four hundred fifty thousand (450,000) to be appointed by the Governor;

11. One member representing a municipal government operating a 9-1-1 system and having a population of more than four hundred fifty

thousand (450,000) to be appointed by the Speaker of the House of Representatives;

12. One member representing an organization created by an interlocal agreement for the purpose of sharing public safety answering point duties and whose members are municipal governments with a population of less than four hundred fifty thousand (450,000) to be appointed by the Governor;

13. One member representing an organization created by an interlocal agreement for the purpose of sharing public safety answering point duties and whose members are municipal governments with a population of more than four hundred fifty thousand (450,000) to be appointed by the President Pro Tempore of the Senate;

14. One member who is a 9-1-1 Coordinator for a county with a population of less than twenty thousand (20,000) to be appointed by the Speaker of the House of Representatives;

15. One member who is a 9-1-1 Coordinator for a county with a population of more than twenty thousand (20,000) to be appointed by the President Pro Tempore of the Senate;

16. One member who is a 9-1-1 Coordinator for a county to be appointed by the Governor;

17. One member representing a local exchange telecommunications service provider which serves less than fifty thousand (50,000) access lines in the state or a telephone cooperative to be appointed by the President Pro Tempore of the Senate;

18. One member representing a local exchange telecommunications service provider which serves more than fifty thousand (50,000) access lines in the state to be appointed by the Speaker of the House of Representatives;

19. One member representing a Tier I wireless carrier, as defined by the Federal Communications Commission, to be appointed by the Speaker of the House of Representatives;

20. One member representing a Tier II wireless carrier, as defined by the Federal Communications Commission, to be appointed by the Speaker of the House of Representatives;

21. One member representing a Tier III wireless carrier, as defined by the Federal Communications Commission, to be appointed by the President Pro Tempore of the Senate;

22. One member representing the telephone industry to be appointed by the President Pro Tempore of the Senate; and

23. The Oklahoma Secretary of Safety and Security or designee.

C. Members shall serve at the pleasure of their appointing authority and vacancies shall be filled by the original appointing authority.

D. Members shall receive no compensation for serving on the Authority.

E. At its first meeting annually the Authority shall designate a chair from its members. Meetings shall be held at the call of the chair.

F. The Authority shall be subject to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.

G. The Oklahoma Department of Emergency Management shall provide legal, administrative, fiscal and staff support for the Authority. Expenses related to the provision of such services may be paid from funds available in the Oklahoma 9-1-1 Management Authority Revolving Fund created in Section 9 of this act, upon approval by a majority of the members of the Authority.

H. Members serving on the Statewide Nine-One-One Advisory Board appointed pursuant to Section 2847 of Title 63 of the Oklahoma Statutes on the effective date of this act shall continue serving as members of the Oklahoma 9-1-1 Management Authority unless replaced by their appointing authority.

Added by Laws 2016, c. 324, § 3, eff. Nov. 1, 2016.

§63-2864. Powers and duties.

The powers and duties of the Oklahoma 9-1-1 Management Authority created in Section 3 of this act shall be to:

1. Approve or disapprove the selection of the Oklahoma 9-1-1 Coordinator by majority vote of the members. The Authority shall direct the Oklahoma 9-1-1 Coordinator to administer grants approved by the Authority pursuant to this section and perform other duties as it deems necessary to accomplish the requirements of the Oklahoma 9-1-1 Management Authority Act;

2. Prepare grant solicitations for funding for the purposes of assisting public agencies with funding for consolidation of facilities or services, deployment of Phase II technology or successor technology, development of next-generation 9-1-1 regional emergency service networks, and for other purposes it deems appropriate and necessary;

3. Work in conjunction with the Oklahoma Department of Emergency Management to create an annual budget for the Authority, which shall be approved by majority vote of the members;

4. Direct the Oklahoma Tax Commission to escrow all or any portion of funds collected pursuant to the Oklahoma 9-1-1 Management Authority Act attributable to a public agency, if the public agency fails to:

a. submit or comply with master plans to deliver Phase II 9-1-1 wireless locating services as required by this act and approved by the Authority,

b. meet standards of the National Emergency Number Association (NENA) limited to call-taking and caller-location technology or comply with an improvement plan to meet such standards as directed by the Authority,

c. submit annual reports or audits as required by this act, or

d. comply with the requirements of this act or procedures established by the Authority;

5. Establish and submit to the Tax Commission a list of eligible governing bodies entitled to receive 9-1-1 telephone fees and establish annual population figures for the purpose of distributing fees collected pursuant to Section 5 of this act, to be derived by dividing the population of each public agency's response area by the total population of the state using data from the latest available Federal Decennial Census estimates as of July 1 of each year;

6. Assist any public agency the Authority determines is performing below standards of the NENA, as limited by paragraph 4 of this section, according to the improvement plan required by the Oklahoma 9-1-1 Management Authority Act. The Authority shall establish a time period for the public agency to come into compliance after which the Authority shall escrow funds as authorized in this section. Improvement plans may include consideration and recommendations for consolidation with other public agencies, and sharing equipment and technology with other jurisdictions;

7. Require an annual report from public agencies regarding operations and financing of the public safety answering point (PSAP) and approve, modify or reject such reports;

8. Conduct and review audits and financial records of the wireless service providers and review public agencies' audits and financial records regarding the collection, remittance and expenditures of 9-1-1 wireless telephone fees as required by the Oklahoma 9-1-1 Management Authority Act;

9. Develop a plan to deploy next-generation 9-1-1 services statewide. The Authority may fund feasibility and implementation studies it deems necessary to create the plan;

10. Facilitate information-sharing among public agencies;

11. Create and maintain best practices databases for PSAP operations;

12. Encourage equipment- and technology-sharing among all jurisdictions;

13. Develop training program standards for 9-1-1 call takers;

14. Mediate disputes between public agencies and other entities involved in providing 9-1-1 emergency telephone services;

15. Provide a clearinghouse of contact information for communications service companies and PSAPs operating in this state;

16. Make recommendations for consolidation upon the request of public agencies; and

17. Take any steps necessary to carry out the duties required by the Oklahoma 9-1-1 Management Authority Act.

Added by Laws 2016, c. 324, § 4, eff. Nov. 1, 2016.

§63-2865. Fees - Transactions.

A. Beginning January 1, 2017, there shall be imposed a 9-1-1 telephone fee as follows:

1. Seventy-five cents ($0.75) monthly on each wireless telephone connection and other communication device or service connection with the ability to dial 9-1-1 for emergency calls;

2. Seventy-five cents ($0.75) monthly on each service that is enabled by Voice over Internet Protocol (VoIP) or Internet Protocol (IP) with the ability to dial 9-1-1 for emergency calls; and

3. Seventy-five cents ($0.75) on each prepaid wireless retail transaction occurring in this state.

B. 1. For purposes of paragraph 3 of subsection A of this section, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state. Any other retail transaction shall be sourced as provided in paragraphs 2 through 5 of this subsection as applicable.

2. When the retail transaction does not occur at a business location of the seller, the retail transaction shall be sourced to the location where receipt by the consumer, or the consumer's donee, designated as such by the consumer, occurs, including the location indicated by instructions for delivery to the consumer or donee, known to the seller.

3. When the provisions of paragraph 2 of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

4. When the provisions of paragraphs 2 and 3 of this subsection do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address of a consumer's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

5. When none of the previous rules of paragraphs 1, 2, 3 and 4 of this subsection apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then the location shall be determined by the address from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold. If the seller knows the mobile telephone number, the location will be that which is associated with the mobile telephone number.

C. The fees authorized by subsection A of this section shall not be assessed on landline phone customers.

D. The fees imposed in subsection A of this section shall replace any 9-1-1 wireless telephone fees previously adopted by any

county pursuant to Section 2843.1 of Title 63 of the Oklahoma Statutes, or 9-1-1 VoIP emergency service fees adopted by a governing body pursuant to Section 2853 of Title 63 of the Oklahoma Statutes, or fees on prepaid wireless retail transactions pursuant to Section 2843.2 of Title 63 of the Oklahoma Statutes. Fees collected and transferred pursuant to those sections shall remain in effect through December 31, 2016.

E. From each seventy-five-cent fee assessed and collected pursuant to subsection A of this section, five cents ($0.05) shall be deposited into the Oklahoma 9-1-1 Management Authority Revolving Fund created pursuant to Section 9 of this act. Funds accumulating in this revolving fund shall be used to fund the salary of the Oklahoma 9-1-1 Coordinator and any administrative staff, operations of the Authority and any costs associated with the administration of the Oklahoma 9-1-1 Management Authority Act within the Oklahoma Department of Emergency Management, and for grants approved by the Authority for purposes as authorized in this act.

Added by Laws 2016, c. 324, § 5, eff. Nov. 1, 2016.

§63-2866. Collection, payment and distribution of fees – Wireless and VoIP providers.

A. 9-1-1 telephone fees authorized and collected by wireless service providers and Voice over Internet Protocol (VoIP) providers, pursuant to paragraphs 1 and 2 of subsection A of Section 5 of this act, from each of their end users residing in this state shall be paid to the Oklahoma Tax Commission no later than the twentieth day of the month succeeding the month of collection.

B. From the total fees collected pursuant to paragraphs 1 and 2 of subsection A of Section 5 of this act, one percent (1%) shall be retained by the wireless service provider or VoIP provider, and one percent (1%) shall be retained by the Tax Commission as reimbursement for the direct cost of administering the collection and remittance of the fees.

C. Every billed service subscriber shall be liable for any 9-1-1 wireless telephone fee imposed pursuant to the Oklahoma 9-1-1 Management Authority Act until the fee has been paid to the wireless service provider.

D. Fees imposed pursuant to the Oklahoma 9-1-1 Management Authority Act which are required to be collected by the wireless service provider or VoIP provider may be added to and shall be stated separately in any billings to the service subscriber.

E. The wireless service provider or VoIP provider shall have no obligation to take any legal action to enforce the collection of any 9-1-1 wireless telephone fee imposed pursuant to the provisions of the Oklahoma 9-1-1 Management Authority Act. Should any service subscriber tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for wireless telephone or VoIP service, the

amount tendered shall be credited to the 9-1-1 wireless telephone fee in the same manner as other taxes and fees.

F. Any 9-1-1 fee imposed pursuant to the provisions of the Oklahoma 9-1-1 Management Authority Act shall be collected insofar as practicable at the same time as, and along with, the charges for wireless telephone or VoIP service in accordance with the regular billing practice of the provider.

G. Nothing in the Oklahoma 9-1-1 Management Authority Act shall be construed to limit the ability of a wireless service provider or VoIP provider from recovering its costs associated with designing, developing, deploying and maintaining enhanced 9-1-1 service directly from the service subscribers of the provider, whether the costs are itemized on the bill of the service subscriber as a surcharge or by any other lawful means.

H. The wireless service provider or VoIP provider shall maintain records of the amount of 9-1-1 telephone fees collected in accordance with the provisions of the Oklahoma 9-1-1 Management Authority Act for a period of three (3) years from the time the fee is collected. The State Auditor and Inspector, the Oklahoma 9-1-1 Management Authority or any affected public agency may require an annual audit of the books and records of the wireless service provider or VoIP provider concerning the collection and remittance of fees authorized by this act. Auditors shall have access to all information used by the wireless service provider or VoIP provider to calculate and remit the 9-1-1 telephone fee. Audit expenses shall be reimbursable pursuant to procedures established by the Oklahoma 9-1-1 Management Authority if the audit is approved by the Authority.

I. The wireless service provider or VoIP provider shall provide to the Oklahoma 9-1-1 Management Authority an annual census showing the primary place of use of its subscribers located by county and either a municipality or unincorporated area. The census shall contain all subscribers as of December 31 of each year, and shall be provided to the Authority no later than February 1 of each year.

J. All proprietary information provided by a wireless service provider or VoIP provider to the Authority shall not be subject to disclosure to the public or any other party.

K. Within thirty (30) days of receipt, the Oklahoma Tax Commission shall pay available fees remitted pursuant to Section 5 of this act to the governing bodies that the Oklahoma 9-1-1 Management Authority has certified in accordance with Section 4 of this act as eligible to receive funds. The share to be paid to or escrowed for each governing body shall be determined by dividing the population of the governing body by the total population of the state using the latest Federal Decennial Census estimates.

Added by Laws 2016, c. 324, § 6, eff. Nov. 1, 2016.

§63-2867. Collection, payment and distribution of fees – Prepaid wireless providers.

A. Prepaid 9-1-1 wireless transaction fees authorized and collected pursuant to paragraph 3 of subsection A of Section 5 of this act from retailers shall be paid to the Oklahoma Tax Commission under procedures established by the Tax Commission that substantially coincide with the registration and payment procedures that apply under the Oklahoma Sales Tax Code and as directed by the Oklahoma 9-1-1 Management Authority. The audit and appeal procedures, including limitations period, applicable to the Oklahoma Sales Tax Code shall apply to prepaid 9-1-1 wireless telephone fees.

B. From the total fees collected pursuant to paragraph 3 of subsection A of Section 5 of this act, three percent (3%) shall be retained by the seller and one percent (1%) shall be retained by the Tax Commission as reimbursement for the direct cost of administering the collection and remittance of such fees.

C. The prepaid 9-1-1 wireless transaction fee shall be collected by the retailer from the consumer for each retail transaction occurring in this state. The amount of the prepaid 9-1-1 wireless fee shall either be separately stated on the invoice, receipt or similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

D. The prepaid 9-1-1 wireless telephone fee is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid 9-1-1 wireless telephone fees that the seller collects as provided in this section, including all charges that the seller is deemed to collect where the amount of the fee has not been separately stated on an invoice, receipt or other similar document.

E. If the amount of the prepaid 9-1-1 wireless telephone fee is separately stated on the invoice, receipt or similar document, the prepaid 9-1-1 wireless telephone fee shall not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by the state, any political subdivision of this state or any intergovernmental agency.

Added by Laws 2016, c. 324, § 7, eff. Nov. 1, 2016.

§63-2868. Use of funds – Annual audit – Annual report.

A. Public agencies recognized by the Oklahoma 9-1-1 Management Authority and authorized to receive funds collected pursuant to the provisions of this act shall use the funds only for services, equipment and operations related to 9-1-1 emergency telephone systems.

B. Money remitted to public agencies pursuant to the Oklahoma 9-1-1 Management Authority Act and any money otherwise collected by any lawful means for purposes of providing 9-1-1 emergency telephone services shall be deposited in a separate 9-1-1 emergency telephone

service account established by a public agency or its governing body to carry out the requirements of this act. Monies remaining in such accounts at the end of a fiscal year shall carry over to subsequent years. The monies deposited in the Oklahoma 9-1-1 Management Authority Revolving Fund shall at no time be monies of the state and shall not become part of the general budget of the Office of Emergency Management or any other state agency. Except as otherwise authorized by this act, no monies from the Oklahoma 9-1-1 Management Authority Revolving Fund shall be transferred for any purpose to any other state agency or any account of the Office of Emergency Management or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. Payments from the Oklahoma 9-1-1 Management Authority Revolving Fund shall not become or be construed to be any obligation of the state. No claims for reimbursement from the Oklahoma 9-1-1 Management Authority Revolving Fund shall be paid with state monies.

C. If the Oklahoma 9-1-1 Management Authority determines that the public agency has failed to deploy Phase II service or has failed to deliver service consistent with National Emergency Number Association (NENA) standards, the public agency shall submit an improvement plan within the time prescribed by the Authority. The Authority may order the Oklahoma Tax Commission to escrow fees attributable to public agencies which have not submitted plans or complied with improvement plans.

D. A public agency shall be required to have conducted separately or as a part of the annual audit required by law of the municipality or county an annual audit of any accounts established or used for the operation of a 9-1-1 emergency telephone system. The audit may be conducted by the State Auditor and Inspector at the discretion of the public agency. The cost of the audit of the 9-1-1 emergency telephone system may be paid from and be considered a part of the operating expenses of the 9-1-1 emergency telephone system. Proprietary information of the wireless service providers shall be confidential. Audit information pertaining to revenue collected or disbursed may be released only in aggregate form so that no provider-specific information may be extrapolated.

E. Public agencies shall be required to annually submit to the Authority:

1. A report, on a form to be prescribed by the Authority, covering the operation and financing of the public safety answering point which shall include all sources of funding available to the public agency for the 9-1-1 emergency telephone system; and

2. A copy of the most recent annual audit showing all expenses of the public agency relating to the 9-1-1 emergency telephone system.

F. The Authority shall have the power to review, approve, submit for further information or deny approval of the annual report of each

public agency required pursuant to subsection E of this section. Failure by a public agency to submit the report annually or denial of a report may cause the Authority to order the Tax Commission to escrow the 9-1-1 emergency telephone fees due to the public agency until the public agency complies with the requirements of the Oklahoma 9-1-1 Management Authority Act and the procedures established by the Authority.

G. The governing body of the public agency shall meet at least quarterly to oversee the operations of the 9-1-1 emergency telephone system, review expenditures and annually set and approve an operating budget, and take any other action as necessary for the operation and management of the system.

H. Records and meetings of the public agency shall be subject to the Oklahoma Open Records Act and the Oklahoma Open Meeting Act.
Added by Laws 2016, c. 324, § 8, eff. Nov. 1, 2016.

§63-2869. Oklahoma 9-1-1 Management Authority Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Emergency Management to be designated the "Oklahoma 9-1-1 Management Authority Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Tax Commission from fees designated for support of 9-1-1 emergency services. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Emergency Management upon approval by the Oklahoma 9-1-1 Management Authority for the purpose of supporting the administration of the Authority and providing grants to public agencies providing 9-1-1 services. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2016, c. 324, § 9, eff. Nov. 1, 2016.

§63-2870. False alarm, complaint or information - Penalty.

No person shall call the number 9-1-1 for the purpose of making a knowingly false alarm or complaint or reporting knowingly false information which could result in the dispatch of emergency services from any public agency as defined in Section 2 of this act. Nor shall any person call 9-1-1 for nonemergency or personal use. Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not to exceed Five Hundred Dollars ($500.00) and by an assessment for the resulting costs of any dispatching of emergency personnel and equipment for each such offense.
Added by Laws 1986, c. 230, § 9, emerg. eff. June 10, 1986. Amended by Laws 1988, c. 130, § 6, emerg. eff. April 13, 1988; Laws 1990, c.

92, § 1, eff. Sept. 1, 1990; Laws 2000, c. 115, § 8, eff. Nov. 1, 2000; Laws 2016, c. 324, § 10, eff. Nov. 1, 2016. Renumbered from § 2819 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016.

§63-2871. Regional Emergency Nine-One-One Services Act.

A. This act shall be known and may be cited as the "Regional Emergency 9-1-1 Services Act".

B. It is the purpose of the Regional Emergency 9-1-1 Services Act to encourage formation of emergency communication districts in order to provide efficient delivery of emergency 9-1-1 service throughout the state.

C. This act shall not apply to any 9-1-1 system or public agency participating in a 9-1-1 system that was established prior to January 1, 2017, and that had adopted Phase II 9-1-1 service by that date.

D. For the purposes of this section:

1. "District" means an emergency communication district;

2. "Emergency communication district" means a district formed pursuant to this act to deliver emergency 9-1-1 services on a regional basis;

3. "9-1-1 system" means an entity that processes emergency 9-1-1 calls through a public safety answering point;

4. "Participating public agency" means a public agency that is included in a district;

5. "Principal municipality" means the municipality with the largest population in a district; and

6. "Public agency" means any city, town, county, municipal corporation, public district, public trust, substate planning district, public authority or tribal authority located within this state which provides or has authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

E. On or before December 31, 2017, all public agencies in this state shall form regional emergency communication districts for the purpose of creating an area-wide emergency 9-1-1 system for their respective jurisdictions. The territory of the district shall be coextensive with the territory of the regional substate planning district unless a different territory is approved by the Oklahoma 9-1-1 Management Authority. If a public agency is situated in more than one such territory, it shall become part of the district in which it is principally located. If, due to the effect of subsection C of this section, the majority of the participating public agencies located in the territory of a proposed district determine that it would be in the best interests of their citizens, they may request inclusion in an adjacent district.

F. The public agencies to be included in each district may form the district by entering into local cooperative agreements which

shall establish a governance structure and provide for the joint implementation, funding, operation, and management of the district.

G. If the public agencies in a region are unable to develop a local cooperative agreement by December 31, 2017, they shall be included in an emergency communication district that is governed by a board of directors consisting of an appointee by each public agency that was authorized by its voters to fund a 9-1-1 system prior to the formation of the district, one appointee elected by a majority of the remaining public agencies in the district, and an additional appointee by the principal municipality in the district who shall serve as chair of the board.

H. Unless otherwise provided by agreement, any participating public agency that had been authorized by its voters to fund a 9-1-1 system prior to the formation of the district shall retain control of the property, operation, and funding of its system; provided, however, the district may contract with such participating public agency to include the agency's system in the district's master implementation plan. To the extent practicable, the district shall not duplicate the equipment or answering point services already provided by a participating public agency. A user of one or more communication services subject to the payment of fees or taxes for an emergency 9-1-1 system shall not be charged for more than one such fee or tax for each service.

I. An emergency communication district shall have power to make all contracts to carry out the purposes of the Regional Emergency 9-1-1 Services Act, purchase and convey real property, impose service fees authorized for public agencies for the provision of 9-1-1 service, appoint a manager of the district, and adopt rules and policies for the operation of the district.

J. Within one (1) year after the effective date of the formation of the district, the board of directors shall submit its master plan to deliver Phase II emergency 9-1-1 service throughout its territory to the Oklahoma 9-1-1 Management Authority for approval. The Authority shall have the power to prescribe the terms of the plan and to approve or disapprove the master plan. Additionally, the Authority shall have the power to request the Tax Commission to escrow the wireless fees attributable to the public agencies which have not submitted a master plan or which have not complied with the terms of the master plan.

K. An emergency communication district shall operate on a fiscal year beginning July 1. It shall adopt an annual budget and cause to be prepared an independent financial audit annually. As soon as practicable after the end of the fiscal year, the district shall deliver to each participating public agency an annual report showing in detail the operations of the district.

Added by Laws 2009, c. 291, § 1, eff. July 1, 2009. Amended by Laws 2016, c. 324, § 11, eff. Nov. 1, 2016. Renumbered from § 2849 of this title by Laws 2016, c. 324, § 13, eff. Nov. 1, 2016.

§63-2901. Energy Conservation Assistance Fund.

A. There is hereby created in the State Treasury a special fund, which shall be designated the "Energy Conservation Assistance Fund". Said fund shall, on and after July 1, 1982, consist of funds contributed to it.

B. The purpose of said fund shall be to provide energy conservation grants to qualifying low-income homeowners for insulation, weatherization and other methods of improving the energy efficiency of their principal residence for the purpose of reducing energy waste, improving the state's housing stock and stimulating the construction industry.

Added by Laws 1982, c. 324, § 1. Amended by Laws 1989, c. 112, § 1, operative July 1, 1989.

§63-2902. Disbursement and implementation of Fund - Publicizing program - Eligibility standards - Priority of applications - Issuance of grants - Form of applications - Contractors; eligibility, payments, monitoring and audit of financial and operating records.

A. The Oklahoma Department of Commerce shall be responsible for the disbursement and implementation of the Energy Conservation Assistance Fund.

B. The Department shall involve senior citizen groups, social service agencies and other civic groups in publicizing such program.

C. The Department of Human Services, in cooperation with the Oklahoma Department of Commerce, shall determine eligibility requirements necessary to qualify a homeowner to obtain such grants. Upon meeting any such eligibility standards, the Department of Human Services shall certify to the Oklahoma Department of Commerce that such homeowner is qualified to receive such grant upon notification of such certification. The Oklahoma Department of Commerce shall distribute the grant funds. Priorities shall be established for applications according to those indicating the greatest need. Low-income elderly and handicapped applicants shall be given first priority.

D. In order to qualify for grant assistance, the property shall meet all of the following requirements:

1. The property shall be the homestead of the applicant; and

2. The property for which the grant is issued shall not be income-producing or used in any method other than as the principal residence of the applicant.

E. Grants may be issued to finance the following types of weatherization:

1. Structural repairs necessary to improve efficient heating and cooling of the residence;

2. Insulation for attics, walls and water heaters;

3. Replacement of broken glass, inefficient doors and door thresholds;

4. Storm windows;

5. Caulking and weather stripping; and

6. Other appropriate energy conservation measures as determined by the Oklahoma Department of Commerce.

No grants shall be made through this program unless an energy audit has been performed on the applicant's principal residence.

No grant shall exceed Three Thousand Dollars ($3,000.00). No grant shall be awarded to any applicant with an annual income in excess of the amount specified in this subsection.

Income eligibility shall be determined based on one hundred twenty-five percent (125%) of the poverty guidelines issued by the United States Office of Management and Budget.

F. The application for the grant shall be in such form as determined by the Oklahoma Department of Commerce. No grant shall be issued to any person until such person has been certified as eligible by the Department of Human Services. The applicant shall be provided with copies of all documents related to the issuance of the grant. The applicant shall provide documents, as required, concerning the status of property and household income.

G. 1. The Oklahoma Department of Commerce contractors shall be nonprofit community action agencies or other nonprofit entities experienced with weatherization programs. The Oklahoma Department of Commerce shall monitor contractors for compliance with all Department policies, guidelines and regulations.

2. Contractors shall be responsible for completion and inspection of all work undertaken. No payment shall be made to any contractor until after the required documentation is submitted and approved by the Oklahoma Department of Commerce. Payments to contractors shall be made for services rendered and shall be based on the costs previously agreed to in writing.

H. The Oklahoma Department of Commerce shall actively monitor and audit the financial and operating records of the contractors involved with the Energy Conservation Assistance Fund to assure appropriate compliance with established regulations, guidelines and standards. The Oklahoma Department of Commerce shall also monitor contractors to ensure use of proper materials and workmanship.

Added by Laws 1982, c. 324, § 2. Amended by Laws 1986, c. 207, § 60, operative July 1, 1986; Laws 1989, c. 112, § 2, operative July 1, 1989.

§63-2903. Lien against property - Foreclosure - Repayment of loan.

A. The State of Oklahoma through the Department shall have a lien against the property on which the work is being performed for the amount of the loan plus interest thereon. The Department shall record a notice of lien with the county clerk where the property is located. A delinquent installment of the loan may be foreclosed by the Department and the property concerned shall be sold in the manner provided for foreclosures of mortgages on land. Any real estate sold under any order, judgment or decree of court to satisfy the lien may be redeemed by the owner or his assignee at any time within one (1) year of the date of the sale by paying to the purchaser thereof or his assignee the amount paid with interest from the date of purchase at the rate of twelve percent (12%) per year.

B. Repayment of each loan shall be determined according to a repayment schedule determined by the Department.

C. Repayment of the loan may be deferred until that time when the loan recipient sells the property or ownership is transferred. In such cases where a loan has not been repaid after ten (10) years, another ten-year extension shall be granted if the loan recipient or the surviving spouse is still the owner-occupier of the residence. Such extensions shall be granted until such time when the property is transferred from the loan recipient or the surviving spouse to another party.

D. Loan repayments shall be made to the Oklahoma Department of Commerce and shall be deposited in the Energy Conservation Loan Fund.
Added by Laws 1982, c. 324, § 3. Amended by Laws 1986, c. 207, § 61, operative July 1, 1986.

§63-2904. Consumer education programs.

Contractors shall provide consumer education programs to further maximize energy cost savings. Homeowners shall be encouraged to actively participate in consumer education programs to minimize energy-related expenses. Homeowners shall be responsible for proper upkeep and maintenance of the weatherization work completed on their homes.
Added by Laws 1989, c. 112, § 3, operative July 1, 1989.

§63-3001. Sale of pull-top or flip-top can prohibited - Definitions.

A. No person shall sell or offer for sale in this state any pull-top or flip-top container.

B. For purposes of this section:

1. "Pull-top" or "flip-top container" means a beverage container so designed and constructed that a part of the container is detachable in opening the container. The term pull-top or flip-top container shall not mean a container on which the only detachable part of which is a pressure-sensitive tape;

2. "Beverage container" means the individual, separate, sealed metal can containing a beverage; and

3. "Beverage" means beer or other malt beverages, mineral waters, fruit juices, ades and similar noncarbonated drinks, soda water and similarly flavored carbonated soft drinks in liquid form and intended for human consumption.
Added by Laws 1981, c. 144, § 1, eff. Jan. 1, 1983. Amended by Laws 1993, c. 145, § 348, eff. July 1, 1993.

§63-3001.1. Renumbered as § 2-11-502 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-3001.2. Renumbered as § 2-11-503 of Title 27A by Laws 1993, c. 145, § 359, eff. July 1, 1993.

§63-3080.1. Short title.
Sections 1 through 5 of this act shall be known and may be cited as the "Hydration and Nutrition for Incompetent Patients Act".
Added by Laws 1987, c. 40, § 1, eff. Nov. 1, 1987.

§63-3080.2. Definitions.
As used in the Hydration and Nutrition for Incompetent Patients Act:
1. "Attending physician" means the physician who has primary responsibility for the overall medical treatment and care of a patient;
2. "Final stage" means the last stage of a terminal illness or injury in which, even with the use of medical treatment, the person with the terminal illness or injury is in the dying process and will die within a reasonably short period of time;
3. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the law of this state to administer health care in the ordinary course of business or practice of a profession;
4. "Incompetent patient" means any person who:
a. is a minor, or
b. has been declared legally incompetent to make decisions affecting medical treatment or care, or
c. in the reasonable judgment of the attending physician, is unable to make decisions affecting medical treatment or other health care services;
5. "Nutrition" means sustenance administered by way of the gastrointestinal tract;
6. "Physician" means a physician or surgeon licensed by the State Board of Medical Examiners or State Board of Osteopathy; and
7. "Terminal illness or injury" means an incurable and irreversible medical condition that, even with the use of medical treatment, will result in the death of a person from that condition or a complication arising from that condition.

Added by Laws 1987, c. 40, § 2, eff. Nov. 1, 1987.

§63-3080.3. Presumption of hydration and nutrition sufficient to sustain life.

It shall be presumed that every incompetent patient has directed his health care providers to provide him with hydration and nutrition to a degree that is sufficient to sustain life.

Added by Laws 1987, c. 40, § 3, eff. Nov. 1, 1987.

§63-3080.4. Presumption of nutrition and hydration, when inapplicable.

A. The presumption pursuant to Section 3080.3 of this title shall not apply if:

1. The attending physician of the incompetent patient knows that the patient, when competent, decided on the basis of information sufficient to constitute informed consent that artificially administered hydration or artificially administered nutrition should be withheld or withdrawn from him;

2. A court finds by clear and convincing evidence that the patient, when competent, decided on the basis of information sufficient to constitute informed consent that artificially administered hydration or artificially administered nutrition should be withheld or withdrawn from him;

3. An advance directive has been executed pursuant to the Oklahoma Natural Death Act specifically authorizing the withholding or withdrawal of nutrition and/or hydration;

4. An advance directive has been executed pursuant to the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act specifically authorizing the withholding or withdrawal of nutrition and/or hydration;

5. An advance directive for health care has been executed pursuant to the Oklahoma Advance Directive Act specifically authorizing the withholding or withdrawal of nutrition and/or hydration;

6. In the reasonable medical judgment of the incompetent patient's attending physician and a second consulting physician, artificially administered hydration or artificially administered nutrition will itself cause severe, intractable, and long-lasting pain to the incompetent patient or such nutrition or hydration is not medically possible; or

7. In the reasonable medical judgment of the incompetent patient's attending physician and a second consulting physician:

a. the incompetent patient is chronically and irreversibly incompetent,

b. the incompetent patient is in the final stage of a terminal illness or injury, and

c. the death of the incompetent patient is imminent.

B. No advance directive shall be deemed to satisfy the provisions of subsection A of this section unless the advance directive complies with the requirements of Section 3101.4 or Section 3101.14 of this title.

C. Hydration or nutrition may not be withheld or withdrawn pursuant to paragraph 7 of subsection A of this section if this would result in death from dehydration or starvation rather than from the underlying terminal illness or injury.

Added by Laws 1987, c. 40, § 4, eff. Nov. 1, 1987. Amended by Laws 1990, c. 268, § 9, eff. July 1, 1990; Laws 1992, c. 114, § 17, eff. Sept. 1, 1992; Laws 2006, c. 171, § 2, emerg. eff. May 17, 2006.

§63-3080.5. Withdrawing treatment or care.

A. Notwithstanding any other provision of law, no person and no health care facility shall be required to participate in or provide facilities for medical treatment or care of an incompetent patient who is to die as the result of dehydration or starvation.

B. The law of this state shall not be construed to permit withdrawal or withholding of medical treatment, care, nutrition or hydration from an incompetent patient because of the mental disability or mental status of that patient.

C. No guardian, public or private agency, court, or any other person shall have the authority to make a decision on behalf of an incompetent patient to withhold or withdraw hydration or nutrition from said patient except in the circumstances and under the conditions specifically provided for in Section 3080.4 of this title.

Added by Laws 1987, c. 40, § 5, eff. Nov. 1, 1987. Amended by Laws 1992, c. 114, § 18, eff. Sept. 1, 1992.

§63-3090.1. Short title - Nondiscrimination in Treatment Act.

This act shall be known and may be cited as the "Nondiscrimination in Treatment Act".

Added by Laws 2013, c. 160, § 1, eff. Nov. 1, 2013.

§63-3090.2. Definitions.

As used in the Nondiscrimination in Treatment Act:

1. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to practice a health care or healing arts profession or who administers health care in the ordinary course of business;

2. "Health care service" means any phase of patient medical care, treatment or procedure, including, but not limited to, therapy, testing, diagnosis or prognosis, prescribing, dispensing or administering any device, drug or medication, surgery or any other care or treatment rendered by health care providers;

3. "Life-preserving health care service" means a health care service, the denial of which, in reasonable medical judgment, will result in or hasten the death of the patient; and

4. "Person legally authorized to make health care decisions" means, in the case of an adult patient, or of a minor patient who may consent to have services provided by health professionals under Section 2602 of this title, the person or persons designated to make health care decisions for the patient pursuant to Section 2 of this act, and in the case of any other minor, it means the minor's custodial parent or guardian.

Added by Laws 2013, c. 160, § 2, eff. Nov. 1, 2013. Amended by Laws 2017, c. 144, § 1, eff. Nov. 1, 2017.

§63-3090.3. Nondiscrimination in treatment.

A. A health care provider shall not deny to a patient a life-preserving health care service the provider provides to other patients, and the provision of which is directed by the patient or a person legally authorized to make health care decisions for the patient:

1. On the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill; or

2. On the basis of disagreement with how the patient or person legally authorized to make health care decisions for the patient values the trade-off between extending the length of the patient's life and the risk of disability.

B. In an action pursuant to this act, if the plaintiff pleads a prima facie case, the health care provider may defend his or her or its actions by pleading a legitimate, nondiscriminatory reason or reasons that provided a basis for the denial of treatment, subject to an opportunity for the plaintiff to plead that the reason or reasons for the denial of treatment are discriminatory in their application.

Added by Laws 2013, c. 160, § 3, eff. Nov. 1, 2013.

§63-3090.4. Injunctive relief.

A cause of action for injunctive relief may be maintained against any health care provider who is reasonably believed to be about to violate, who is in the course of violating, or who has violated the Nondiscrimination in Treatment Act by an affected patient or a person legally authorized to make health care decisions for the patient. However, a violation of the act does not constitute negligence per se for purposes of a civil action for damages.

Added by Laws 2013, c. 160, § 4, eff. Nov. 1, 2013.

§63-3091.1. Short title - Right to Try Act.

This act shall be known and may be cited as the "Right to Try Act".
Added by Laws 2015, c. 112, § 1, eff. Nov. 1, 2015.

§63-3091.2. Definitions.

For purposes of the Right to Try Act:

1. "Eligible patient" means a person who has:
   a. a terminal illness, attested to by the patient's treating physician,
   b. considered all other treatment options currently approved by the United States Food and Drug Administration,
   c. been unable to participate in a clinical trial for the terminal illness within one hundred (100) miles of the patient's home address, or not been accepted to the clinical trial within one (1) week of completion of the clinical trial application process,
   d. received a recommendation from his or her physician for the use of an investigational drug, biological product or device,
   e. given written, informed consent for the use of the investigational drug, biological product or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written, informed consent on the patient's behalf, and
   f. documentation from his or her physician that he or she meets the requirements of this paragraph.

"Eligible patient" does not include a person being treated as an inpatient in a hospital licensed pursuant to the provisions of Section 1-701 et seq. of Title 63 of the Oklahoma Statutes;

2. "Investigational drug, biological product or device" means a drug, biological product or device that has successfully completed phase one of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration;

3. "Terminal illness" means a disease that, without life-sustaining procedures, will soon result in death or a state of permanent unconsciousness from which recovery is unlikely; and

4. "Written, informed consent" means a written document signed by the patient and attested to by the patient's physician and a witness that, at a minimum:
   a. explains the currently approved products and treatments for the disease or condition from which the patient suffers,

b. attests to the fact that the patient concurs with his or her physician in believing that all currently approved and conventionally recognized treatments are unlikely to prolong the patient's life,
c. clearly identifies the specific proposed investigational drug, biological product or device that the patient is seeking to use,
d. describes the best and worst potential outcomes of using the investigational drug, biological product or device with a realistic description of the most likely outcome, including the possibility that new, unanticipated, different or worse symptoms might result, and that death could be hastened by the proposed treatment, based on the physician's knowledge of the proposed treatment in conjunction with an awareness of the patient's condition,
e. makes clear that the patient's health insurer and provider are not obligated to pay for any care or treatments consequent to the use of the investigational drug, biological product or device,
f. makes clear that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment and care may be reinstated if the curative treatment ends and the patient meets hospice eligibility requirements,
g. makes clear that in-home health care may be denied if treatment begins, and
h. states that the patient understands that he or she is liable for all expenses consequent to the use of the investigational drug, biological product or device, and that this liability extends to the patient's estate unless a contract between the patient and the manufacturer of the drug, biological product or device states otherwise.

Added by Laws 2015, c. 112, § 2, eff. Nov. 1, 2015.

§63-3091.3. Manufacturers' rights – Insurance coverage – Liability of patients' heirs.

A. A manufacturer of an investigational drug, biological product or device may make available the manufacturer's investigational drug, biological product or device to eligible patients pursuant to the Right to Try Act. An investigational drug, biological product or device may be made available through a pharmacy. This act does not require that a manufacturer make available an investigational drug, biological product or device to an eligible patient.

B. A manufacturer may:

1. Provide an investigational drug, biological product or device to an eligible patient without receiving compensation; or

2. Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product or device.

C. A health insurance carrier may, but is not required to, provide coverage for the cost of an investigational drug, biological product or device.

D. An insurer may deny coverage to an eligible patient from the time the eligible patient begins use of the investigational drug, biological product or device through a period not to exceed six (6) months from the time the investigational drug, biological product or device is no longer used by the eligible patient; provided, that coverage may not be denied for a preexisting condition and for coverage for benefits which commenced prior to the time the eligible patient begins use of such drug, biological product or device.

E. If a patient dies while being treated by an investigational drug, biological product or device, the patient's heirs are not liable for any outstanding debt related to the treatment or lack of insurance due to the treatment.

Added by Laws 2015, c. 112, § 3, eff. Nov. 1, 2015.

§63-3091.4. Actions against health care provider's license or Medicare certification prohibited.

Notwithstanding any other law, a licensing board may not revoke, fail to renew, suspend or take any action against a health care provider's license, based solely on the health care provider's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product or device, as long as the recommendations are consistent with medical standards of care. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product or device is prohibited.

Added by Laws 2015, c. 112, § 4, eff. Nov. 1, 2015.

§63-3091.5. Patient access – Counseling, advice or recommendations.

An official, employee or agent of this state shall not block or attempt to block an eligible patient's access to an investigational drug, biological product or device. Counseling, advice or a recommendation consistent with medical standards of care from a licensed health care provider is not a violation of this section.

Added by Laws 2015, c. 112, § 5, eff. Nov. 1, 2015.

§63-3091.6. Immunity against private causes of action.

The Right to Try Act does not create a private cause of action against a manufacturer of an investigational drug, biological product

or device or against another person or entity involved in the care of an eligible patient using the investigational drug, biological product or device, for any harm done to the eligible patient resulting from the investigational drug, biological product or device, so long as the manufacturer or other person or entity is complying in good faith with the terms of the Right to Try Act, unless there was a failure to exercise reasonable care.
Added by Laws 2015, c. 112, § 6, eff. Nov. 1, 2015.

§63-3091.7. Clinical trials.
Nothing in the Right to Try Act affects the mandatory health care coverage for participation in clinical trials.
Added by Laws 2015, c. 112, § 7, eff. Nov. 1, 2015.

§63-3101. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3101.1. Short title.
Sections 3101.1 through 3101.16 of this title shall be known and may be cited as the "Oklahoma Advance Directive Act".
Added by Laws 1992, c. 114, § 1, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 3, emerg. eff. May 17, 2006.

§63-3101.2. Purpose - Protection for proxies and health care providers - Certain acts not condoned, authorized or approved.
A. The purpose of the Oklahoma Advance Directive Act is to:
1. Recognize the right of individuals to control some aspects of their own medical care and treatment, including but not limited to the right to decline medical treatment or to direct that it be withdrawn, even if death ensues;
2. Recognize that the right of individuals to control some aspects of their own medical treatment is protected by the Constitution of the United States and overrides any obligation the physician and other health care providers may have to render care or to preserve life and health;
3. Recognize that decisions concerning one's medical treatment involve highly sensitive, personal issues that do not belong in court, even if the individual is incapacitated, so long as a proxy decision-maker can make the necessary decisions based on the known intentions, personal views, or best interests of the individual. If evidence of the individual's wishes is sufficient, those wishes should control; if there is not sufficient evidence of the individual's wishes, the proxy's decisions should be based on the proxy's reasonable judgment about the individual's values and what the individual's wishes would be based upon those values. The proper role of the court is to settle disputes and to act as the proxy decision-maker of last resort when no other proxy is authorized by the individual or is otherwise authorized by law;

4. Restate and clarify the law to ensure that the individual's advance directive for health care will continue to be honored during incapacity without court involvement; and

5. Encourage and support health care instructions by the individual in advance of incapacity and the delegation of decision-making powers to a health care proxy.

B. To be sure that the individual's health care instructions and proxy decision-making will be effective, the Oklahoma Advance Directive Act also includes necessary and appropriate protection for proxies and health care providers who rely in good faith on the instructions of the individual and the decisions of an authorized proxy.

C. The Oklahoma Advance Directive Act does not condone, authorize, or approve mercy killing, assisted suicide, or euthanasia. Added by Laws 1992, c. 114, § 2, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 4, emerg. eff. May 17, 2006.

§63-3101.3. Definitions.

As used in the Oklahoma Advance Directive Act:

1. "Advance directive for health care" means any writing executed in accordance with the requirements of Section 3101.4 of this title and may include a living will, the appointment of a health care proxy, or both such living will and appointment of a proxy;

2. "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient;

3. "Declarant" means any individual who has issued an advance directive according to the procedure provided for in Section 3101.4 of this title;

4. “End-stage condition” means a condition caused by injury, disease, or illness, which results in severe and permanent deterioration indicated by incompetency and complete physical dependency for which, to a reasonable degree of medical certainty, treatment of the irreversible condition would be medically ineffective;

5. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the law of this state to administer health care in the ordinary course of business or practice of a profession;

6. "Health care proxy" is an individual eighteen (18) years old or older appointed by the declarant as attorney-in-fact to make health care decisions including, but not limited to, the provision, withholding, or withdrawal of life-sustaining treatment if a qualified patient, in the opinion of the attending physician and another physician, is persistently unconscious, incompetent, or otherwise mentally or physically incapable of communication;

7. "Persistently unconscious" means an irreversible condition, as determined by the attending physician and another physician, in which thought and awareness of self and environment are absent;

8. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity;

9. "Physician" means an individual licensed to practice medicine in this state;

10. "Qualified patient" means a patient eighteen (18) years of age or older who has executed an advance directive and who has been determined to be incapable of making an informed decision regarding health care, including the provision, withholding, or withdrawal of life-sustaining treatment, by the attending physician and another physician who have examined the patient;

11. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; and

12. "Terminal condition" means an incurable and irreversible condition that, even with the administration of life-sustaining treatment, will, in the opinion of the attending physician and another physician, result in death within six (6) months.

Added by Laws 1992, c. 114, § 3, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 5, emerg. eff. May 17, 2006.

§63-3101.4. Advance directive - Execution - Specific nutrition/hydration provision - Form - Inclusion in declarant's medical records - Authority of proxy - Designation based on religious beliefs or tenets.

A. An individual of sound mind and eighteen (18) years of age or older may execute at any time an advance directive for health care governing the provision, withholding, or withdrawal of life-sustaining treatment. The advance directive shall be signed by the declarant and witnessed by two individuals who are eighteen (18) years of age or older who are not legatees, devisees, or heirs at law.

B. An advance directive that is not in the form set forth in subsection C of this section and that is executed in Oklahoma shall not be deemed to authorize the withholding or withdrawal of artificially administered nutrition and/or hydration unless it specifically authorizes the withholding or withdrawal of artificially administered nutrition and/or hydration in the declarant’s own words or by a separate section, separate paragraph, or other separate subdivision that deals only with nutrition and/or hydration and which section, paragraph, or other subdivision is separately initialed, separately signed, or otherwise separately marked by the declarant.

C. An advance directive may be in substantially the following form:

Advance Directive for Health Care

If I am incapable of making an informed decision regarding my health care, I direct my health care providers to follow my instructions below.

I. Living Will

If my attending physician and another physician determine that I am no longer able to make decisions regarding my medical treatment, I direct my attending physician and other health care providers, pursuant to the Oklahoma Advance Directive Act, to follow my instructions as set forth below:

(1) If I have a terminal condition, that is, an incurable and irreversible condition that even with the administration of life-sustaining treatment will, in the opinion of the attending physician and another physician, result in death within six (6) months:

____ I direct that my life not be extended by life-sustaining treatment, except that if I am unable to take food and water by mouth, I wish to receive artificially administered nutrition and hydration.

Initial only one option ____ I direct that my life not be extended by life-sustaining treatment, including artificially administered nutrition and hydration.

____ I direct that I be given life-sustaining treatment and, if I am unable to take food and water by mouth, I wish to receive artificially administered nutrition and hydration.

_____ See my more specific instructions in paragraph (4) below. (Initial if applicable)

(2) If I am persistently unconscious, that is, I have an irreversible condition, as determined by the attending physician and another physician, in which thought and awareness of self and environment are absent:

_____ I direct that my life not be extended by life-sustaining treatment, except that if I am unable to take food and water by mouth, I

wish to receive artificially administered nutrition and hydration.

Initial only one option _____ I direct that my life not be extended by life-sustaining treatment, including artificially administered nutrition and hydration.

_____ I direct that I be given life-sustaining treatment and, if I am unable to take food and water by mouth, I wish to receive artificially administered nutrition and hydration.

_____ See my more specific instructions in paragraph (4) below. (Initial if applicable)

(3) If I have an end-stage condition, that is, a condition caused by injury, disease, or illness, which results in severe and permanent deterioration indicated by incompetency and complete physical dependency for which treatment of the irreversible condition would be medically ineffective:

_____ I direct that my life not be extended by life-sustaining treatment, except that if I am unable to take food and water by mouth, I wish to receive artificially administered nutrition and hydration.

Initial only one option _____ I direct that my life not be extended by life-sustaining treatment, including artificially administered nutrition and hydration.

_____ I direct that I be given life-sustaining treatment and, if I am unable to take food and water by mouth, I wish to receive artificially administered nutrition and hydration.

_____ See my more specific instructions in paragraph (4) below. (Initial if applicable)

(4) OTHER. Here you may:

(a) describe other conditions in which you would want life-sustaining treatment or artificially administered nutrition and hydration provided, withheld, or withdrawn,

(b) give more specific instructions about your wishes concerning life-sustaining treatment or artificially administered nutrition and hydration if you have a terminal condition, are persistently unconscious, or have an end-stage condition, or

(c) do both of these:

_____
_____
_____
_____
_____
_____

_____
Initial

II. My Appointment of My Health Care Proxy

If my attending physician and another physician determine that I am no longer able to make decisions regarding my medical treatment, I direct my attending physician and other health care providers pursuant to the Oklahoma Advance Directive Act to follow the instructions of _____, whom I appoint as my health care proxy. If my health care proxy is unable or unwilling to serve, I appoint _____ as my alternate health care proxy with the same authority. My health care proxy is authorized to make whatever medical treatment decisions I could make if I were able, except that decisions regarding life-sustaining treatment and artificially administered nutrition and hydration can be made by my health care proxy or alternate health care proxy only as I have indicated in the foregoing sections.

If I fail to designate a health care proxy in this section, I am deliberately declining to designate a health care proxy.

III. Anatomical Gifts

Pursuant to the provisions of the Uniform Anatomical Gift Act, I direct that at the time of my death my entire body or designated body organs or body parts be donated for purposes of:

(Initial all that apply)

_____ transplantation

_____ therapy

_____ advancement of medical science, research, or education

_____ advancement of dental science, research, or education

Death means either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of

the entire brain, including the brain stem. If I initial the "yes" line below, I specifically donate:

_____ My entire body

or

_____ The following body organs or parts:

_____ lungs _____ liver

_____ pancreas _____ heart

_____ kidneys _____ brain

_____ skin _____ bones/marrow

_____ blood/fluids _____ tissue

_____ arteries _____ eyes/cornea/lens

IV. General Provisions

a. I understand that I must be eighteen (18) years of age or older to execute this form.

b. I understand that my witnesses must be eighteen (18) years of age or older and shall not be related to me and shall not inherit from me.

c. I understand that if I have been diagnosed as pregnant and that diagnosis is known to my attending physician, I will be provided with life-sustaining treatment and artificially administered hydration and nutrition unless I have, in my own words, specifically authorized that during a course of pregnancy, life-sustaining treatment and/or artificially administered hydration and/or nutrition shall be withheld or withdrawn.

d. In the absence of my ability to give directions regarding the use of life-sustaining procedures, it is my intention that this advance directive shall be honored by my family and physicians as the final expression of my legal right to choose or refuse medical or surgical treatment including, but not limited to, the administration of life-sustaining procedures, and I accept the consequences of such choice or refusal.

e. This advance directive shall be in effect until it is revoked.

f. I understand that I may revoke this advance directive at any time.

g. I understand and agree that if I have any prior directives, and if I sign this advance directive, my prior directives are revoked.

h. I understand the full importance of this advance directive and I am emotionally and mentally competent to make this advance directive.

i. I understand that my physician(s) shall make all decisions based upon his or her best judgment applying with ordinary care and diligence the knowledge and

skill that is possessed and used by members of the physician's profession in good standing engaged in the same field of practice at that time, measured by national standards.

Signed this _____ day of _____, 20 __.

_____
(Signature)

_____
City of

_____
County, Oklahoma

_____
Date of birth

_____
(Optional for identification purposes)

This advance directive was signed in my presence.

_____
Witness

_____, Oklahoma
Residence

_____
Witness

_____, Oklahoma
Residence

D. A physician or other health care provider who is furnished the original or a photocopy of the advance directive shall make it a part of the declarant's medical record and, if unwilling to comply with the advance directive, promptly so advise the declarant.

E. In the case of a qualified patient, the patient's health care proxy, in consultation with the attending physician, shall have the authority to make treatment decisions for the patient including the provision, withholding, or withdrawal of life-sustaining procedures if so indicated in the patient's advance directive.

F. A person executing an advance directive appointing a health care proxy who may not have an attending physician for reasons based on established religious beliefs or tenets may designate an individual other than the designated health care proxy, in lieu of an attending physician and other physician, to determine the lack of decisional capacity of the person. Such designation shall be specified and included as part of the advance directive executed pursuant to the provisions of this section.

Added by Laws 1992, c. 114, § 4, eff. Sept. 1, 1992. Amended by Laws 1995, c. 99, § 1, eff. Nov. 1, 1995; Laws 2003, c. 270, § 1, eff. Nov. 1, 2003; Laws 2004, c. 166, § 1, eff. Nov. 1, 2004; Laws 2006, c. 171, § 6, emerg. eff. May 17, 2006.

§63-3101.5. Advance directive - When and which become operative.

A. An advance directive becomes operative when:

1. It is communicated to the attending physician; and

2. The declarant is no longer able to make decisions regarding administration of life-sustaining treatment. When the advance directive becomes operative, the attending physician and other health care providers shall act in accordance with its provisions or comply with the provisions of Section 9 of this act.

B. In the event more than one valid advance directive has been executed and not revoked, the last advance directive so executed shall be construed to be the last wishes of the declarant and shall become operative pursuant to subsection A of this section.

Added by Laws 1992, c. 114, § 5, eff. Sept. 1, 1992.

§63-3101.6. Advance directive - Revocation.

A. An advance directive may be revoked in whole or in part at any time and in any manner by the declarant, without regard to the declarant's mental or physical condition. A revocation is effective upon communication to the attending physician or other health care provider by the declarant or a witness to the revocation.

B. The attending physician or other health care provider shall make the revocation a part of the declarant's medical record.

Added by Laws 1992, c. 114, § 6, eff. Sept. 1, 1992.

§63-3101.7. Qualified patient - Determination - Record.

The determination of the attending physician and another physician that the patient is a qualified patient shall become a part of the patient's medical record.

Added by Laws 1992, c. 114, § 7, eff. Sept. 1, 1992.

§63-3101.8. Patient's right to make decisions regarding life-sustaining treatment - Patient's comfort and alleviation of pain - Pregnant patient.

A. A patient may make decisions regarding life-sustaining treatment as long as the patient is able to do so.

B. Even if life-sustaining treatment or artificial administration of nutrition and hydration are withheld or withdrawn, the patient shall be provided with medication or other medical treatment to alleviate pain and will be provided with oral consumption of food and water.

C. If a qualified patient has been diagnosed as pregnant and that diagnosis is known to the attending physician, the pregnant patient shall be provided with life-sustaining treatment and artificially administered hydration and nutrition, unless the patient has specifically authorized, in her own words, that during a course of pregnancy, life-sustaining treatment and/or artificially administered hydration and/or nutrition shall be withheld or withdrawn. If it is not known if the patient is pregnant, the said

physician shall, where appropriate considering age and other relevant factors, determine whether or not the patient is pregnant.
Added by Laws 1992, c. 114, § 8, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 7, emerg. eff. May 17, 2006.

§63-3101.9. Physician or health care provider unwilling to comply with act.

An attending physician or other health care provider who is unwilling to comply with the Oklahoma Advance Directive Act shall as promptly as practicable take all reasonable steps to arrange care of the declarant by another physician or health care provider when the declarant becomes a qualified patient. Once a patient has established a physician-patient relationship with a physician or a provider-patient relationship with another health care provider, if the physician or other health care provider refuses to comply with a medical treatment decision made by or on behalf of the patient pursuant to the Oklahoma Advance Directive Act, or with a medical treatment decision made by such a patient who has decision-making capacity, and if the refusal would in reasonable medical judgment be likely to result in the death of the patient, then the physician or other health care provider must comply with the medical treatment decision pending the completion of the transfer of the patient to a physician or health care provider willing to comply with the decision. Nothing in this section shall require the provision of treatment if the physician or other health care provider is physically or legally unable to provide or is physically or legally unable to provide without thereby denying the same treatment to another patient. Nothing in this section may be construed to alter any legal obligation or lack of legal obligation of a physician or other health care provider to provide medical treatment, nutrition, or hydration to a patient who refuses or is unable to pay for them.
Added by Laws 1992, c. 114, § 9, eff. Sept. 1, 1992. Amended by Laws 1995, c. 99, § 2, eff. Nov. 1, 1995; Laws 1998, c. 164, § 1, emerg. eff. April 28, 1998; Laws 2006, c. 171, § 8, emerg. eff. May 17, 2006.

§63-3101.10. Civil and criminal liability and disciplinary actions.

A. In the absence of knowledge of the revocation of an advance directive, a person is not subject to civil or criminal liability or discipline for unprofessional conduct for carrying out the advance directive pursuant to the requirements of the Oklahoma Advance Directive Act.

B. A physician or other health care provider, whose actions under the Oklahoma Advance Directive Act are in accord with reasonable medical standards, is not subject to criminal or civil liability or discipline for unprofessional conduct with respect to those actions; provided, that this subsection may not be construed to

authorize a violation of Section 3101.9 of this title. In making decisions and determinations pursuant to the Oklahoma Advance Directive Act the physician shall use his or her best judgment applying with ordinary care and diligence the knowledge and skill that is possessed and used by members of the physician's profession in good standing engaged in the same field of practice at that time, measured by national standards.

C. An individual designated as a health care proxy, pursuant to Section 3101.4 of this title, to make health care decisions for a declarant and whose decisions regarding the declarant are made in good faith pursuant to the Oklahoma Advance Directive Act, is not subject to criminal or civil liability, or discipline for unprofessional conduct with respect to those decisions.

Added by Laws 1992, c. 114, § 10, eff. Sept. 1, 1992. Amended by Laws 1995, c. 99, § 3, eff. Nov. 1, 1995; Laws 2006, c. 171, § 9, emerg. eff. May 17, 2006.

§63-3101.11. Acts constituting unprofessional conduct - Acts constituting felonies - Sanctions.

A. A physician or other health care provider who willfully fails to arrange the care of a patient in accordance with Section 3101.9 of this title shall be guilty of unprofessional conduct.

B. A physician who willfully fails to record the determination of the patient's condition in accordance with Section 3101.7 of this title shall be guilty of unprofessional conduct.

C. Any person who willfully conceals, cancels, defaces, alters, or obliterates the advance directive of another without the declarant's consent, or who falsifies or forges a revocation of the advance directive of another shall be, upon conviction, guilty of a felony.

D. A person who in any way falsifies or forges the advance directive of another, or who willfully conceals or withholds personal knowledge of a revocation as provided in Section 3101.6 of this title shall be, upon conviction, guilty of a felony.

E. A person who requires or prohibits the execution of an advance directive as a condition for being insured for, or receiving, health care services shall be, upon conviction, guilty of a felony.

F. A person who coerces or fraudulently induces another to execute an advance directive or revocation shall be, upon conviction, guilty of a felony.

G. The sanctions provided in this section do not displace any sanction applicable under other law.

Added by Laws 1992, c. 114, § 11, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 10, emerg. eff. May 17, 2006.

§63-3101.12. Interpretation, construction and application of act.

A. Death resulting from the withholding or withdrawal of life-sustaining treatment in accordance with the Oklahoma Advance Directive Act shall not constitute, for any purpose, a suicide or homicide.

B. The making of an advance directive pursuant to Section 3101.4 of this title shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance or annuity, nor shall it affect, impair, or modify the terms of an existing policy of life insurance or annuity. A policy of life insurance or annuity shall not be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured qualified patient, regardless of any term of the policy or annuity to the contrary.

C. A person shall not prohibit or require the execution of an advance directive as a condition for being insured for, or receiving, health care services.

D. The Oklahoma Advance Directive Act creates no presumption concerning the intention of an individual who has revoked or has not executed an advance directive with respect to the use, withholding, or withdrawal of life-sustaining treatment.

E. The Oklahoma Advance Directive Act shall not affect the right of a patient to make decisions regarding use of life-sustaining treatment, so long as the patient is able to do so, or impair or supersede any right or responsibility that a person has to effect the withholding or withdrawal of medical care; provided, that this subsection may not be construed to authorize a violation of Section 3101.9 of this title.

F. The Oklahoma Advance Directive Act shall not be construed to condone, authorize, or approve mercy killing, assisted suicide, or euthanasia.

G. Failure to designate a health care proxy in accordance with Section 3101.4 of this title shall not be interpreted to invalidate the authority of a health care proxy to make life-sustaining treatment decisions if otherwise authorized by law.

Added by Laws 1992, c. 114, § 12, eff. Sept. 1, 1992. Amended by Laws 1995, c. 99, § 4, eff. Nov. 1, 1995; Laws 2006, c. 171, § 11, emerg. eff. May 17, 2006.

§63-3101.13. Presumption of validity of advance directive.

In the absence of knowledge to the contrary, a physician or other health care provider may presume that an advance directive complies with the Oklahoma Advance Directive Act and is valid.

Added by Laws 1992, c. 114, § 13, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 12, emerg. eff. May 17, 2006.

§63-3101.14. Directives executed out-of-state.

Execution of an advance directive by an individual, which provides for the provision, withholding, or withdrawal of life-sustaining treatment for that individual or for the appointment of another to give directions to provide, withhold, or withdraw life-sustaining treatment, executed in another state in compliance with the law of that state or of this state is valid for purposes of the Oklahoma Advance Directive Act to the extent the advance directive does not exceed authorizations allowed under the laws of this state; provided, that no such advance directive shall be deemed to authorize the withholding or withdrawal of artificially administered nutrition and/or hydration unless it specifically authorizes such withholding or withdrawal of artificially administered nutrition and/or hydration, and either the advance directive:

1. Was executed by a person who was not a resident of Oklahoma at the time of execution; or

2. Specifically authorizes the withholding or withdrawal of artificially administered nutrition and/or hydration in the declarant's own words or by a separate section, separate paragraph, or other separate subdivision that deals only with nutrition and/or hydration and which section, paragraph, or other subdivision is separately initialed, separately signed, or otherwise separately marked by the person executing the advance directive.

Added by Laws 1992, c. 114, § 14, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 13, emerg. eff. May 17, 2006.

§63-3101.15. Directives executed prior to change in law.

A. Any directive to a physician executed pursuant to the former Oklahoma Natural Death Act, 63 O.S. 1991, Section 3101 et seq., which was executed prior to September 1, 1992, shall be enforceable according to its terms until revoked and shall have the same force and effect as if made pursuant to this act. Such directive shall be binding on the attending physician whether or not the person who executed the directive was in a terminal condition at the time of execution unless there is evidence that the person executing the directive intended that it should be binding only if executed or re-executed after the person became afflicted with a terminal condition as defined by the former Oklahoma Natural Death Act.

B. Any advance directive executed prior to the enactment of any amendment to the Oklahoma Advance Directive Act which substantially complied with the law in effect at the time of the execution of the directive shall be enforceable according to its terms until revoked and shall have the same force and effect as if made pursuant to this act, as amended.

Added by Laws 1992, c. 114, § 15, eff. Sept. 1, 1992. Amended by Laws 1995, c. 99, § 5, eff. Nov. 1, 1995; Laws 2006, c. 171, § 14, emerg. eff. May 17, 2006.

§63-3101.16. Treatment decisions to be based on known intentions, personal views and best interests of declarant.

An individual making life-sustaining treatment decisions pursuant to the provisions of the Oklahoma Advance Directive Act for a declarant shall make such decisions based on the known intentions, personal views and best interests of the declarant. If evidence of the declarant's wishes is sufficient, those wishes shall control. If there is not sufficient evidence of the wishes of the declarant, the decisions shall be based on the reasonable judgment of the individual so deciding about the values of the declarant and what the wishes of the declarant would be based upon those values.

Added by Laws 1992, c. 114, § 16, eff. Sept. 1, 1992. Amended by Laws 2006, c. 171, § 15, emerg. eff. May 17, 2006.

§63-3102. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3102.1. Advance directives registry database.

A. The State Department of Health shall establish and maintain an advance directives registry which shall be accessible through a website maintained by the Department. The registry shall be used to store advance directives pursuant to the Oklahoma Advance Directive Act that are filed with the registry by or with the authorization of those executing the advance directives.

B. The registry shall be maintained in a secure database that is designed to provide access to each advance directive filed in the database by the person who executed the advance directive, those named as agents in the advance directive, any person related within the fourth degree of consanguinity or affinity to the person who executed the advance directive, or a health care provider caring for the person who executed the advance directive.

C. The State Department of Health may enter into contracts with private vendors to obtain the services necessary to meet the requirements of the Oklahoma Advance Directive Act. Any costs to the public to access the registry shall be negotiated in the contracts provided for in this paragraph.

Added by Laws 2009, c. 236, § 1, eff. Nov. 1, 2009. Amended by Laws 2015, c. 43, § 1, eff. Nov. 1, 2015.

§63-3102.2. Advance directive forms database.

A. The State Department of Health shall maintain a website of advance directive forms that may be downloaded for printing and into word processing programs.

B. Under the heading "Statutory Advance Directive Form", the website shall include the forms specified in subsection C of Section 3101.4 of this title.

C. Under the heading "Alternative Advance Directive Forms", the website shall include other advance directive forms submitted to the Department by individuals and groups in an electronic format the Department shall specify; provided, that before being posted on the website, any such form shall be reviewed to ensure that the form complies with the requirements of Section 3101.4 of this title and other provisions of state law.

D. In the section titled "Alternative Advance Directive Forms", the website shall prominently post the following disclaimer:

"This website includes for your consideration alternative advance directive forms submitted by individuals or groups reflecting different perspectives on advance health care decisions which you may wish to review before completing your own advance directive. Although they have been reviewed to ensure that they do not violate Oklahoma law, neither the State Department of Health nor the State of Oklahoma endorses or assumes any responsibility for any of these forms."

E. The State Department of Health shall promulgate rules necessary to implement the provisions of this act.

Added by Laws 2009, c. 236, § 2, eff. Nov. 1, 2009. Amended by Laws 2015, c. 43, § 2, eff. Nov. 1, 2015.

§63-3102.3. Patient disclosure relating to advanced directives forms and registry.

A. The State Department of Health shall prepare, and from time to time amend, a disclosure statement designed to inform patients of the availability of the advance directive forms on the Department's website and of the option of filing executed advance directives with the Department's advance directives registry. The Department shall make the current disclosure statement available on the Department's website and shall inform the entities specified in subsection B of this section of the availability of the disclosure statement and how to obtain the disclosure statement.

B. Any entity to which the requirements of 42 U.S.C., Section 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time of providing the written information required by 42 U.S.C., Section 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include a copy of the disclosure statement described in subsection A of this section.

Added by Laws 2009, c. 236, § 3, eff. Nov. 1, 2009.

§63-3102.4. Classes and priorities for persons authorized to make health care decisions for those incapable of communicating.

A. When an adult patient or a person under eighteen (18) years of age who may consent to have services provided by health professionals under Section 2602 of this title is persistently unconscious, incompetent or otherwise mentally or physically incapable of communicating, a person who is reasonably available and willing in the following classes, in the order of priority set forth in this subsection, shall be authorized to make health care decisions for the patient under the same standard as that applicable to making life-sustaining treatment decisions under Section 3101.16 of this title, excluding any person who is disqualified from exercising such authority by Section 3102.5 of this title. If those within a class disagree, a majority within the class may make a health care decision for the patient. However, a provider of health care to the patient or any member or members of any of the following classes may petition a court that would have jurisdiction over a guardianship proceeding concerning the patient under Section 1-115 of Title 30 of the Oklahoma Statutes to seek an order directing a different health care decision on the ground that the health care decision or decisions made violate the standard required by this section, granting another member or other members from among the following classes (notwithstanding the statutory order of priority) supervening authority to make health care decisions for the patient on the ground that clear and convincing evidence demonstrates they are more likely to adhere to that standard, or both. Upon motion by any party, the court shall issue an order requiring that pending its decision on the merits and the resolution of any appeal the patient be provided with health care of which denial, in reasonable medical judgment, would be likely to result in or hasten the death of the patient, unless its provision would require denial of the same health care to another patient. The classes are as follows:

1. A general guardian of the person appointed pursuant to subsection A of Section 3-112 of Title 30 of the Oklahoma Statutes or a limited guardian of the person appointed pursuant to subsection B of Section 3-112 of Title 30 of the Oklahoma Statutes with authority to make personal medical decisions as determined under paragraph 5 of subsection B of Section 3-113 of Title 30 of the Oklahoma Statutes;

2. A health care proxy, or alternate health care proxy, designated by the patient, as defined in paragraph 6 of Section 3101.3 of Title 63 of the Oklahoma Statutes;

3. An attorney-in-fact authorized to act pursuant to the Uniform Durable Power of Attorney Act, Sections 1071 through 1077 of Title 58 of the Oklahoma Statutes, with authority to act regarding the patient's health and medical care decisions, subject to the

limitations under paragraph 1 of subsection B of Section 1072.1 of Title 58 of the Oklahoma Statutes;

4. The patient's spouse;

5. Adult children of the patient;

6. Parents of the patient;

7. Adult siblings;

8. Other adult relatives of the patient in order of kinship; or

9. Close friends of the patient who have maintained regular contact with the patient sufficient to be familiar with the patient's personal values. Execution of an affidavit stating specific facts and circumstances documenting such contact constitutes prima facie evidence of close friendship.

B. Prior to making a health care decision for a patient pursuant to subsection A of this section, a person shall provide to the health care provider or health care entity a signed copy of the following statement to be entered into the patient's medical record:

"I hereby certify that:

I have not been convicted of, pleaded guilty to or pleaded no contest to the crimes of abuse, verbal abuse, neglect or financial exploitation by a caregiver; exploitation of an elderly person or disabled adult; or abuse, neglect, exploitation or sexual abuse of a child;

I have not been found to have committed abuse, verbal abuse or exploitation by a final investigative finding of the State Department of Health or Department of Human Services or by a finding of an administrative law judge, unless it was overturned on appeal; and

I have not been criminally charged as a person responsible for the care of a vulnerable adult with a crime resulting in the death or near death of a vulnerable adult."

Added by Laws 2017, c. 144, § 2, eff. Nov. 1, 2017. Amended by Laws 2019, c. 211, § 1, eff. Nov. 1, 2019.

§63-3102.5. Persons not authorized to make health care decisions.

A. No person shall be authorized under Section 3102.4 of this title to make health care decisions for a patient if that person:

1. Has been convicted of, pled guilty to, or pled no contest to any violation of Section 843.1, 843.2, 843.4 or 843.5 of Title 21 of the Oklahoma Statutes;

2. Has been found to have committed abuse, verbal abuse or exploitation, as these terms are defined in Section 10-103 of Title 43A of the Oklahoma Statutes, by a final State Department of Health or Department of Human Services investigative finding or by an administrative law judge finding, unless that finding has been overturned through judicial review; or

3. Has been criminally charged as described in subsection B of Section 10-110.1 of Title 43A of the Oklahoma Statutes, unless the

person has been acquitted or those charges have been finally dismissed.

B. No health care provider or health care entity shall be liable for following in good faith the instructions of a person otherwise authorized to make health care decisions for a patient and who has submitted the statement as required by Section 3102.4 of this title, but whom the health care provider or health care entity does not know or have reason to know is disqualified from exercising such authority by subsection A of this section.

Added by Laws 2017, c. 144, § 3, eff. Nov. 1, 2017. Amended by Laws 2019, c. 211, § 2, eff. Nov. 1, 2019.

§63-3102A. Experimental treatments, tests or drugs - Persons eligible to give consent.

A. When an adult person, because of a medical condition, is treated by a licensed medical doctor or doctor of osteopathy holding a faculty appointment at a medical school accredited by the Liaison Committee on Medical Education or American Osteopathic Association, or holding clinical privileges at a healthcare institution that conducts human subject research approved by local institutional review board, and such person is incapable of giving informed consent for a local-institutional-review-board-approved experimental treatment, test or drug, then such treatment, test or drug may proceed upon obtaining informed consent of a legal guardian, attorney-in-fact with health care decision authority, or a family member in the following order of priority:

1. The spouse, unless the patient has no spouse, or is separated, or the spouse is physically or mentally incapable of giving consent, or the spouse's location is unknown or the spouse is overseas, or the spouse is otherwise not available;
2. An adult son or daughter;
3. Either parent;
4. An adult brother or sister; or
5. A relative by blood or marriage.

B. Nothing in this section shall authorize such legal guardian, attorney-in-fact or family member to consent to treatment in contravention to such incapacitated person's expressed permission or prohibition regarding such treatment.

Added by Laws 1997, c. 122, § 1, eff. Nov. 1, 1997. Amended by Laws 2005, c. 211, § 4, eff. Nov. 1, 2005.

§63-3103. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3103.1. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3104. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3105. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3105.1. Short title - Physician Orders for Life-Sustaining Treatment Act.

This act shall be known and may be cited as the "Physician Orders for Life-Sustaining Treatment Act".

Added by Laws 2016, c. 355, § 1.

§63-3105.2. Definitions.

As used in the Physician Orders for Life-Sustaining Treatment Act:

1. "Attorney-in-fact" means an attorney-in-fact authorized to act pursuant to the Uniform Durable Power of Attorney Act, Sections 1071 through 1077 of Title 58 of the Oklahoma Statutes, with authority to act regarding the patient's health and medical care decisions, subject to the limitations under paragraph 1 of subsection B of Section 1072.1 of Title 58 of the Oklahoma Statutes;

2. "Guardian" means a general guardian of the person appointed pursuant to subsection A of Section 3-112 of Title 30 of the Oklahoma Statutes or a limited guardian of the person appointed pursuant to subsection B of Section 3-112 of Title 30 of the Oklahoma Statutes with the authority to make personal medical decisions as determined under paragraph 5 of subsection B of Section 3-113 of Title 30 of the Oklahoma Statutes;

3. "Health care provider" means a person who is licensed, certified or otherwise authorized by the laws of this state to administer health care in the ordinary course of business or practice of a profession;

4. "Health care proxy" means 1a health care proxy (or alternate health care proxy) authorized to act pursuant to the Oklahoma Advance Directive Act, Sections 3101.1 through 3101.16 of Title 63 of the Oklahoma Statutes, as defined in paragraph 6 of Section 3101.3 of Title 63 of the Oklahoma Statutes; and

5. "Other legally authorized person" means a person, other than a minor's custodial parent or guardian, the patient or the patient's attorney-in-fact, guardian or health care proxy, who has authority to make health care decisions for the patient under common law.

Added by Laws 2016, c. 355, § 2.

§63-3105.3. Orders for life-sustaining treatment – Standardized form – Noncompliant forms.

A. The Office of the Attorney General shall establish the standardized format for a form in accordance with the provisions of Section 4 of this act, adhering to the directions, sequence and wording in those provisions.

B. An Oklahoma physician orders for life-sustaining treatment shall be executed, implemented, reviewed and revoked in accordance

with the instructions on the form required by this section. At the beginning of renewing and preparing it in consultation with the patient or the patient's legally authorized representative, the attending physician or the health care professional preparing the form or an agent of either shall give that person a copy of the disclosure statement described in Section 3163 of Title 63 of the Oklahoma Statutes. When a patient with a valid POLST experiences a change in medical condition that creates a situation in which, in reasonable medical judgment, withholding specific health care rejected by the POLST will cause or hasten the patient's death, if the patient is then capable of making decisions affecting health care the attending physician shall discuss the situation and treatment with the patient and determine whether, on the basis of information sufficient for informed consent, the patient still wishes the direction in the POLST to control or instead wishes to receive the treatment.

C. A physician orders for life-sustaining treatment (POLST), physician orders for scope of treatment (POST), medical orders for life-sustaining treatment (MOLST), medical orders for scope of treatment (MOST), transportable physician orders for patient preferences (TPOPP) or similar document that does not comply with the standardized format for an Oklahoma physician orders for life-sustaining treatment established by regulations promulgated in accordance with this section:

a. that was executed in this state prior to the effective date of the standardized format established in accordance with this section shall have no validity after forty-five (45) days following that effective date or after ten (10) days following the admission of the patient to an Oklahoma medical care facility, whichever is later; provided, that a standardized format Oklahoma physician orders for life-sustaining treatment executed subsequent to such document's execution shall immediately supersede it, or

b. that was executed outside this state in compliance with the laws of the jurisdiction of execution shall have no validity after ten (10) days following the admission of the patient to an Oklahoma medical care facility; provided, that a standardized format Oklahoma physician orders for life-sustaining treatment executed subsequent to such document's execution shall immediately supersede it.

Added by Laws 2016, c. 355, § 3.

§63-3105.4. Format and content of form.

1. At the top of the first page of the standardized format Oklahoma physician orders for life-sustaining treatment form the

following wording in all capitals shall appear against a contrasting color background: "FORM SHALL ACCOMPANY PERSON WHEN TRANSFERRED OR DISCHARGED"; at the bottom of the first page the following wording in all capitals shall appear against a contrasting color background: "HIPAA PERMITS DISCLOSURE TO HEALTH CARE PROFESSIONALS AND PROXY DECISION MAKERS AS NECESSARY FOR TREATMENT".

2. There shall be an introductory section, the left block of which shall contain the name "Oklahoma Physician Orders for Life-Sustaining Treatment (POLST)" followed by the words, "This Physician Order set is based on the patient's current medical condition and wishes and is to be reviewed for potential replacement in the case of a substantial change in either, as well as in other cases listed under F. Any section not completed indicates full treatment for that section. Photocopy or fax copy of this form is legal and valid." and the right block of which shall contain lines for the patient's name, the patient's date of birth and the effective date of the form followed by the statement, "Form must be reviewed at least annually."

3. In Section A of the form, the left block shall contain, in bold font, "A. Check One", and the right block shall be headed, in bold font, "Cardiopulmonary Resuscitation (CPR): Person has no pulse and is not breathing." below which there shall be a checkbox followed by "Attempt Resuscitation (CPR)", then a checkbox followed by "Do Not Attempt Resuscitation (DNR/ no CPR)", and below which shall be the words, "When not in cardiopulmonary arrest, follow orders in B, C and D below."

4. In Section B of the form, the left block shall contain, in bold, "B. Check One", and the right block shall be headed, in bold, "Medical Interventions: Person has pulse and/or is breathing." Below this there shall be a checkbox followed by, in bold, "Full Treatment" followed by, "Includes the use of intubation, advanced airway interventions, mechanical ventilation, defibrillation or cardio version as indicated, medical treatment, intravenous fluids, and cardiac monitor as indicated. Transfer to hospital if indicated. Include intensive care. Includes treatment listed under "Limited Interventions" and "Comfort Measures", followed by, in bold, "Treatment Goal: Attempt to preserve life by all medically effective means."

Below this there shall be a checkbox followed by, in bold, "Limited Interventions" followed by, "Includes the use of medical treatment, oral and intravenous medications, intravenous fluids, cardiac monitoring as indicated, noninvasive bi-level positive airway pressure, a bag valve mask or other advanced airway interventions. Includes treatment listed under "Comfort Measures", followed by, "Do not use intubation or mechanical ventilation. Transfer to hospital if indicated. Avoid intensive care." followed by, in bold, "Treatment Goal: Attempt to preserve life by basic medical treatments."

Below this there shall be a checkbox followed by, in bold, "Comfort Measures only" followed by, "Includes keeping the patient clean, warm and dry; use of medication by any route; positioning, wound care and other measures to relieve pain and suffering. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. Transfer from current location to intermediate facility only if needed and adequate to meet comfort needs and to hospital only if comfort needs cannot otherwise be met in the patient's current location (e.g., hip fracture; if intravenous route of comfort measures is required)."

Below this there shall be, in italics, "Additional Orders:" followed by an underlined space for other instructions.

5. In Section C of the form, the left block shall contain, in bold, "C. Check One" and the right block shall be headed, in bold, "Antibiotics".

Below this there shall be a checkbox followed by, in bold, "Use antibiotics to preserve life."

Below this there shall be a checkbox followed by, in bold, "Trial period of antibiotics if and when infection occurs." After this there shall be, in italics, "*Include goals below in E."

Below this there shall be a checkbox followed by, in bold, "Initially, use antibiotics only to relieve pain and discomfort." After this there shall be, in italics, "+Contact patient or patient's representative for further direction."

Below this there shall be, in italics, "Additional Orders:" followed by an underlined space for other instructions.

6. In Section D of the form, the left block shall contain, in bold, "D. Check One in Each Column", and the right block shall be headed in bold, "Assisted Nutrition and Hydration", below which shall be "Administer oral fluids and nutrition, if necessary by spoon feeding, if physically possible." Below these the right block shall be divided into three columns.

The leftmost column shall be headed, "TPN (Total Parenteral Nutrition-provision of nutrition into blood vessels)." Below this there shall be a checkbox followed by, in bold, "TPN long-term" followed by "if needed". Below this there shall be a checkbox followed by, in bold, "TPN for a trial period*". Below this there shall be a checkbox followed by, in bold, "Initially, no TPN+".

The middle column shall be headed "Tube Feeding". Below this there shall be a checkbox followed by, in bold, "Long-term feeding tube" followed by "if needed". Below this there shall be a checkbox followed by, in bold, "Feeding tube for a trial period*". Below this there shall be a checkbox followed by, in bold, "Initially, no feeding tube".

The rightmost column shall be headed, "Intravenous (IV) Fluids for Hydration". Below this there shall be a checkbox followed by, in bold, "Long-term IV fluids" followed by "if needed". Below this

there shall be a checkbox followed by, in bold, "IV fluids for a trial period*". Below this there shall be a checkbox followed by, in bold, "Initially, no IV fluids+".

Running below all the columns there shall be, in italics, "Additional Orders:" followed by an underlined space for other instructions, followed by, in italics, "*Include goals below in E. +Contact patient or patient's representative for further direction."

7. In Section E of the form, the left block shall contain, in bold, "E. Check all that apply" and the right block shall be headed, in bold, "Patient Preferences as a Basis for this POLST Form" shall include the following:

a. below the heading there shall be a box including the words, in bold, "Patient Goals/Medical Condition:" followed by an adequate space for such information,

b. below this there shall be a checkbox followed by, "The patient has an advance directive for health care in accordance with Sections 3101.4 or 3101.14 of Title 63 of the Oklahoma Statutes." Below that there shall be a checkbox followed by, "The patient has a durable power of attorney for health care decisions in accordance with paragraph 1 of subsection B of Section 1072.1 of Title 58 of the Oklahoma Statutes." Below that shall be the indented words, "Date of execution" followed by an underlined space. Below that shall be the words, "If POLST not being executed by patient: We certify that this POLST is in accordance with the patient's advance directive." Below this there shall be an underlined space underneath which shall be positioned the words, "Name and Position (print) Signature" and "Signature of Physician",

c. below these shall be the words, "Directions given by:" and below that a checkbox followed by "Patient", a checkbox followed by "Minor's custodial parent or guardian", a checkbox followed by "Attorney-in-fact", a checkbox followed by "Health care proxy", and a checkbox followed by "Other legally authorized person:" followed by an underlined space. Beneath or beside the checkbox and "Other legally authorized person:" and the underlined space shall be the words "Basis of Authority:" followed by an underlined space, and

d. below these shall be a four-column table with four rows. In the top row the first column shall be blank; the second column shall have the words, "Printed Name"; the third column shall have the word, "Signature", and the fourth column shall have the word, "Date". In the remaining rows the second through fourth columns shall be blank. In the first column of these rows, in the

second row shall be the words, "Attending physician"; in the third row shall be the words, "Patient or other individual checked above (patient's representative)"; and in the fourth row shall be the words, "Health care professional preparing form (besides doctor)."

8. Section F of the form, which shall have the heading, in bold, "Information for Patient or Representative of Patient Named on this Form", shall include the following language, appearing in bold on the form:

"The POLST form is always voluntary and is usually for persons with advanced illness. Before providing information for or signing it, carefully read "Information for Patients and Their Families - Your Medical Treatment Rights Under Oklahoma Law", which the health care provider must give you. It is especially important to read the sections on CPR and food and fluids, which have summaries of Oklahoma laws that may control the directions you may give. POLST records your wishes for medical treatment in your current state of health. Once initial medical treatment is begun and the risks and benefits of further therapy are clear, your treatment wishes may change. Your medical care and this form can be changed to reflect your new wishes at any time. However, no form can address all the medical treatment decisions that may need to be made. An advance health care directive is recommended, regardless of your health status. An advance directive allows you to document in detail your future health care instructions and/or name a health care agent to speak for you if you are unable to speak for yourself.

The State of Oklahoma affirms that the lives of all are of equal dignity regardless of age or disability and emphasizes that no one should ever feel pressured to agree to forego life-preserving medical treatment because of age, disability or fear of being regarded as a burden.

If this form is for a minor for whom you are authorized to make health care decisions, you may not direct denial of medical treatment in a manner that would violate the child abuse and neglect laws of Oklahoma. In particular, you may not direct the withholding of medically indicated treatment from a disabled infant with life-threatening conditions, as those terms are defined in 42 U.S.C., Section 5106g or regulations implementing it and 42 U.S.C., Section 5106a."

9. Section G of the form, which shall have the heading, in bold, "Directions for Completing and Implementing Form", shall include the following three subdivisions:

a. the first subdivision, entitled "COMPLETING POLST", shall have the following language with the words, "The signature of the patient or the patient's representative is required" appearing in bold on the form:

"POLST must be reviewed and prepared in consultation with the patient or the patient's representative after that person has been given a copy of "Information for Patients and Their Families - Your Medical Treatment Rights Under Oklahoma Law". POLST must be reviewed and signed by a physician to be valid. Be sure to document the basis for concluding the patient had or lacked capacity at the time of execution of the form in the patient's medical record. If the patient lacks capacity, any current advance directive form must be reviewed and the patient's representative and physician must both certify that POLST complies with it. The signature of the patient or the patient's representative is required; however, if the patient's representative is not reasonably available to sign the original form, a copy of the completed form with the signature of the patient's representative must be placed in the medical record as soon as practicable and "on file" must be written on the appropriate signature line on this form.",

b. the second subdivision, entitled "IMPLEMENTING POLST", shall have the following language:
"If a minor protests a directive to deny the minor life-preserving medical treatment, the denial of treatment may not be implemented pending issuance of a judicial order resolving the conflict. A health care provider unwilling to comply with POLST must comply with the transfer and treatment pending transfer requirements of Section 3101.9 of Title 63 of the Oklahoma Statutes as well as those of the Nondiscrimination in Treatment Act, Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes", and

c. the third subdivision, entitled "REVIEWING POLST", shall have the following language:
"This POLST must be reviewed at least annually or earlier if:
The patient is admitted to or discharged from a medical care facility; there is substantial change in the patient's health status; or the treatment preferences of the patient or patient's representative change."

The same requirements for participation of the patient or patient's representative, and signature by both a physician and the patient or the patient's representative, that are described under "COMPLETING POLST" shall also apply when POLST is reviewed, and must be documented in Section I.

10. Section H of the form, which shall have the heading, in bold, "REVOCATION OF POLST", shall have the following language, with the words specified below appearing in bold on the form:

"If POLST is revised or becomes invalid, write in bold the word "VOID" in large letters on the front of the form. After voiding the form a new form may be completed. A patient with capacity or the individual or individuals authorized to sign on behalf of the patient in Section E of this form may void this form. If no new form is completed, full treatment and resuscitation is to be provided, except as otherwise authorized by Oklahoma law."

11. Section I of the form, which shall have the heading, in bold, "REVIEW SECTION", followed by: "Periodic review confirms current form or may require completion of new form," shall include the following columns and a number of rows determined by the Office of the Attorney General:

a. Date of Review,
b. Location of Review,
c. Patient or Representative Signature,
d. Physician Signature, and
e. Outcome of Review.

Each row in column (5) shall include a checkbox followed by, "FORM CONFIRMED - No Change", below which there shall be a checkbox followed by, "FORM VOIDED, see updated form.", below which there shall be a checkbox followed by, "FORM VOIDED, no new form."

A final section of the form, which shall have the heading, in bold, "Contact Information:", shall include two rows of four columns. In the first column, the first row shall include "Patient/Representative" followed by an adequate space for such information, and the second column shall include "Health Care Professional Preparing Form" followed by an adequate space for such information. In the second column both rows shall include "Relationship" followed by an adequate space for such information; in the third column both rows shall include "Phone Number" followed by an adequate space for such information; and in the fourth column both rows shall include "Email Address" followed by an adequate space for such information.

Added by Laws 2016, c. 355, § 4.

§63-3105.5. Physician not subject to liability or discipline – Liability for falsification of form – Temporary court orders.

A. A physician or other health care provider acting in good faith and in accordance with reasonable medical standards applicable to the physician or other health care provider is not subject to civil or criminal liability or to discipline for unprofessional conduct for:

1. Executing an Oklahoma standardized format physician orders for life-sustaining treatment form in compliance with a health care

decision of a person apparently having authority to make a health care decision for a patient, including a decision to provide, withhold or withdraw health care;

2. Declining to execute an Oklahoma standardized format physician orders for life-sustaining treatment form in compliance with a health care decision of a person based on a reasonable belief that the person then lacked authority; or

3. Complying with an apparently valid Oklahoma standardized format physician orders for life-sustaining treatment form on the assumption that the order was valid when made and has not been revoked or terminated.

B. A person who intentionally falsifies, forges, conceals, defaces or obliterates an individual's physician orders for life-sustaining treatment form without the individual's consent, or who coerces or fraudulently induces an individual to give, revoke or not to give a physician orders for life-sustaining treatment form, is subject to liability to that individual for damages of Two Hundred Thousand Dollars ($200,000.00) or actual damages resulting from the action, whichever is greater, plus reasonable attorney fees.

C. On petition of a health care provider or facility involved with the patient's care, the patient or the patient's custodial parent or guardian, attorney-in-fact, guardian or health care proxy, or other person who has authority to make health care decisions for the patient under common law, any court of competent jurisdiction may enjoin or direct a health care decision related to a physician orders for life-sustaining treatment form or order other appropriate equitable relief. The court shall issue such temporary orders as necessary to preserve the life of the patient pending a final judgment in such litigation, including any appeals.

Added by Laws 2016, c. 355, § 5.

§63-3106. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3107. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3108. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3109. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3110. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3111. Repealed by Laws 1992, c. 114, § 20, eff. Sept. 1, 1992.

§63-3112. Definitions.

For the purposes of Sections 2 through 6 of this act:

1. "Aftercare" means any assistance provided by a designated lay caregiver to an individual under this act after the patient's

discharge from a hospital. Such assistance may include tasks that are limited to the patient's condition at the time of discharge that do not require a licensed professional;

2. "Discharge" means a patient's exit or release from a hospital to the patient's residence following any inpatient stay;

3. "Hospital" means a facility licensed pursuant to the provisions of Section 1-701 et seq. of Title 63 of the Oklahoma Statutes;

4. "Lay caregiver" means any individual eighteen (18) years of age or older, including next of kin, duly designated as a lay caregiver pursuant to the provisions of this act who provides aftercare assistance to a patient in the patient's residence; and

5. "Residence" means a dwelling considered by a patient to be his or her home, not including any hospital as defined by Section 1-701 et seq. of Title 63 of the Oklahoma Statutes, nursing home or group home as defined by the Long-Term Care Reform and Accountability Act of 2001, or assisted living facility as defined by the Continuum of Care and Assisted Living Act.

Added by Laws 2014, c. 253, § 1, eff. Nov. 1, 2014.

§63-3113. Designation of lay caregivers by hospital patients.

A. Hospitals shall provide each patient or the patient's legal guardian with an opportunity to designate one lay caregiver following the patient's admission into a hospital and prior to the patient's discharge to the patient's residence:

1. In the event the patient is unconscious or otherwise incapacitated upon admission to the hospital, the hospital shall provide the patient's legal guardian with an opportunity to designate a lay caregiver following the patient's recovery of consciousness or capacity, so long as the designation or lack of a designation does not interfere with, delay or otherwise affect the medical care provided to the patient.

2. In the event the patient or the patient's legal guardian declines to designate a lay caregiver under this act, the hospital shall promptly document such in the patient's medical record, and the hospital shall be deemed to comply with the provisions of this act.

3. In the event that the patient or the patient's legal guardian designates an individual as a lay caregiver under this act, the hospital shall promptly request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated lay caregiver pursuant to the hospital's established procedures for releasing personal health information and in compliance with applicable state and federal law.

4. If the patient or the patient's legal guardian declines to consent to the release of medical information to the patient's designated lay caregiver, the hospital is not required to provide

notice to the lay caregiver pursuant to the provisions of Section 3 of this act.

5. The hospital shall record the patient's designation of a lay caregiver, the relationship of the lay caregiver to the patient, and the name, telephone number, and physical address of the patient's designated lay caregiver in the patient's medical record.

B. A patient may elect to change his or her designated lay caregiver in the event that the lay caregiver becomes incapacitated.

C. Designation of a lay caregiver by a patient or a patient's legal guardian pursuant to the provisions of this act does not obligate any individual to perform any aftercare tasks for the patient.

D. This section shall not be construed so as to require a patient or a patient's legal guardian to designate any individual as a lay caregiver as defined by this act.

Added by Laws 2014, c. 253, § 2, eff. Nov. 1, 2014.

§63-3114. Notification by hospital to lay caregiver.

If a patient has designated a lay caregiver, a hospital shall notify the patient's designated lay caregiver of the patient's discharge to the patient's residence or transfer to another licensed facility as soon as practicable. In the event the hospital is unable to contact the designated lay caregiver, the lack of contact shall not interfere with, delay or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

Added by Laws 2014, c. 253, § 3, eff. Nov. 1, 2014.

§63-3115. Consultation with lay caregiver by hospital - Discharge plan.

As soon as practicable, the hospital shall attempt to consult with the designated lay caregiver to prepare him or her for aftercare and issue a discharge plan describing a patient's aftercare needs. In the event the hospital is unable to contact the designated lay caregiver, the lack of contact shall not interfere with, delay or otherwise affect an appropriate discharge of the patient.

Added by Laws 2014, c. 253, § 4, eff. Nov. 1, 2014.

§63-3116. Construction of act.

A. Nothing in this act shall be construed to interfere with the rights of a person legally authorized to make health care decisions as defined in paragraph 4 of Section 3090.2 of Title 63 of the Oklahoma Statutes.

B. Nothing in this act shall be construed to create a private right of action against a hospital, hospital employee, a duly authorized agent of the hospital, or otherwise supersede or replace existing rights or remedies under any other general or special law.

Added by Laws 2014, c. 253, § 5, eff. Nov. 1, 2014.

§63-3117. Impact on state or federal program funding.

No state or federal dollars shall be used for payment to any lay caregiver as defined in this act after discharge from a hospital. No state or federal program funding shall be impacted by this act.

Added by Laws 2014, c. 253, § 6, eff. Nov. 1, 2014.

§63-3118. Verification of compliance.

The State Board of Health shall request, in hospital license and renewal applications submitted pursuant to Sections 1-703 and 1-704 of Title 63 of the Oklahoma Statutes, verification of compliance with the provisions of Sections 3112 through 3117 of Title 63 of the Oklahoma Statutes.

Added by Laws 2018, c. 176, § 1, eff. Nov. 1, 2018.

§63-3121. Short title.

Sections 1 through 3 of this act shall be known and may be cited as the "Uniform Determination of Death Act".

Added by Laws 1986, c. 262, § 1.

§63-3122. Declaration of death.

An individual who has sustained either:

1. irreversible cessation of circulatory and respiratory functions, or

2. irreversible cessation of all functions of the entire brain, including the brain stem,

is dead. A determination of death must be made in accordance with accepted medical standards; provided however all reasonable attempts to restore spontaneous circulatory or respiratory functions shall first be made, prior to such declaration.

Added by Laws 1986, c. 262, § 2.

§63-3123. Application and construction.

The Uniform Determination of Death Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

This act does not concern itself with living wills, death with dignity, euthanasia, rules on death certificates, maintaining life support beyond brain death in cases of pregnant women or of organ donors, and protection for the dead body.

Added by Laws 1986, c. 262, § 3.

§63-3129. Written policy for disposition of remains of a child - Hospitals, birthing centers or medical facilities.

A. Every licensed hospital, birthing center or medical facility in this state shall maintain a written policy for the disposition of the remains of a child from a stillbirth or fetal death event, as

defined pursuant to Section 1-301 of Title 63 of the Oklahoma Statutes, at such hospital. A parent of the child shall have the right to direct the disposition of the remains, except that disposition may be made by the hospital if no direction is given by a parent within fourteen (14) days following the delivery of the remains. The policy and the disposition shall comply with all applicable provisions of state and federal law. Upon the delivery of a child from a stillbirth or a fetal death event, the hospital shall notify at least one (1) parent of the parents' right to direct the disposition of the remains of the child and shall provide at least (1) one parent with a copy of its policy with respect to disposition.

B. Except as otherwise provided by law, nothing in this section shall be interpreted to prohibit any hospital from providing additional notification and assistance to the parent of a child delivered as a stillbirth or a fetal death event at the hospital relating to the disposition of the remains of the child.

Added by Laws 2019, c. 120, § 1, eff. Nov. 1, 2019.

§63-3131.1. Short title.

This act shall be known and may be cited as the "Oklahoma Do-Not-Resuscitate Act".

Added by Laws 1997, c. 327, § 1, eff. Nov. 1, 1997.

§63-3131.2. Legislative intent.

It is the intention of the Legislature to recognize that the existence of do-not-resuscitate identification or consent correctly expresses the will of any person who bears it and that foreign courts recognize this expression and give full faith and credit to do-not-resuscitate identification or consent.

Added by Laws 1997, c. 327, § 2, eff. Nov. 1, 1997.

§63-3131.3. Definitions.

As used in the Oklahoma Do-Not-Resuscitate Act:

1. "Attending physician" means a licensed physician who has primary responsibility for treatment or care of the person. If more than one physician shares that responsibility, any of those physicians may act as the attending physician under the provisions of the Oklahoma Do-Not-Resuscitate Act;

2. "Cardiopulmonary resuscitation" means those measures used to restore or support cardiac or respiratory function in the event of a cardiac or respiratory arrest;

3. "Do-not-resuscitate identification" means a standardized identification necklace, bracelet, or card as set forth in the Oklahoma Do-Not-Resuscitate Act that signifies that a do-not-resuscitate consent or order has been executed for the possessor;

4. "Do-not-resuscitate order" means an order issued by a licensed physician that cardiopulmonary resuscitation should not be administered to a particular person;

5. "Emergency medical services personnel" means firefighters, law enforcement officers, emergency medical technicians, paramedics, or other emergency services personnel, providers, or entities, acting within the usual course of their professions;

6. "Health care decision" means a decision to give, withhold, or withdraw informed consent to any type of health care including, but not limited to, medical and surgical treatments including life-prolonging interventions, nursing care, hospitalization, treatment in a nursing home or other extended care facility, home health care, and the gift or donation of a body organ or tissue;

7. "Health care agency" means an agency established to administer or provide health care services and which is commonly known by a wide variety of titles including, but not limited to, hospitals, medical centers, ambulatory health care facilities, physicians' offices and clinics, extended care facilities operated in connection with hospitals, nursing homes, extended care facilities operated in connection with rehabilitation centers, home care agencies and hospices;

8. "Health care provider" means any physician, dentist, nurse, paramedic, psychologist, or other person providing medical, dental, nursing, psychological, hospice, or other health care services of any kind;

9. "Incapacity" means the inability, because of physical or mental impairment, to appreciate the nature and implications of a health care decision, to make an informed choice regarding the alternatives presented, and to communicate that choice in an unambiguous manner; and

10. "Representative" means an attorney-in-fact for health care decisions acting pursuant to the Uniform Durable Power of Attorney Act, a health care proxy acting pursuant to the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, or a guardian of the person appointed under the Oklahoma Guardianship and Conservatorship Act.

Added by Laws 1997, c. 327, § 3, eff. Nov. 1, 1997.

§63-3131.4. Health care presumption and exceptions - Health care agencies not required to provide certain treatment, facilities or services.

A. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider has actual knowledge, apply:

1. The person has notified such person's attending physician that the person does not consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest and that notification has been entered in the patient's medical records;

2. The parent or guardian of a minor child, after consultation with the minor child's attending physician, has notified the minor child's attending physician that the parent or guardian does not consent to the administration of cardiopulmonary resuscitation in the event of the minor child's cardiac or respiratory arrest, and that the minor child, if capable of doing so and possessing sufficient understanding and appreciation of the nature and consequences of the treatment decision despite the minor child's chronological age, has not objected to this decision of the parent or guardian, and such notification has been entered in the minor child's medical records; provided, medically indicated treatment may not be withheld from a disabled infant with life-threatening conditions to the extent that such medically indicated treatment is required by federal law or regulations as a condition for the receipt of federally funded grants to this state for child abuse and neglect prevention and treatment programs;

3. An incapacitated person's representative has notified the incapacitated person's attending physician that the representative, based on the known wishes of the incapacitated person, does not consent to the administration of cardiopulmonary resuscitation in the event of the incapacitated person's cardiac or respiratory arrest and that notification has been entered in the patient's medical records;

4. An attending physician of an incapacitated person without a representative knows by clear and convincing evidence that the incapacitated person, when competent, decided on the basis of information sufficient to constitute informed consent that the person would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. Clear and convincing evidence for this purpose shall include oral, written, or other acts of communication between the patient, when competent, and family members, health care providers, or others close to the patient with knowledge of the patient's personal desires;

5. A do-not-resuscitate consent form in accordance with the provisions of the Oklahoma Do-Not-Resuscitate Act has been executed for that person; or

6. An executed advance directive for health care, or other document recognized by the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, directing that life-sustaining treatment not be performed in the event of cardiac or respiratory arrest, is in effect for that person, pursuant to the provisions of paragraph 1 of Section 3101.3 or Section 3101.14 of this title.

B. Health care agencies shall maintain written policies and procedures with respect to do-not-resuscitate orders, do-not-resuscitate consent forms, and certifications of physician. Such written policies and procedures shall ensure the following rights to all persons under the care of health care agencies:

1. All decisions with respect to the administration of cardiopulmonary resuscitation shall be made by the patient unless it is appropriate under this section for the patient's representative, as defined by Section 3131.3 of this title, to do so. The reason the representative, rather than the patient, has made a decision shall be documented in the patient's medical record.

2. a. No decision by the patient's representative shall be made until the representative has been instructed in writing by the patient's attending physician that such representative is deciding what the incapacitated person would have wanted if the incapacitated person could speak for himself or herself. In addition, the attending physician shall encourage consultation among all reasonably available representatives, family members, and persons close to the incapacitated person to the extent feasible in the circumstances of the case.

b. Whenever possible, the attending physician shall explain to the representative and family members the nature and consequences of the decision to be made. Evidence that this explanation was provided shall be documented in the medical records of the incapacitated person.

3. Health care agencies shall provide ongoing education to patients, health care providers, and the community on issues concerning use of the do-not-resuscitate consent form.

C. Nothing in the Oklahoma Do-Not-Resuscitate Act shall require:

1. A health care agency to institute or maintain the ability to provide cardiopulmonary resuscitation or to expand its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation; provided, if such health care agency does not provide cardiopulmonary resuscitation, this policy shall be communicated in writing to the person or representative prior to the person coming under the care of the health care agency; and

2. A physician, health care provider, or health care agency to begin or continue the administration of cardiopulmonary resuscitation when, in reasonable medical judgment, it would not prevent the imminent death of the patient.

Added by Laws 1997, c. 327, § 4, eff. Nov. 1, 1997. Amended by Laws 1998, c. 164, § 2, emerg. eff. April 28, 1998; Laws 1999, c. 335, § 1, eff. Nov. 1, 1999.

§63-3131.5. Consent form.

A. For persons under the care of a health care agency, a do-not-resuscitate order shall, if issued, be in accordance with the policies and procedures of the health care agency as long as not in conflict with the provisions of the Oklahoma Do-Not-Resuscitate Act.

B. The do-not-resuscitate consent form shall be in substantially the following form:

FRONT PAGE

OKLAHOMA DO-NOT-RESUSCITATE (DNR) CONSENT FORM

I, _____, request limited health care as described in this document. If my heart stops beating or if I stop breathing, no medical procedure to restore breathing or heart function will be instituted by any health care provider including, but not limited to, emergency medical services (EMS) personnel.

I understand that this decision will not prevent me from receiving other health care such as the Heimlich maneuver or oxygen and other comfort care measures.

I understand that I may revoke this consent at any time in one of the following ways:

1. If I am under the care of a health care agency, by making an oral, written, or other act of communication to a physician or other health care provider of a health care agency;

2. If I am not under the care of a health care agency, by destroying my do-not-resuscitate form, removing all do-not-resuscitate identification from my person, and notifying my attending physician of the revocation;

3. If I am incapacitated and under the care of a health care agency, my representative may revoke the do-not-resuscitate consent by written notification to a physician or other health care provider of the health care agency or by oral notification to my attending physician; or

4. If I am incapacitated and not under the care of a health care agency, my representative may revoke the do-not-resuscitate consent by destroying the do-not-resuscitate form, removing all do-not-resuscitate identification from my person, and notifying my attending physician of the revocation.

I give permission for this information to be given to EMS personnel, doctors, nurses, and other health care providers. I hereby state that I am making an informed decision and agree to a do-not-resuscitate order.

_____	OR	_____
Signature of Person		Signature of Representative (Limited to an attorney-in-fact for health care decisions acting under the Durable Power of Attorney Act, a health care proxy acting under the Oklahoma Advance Directive Act or a guardian of

the person appointed under the Oklahoma Guardianship and Conservatorship Act.) This DNR consent form was signed in my presence.

_____	_____	_____
Date	Signature of Witness	Address
	_____	_____
	Signature of Witness	Address

BACK OF PAGE

CERTIFICATION OF PHYSICIAN

(This form is to be used by an attending physician only to certify that an incapacitated person without a representative would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. An attending physician of an incapacitated person without a representative must know by clear and convincing evidence that the incapacitated person, when competent, decided on the basis of information sufficient to constitute informed consent that such person would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. Clear and convincing evidence for this purpose shall include oral, written, or other acts of communication between the patient, when competent, and family members, health care providers, or others close to the patient with knowledge of the patient's desires.)

I hereby certify, based on clear and convincing evidence presented to me, that I believe that _____

Name of Incapacitated Person

would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. Therefore, in the event of cardiac or respiratory arrest, no chest compressions, artificial ventilation, intubations, defibrillation, or emergency cardiac medications are to be initiated.

_____	_____
Physician's Signature/Date	Physician's Name (PRINT)

_____

Physician's Address/Phone

C. Witnesses must be individuals who are eighteen (18) years of age or older who are not legatees, devisees or heirs at law.

D. It is the intention of the Legislature that the preferred, but not required, do-not-resuscitate form in Oklahoma shall be the form set out in subsection B of this section.

Added by Laws 1997, c. 327, § 5, eff. Nov. 1, 1997. Amended by Laws 2010, c. 139, § 1, eff. Nov. 1, 2010.

§63-3131.6. Compliance required.

Health care providers shall, when presented with the original or copy of any do-not-resuscitate consent form created as provided under

Section 5 of this act, take appropriate actions to comply with the do-not-resuscitate request.
Added by Laws 1997, c. 327, § 6, eff. Nov. 1, 1997.

§63-3131.7. Revocation of consent.

A. At any time, a person under the care of a health care agency may revoke such person's do-not-resuscitate consent by making an oral, written, or other act of communication to a physician or other health care provider of a health care agency.

B. At any time, a person not under the care of a health care agency may revoke such person's do-not-resuscitate consent by destroying the form and removing all do-not-resuscitate identification from the person. The person is responsible for notifying such person's attending physician of the revocation.

C. At any time, the parent or guardian of a minor child, or the minor child, if capable of doing so and possessing sufficient understanding and appreciation of the nature and consequences of the treatment decision despite the minor child's chronological age, may revoke the do-not-resuscitate consent for the minor child by making an oral, written, or other act of communication to a physician or other health care provider. The parent or guardian of the minor child is responsible for notifying the minor child's attending physician of the revocation.

D. At any time, a representative may revoke the do-not-resuscitate consent for an incapacitated person under the care of a health care agency by notifying a physician or other health care provider of the health care agency of the revocation of consent in writing or by orally notifying the attending physician.

E. At any time, a representative may revoke the do-not-resuscitate consent for an incapacitated person not under the care of a health care agency by destroying the form and removing all do-not-resuscitate identification from the person. The representative is responsible for notifying the person's attending physician of the revocation.

F. The attending physician who is informed of or provided with a revocation of consent to a do-not-resuscitate order pursuant to this section shall immediately cancel the order if the person is under the care of a health care agency and shall notify the health care providers of the health care agency responsible for the person's care of the revocation and cancellation. Any professional staff of the health care agency who is informed of or provided with a revocation of consent for a do-not-resuscitate order pursuant to this section shall immediately notify the attending physician of the revocation.
Added by Laws 1997, c. 327, § 7, eff. Nov. 1, 1997. Amended by Laws 1998, c. 164, § 3, emerg. eff. April 28, 1998.

§63-3131.8. Protection from criminal prosecution, civil liability and professional discipline.

A. No health care provider, health care agency, or individual employed by, acting as the agent of, or under contract with any such health care provider, health care agency, or individual shall be subject to criminal prosecution, civil liability, or discipline for unprofessional conduct for carrying out in good faith a do-not-resuscitate consent or order authorized by the Oklahoma Do-Not-Resuscitate Act on behalf of a person as instructed by the person or representative or for those actions taken in compliance with the standards and procedures set forth in the Oklahoma Do-Not-Resuscitate Act.

B. No health care provider, health care agency, individual employed by, acting as agent of, or under contract with any such health care provider, health care agency or individual or other individual who witnesses a cardiac or respiratory arrest shall be subject to criminal prosecution, civil liability or discipline for unprofessional conduct for providing cardiopulmonary resuscitation to a person for whom a do-not-resuscitate consent or order has been issued; provided, that such individual:

1. Reasonably and in good faith was unaware of the issuance of a do-not-resuscitate consent or order; or

2. Reasonably and in good faith believed that consent to a do-not-resuscitate order had been revoked or canceled.

C. Any physician who refuses to issue a do-not-resuscitate order at a person's request or any health care provider or health care agency who refuses to comply with a do-not-resuscitate consent or order entered pursuant to the Oklahoma Do-Not-Resuscitate Act shall take reasonable steps to advise the person or representative of the person promptly that the physician is unwilling to effectuate the consent or order and shall as promptly as practicable take all reasonable steps to arrange care of the person by another physician or health care provider.

Added by Laws 1997, c. 327, § 8, eff. Nov. 1, 1997.

§63-3131.9. Certain conditions for insurance prohibited.

A. No policy of life insurance shall be impaired, modified, or invalidated in any manner by the issuance of a do-not-resuscitate consent or order, notwithstanding any term of the policy to the contrary.

B. A person may not prohibit or require the issuance of a do-not-resuscitate consent or order for an individual as a condition of insurance or for receiving health care services.

Added by Laws 1997, c. 327, § 9, eff. Nov. 1, 1997.

§63-3131.10. Consent or order to accompany person.

If a person with a do-not-resuscitate consent or order is transferred from such person's home to the care of a health care agency or from the care of one health care agency to another health care agency, the existence of a do-not-resuscitate consent or order shall be communicated to the receiving health care agency prior to the transfer, and a copy of the written do-not-resuscitate consent or order shall accompany the person to the health care agency receiving the person and shall remain effective unless revoked as provided in Section 7 of this act.
Added by Laws 1997, c. 327, § 10, eff. Nov. 1, 1997.

§63-3131.11. Effect of act.

A. Except as otherwise provided in the Oklahoma Do-Not-Resuscitate Act, a person's right to receive and a health care provider's responsibility to administer cardiopulmonary resuscitation shall not be impaired. Nothing in the Oklahoma Do-Not-Resuscitate Act shall impair or supersede a person's right to choose to have cardiopulmonary resuscitation withheld or provided or a health care provider's responsibility to withhold or provide cardiopulmonary resuscitation as provided by law. In this respect, the provisions of the Oklahoma Do-Not-Resuscitate Act are cumulative.

B. In the event of cardiac or respiratory arrest, a patient's attending physician or other health care provider must comply with such patient's request for cardiopulmonary resuscitation whether requested by such patient or such patient's representative, or required by such patient's advance directive.

C. Nothing in the Oklahoma Do-Not-Resuscitate Act shall be construed to preclude a court of competent jurisdiction from approving the issuance of a do-not-resuscitate order under circumstances other than those under which such an order may be issued pursuant to the provisions of the Oklahoma Do-Not-Resuscitate Act.

D. The provisions of the Oklahoma Do-Not-Resuscitate Act shall not affect the validity of do-not-resuscitate consents or orders that were executed prior to November 1, 1997.
Added by Laws 1997, c. 327, § 11, eff. Nov. 1, 1997. Amended by Laws 1998, c. 164, § 4, emerg. eff. April 28, 1998.

§63-3131.12. Duties of the Department of Human Services.

A. The Director of the Department of Human Services, no later than one (1) year after the effective date of this act, shall implement the statewide distribution of do-not-resuscitate forms which comply with Section 5 of this act.

B. Do-not-resuscitate identification as set forth in the Oklahoma Do-Not-Resuscitate Act shall consist of either a medical condition bracelet, necklace, or card with the inscription of the patient's name, date of birth in numerical form, and "Oklahoma do-

not-resuscitate" on it. No other identification or wording shall be deemed to comply with the provisions of the Oklahoma Do-Not-Resuscitate Act. This identification shall be issued only upon presentation of a properly executed do-not-resuscitate consent form as set forth in Section 5 of this act.

C. The Director of the Department of Human Services, no later than one (1) year after the effective date of this act, shall be responsible for establishing a system for distribution of the do-not-resuscitate forms and identification bracelets, necklaces, or cards.

D. The legal services developer from the Aging Services Division of the Department of Human Services, no later than one (1) year after the effective date of this act, shall develop and implement a statewide educational effort to inform the public of their right to accept or refuse cardiopulmonary resuscitation and to request their physician to write a do-not-resuscitate order for them, and to urge health care agencies within this state to utilize a do-not-resuscitate form which complies with Section 5 of this act.

Added by Laws 1997, c. 327, § 12, eff. Nov. 1, 1997.

§63-3131.13. Construction of act.

The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of the Oklahoma Do-Not-Resuscitate Act shall not, for any purpose, constitute suicide or homicide. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of the Oklahoma Do-Not-Resuscitate Act, however, shall not relieve any individual of responsibility for any civil or criminal acts that may have caused the person's condition. Nothing in the Oklahoma Do-Not-Resuscitate Act shall be construed to legalize, condone, authorize, or approve mercy killing or assisted suicide.

Added by Laws 1997, c. 327, § 13, eff. Nov. 1, 1997.

§63-3131.14. Application of act.

The provisions of the Oklahoma Do-Not-Resuscitate Act apply to all persons regardless of whether or not they have completed an advance directive for health care, provided that the provisions of the Oklahoma Do-Not-Resuscitate Act may not be construed to authorize issuance of a do-not-resuscitate order in violation of a currently valid advance directive for health care.

Added by Laws 1997, c. 327, § 14, eff. Nov. 1, 1997.

§63-3141.1. Short title - Legislative intent.

A. Sections 1 through 8 of this act shall be known and may be cited as the "Assisted Suicide Prevention Act".

B. It is the intent of the Oklahoma Legislature to protect vulnerable persons from suicide, to reduce the cost to taxpayers of enforcing the assisted-suicide laws by promoting civil enforcement

and providing for reimbursement of attorney fees by those found to be violating the law.
Added by Laws 1998, c. 194, § 1, eff. Nov. 1, 1998.

§63-3141.2. Definitions.

As used in the Assisted Suicide Prevention Act:

1. "Licensed health care professional" means a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist, or pharmacist; and

2. "Suicide" means the act or instance of intentionally taking one's own life.

Added by Laws 1998, c. 194, § 2, eff. Nov. 1, 1998.

§63-3141.3. Violations.

A person violates the Assisted Suicide Prevention Act when the person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly either:

1. Provides the physical means by which another person commits or attempts to commit suicide; or

2. Participates in a physical act by which another person commits or attempts to commit suicide.

Added by Laws 1998, c. 194, § 3, eff. Nov. 1, 1998.

§63-3141.4. Acts not constituting violations.

A. A licensed health care professional who administers, prescribes, or dispenses medications or procedures for the purpose of alleviating pain or discomfort, even if their use may increase the risk of death, shall not be deemed to have violated Section 3 of this act or Section 813 or 814 of Title 21 of the Oklahoma Statutes so long as such medications or procedures are not also furnished for the purpose of causing, or the purpose of assisting in causing, death for any reason.

B. A licensed health care professional who withholds or withdraws a medically administered, life-sustaining procedure does not violate Section 3 of this act or Sections 813 or 814 of Title 21 of the Oklahoma Statutes.

C. This section shall not be construed to affect the duty of care or the legal requirements concerning acts or omissions under subsections A or B of this section.

Added by Laws 1998, c. 194, § 4, eff. Nov. 1, 1998.

§63-3141.5. Injunctions - Persons who may bring.

A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate, who is in the course of violating, or who has violated Section 3 of this act by any person who is:

1. The spouse, parent, child, or sibling of the person who would commit suicide;
2. Entitled to inherit from the person who would commit suicide;
3. A current or former health care provider of the person who would commit suicide;
4. A public official with appropriate jurisdiction to prosecute or enforce the laws of this state;
5. A guardian of the person who would commit suicide;
6. The Department of Human Services; or
7. An attorney-in-fact of the person who would commit suicide.

Such an injunction shall legally prevent the person from assisting any suicide in this state regardless of who is being assisted.
Added by Laws 1998, c. 194, § 5, eff. Nov. 1, 1998.

§63-3141.6. Actions for damages - Persons who may bring.

Any person given standing by paragraph 1 or 2 of Section 5 of this act, or the person who would have committed suicide, in the case of an attempt, may maintain a cause of action against any person who violates or attempts to violate Section 3 of this act for compensatory damages and punitive damages. Any person given standing by paragraphs 3 through 7 of Section 5 of this act may maintain a cause of action against any person who violates or attempts to violate Section 3 of this act for punitive damages. An action under this section may be brought whether or not the plaintiff had prior knowledge of the violation or attempt.
Added by Laws 1998, c. 194, § 6, eff. Nov. 1, 1998.

§63-3141.7. Attorney fees.

In any action or proceeding brought pursuant to Section 5 or 6 of this act, the court shall allow the prevailing plaintiff a reasonable attorney fee as part of its costs. If the court determines that the action or proceeding was brought frivolously or in bad faith, the court shall allow a prevailing defendant a reasonable attorney fee as part of its costs.
Added by Laws 1998, c. 194, § 7, eff. Nov. 1, 1998.

§63-3141.8. Revocation or suspension of license or certificate.

The licensing agency which issued a license or certification to a licensed health care professional who assists in a suicide in violation of Section 3 of this act shall revoke or suspend the license or certificate of that person upon receipt of:
1. A copy of the record of criminal conviction or plea of guilty for a felony in violation of Section 813, 814 or 815 of Title 21 of the Oklahoma Statutes;
2. A copy of the record of a judgment of contempt of court for violating an injunction issued under Section 5 of this act; or

3. A copy of the record of a judgment assessing damages under Section 6 of this act.
Added by Laws 1998, c. 194, § 8, eff. Nov. 1, 1998.

§63-3151. Suicide data collection system – Confidentiality of data - Penalties.

A. The Legislature hereby directs the State Department of Health to develop a state suicide data collection system to provide reliable data about attempted suicides in this state. In developing the system the Department shall:

1. Include information on the incidence of suicide attempts;

2. Include demographic information on persons who attempt suicide; and

3. Explore prevention strategies for reducing the number of attempted suicides and suicides.

B. As used in this section:

1. "Attempted suicide" means a voluntary and intentional injury to one's own body with the goal of ending one's own life;

2. "E-codes" are external cause of injury codes contained in the International Classification of Diseases – 9th Revision; and

3. "Suicide" means a voluntary and intentional taking of one's own life;

C. The State Board of Health shall, if funds are available, establish a system for collecting information concerning attempted suicides among persons who were hospitalized or who were treated and released. In establishing the system, the Board may require hospitals, and other related institutions, as defined in Section 1-701 of Title 63 of the Oklahoma Statutes, to include E-codes on all patient discharge data or, if necessary, to complete and submit a Report of Suicide Attempt form to be made available by the State Department of Health.

D. The system shall be implemented statewide.

E. Individual forms, computer tapes or other forms of data collected pursuant to this section shall be confidential and shall not be public records as defined in the Oklahoma Open Records Act.

F. The confidentiality of identifying information is to be protected, and the pertinent statutes and rules of the State of Oklahoma and the regulations of the federal government relative to confidentiality shall apply.

G. Identifying information shall not be disclosed and shall not be used for any purpose except statistical reporting and data analysis.

H. Nothing in this section shall prohibit the publishing of statistical compilations relating to suicide attempts which do not in any way identify individual cases or individual sources of information.

I. 1. A violation of the provisions of this section by an employee of the Department shall be grounds for termination of employment.

2. Any person who violates the provisions of this section shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of One Thousand Dollars ($1,000.00) or imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

J. The State Board of Health is authorized to promulgate rules to carry out the provisions of this section.

Added by Laws 2001, c. 168, § 6, emerg. eff. May 2, 2001.

§63-3160. Short title - Medical Treatment Laws Information Act.

This act shall be known and may be cited as the "Medical Treatment Laws Information Act".

Added by Laws 2014, c. 82, § 1, eff. Nov. 1, 2014.

§63-3161. Definitions.

As used in the Medical Treatment Laws Information Act:

1. "Associated with the inpatient health care services entity" means, with regard to a particular inpatient health care services entity, that the health care provider is an employee or agent of the entity, that the health care provider has privileges to provide health care services to patients in the entity, or that the health care provider in fact provides health care services to patients in the entity. For purposes of this definition, provision of health care services to patients in the entity shall be deemed to include provision of health care services to patients in an emergency room operated by the entity, regardless of whether those patients are admitted as inpatients;

2. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state as a physician, physician assistant, certified nurse practitioner, advanced practice registered nurse (including one with a certified specialty), registered nurse, or licensed practical nurse, but does not include a nurse midwife;

3. "Health care services" means any services provided by a health care provider, or by an individual working for or under the supervision of a health care provider, that relate to the diagnosis, assessment, prevention, treatment or care of any human illness, disease, injury or condition;

4. "Inpatient health care services entities" means those hospitals defined in paragraphs 2, 3 and 5 of Section 1-701 of Title 63 of the Oklahoma Statutes, a nursing facility as defined in paragraph 10 of Section 1-1902 of Title 63 of the Oklahoma Statutes, a specialized facility as defined in paragraph 11 of Section 1-1902 of Title 63 of the Oklahoma Statutes, and those long-term care

facilities described in subparagraphs e and f of paragraph 1 of Section 1-1945 of Title 63 of the Oklahoma Statutes; and

5. "Other defined officials" means, with regard to a particular health care services entity, to the extent such officials exist, the members of the board of directors, the administrator or chief executive officer, and the general counsel, by whatever titles those serving these functions may be called.

Added by Laws 2014, c. 82, § 2, eff. Nov. 1, 2014.

§63-3162. Brochure and online presentation of rights and responsibilities for health care providers - Certification requirements.

A. The State Board of Medical Licensure and Supervision shall prepare, and from time to time amend, a brochure to inform health care providers of their responsibilities and rights under the specified sections of the Hydration and Nutrition for Incompetent Patients Act (Sections 3080.2 through 3080.5 of this title), the Nondiscrimination in Treatment Act (Sections 3090.2 and 3090.3 of this title), the Oklahoma Advance Directive Act (Section 3101.9 of this title), the Oklahoma Do-Not-Resuscitate Act (Section 3131.4 of this title) and the Assisted Suicide Prevention Act (Sections 3141.3 and 3141.4 of this title). The brochure shall include contact information for officials to whom alleged violations of those provisions may be reported. The Board shall prepare, from time to time revise, and make available on the Board's website an online presentation, which shall be a minimum of one (1) hour in length, consisting of training on the responsibilities and rights of health care providers covered by the current brochure. The Board shall provide for means to verify that a viewer indeed observed the full online presentation, such as a quiz on its content to be answered at the end of the presentation or other methods commonly employed in association with continuing medical education. The Board shall provide to each viewer who complies with such verification a dated certification that the viewer completed the online training. The Board shall make the current brochure and online presentation available on the Board's website and shall inform all Oklahoma inpatient health care services entities of their availability and how to access them online on the Board's website.

B. Inpatient health care services entities shall ensure that all health care providers and other defined officials associated with the inpatient health care services entity are provided with a copy of the current brochure and sign a certification that they have read the brochure and are familiar with their responsibilities and rights as set forth therein:

1. Within fourteen (14) days of beginning employment with, of beginning service on the board of directors of, or of beginning to provide services to patients at the entity; and

2. At least once during each calendar year.

C. At least once during each consecutive two-calendar-year period all health care providers and the administrator or chief executive officer, by whatever title the person serving that function may be called, associated with an inpatient health care services entity shall observe the online presentation described in subsection A of this section. The time required for observation of this presentation shall count as part of, rather than being in addition to, continuing education otherwise required for licensed health care providers. Inpatient health care services entities shall ensure that all health care providers and other defined officials associated with the inpatient health care services entity provide the entity with a copy of each dated certification by the Board verifying that the provider or official observed the online presentation described in subsection A of this section in compliance with this requirement, and shall maintain such copies on file for a minimum of four (4) calendar years following the calendar year to which they apply. The files of such copies shall be subject to inspection under subsection B of Section 1-705, and Sections 1-829 and 1-1911 of this title.

D. The provisions of subsection B of this section shall be effective at the beginning of the second calendar month after the month in which the State Board of Medical Licensure and Supervision publishes the initial brochure required by this section on its website. The provisions of subsection C of this section shall be effective beginning with calendar year 2015.

E. The provisions of subsections B and C of this section shall apply to licensees of the State Board of Osteopathic Examiners and such licensees shall receive appropriate continuing education credits.

Added by Laws 2014, c. 82, § 3, eff. Nov. 1, 2014. Amended by Laws 2016, c. 111, § 1, emerg. eff. April 20, 2016.

§63-3163. Disclosure statement for patients and patients' families.

A. The State Board of Medical Licensure and Supervision shall prepare, and from time to time amend, a disclosure statement designed to inform patients and patients' families of their rights under the specified sections of the Hydration and Nutrition for Incompetent Patients Act (Sections 3080.2 through 3080.5 of Title 63 of the Oklahoma Statutes), the Nondiscrimination in Treatment Act (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes), the Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the Oklahoma Statutes) and the Oklahoma Do-Not-Resuscitate Act (Section 3131.4 of Title 63 of the Oklahoma Statutes). The disclosure statement shall include contact information for officials to whom alleged violations of those provisions may be reported. The State Department of Health shall make the current disclosure statement available on the Department's website and shall inform the entities specified in

subsection B of this section of the availability of the disclosure statement and how to obtain the disclosure statement.

B. Any entity to which the requirements of the federal Patient Self-Determination Act under 42 U.S.C., Section 1395cc(f) or 42 U.S.C., Section 1396a(w) apply shall, at the time of providing the written information required by 42 U.S.C., Section 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include a copy of the disclosure statement described in subsection A of this section.

C. The provisions of subsection B of this section shall be effective thirty (30) days after the date on which the State Department of Health publishes the initial disclosure statement required by this section.

Added by Laws 2014, c. 82, § 4, eff. Nov. 1, 2014.

§63-3201. Short title.

This act shall be known and may be cited as the "University Hospitals Authority Act".

Added by Laws 1993, c. 330, § 1, eff. July 1, 1993.

§63-3202. Definitions.

As used in the University Hospitals Authority Act:

1. "University Hospitals" include the Oklahoma Memorial Hospital, which shall be renamed University Hospital; the Children's Hospital of Oklahoma; the Child Study Center; and the O'Donoghue Rehabilitation Institute;

2. "Authority" means the University Hospitals Authority;

3. "Department" means the Department of Human Services;

4. "Commission" means the Commission for Human Services or the Oklahoma Public Welfare Commission;

5. "University Hospital" means Everett Tower and the North Pavilion, which have been renamed as Children's Hospital at the University of Oklahoma Medical Center; and

6. "Children's Hospital of Oklahoma" means the Bielstein, Garrison, Nicholson and MRI towers which are no longer being used as hospitals.

Added by Laws 1993, c. 330, § 2, emerg. eff. June 8, 1993. Amended by Laws 2019, c. 495, § 1, eff. Nov. 1, 2019.

§63-3203. Purposes - Legislative findings - Continued subsidized indigent health care - Powers of Board of Regents of University of Oklahoma.

A. The purposes of the University Hospitals Authority Act are to provide for an effective and efficient administration, to ensure a dependable source of funding, and to effectuate the mission and purposes of the University Hospitals Authority. The mission and purposes of the University Hospitals are to serve as general hospitals, to serve as teaching and training facilities for students

enrolled at the University of Oklahoma, to serve as a site for conducting research by faculty members of the University of Oklahoma and to provide care for the medically indigent. The University Hospitals shall maintain a close affiliation with the University of Oklahoma Health Sciences Center and shall coordinate their operations and activities in a cooperative manner. In addition, the University Hospitals Authority shall provide indigent and nonindigent patient care, as more fully described herein.

B. The Legislature finds that the needs of the citizens of this state and the needs of the University of Oklahoma Health Sciences Center will be best served if the University Hospitals are operated by a separate Authority charged with the mission of operating or leasing the operations of the teaching hospitals for the benefit of the colleges of the University of Oklahoma Health Sciences Center and providing care for the medically indigent.

C. The University Hospitals Authority, by receiving the assets and operating obligations, shall ensure that the costs of delivering medically indigent care continue to be subsidized in excess of the state reimbursement for the medically indigent, consistent with the teaching hospitals' past policy and performance and that of the University of Oklahoma Health Sciences Center. The Authority shall make or cause to be made every reasonable effort to continue the hospitals' historic commitment to the provision of uncompensated care and that the allocation and investment of resources shall be made with a view to maximizing the hospitals' long-term ability to provide uncompensated care, except as may be modified by changes in federal or state law. The University Hospitals Authority shall ensure that indigent care provided by the Oklahoma Medical Center during a fiscal year shall be equal to or exceed one hundred twenty percent (120%) of the annual appropriation to the University Hospitals Authority for indigent care. The level of indigent care provided shall be based on Medicare costs as determined by the most recent report filed by any operating entity of the University Hospitals with the federal Health Care Finance Administration.

D. As used in this section, "indigent care" means charity care, Medicaid contractual allowances, all debt arising from accounts for which there is no third-party coverage including services provided to the Department of Corrections and Department of Mental Health and Substance Abuse Services as otherwise required by law. For purposes of this subsection, third-party coverage shall not include Medicaid coverage.

E. The Board of Regents of the University of Oklahoma shall retain full power to govern the personnel, curriculum and facilities of the University of Oklahoma.

Added by Laws 1993, c. 330, § 3, emerg. eff. June 8, 1993. Amended by Laws 1995, c. 263, § 1; Laws 1997, c. 174, § 1, emerg. eff. May 8, 1997; Laws 2000, 1st Ex. Sess., c. 8, § 11, eff. July 1, 2000; Laws

2002, c. 384, § 3, emerg. eff. June 4, 2002; Laws 2019, c. 495, § 2, eff. Nov. 1, 2019.

§63-3204. University Hospitals - Transfer of jurisdiction, supervision, management and control.

A. Until July 1, 1993, the University Hospitals shall be under the jurisdiction, supervision, management and control of the Department of Human Services and the Commission for Human Services.

B. Effective July 1, 1993, the University Hospitals are hereby transferred from the Department of Human Services and the Commission for Human Services to the University Hospitals Authority.

C. The transfer shall include:

1. All powers, duties, responsibilities, properties, assets, fund balances, encumbrances, obligations, records, personnel and liabilities, including, but not limited to, liability for all University Hospital employees' sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing to employees prior to July 1, 1993, which are attributable to the University Hospitals; provided, however, that any claims arising under the Governmental Tort Claims Act and filed prior to July 1, 1993, and from any other actions filed prior to July 1, 1993, shall remain the responsibility of the Department of Human Services and the Commission for Human Services. All claims arising prior to July 1, 1993 and for which no action has been filed shall be paid by the Risk Management Program;

2. Children's Hospital of Oklahoma and all buildings and appurtenances located on land which is described as follows: Blocks B, 3, 4, 12 and 13, and the North 30 feet of Block 14; and Lots 6 through 15, Block 21, CULBERTSON HEIGHTS ADDITION less and except the West 7 feet of Lot 5 and all of Lots 6 through 19, and the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21 through 26, and the North 59.5 feet of the West 49.5 feet of Lot 27, all in Block 13, CULBERTSON HEIGHTS ADDITION to the City of Oklahoma City, Oklahoma, and also less and except the West 106 feet of the vacated Northeast 12th Street abutting said Block 13; and a part of Block 20, CULBERTSON HEIGHTS ADDITION and a part of the alleys adjacent thereto, and a part of the SW 1/4, Section 26, T12N, R3W, I.M., and a part of the SE 1/4, Sec. 27, T12N, R3W, I.M., Oklahoma County, Oklahoma, and a part of vacated Kelley Avenue adjacent thereto, more particularly described as follows: Commencing at the NE corner of Block 20, CULBERTSON HEIGHTS ADDITION, Oklahoma City, Oklahoma, thence S. 0 degrees 03' 34" E. and along the East line of said Block 20 and along the West Right-of-Way line of Stonewall Avenue a distance of 10 ft. to the point or place of beginning; thence continuing S. 0 degrees 03' 34" E. and along the East line of said Block 20 and along the West Right-of-Way line of Stonewall Avenue a distance of 341.27 ft., thence N. 89 degrees 54' 35" W. a distance of

520.10 ft., thence N. 0 degrees 11' 08" E. a distance of 18.0 ft.; thence N. 89 degrees 48' 52" W. a distance of 12.0 ft.; thence N. 0 degrees 11' 08" E. a distance of 6 ft.; thence N. 89 degrees 48' 52" W. a distance of 21.5 ft., thence N. 0 degrees 11' 08" E. a distance of 22.5 ft., thence N. 89 degrees 48' 52" W. a distance of 286.5 ft., thence N. 89 degrees 48' 52" W. a distance of 27.00 feet; thence N. 0 degrees 12' 03" E. a distance of 72.50 feet; thence N. 89 degrees 48' 51" W. a distance of 25.65 feet; thence N. 23 degrees 29' 12" W. a distance of 250.50 feet to a point on the South Right-of-Way line of N.E. 13th Street; thence S. 89 degrees 48' 51" E. and along the South Right-of-Way line of N.E. 13th Street a distance of 649.76 feet; to a point in the East line of said SE 1/4 of Section 27, T12N, R3W, thence S. 0 degrees 06' 23" W. along the East line of said Section 27, a distance of 10.0 ft., thence N. 89 degrees 33' 42" E. and parallel to and 10 ft., South of the North line of said Block 20 of said CULBERTSON HEIGHTS ADDITION a distance of 342.10 ft. to the point or place of beginning; and

3. a. Oklahoma Memorial Hospital and all buildings and appurtenances located on land which is described as follows: A part of the South Half of the Southeast Quarter of Section 27, T12N, R3W of the Indian Meridian AND a part of the North Half of the Northeast Quarter of Section 34, T12N, R3W, of the Indian Meridian, all in Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner of Block 13, HOWE'S CAPITOL ADDITION; thence N. 0 degrees 10' 36" E. along the East line of Phillips Avenue a distance of 674.64 feet to a point on the South line of Northeast 13th Street; thence S. 89 degrees 48' 51" E. along the South line of said Northeast 13th Street a distance of 620.30 feet; thence S. 23 degrees 29' 12" E. a distance of 250.50 feet; thence S. 89 degrees 48' 51" E. a distance of 25.65 feet; thence S. 0 degrees 12' 03" W. a distance of 72.50 feet; thence S. 89 degrees 48' 51" E. a distance of 27.00 feet; thence S. 00 degrees 12' 03" W. a distance of 443.57 feet; thence S. 89 degrees 43' 03" E. a distance of 32.95 feet; thence S. 00 degrees 14' 28" W. along the East line of a retaining wall a distance of 733.66 feet to a point on the South line of Block 1 of OAK PARK ADDITION; thence S. 89 degrees 52' 55" W. along the South line of Blocks 1 and 7 of OAK PARK ADDITION a distance of 810.11 feet to the Southwest corner of said Block 7; thence N. 00 degrees 10' 36" E. along the West line of said Block 7, OAK PARK ADDITION a distance of 213.87 feet; thence N. 89 degrees 49' 24" W. a distance of 3.40 feet; thence N.

00 degrees 10' 36" E. along the West line of Block 24, HOWE'S CAPITOL ADDITION a distance of 190.00 feet; thence S. 89 degrees 49' 24" E. a distance of 8.10 feet; thence N. 00 degrees 10' 36" E. along the West line of Block 18, HOWE'S CAPITOL ADDITION a distance of 405.00 feet to the Point of Beginning and containing 1,146,572 Square Feet or 26.32 Acres more or less;

b. That portion of the property described in subparagraph a known as the Research Building shall be transferred to the Authority, but shall be leased to the University of Oklahoma for a term of not less than forty (40) years from the date thereof; and

c. All of Blocks 1 and 2 of Culbertson Heights Addition, and all of Block 3 and Lots 3 through 20 and the North 50 feet of Lots 21 through 38 of Block 12, Oak Park Addition to the City of Oklahoma City, Oklahoma, including the encompassed and abutting portions of the vacated Northeast 11th Street, Park Place and Northeast 10th Street, and the abutting portion of Everest Avenue and the alley way in Block 12 of the said Oak Park Addition.

D. Properties to be retained by the Department of Human Services include:

1. The Service Center Building and land located on: The South 100 feet of Block 12 and all of Block 17, Oak Park Addition to the City of Oklahoma City, Oklahoma, including the encompassed or abutting portions of vacated Everest Avenue and Northeast 9th Street. (219,300 sq. ft., 5.03 acres); and

2. The Management Information Division Building and land located on: The West 7 feet of Lot 5 and all of Lots 6 through 19, and the East 5 feet of Lot 20 and the North 59.5 feet of Lots 21 through 26, and the North 59.5 feet of the West 49.5 feet of Lot 27, all in Block 13, Culbertson Heights Addition to the City of Oklahoma City, Oklahoma, and also including the West 106 feet of the vacated Northeast 12th Street abutting said Block 13. (82,199 sq. ft., 1.89 acres).

E. Appropriate conveyances shall be executed to effectuate the transfers specified by subsections B, C and D of this section. Added by Laws 1993, c. 330, § 4, emerg. eff. June 8, 1993. Amended by Laws 2019, c. 495, § 3, eff. Nov. 1, 2019.

§63-3205. University Hospitals - Certificate of Need - Operation and licensing - Service and receiving payments - Teaching and training.

A. The transfer of the University Hospitals from the Commission for Human Services and the Department of Human Services shall not require a Certificate of Need pursuant to the provisions of Sections 2651 through 2656.2 of Title 63 of the Oklahoma Statutes; provided,

however, that any expansion or change to the University Hospitals requiring a Certificate of Need after such transfer shall be subject to the provisions of Sections 2651 through 2656.2 of Title 63 of the Oklahoma Statutes.

B. 1. University Hospitals shall be operated as general hospitals and shall be licensed by the State Commissioner of Health, and shall, as far as possible, meet the standards, requirements and essentials of the Joint Commission on Accreditation of Health Care Organizations, the American Medical Association's Council on Medical Education, the American Specialty Boards and the Association of American Medical Colleges.

2. The University Hospitals may provide services and receive payments therefor under Titles XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs.

3. University Hospitals shall be available as teaching and training hospitals for the colleges of the University of Oklahoma Health Sciences Center, for the College of Medicine of the University of Oklahoma, for other health and educational facilities and shall provide indigent patient care.

Added by Laws 1993, c. 330, § 5, eff. July 1, 1993.

§63-3206. Children's Hospital - General hospital and service institution for certain persons.

Children's Hospital of Oklahoma shall serve as a general hospital and service institution for persons under twenty-one (21) years of age and shall have the authority to extend transplant services to persons twenty-one (21) years or older.

Added by Laws 1993, c. 330, § 6, eff. July 1, 1993.

§63-3207. University Hospitals Authority - Creation - Powers and authority - Status - Membership - Terms of office - Qualifications - Removal of member - Vacancies - Compensation and expenses - Quorum - Other laws.

A. There is hereby created the University Hospitals Authority, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights, privileges and functions as specified in the University Hospitals Authority Act. The University Hospitals Authority is an agency of the State of Oklahoma covered by the Governmental Tort Claims Act.

B. The Authority shall consist of six (6) members as follows:

1. One member shall be appointed by the Governor, with the advice and consent of the Senate;

2. One member shall be appointed by the President Pro Tempore of the Senate;

3. One member shall be appointed by the Speaker of the House of Representatives;

4. One member shall be the Administrator of the Oklahoma Health Care Authority, or his or her designee;

5. One member shall be the Provost of the University of Oklahoma Health Sciences Center; and

6. The Chief Executive Officer of the University Hospitals Authority who shall be an ex officio, nonvoting member.

C. Each member of the Authority, prior to appointment, shall be a resident of the state and a qualified elector.

D. Each appointed member shall serve at the pleasure of his or her appointing authority and be removed or replaced without cause. Members serving on November 1, 2019, shall continue serving unless and until another appointment is made by the appointing authority. Any vacancy occurring on the Authority shall be filled by the original appointing authority.

E. The members of the Authority shall serve without compensation but may be reimbursed for all actual and necessary travel expenses incurred in performance of their duties in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

F. All members of the Authority and administrative personnel of the Authority shall be subject to the Rules of the Ethics Commission and the provisions of the Oklahoma Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes.

G. A quorum of the Authority shall be three (3) voting members. Members shall elect a chair and vice chair for the Authority from among its members. The chair must be an appointed member of the Authority.

H. The Authority shall be subject to the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, except as otherwise provided by this act. Any information submitted to or compiled by the Authority except for budgetary information related to appropriations or the appropriations process with respect to the marketing plans, financial statements, trade secrets, research concepts, methods or products, or any other proprietary information of the Authority, persons, firms, associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Authority.

Added by Laws 1993, c. 330, § 7, emerg. eff. June 8, 1993. Amended by Laws 1994, c. 283, § 5, eff. Sept. 1, 1994; Laws 1997, c. 174, § 2, emerg. eff. May 8, 1997; Laws 2019, c. 495, § 4, eff. Nov. 1, 2019.

§63-3208. University Hospitals Authority - Powers and duties.

A. The Authority shall have the power to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Maintain an office at the University Hospitals;

4. Sue and be sued, subject to the provisions of The Governmental Tort Claims Act;

5. Establish rates of payment for hospital and clinical services, which shall provide for exceptions and adjustments in cases where the recipients of services are unable to pay and for whom no third party source of payment is available, and to establish different rates of payment for indigent and nonindigent care;

6. Enter into cooperative agreements with the Board of Regents of the University of Oklahoma for educational programs, professional staffing, research and other medical activities and to pass through funds appropriated by the Legislature consistent with past practice;

7. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers pursuant to the University Hospitals Authority Act;

8. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to maintain and operate the hospitals or clinics, or to discharge its duties and responsibilities or to make any of its powers effective;

9. Acquire by purchase, lease, gift, or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal, or mixed or any interest therein unless otherwise provided by the University Hospitals Authority Act;

10. Appoint such officers, agents and employees, including but not limited to attorneys, architects and construction managers, as it deems necessary to operate and maintain the University Hospitals and to prescribe their duties and to fix their compensation;

11. Accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and, in connection with any such grant, to enter into such agreements as the United States of America or such corporation or agency may require;

12. Make and issue bonds and to pledge revenues of the Authority subject to the Oklahoma Bond Oversight and Reform Act. Nothing in the University Hospitals Authority Act shall authorize the issuance of any bonds of the Authority payable other than from revenues of the University Hospitals. Funds appropriated to the University Hospitals shall not be used for issuance of bonds. Authority revenue bonds issued under the provisions of the University Hospitals Authority Act shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and

credit of the state or of any political subdivision, but such bonds shall be payable solely from the funds herein provided. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from the revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds. The maximum amount of outstanding bonds at any time shall not exceed Fifty Million Dollars ($50,000,000.00) unless a greater amount is expressly approved by the Legislature by a concurrent resolution adopted prior to commencing any action in anticipation of issuance of revenue bonds of the University Hospitals Authority for the greater amount;

13. Provide for complete financial audits on all accounts of the University Hospitals Authority and to authorize periodic audits by an independent external auditing agency. Such audits to be performed annually in a format approved by the State Auditor and Inspector and all such audits shall be submitted to the State Auditor and Inspector for review. Such audits shall be made in accordance with generally accepted auditing standards and government auditing standards. Financial statements shall be prepared in accordance with generally accepted accounting principles. In addition to said audits, the State Auditor and Inspector, whenever he or she deems it appropriate, and at least once each five (5) years, or upon receipt of a request to do so from the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives or the Authority shall conduct a special audit of the Authority and the University Hospitals;

14. Engage in long-term planning for the operation and management of the University Hospitals;

15. Establish petty cash funds and provide for appropriate accounting procedures and controls;

16. Contract with national manufacturers, wholesalers and distributors of equipment, drugs and medical supplies when appropriate to carry out the purposes of the University Hospitals Authority Act;

17. Do all other things necessary and proper to implement the provisions of the University Hospitals Authority Act;

18. Waive, by such means as the Authority deems appropriate, the exemption from federal income taxation of interest on the Authority's bonds provided by the Internal Revenue Code of 1986, as amended, or any other federal statute providing a similar exemption;

19. Arrange for guaranties or insurance of its bonds by the federal government or by any private insurer, and to pay any premiums therefor; and

20. Adopt policies for the disposal of surplus property.

B. The University Hospitals Authority shall be subject to the Oklahoma State Finance Act, Section 34 et seq. of Title 62 of the Oklahoma Statutes.

C. The Authority shall prepare monthly a "budget vs. actual" report which shows by budget activity the monthly and year-to-date revenues and expenditures compared to budgeted revenues and expenditures. Such report shall be submitted upon request to the Office of Management and Enterprise Services and to the Directors of the House of Representatives Fiscal Division and the Senate Fiscal Division.

D. The Authority shall be subject to the professional risk management program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes.

E. The Authority may enter into contracts for construction and remodeling projects in accordance with applicable statutes and its own administrative rules. The Authority shall have the power to authorize the demolition of any building owned by the Authority upon a finding that the building is no longer suitable for the purposes for which it was intended and that a renovation of the building is not economically justifiable.

F. The Authority may provide space, utilities and janitorial services to the Department of Human Services Institutional Maintenance and Construction Architecture and Engineering Planning Unit.

Added by Laws 1993, c. 330, § 8, emerg. eff. June 8, 1993. Amended by Laws 2012, c. 304, § 513; Laws 2019, c. 495, § 5, eff. Nov. 1, 2019.

§63-3209. Determination of criteria and standards for medicaid recipients and indigents - Medicaid eligibility office staff.

The Department of Human Services or the successor agency responsible for Medicaid shall continue to determine eligibility criteria and standards for Medicaid recipients and indigents and continue to staff a Medicaid eligibility office at the University Hospitals.

Added by Laws 1993, c. 330, § 9, eff. July 1, 1993.

§63-3210. University Hospitals - Authority - Agreements and undertakings.

A. The University Hospitals Authority shall have the authority to:

1. Enter into agreements and cooperative ventures with other health care providers to share services or to provide a benefit to the hospitals;

2. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers pursuant to the University Hospitals Authority Act;

3. Join or sponsor organizations or associations intended to benefit the hospitals;

4. Have members of its governing body or its officers or administrators serve without pay as directors or officers of any organization, association or cooperative ventures authorized pursuant to the University Hospitals Authority Act; and

5. Offer, directly or indirectly, products and services of the hospitals, any cooperative venture or organization to the general public.

B. All agreements and obligations undertaken, as permitted under this section, by the University Hospitals Authority shall be for a public purpose. In addition to any other limitations, conditions or restrictions provided by law, the following conditions shall apply to contractual agreements entered into pursuant to this section:

1. Private and public funds shall be accounted for separately; and

2. The state does not assume any liability for private entities.

Added by Laws 1993, c. 330, § 10, emerg. eff. June 8, 1993. Amended by Laws 2019, c. 495, § 6, eff. Nov. 1, 2019.

§63-3211. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3212. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3213. Employees of University Hospitals Authority - Retirement systems.

All employees of the University Hospitals Authority shall be members of the Oklahoma Public Employees Retirement System or the Teachers' Retirement System of Oklahoma as appropriate.

Added by Laws 1993, c. 330, § 13, eff. July 1, 1993.

§63-3213.1. Repealed by Laws 1997, c. 287, § 19, eff. July 1, 1997.

§63-3213.2. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3214. Investments of funds - University Hospitals Authority Agency Special Account - Blanket bond coverage.

A. The funds deposited in the Agency Special Account as created in subsection B of this section shall be invested by the State Treasurer in the manner provided for by law. The return on such investments shall be credited to the accounts of the Authority.

B. There is hereby created in the State Treasury an Official Depository Account for the University Hospitals Authority, to be designated the University Hospitals Authority Agency Special Account.

The Official Depository Account shall consist of an agency clearing account and an agency special account. All revenues, except federal entitlements and state appropriations, generated by the University Hospitals Authority shall be deposited in these accounts.

C. The Authority shall be subject to blanket bond coverage as provided in Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes, provided the Authority shall be authorized to purchase increased amounts of fidelity bond coverage for those employees deemed necessary by the Authority. When the amount listed in Section 85.29 of Title 74 of the Oklahoma Statutes is deemed inadequate, the cost of increased coverage shall be borne by the Authority.
Added by Laws 1993, c. 330, § 14, eff. July 1, 1993.

§63-3215. Issuance of bonds - Resolution - Amount - Principal and interest - Credit enhancement - Form - Execution - Denominations - Place of payment - Signatures - Qualities and incidences - Manner of sale - Fees and expenses - Interim receipts or temporary bonds - Replacement bonds - Consent of issue - Refunding bonds.

A. Subject to the provisions of paragraph 12 of subsection B of Section 8 of this act, the University Hospitals Authority may provide by resolution, from time to time, for the issuance of revenue bonds for its lawful purposes, in such amount or amounts as are necessary, incidental or convenient to the exercise of powers, rights, privileges and functions conferred upon it by the University Hospitals Authority Act or other law. The principal of and interest on any indebtedness shall be payable solely from the revenues of the Authority and such other funds as may be provided by law for such payment. The Authority may provide for credit enhancement as additional security or liquidity for its bonds and enter into such agreements as may be necessary or appropriate to provide for the repayment of any funds advanced by the provider of any such credit enhancement including the payment of any fees and expenses incurred in connection therewith. The bonds of each issue shall bear interest at fixed or variable rates and shall bear an average interest rate not to exceed eleven percent (11%) per annum, shall mature at such time or times not exceeding thirty (30) years from their date or dates of issue, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority, at such time or times and at such price or prices and pursuant to such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds and the manner of execution thereof, and shall fix the denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank and trust company within or without this state. If any officer whose signature or facsimile of whose signature appears on any bonds shall cease to be said officer before the delivery of the bonds, the signature or the

facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the person had remained in office until such delivery. All bonds issued pursuant to the provisions of the University Hospitals Authority Act shall have all the qualities and incidences of negotiable instruments subject to the laws of this state. The Authority may sell the bonds in such amounts and in such manner, either at public or private sale, and for such price, as it may determine to be in the best interests of the state. If the bonds are not sold by competitive bid, the sale must be approved by the State Bond Advisor.

B. All fees and expenses of bond sales must be approved by the State Bond Advisor and the Bond Oversight Commission. Prior to the preparation of definitive bonds, the Authority, subject to like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds which have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which have become mutilated or which have been destroyed or lost. Except as otherwise provided by Section 19 of this act, bonds may be issued pursuant to the provisions of the University Hospitals Authority Act without obtaining the consent of any department, division, commission, board, bureau, or agency of this state, and without any other proceedings or the occurrence of any other conditions or things than those proceedings, conditions, or things that are specifically required by the University Hospitals Authority.

C. The Authority may, by resolution, provide for the issuance of refunding bonds then outstanding, including the payment of any redemption premium, any interest accrued to the date of redemption of such bonds, and for incurring additional indebtedness for its lawful purposes. The issuance of such bonds shall be governed by the provisions of the University Hospitals Authority Act.

Added by Laws 1993, c. 330, § 15, eff. July 1, 1993.

§63-3216. Issuance of bonds - Approval of Attorney General.

Before any bond shall be issued and delivered by the University Hospitals Authority, a certified copy of the proceedings for the issuance thereof, together with any other information which the Attorney General of the State of Oklahoma may require as the Bond Commissioner of the State of Oklahoma, shall be submitted to the Attorney General. If the Attorney General shall find that such bonds have been issued in accordance with law, he shall approve such bonds and execute a certificate to that effect. The Attorney General shall file such certificates in the office of the State Auditor and Inspector, and the certificates shall be recorded in a record kept for that purpose. All bonds approved by the Attorney General, and issued in accordance with the approved proceedings, shall be valid

and binding obligations of the Authority and shall be incontestable for any course from and after the date of such approval.
Added by Laws 1993, c. 330, § 16, eff. July 1, 1993.

§63-3217. Issuance of bonds - Approval of Supreme Court.

The University Hospitals Authority or the University Hospitals Trust may file an application with the Supreme Court of the State of Oklahoma for approval of any bonds to be issued under the provisions of the University Hospitals Authority Act, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine such application. The Supreme Court shall give such applications precedence over the other business of the Court and consider and determine the validity of the bonds and consider the application and any protest which may be filed thereto. Notice of the hearing on each application shall be given by notice published in a newspaper of general circulation in this state that on a day named the Authority or the Trust will ask the Court to hear the application and approve the bonds. Such notice shall inform all interested parties that they may file a protest against the issuance of the bonds, may be present at the hearing, and may contest the legality thereof. Such notice shall be published one time, not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court is satisfied that the bonds have been properly authorized in accordance with the University Hospitals Authority Act, and that when issued such bonds will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which the petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority or the Trust, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.
Added by Laws 1993, c. 330, § 17, eff. July 1, 1993. Amended by Laws 1997, c. 174, § 3, emerg. eff. May 8, 1997.

§63-3218. Bonds not to be debt of state or political subdivision - Statement on bonds - Tax exemption.

Revenue bonds of the University Hospitals Authority issued pursuant to the provisions of the University Hospitals Authority shall not constitute a debt of the state or of any political subdivision thereof, or a pledge of the full faith and credit of the state, or of any political subdivision thereof, but such bonds shall be payable solely from the funds provided therefor. The forms of the bonds so issued shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to

pay the same or the interest thereon except from the revenues of the Authority pledged to the payment of such bonds and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or interest on such bonds. The bonds so issued shall be exempt from taxation by the State of Oklahoma and any political subdivision thereof, including the income therefrom, and any gain from the sale thereof.
Added by laws 1993, c. 330, § 18, eff. July 1, 1993.

§63-3219. Investment in bonds issued pursuant to this act - Use as collateral security.

Bonds issued pursuant to provisions of the University Hospitals Authority Act are hereby made securities in which all public officers and public boards, agencies and instrumentalities of the state and its political subdivisions, all banks, trust companies, trust and loan associations, investment companies, and others carrying on a banking business, and all insurance companies and insurance associations, and others carrying on an insurance business, may legally and properly invest. Such bonds are also approved as collateral security for the deposit of any public funds and for the investment of trust funds.
Added by Laws 1993, c. 330, § 19, eff. July 1, 1993.

§63-3220. University Hospitals Authority - Annual report to Governor and Legislature.

The University Hospitals Authority shall submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Such report shall be submitted in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes, and shall include an account of the operations and actions of the Authority and an accounting of all revenue received and disbursed by the Authority for the previous fiscal year. The report shall include an accounting of expenses related to each of the following:

1. Education and training of students of the University of Oklahoma, resident physicians and others;

2. Care and treatment of indigents for whom the Authority receives any form of state or federal reimbursement; and

3. Research.

Added by Laws 1993, c. 330, § 20, eff. July 1, 1993. Amended by Laws 1996, c. 290, § 10, eff. July 1, 1996.

§63-3221. University Hospitals Authority Disbursing Fund.

A. There is hereby created in the State Treasury a revolving fund for the University Hospitals Authority, to be designated the "University Hospitals Authority Disbursing Fund". The fund shall be

a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated revenues, revenues earned by the Authority, donations and federal entitlements. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the University Hospitals Authority.

B. Following the execution of a lease of real properties under the jurisdiction of the University Hospitals Authority to the University Hospitals Trust pursuant to Section 3226 of this title, monies from the fund may be expended by the Authority for the fiscal year ending June 30, 1998, for the operations of the Authority after the execution of the lease to the University Hospitals Trust for payment of any costs to the Authority associated with the transfer of operations of facilities under the jurisdiction of the Authority, and legal obligations of the Authority. After July 1, 1998, the operation of the Authority may be funded from the interest earned by the fund.

C. After July 1, 2010, the principal and interest earned on the fund may be expended by the Authority for the operation of the Authority and for the completion of the mission of the Authority.

D. It is the intent of the Legislature to restore the fund to the June 30, 2010, balance in the event that the state resumes operations of any of the facilities operated by the Authority prior to a lease being executed.

Added by Laws 1993, c. 330, § 21, eff. July 1, 1993. Amended by Laws 1996, c. 326, § 5, eff. July 1, 1996; Laws 1997, c. 287, § 16, eff. July 1, 1997; Laws 2010, c. 446, § 2; Laws 2019, c. 495, § 7, eff. Nov. 1, 2019.

§63-3221.1. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3222. Traffic and parking regulations on University Hospitals Authority property - Violations - Campus police officers and guards - Cooperative agreements.

A. The University Hospitals Authority may regulate traffic and the parking of vehicles on property used by or for the University Hospitals Authority. Such regulations shall be in writing, and copies thereof, including amendments thereto, shall be filed in the office of the Secretary of State, and in the office of the city clerk of the City of Oklahoma City. The municipal court of the City of Oklahoma City shall have jurisdiction to hear and determine prosecutions for violations of such regulations, which may be prosecuted and shall be punishable as violations of ordinances of the City of Oklahoma City. The Authority may cause to be removed, and may enter into contracts for such purpose, any vehicle parked in violation of such regulations.

B. The Authority may appoint campus police officers and guards for buildings and grounds of the University Hospitals Authority in

the same manner and with the same powers as campus police appointed by governing boards of state institutions for higher education under the provisions of Section 360.15 et seq. of Title 74 of the Oklahoma Statutes, and who may prevent or stop improper conduct and trespass in and upon such buildings and grounds, and make arrests and prosecute any and all persons arrested for such improper conduct and trespassing. Employees of the Authority serving as police officers shall be certified as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

C. The Authority and the City of Oklahoma City may enter into a cooperative agreement to effectuate the provisions of this section. Added by Laws 1974, c. 4, § 1, emerg. eff. March 14, 1974. Amended by Laws 1988, c. 326, § 25, emerg. eff. July 13, 1988; Laws 1993, c. 330, § 25, eff. July 1, 1993. Renumbered from § 344 of Title 56 by Laws 1993, c. 330, § 31, eff. July 1, 1993. Amended by Laws 1994, c. 283, § 2, eff. Sept. 1, 1994.

§63-3223. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3224. University Hospitals Trust.

A. The State of Oklahoma expressly approves the creation of a public trust to be denominated the "University Hospitals Trust", of which the State of Oklahoma shall be the beneficiary, provided such approval shall be contingent upon the following conditions being satisfied:

1. Finalizing of the Declaration of Trust;

2. Adoption of the Declaration of Trust by an official action of the trustees of the Trust;

3. Submission of the Trust for acceptance of the beneficial interest and approval as required by Section 177 of Title 60 of the Oklahoma Statutes; and

4. The approved Declaration of Trust shall:

a. clearly state that the principal purpose of the University Hospitals Trust is to effectuate the purposes of the University Hospitals Authority as established in the University Hospitals Authority Act,

b. except as otherwise provided by law, provide that the fee simple title to real property held by the University Hospitals Authority shall not be transferred, conveyed, or assigned to the University Hospitals Trust without the express consent of the Legislature as the governing entity of the beneficiary pursuant to Section 176 of Title 60 of the Oklahoma Statutes,

c. provide that any indebtedness incurred by the University Hospitals Trust or the trustees of the Trust shall not be secured with or create a lien upon real

property to which title is held by the University Hospitals Authority and shall not involve the bonding capacity of the University Hospitals Authority,

d. provide that the trust estate of the University Hospitals Trust shall not include fee simple title to real property owned by the University Hospitals Authority,

e. clearly state that the creation of the University Hospitals Trust shall not in any way reduce, limit or interfere with the power granted to the University Hospitals Authority in the University Hospitals Authority Act,

f. provide that any lease or contractual agreement involving use of the real property to which title is held by the University Hospitals Authority and any improvements thereto shall contain a provision and covenants requiring the proper maintenance and upkeep of the real property and improvements,

g. provide that the trustees of the University Hospitals Trust shall be the acting members of the University Hospitals Authority as provided in the University Hospitals Authority Act, and

h. provide that the trustees of the University Hospitals Trust shall have the duty to submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The report shall be submitted by January 1 of each year and shall include an account of all operations, actions of the Trust, account of all revenue received and disbursed by the Trust for the previous fiscal year. The report shall also provide a complete accounting of how the Trust meets its primary function of effectuating the purposes of the University Hospitals Authority, as established in the University Hospitals Authority Act.

B. The University Hospitals Trust shall require any agreements which it enters into with any entity pursuant to Section 3226 of this title for the operations of facilities leased by the University Hospitals Authority to the Trust to include, but not be limited to:

1. The inclusion of four of the five members of the Trust as four of the five members representing the State of Oklahoma as state appointees to the governing committee created pursuant to a proposed agreement;

2. Binding arbitration shall not be involved in such agreements for resolving issues under consideration by the governing committee; and

3. Major decisions shall be resolved by the governing committee, and approval of any major decision by the governing committee must include the approval of a majority of the state appointees and the approval of a majority of the members of the private entity appointees to the governing committee. Major decisions shall include:

a. approval of the annual operating and capital budgets,

b. sale or disposition of assets that individually have a fair market value over Two Hundred Fifty Thousand Dollars ($250,000.00),

c. the termination or transfer or material addition or material diminution of medical services at the Oklahoma Medical Center related to and part of a teaching program of the University of Oklahoma Health Sciences Center, and

d. other major decisions as may be agreed upon by the Trust and the private entity.

C. To the extent it is determined by legislative enactment that the Trust has expended funds in contravention of its mission as set forth in this section, the Trust shall remit, upon thirty (30) days' written notice from the University Hospitals Authority, such sum or sums to the University Hospitals Authority.

D. In the event the Trust enters into a joint venture or acquires an interest in a not-for-profit entity to effectuate the administration of the mission of the Trust, that entity shall not be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Any information submitted to or compiled by the Trust with respect to marketing plans, financial statements, trade secrets, research concepts, methods or products or any other proprietary information submitted to or compiled by the Trust, persons, firms, associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Trust. The provisions of this subsection shall not apply to budgetary information related to appropriations or the appropriations process.

E. In addition to the powers and exemptions granted to state beneficiary public trusts organized under Section 176 et seq. of Title 60 of the Oklahoma Statutes, the Trust shall possess all the statutory powers and exemptions provided to the University Hospitals Authority.

F. The Trust shall have the authority or may contract with a joint operator or with a foundation supporting the programs of Children's Hospital to sell naming rights to property owned or leased by the Trust, provided proceeds from the sale of naming rights are

used to effectuate the purposes of the University Hospitals Authority as established in the University Hospitals Authority Act and are specifically approved by the Trust, which shall have absolute discretion in granting or denying naming rights. Naming rights shall not include any interest in the property by the purchaser other than the naming rights.

Added by Laws 1995, c. 263, § 3. Amended by Laws 1996, c. 326, § 6, eff. July 1, 1996; Laws 1997, c. 2, § 15, emerg. eff. Feb. 26, 1997; Laws 1997, c. 174, § 4, emerg. eff. May 8, 1997; Laws 2007, c. 93, § 2, eff. Nov. 1, 2007; Laws 2016, c. 387, § 1, emerg. eff. June 6, 2016; Laws 2019, c. 495, § 8, eff. Nov. 1, 2019.

NOTE: Laws 1996, c. 321, § 5 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§63-3225. Submission of certain contractual agreements to Contingency Review Board - Declaratory judgment of Supreme Court of Oklahoma.

A. Contingent upon the creation of the University Hospitals Trust as provided in Section 3224 of this title, the Trust, prior to acceptance, shall submit to the Contingency Review Board for review the proposed agreement regarding the lease and operations of the University Hospitals to any entity authorized to transact business in the state and an independent statement as to the fairness of said proposed agreement for the State of Oklahoma. The Contingency Review Board shall upon receipt of the proposed agreement meet within fifteen (15) business days to review the proposed agreement; and unless the Contingency Review Board disapproves the proposed agreement, the proposed agreement may be executed, but no lease of the University Hospitals shall become effective until after Supreme Court approval pursuant to subsection B of this section.

B. 1. If a proposed agreement is not disapproved by the Contingency Review Board pursuant to subsection A of this section, the University Hospitals Authority and University Hospitals Trust, within thirty (30) calendar days after the time for Contingency Review Board action has expired, may file a petition with the Supreme Court of Oklahoma for a declaratory judgment determining the validity of the proposed agreement. The review of the Court shall be based upon the exercise of any of the powers, rights, privileges, and functions conferred upon the Authority or the University Hospitals Trust, as applicable, under the University Hospitals Authority Act and Oklahoma laws. Exclusive original jurisdiction is conferred upon the Supreme Court to hear and determine such petitions. The Supreme Court shall give such petitions precedence over other business of the Court except habeas corpus proceedings.

2. Notice of the hearing of such a petition shall be given by a notice published in a newspaper of general circulation in this state that on a day specified the Supreme Court will hear the petition to

approve the proposed agreement and enter a declaratory judgment. The notice shall be published one time not less than ten (10) days prior to the date specified for the hearing. The notice shall inform property owners, taxpayers, citizens, and all persons having or claiming any right, title, or interest in the proposed agreement or properties or funds to be affected by the implementation of the proposed agreement, or affected in any way thereby, that they may file protests against the approval of the proposed agreement, and be present at the hearing to contest the legality of the proposed agreement. The hearing may be adjourned from time to time at the discretion of the Court.

3. If the Court is satisfied that the proposed agreement is in accordance with the University Hospitals Authority Act and Oklahoma laws, the Court shall enter a declaratory judgment approving and declaring the proposed agreement to be valid and conclusive as to the Authority, the Trust, and all other parties to the proposed agreement; and, upon petition of the Authority, shall issue an order permanently enjoining all persons described in the notice required by this subsection from thereafter instituting any action or proceeding contesting the validity of the proposed agreement. A declaratory judgment rendered pursuant to this subsection shall have the force and effect of a final judgment or decree and shall be incontestable in any court in this state.

4. As used in the University Hospitals Authority Act, "proposed agreement" means one or more contracts regarding the lease and operations of the University Hospitals and all other agreements contemplated by or referred to in the contract regarding such lease and operations.

Added by Laws 1995, c. 263, § 4. Amended by Laws 1996, c. 321, § 6, emerg. eff. June 12, 1996; Laws 1997, c. 174, § 5, emerg. eff. May 8, 1997.

§63-3226. Leases from University Hospitals Authority to University Hospitals Trust.

A. Contingent upon the creation of the University Hospitals Trust as provided in Section 3224 of this title, the University Hospitals Authority is hereby authorized to lease, for a term of not more than fifty (50) years, renewable at the option of the Authority, all real property known as the University Hospitals and any other sites under the control of the Authority to the University Hospitals Trust. Any lease agreement made pursuant to this section shall be contingent upon:

1. Prior review by the Attorney General of any contractual agreement between the University Hospitals Trust and any entity authorized to transact business in the State of Oklahoma regarding the lease and operations of the University Hospitals. The Attorney

General shall disapprove the agreement if it is determined that provisions of the agreement are not consistent with state law; and

2. The execution of an operating and lease agreement between the University Hospitals Trust and any entity authorized to transact business in the State of Oklahoma.

B. Concurrent with the execution of a lease of real property from the University Hospitals Authority to the University Hospitals Trust as provided in subsection A of this section, the Authority is authorized to transfer title to and possession of all tangible and intangible personal property under its control to the Trust. In any contractual agreement regarding the lease and operations of the University Hospitals between the University Hospitals Trust and any entity authorized to transact business in the State of Oklahoma, the Trust is authorized to sell or otherwise convey to such entity all tangible and intangible personal property the Trust may receive from the University Hospitals Authority. Any contract or other agreement which purports to exercise the powers authorized by this subsection is subject to review by the Contingency Review Board, as specified in Section 3225 of this title.

C. If a contracting entity fails to take possession of the leased premises or abandons or surrenders possession of the leased premises, other than to a state agency, at any time during the term of the lease between the University Hospitals Trust and the contracting entity, the interest in the real property leased to the University Hospitals Trust by the University Hospitals Authority shall revert to and be the sole and exclusive property of the University Hospitals Authority.

D. Contingent upon the execution of an agreement between the University Hospitals Trust and any entity authorized to transact business in the State of Oklahoma, as specified in subsection A of this section, the University Hospitals Authority is authorized to enter into an agreement for such entity to provide indigent care services and perform other related duties imposed upon the University Hospitals Authority by law. Such an agreement between the University Hospitals Authority and such entity is exempt from the requirements of the Oklahoma Central Purchasing Act and any rules adopted by the University Hospitals Authority pursuant to the Administrative Procedures Act.

Added by Laws 1995, c. 263, § 5. Amended by Laws 1996, c. 321, § 7, emerg. eff. June 12, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 12, eff. July 1, 2000.

§63-3227. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3227.1. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3228. Repealed by Laws 2019, c. 495, § 11, eff. Nov. 1, 2019.

§63-3240.1. Short title.

This act shall be known and may be cited as the "Community Hospitals Authority Act".

Added by Laws 2002, c. 374, § 3, eff. July 1, 2002.

§63-3240.2. Definitions.

As used in the Community Hospitals Authority Act:

1. "Authority" means the Community Hospitals Authority;

2. "Health care system" means a system providing inpatient and outpatient services that is not limited to a specific facility or modality of care;

3. "Medically indigent" means a person requiring medically necessary hospital or other health care services for the person or the dependents of the person, who has insufficient or no public or private third-party coverage and whose personal resources are insufficient to provide for needed medical care; and

4. "Participating health care system" means a health care system that has within it a major community hospital that expends at least Five Million Dollars ($5,000,000.00) annually providing care for medically indigent persons from a multicounty service area and that is located in a municipality having a population of three hundred seventy-five thousand (375,000) or more which does not have a health care system statutorily charged with indigent care and medical teaching or training responsibilities on the effective date of the Community Hospitals Authority Act.

Added by Laws 2002, c. 374, § 4, eff. July 1, 2002. Amended by Laws 2003, c. 412, § 1, eff. Nov. 1, 2003.

§63-3240.3. Community Hospitals Authority - Purpose, establishment and duties - Indigent care services - Appropriation - Reimbursement.

A. The Oklahoma Legislature finds that care of medically indigent persons and the needs of the Oklahoma State University Center for Health Sciences and the University of Oklahoma College of Medicine (Tulsa) will be enhanced through the establishment of the Community Hospitals Authority. The purpose of the Community Hospitals Authority is to provide maximum utilization and efficient administration in order to deliver health care services to medically indigent persons and to promote the teaching and training of physicians.

B. The Community Hospitals Authority shall:

1. Support the missions of the Oklahoma State University Center for Health Sciences and the University of Oklahoma College of Medicine (Tulsa) with regard to:

a. teaching and training for medical students,

b. conducting medical and biomedical research, and

c. medical care for indigent and nonindigent populations;

2. Act as a vehicle for securing funding that is in addition to existing state Medicaid Program appropriated funding for education and indigent care and graduate medical education; provided, however, under no circumstance shall funds secured pursuant to this provision be used to supplant such existing state Medicaid Program appropriated funding; and

3. Coordinate the delivery and efficiency of medical service across Northeast Oklahoma including, but not limited to, all counties located totally or partly in the Tulsa Metropolitan Area.

C. The Authority may contract for indigent care services with participating health care systems.

D. In the event the Legislature enacts a statewide program to reimburse hospitals for the cost, or a portion thereof, of providing indigent health care, the Legislature shall ensure that such reimbursement shall be made to all hospitals providing indigent care within the state.

Added by Laws 2002, c. 374, § 5, eff. July 1, 2002. Amended by Laws 2003, c. 412, § 2, eff. Nov. 1, 2003; Laws 2005, c. 410, § 2, eff. July 1, 2005.

§63-3240.4. Licensure of hospitals – Services and payment – Teaching and training hospitals.

Hospitals within the participating health care systems:

1. Shall be licensed by the State Commissioner of Health and shall meet the standards, requirements and essentials of the Joint Commission of Accreditation of Health Care Organizations and the American Osteopathic Association. Provided, the State Commissioner of Health may waive any such standards, requirements and essentials as the Commissioner deems necessary;

2. May provide services and receive payments therefor under Title XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs;

3. Shall be available as teaching and training hospitals for Oklahoma State University College of Osteopathic Medicine and the University of Oklahoma College of Medicine (Tulsa), and other health and educational facilities, and shall provide indigent patient care consistent with their past policies and performance; and

4. Shall not be covered by The Governmental Tort Claims Act, and their employees, agents, independent contractors and employees of independent contractors shall not be covered by The Governmental Tort Claims Act.

Added by Laws 2002, c. 374, § 6, eff. July 1, 2002.

§63-3240.5. Composition of agency – Terms – Reimbursement - Quorum.

A. There is hereby created the Community Hospitals Authority, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights,

privileges and functions as specified in the Community Hospitals Authority Act.

B. The Authority shall be composed as follows:

1. The presidents of Oklahoma State University and the University of Oklahoma or their designees;

2. One member appointed by the Governor who shall be a citizen and resident of a metropolitan area meeting the criteria provided in paragraph 4 of Section 3240.2 of this title who has no direct affiliation with a participating health care system or a university listed in paragraph 1 of this subsection;

3. One member appointed by the Speaker of the House of Representatives;

4. One member appointed by the President Pro Tempore of the State Senate;

5. The Director of the Oklahoma Health Care Authority; and

6. One representative from each of the three participating health care systems, as defined in Section 3240.2 of this title, who shall each serve terms of three (3) years and may be reappointed;

7. One representative from the Oklahoma Department of Commerce designated as the Community Action Agency for the largest county in terms of population included within the geographic boundaries of the Community Hospitals Authority;

8. One representative from the chamber of commerce, or any other organization of business entities, from the largest metropolitan area in terms of population included within the geographic boundaries of the Community Hospitals Authority;

9. One representative appointed by the existing members of the Authority from a city-county health department; and

10. One representative appointed by the existing members of the Authority from a charitable or philanthropic foundation with assets in excess of Five Hundred Million Dollars ($500,000,000.00) that has demonstrated a commitment to supporting the missions of the Community Hospitals Authority.

C. The members appointed by the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the State Senate shall serve terms of three (3) years and may be reappointed. Successors shall be appointed for terms of three (3) years.

D. Each member of the Authority, prior to appointment, shall be a resident of the state and a registered voter.

E. The members of the Authority shall serve without compensation but may be reimbursed for all actual and necessary travel expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

F. A quorum of the Authority shall be a majority of the voting members. The members of the Authority shall annually elect a chair from among its membership.

Added by Laws 2002, c. 374, § 7, eff. July 1, 2002. Amended by Laws 2003, c. 412, § 3, eff. Nov. 1, 2003; Laws 2006, c. 315, § 14, emerg. eff. June 9, 2006.

§63-3240.6. Powers and duties.

A. The Community Hospitals Authority shall have the power and duty to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Maintain an office in one of the participating hospitals for the Community Hospitals Authority at no cost to the Authority;

4. Sue and be sued;

5. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers pursuant to the Community Hospitals Authority Act;

6. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to discharge its duties and responsibilities or to make any of its powers effective;

7. Accept any and all grants from persons and from the United States of America, or from any corporation or agency created or designed by the United States of America, and, in connection with any such grant, to enter into such agreements as the United States of America or such corporation or agency may require;

8. Accept grants and gifts from private individuals and organizations;

9. Provide for complete financial audits on all accounts of the Community Hospitals Authority and to authorize periodic audits by an independent external auditing agency. Such audits shall be performed annually in a format approved by the State Auditor and Inspector, and all such audits shall be submitted to the State Auditor and Inspector for review. Such audits shall be made in accordance with generally accepted auditing standards and government auditing standards. Financial statements shall be prepared in accordance with generally accepted accounting principles. In addition to the audits, the State Auditor and Inspector, whenever the State Auditor deems it appropriate, and at least once each five (5) years, or upon receipt of a request to do so from the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives or the Authority shall conduct a special audit of the Authority;

10. Engage in long-term planning for the operation and management of the Community Hospitals Authority;

11. Establish petty cash funds and provide for appropriate accounting procedures and controls; and

12. Do all other things necessary and proper to implement the provisions of the Community Hospitals Authority Act.

B. The Community Hospitals Authority shall be subject to the Oklahoma Budget Law of 1947.

C. The Authority shall prepare monthly a "budget vs. actual" report which shows by budget activity the monthly and year-to-date revenues and expenditures compared to budgeted revenues and expenditures. Such report shall be submitted to the Office of Management and Enterprise Services and to the directors of the Fiscal Divisions of the State Senate and the Oklahoma House of Representatives.

D. The Authority shall be subject to the professional risk management program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes.

E. The Authority shall be and is prohibited from issuing bonds or other evidences of indebtedness.

F. The Authority shall be and is prohibited from acquiring any real property.

Added by Laws 2002, c. 374, § 8, eff. July 1, 2002. Amended by Laws 2003, c. 412, § 4, eff. Nov. 1, 2003; Laws 2012, c. 304, § 519.

§63-3240.7. Annual report.

The Community Hospitals Authority shall submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Such report shall be submitted in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes, and shall include an account of the operations and actions of the Authority and an accounting of all revenue received and disbursed by the Authority for the previous fiscal year. The report shall include an accounting of expenses related to the care and treatment of indigent persons for whom the Authority receives any form of state or federal reimbursement.

Added by Laws 2002, c. 374, § 9, eff. July 1, 2002.

§63-3240.8. Community Hospitals Authority Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Community Hospitals Authority to be designated the “Community Hospitals Authority Revolving Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies available to the Authority. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Community Hospitals Authority as authorized by law. The Authority shall ensure that all monies deposited into the fund are matched with federal dollars whenever possible.

Added by Laws 2002, c. 374, § 10, eff. July 1, 2002.

§63-3241.1. Supplemental Hospital Offset Payment Program Act.

This act shall be known and may be cited as the "Supplemental Hospital Offset Payment Program Act".

Added by Laws 2011, c. 228, § 1.

§63-3241.2. Definitions.

As used in the Supplemental Hospital Offset Payment Program Act:

1. "Authority" means the Oklahoma Health Care Authority;

2. "Base year" means a hospital's fiscal year as reported in the Medicare Cost Report or as determined by the Authority if the hospital's data is not included in the Medicare Cost Report. The base year data will be used in all assessment calculations;

3. "Net hospital patient revenue" means the gross hospital revenue as reported on Worksheet G-2 (Columns 1 and 2, Lines "Total inpatient routine care services", "Ancillary services", and "Outpatient services") of the Medicare Cost Report, multiplied by the hospital's ratio of total net to gross revenue, as reported on Worksheet G-3 (Column 1, Line "Net patient revenues") and Worksheet G-2 (Part I, Column 3, Line "Total patient revenues");

4. "Hospital" means an institution licensed by the State Department of Health as a hospital pursuant to Section 1-701 of this title maintained primarily for the diagnosis, treatment, or care of patients;

5. "Hospital Advisory Committee" means the Committee established for the purposes of advising the Oklahoma Health Care Authority and recommending provisions within and approval of any state plan amendment or waiver affecting hospital reimbursement made necessary or advisable by the Supplemental Hospital Offset Payment Program Act. In order to expedite the submission of the state plan amendment required by Section 3241.6 of this title, the Committee shall initially be appointed by the Executive Director of the Authority from recommendations submitted by a statewide association representing rural and urban hospitals. The permanent Committee shall be appointed no later than thirty (30) days after November 1, 2011, and shall be composed of five (5) members to serve until December 31, 2025, from lists of names submitted by a statewide association representing rural and urban hospitals, as follows:

a. one member, appointed by the Governor, who shall serve as chairman, and

b. two members appointed each by the President Pro Tempore of the Oklahoma State Senate and the Speaker of the Oklahoma House of Representatives.

Membership shall be extended until December 31, 2025, for those members who are serving as of December 31, 2019;

6. "Medicaid" means the medical assistance program established in Title XIX of the federal Social Security Act and administered in this state by the Oklahoma Health Care Authority;

7. "Medicare Cost Report" means the Hospital Cost Report, Form CMS-2552-96 or subsequent versions;

8. "Upper payment limit" means the maximum ceiling imposed by 42 C.F.R., Sections 447.272 and 447.321 on hospital Medicaid reimbursement for inpatient and outpatient services, other than to hospitals owned or operated by state government; and

9. "Upper payment limit gap" means the difference between the upper payment limit and Medicaid payments not financed using hospital assessments made to all hospitals other than hospitals owned or operated by state government.

Added by Laws 2011, c. 228, § 2. Amended by Laws 2013, c. 132, § 1, eff. Nov. 1, 2013; Laws 2016, c. 345, § 1, eff. Nov. 1, 2016; Laws 2019, c. 56, § 1, eff. Nov. 1, 2019.

§63-3241.3. Hospital assessment - Exceptions - Fees - Promulgation of rules.

A. For the purpose of assuring access to quality care for Oklahoma Medicaid consumers, the Oklahoma Health Care Authority, after considering input and recommendations from the Hospital Advisory Committee, shall assess hospitals licensed in Oklahoma, unless exempt under subsection B of this section, a supplemental hospital offset payment program fee.

B. The following hospitals shall be exempt from the supplemental hospital offset payment program fee:

1. A hospital that is owned or operated by the state or a state agency, the federal government, a federally recognized Indian tribe, or the Indian Health Service;

2. A hospital that provides more than fifty percent (50%) of its inpatient days under a contract with a state agency other than the Authority;

3. A hospital for which the majority of its inpatient days are for any one of the following services, as determined by the Authority using the Inpatient Discharge Data File published by the Oklahoma State Department of Health, or in the case of a hospital not included in the Inpatient Discharge Data File, using substantially equivalent data provided by the hospital:

a. treatment of a neurological injury,

b. treatment of cancer,

c. treatment of cardiovascular disease,

d. obstetrical or childbirth services,

e. surgical care, except that this exemption shall not apply to any hospital located in a city of less than five hundred thousand (500,000) population and for which the majority of inpatient days are for back, neck, or spine surgery;

4. A hospital that is certified by the federal Centers for Medicaid and Medicare Services as a long-term acute care hospital or as a children's hospital; and

5. A hospital that is certified by the federal Centers for Medicaid and Medicare Services as a critical access hospital.

C. The supplemental hospital offset payment program fee shall be an assessment imposed on each hospital, except those exempted under subsection B of this section, for each calendar year in an amount calculated as a percentage of each hospital's net patient revenue.

1. The assessment rate shall be determined annually based upon the percentage of net hospital patient revenue needed to generate an amount up to the sum of:

a. the nonfederal portion of the upper payment limit gap, plus

b. the annual fee to be paid to the Authority under subparagraph c of paragraph 1 of subsection G of Section 3241.4 of this title, plus

c. the amount to be transferred by the Authority to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund under subsection C of Section 3241.4 of this title.

2. The assessment rate until December 31, 2012, shall be fixed at two and one-half percent (2.5%). At no time in subsequent years shall the assessment rate exceed four percent (4%).

3. Net hospital patient revenue shall be determined using the data from each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid Services' Healthcare Cost Report Information System file.

a. Through 2013, the base year for assessment shall be the hospital's fiscal year that ended in 2009, as contained in the Healthcare Cost Report Information System file dated December 31, 2010.

b. For years after 2013, the base year for assessment shall be determined by rules established by the Authority.

4. If a hospital's applicable Medicare Cost Report is not contained in the Centers for Medicare and Medicaid Services' Healthcare Cost Report Information System file, the hospital shall submit a copy of the hospital's applicable Medicare Cost Report to the Authority in order to allow the Authority to determine the hospital's net hospital patient revenue for the base year.

5. If a hospital commenced operations after the due date for a Medicare Cost Report, the hospital shall submit its initial Medicare Cost Report to the Authority in order to allow the Authority to determine the hospital's net patient revenue for the base year.

6. Partial year reports may be prorated for an annual basis.

7. In the event that a hospital does not file a uniform cost report under 42 U.S.C., Section 1396a(a)(40), the Authority shall establish a uniform cost report for such facility subject to the Supplemental Hospital Offset Payment Program provided for in this section.

8. The Authority shall review what hospitals are included in the Supplemental Hospital Offset Payment Program provided for in this subsection and what hospitals are exempted from the Supplemental Hospital Offset Payment Program pursuant to subsection B of this section. Such review shall occur at a fixed period of time. This review and decision shall occur within twenty (20) days of the time of federal approval and annually thereafter in November of each year.

9. The Authority shall review and determine the amount of the annual assessment. Such review and determination shall occur within the twenty (20) days of federal approval and annually thereafter in November of each year.

D. A hospital may not charge any patient for any portion of the supplemental hospital offset payment program fee.

E. Closure, merger and new hospitals.

1. If a hospital ceases to operate as a hospital or for any reason ceases to be subject to the fee imposed under the Supplemental Hospital Offset Payment Program Act, the assessment for the year in which the cessation occurs shall be adjusted by multiplying the annual assessment by a fraction, the numerator of which is the number of days in the year during which the hospital is subject to the assessment and the denominator of which is 365. Immediately upon ceasing to operate as a hospital, or otherwise ceasing to be subject to the supplemental hospital offset payment program fee, the hospital shall pay the assessment for the year as so adjusted, to the extent not previously paid.

2. In the case of a hospital that did not operate as a hospital throughout the base year, its assessment and any potential receipt of a hospital access payment will commence in accordance with rules for implementation and enforcement promulgated by the Authority, after consideration of the input and recommendations of the Hospital Advisory Committee.

F. 1. In the event that federal financial participation pursuant to Title XIX of the Social Security Act is not available to the Oklahoma Medicaid program for purposes of matching expenditures from the Supplemental Hospital Offset Payment Program Fund at the approved federal medical assistance percentage for the applicable year, the supplemental hospital offset payment program fee shall be null and void as of the date of the nonavailability of such federal funding through and during any period of nonavailability.

2. In the event of an invalidation of the Supplemental Hospital Offset Payment Program Act by any court of last resort, the

supplemental hospital offset payment program fee shall be null and void as of the effective date of that invalidation.

3. In the event that the supplemental hospital offset payment program fee is determined to be null and void for any of the reasons enumerated in this subsection, any supplemental hospital offset payment program fee assessed and collected for any period after such invalidation shall be returned in full within twenty (20) days by the Authority to the hospital from which it was collected.

G. The Authority, after considering the input and recommendations of the Hospital Advisory Committee, shall promulgate rules for the implementation and enforcement of the supplemental hospital offset payment program fee. Unless otherwise provided, the rules adopted under this subsection shall not grant any exceptions to or exemptions from the hospital assessment imposed under this section.

H. The Authority shall provide for administrative penalties in the event a hospital fails to:

1. Submit the supplemental hospital offset payment program fee;

2. Submit the fee in a timely manner;

3. Submit reports as required by this section; or

4. Submit reports timely.

I. The supplemental hospital offset payment program fee shall terminate effective December 31, 2025.

J. The Authority shall have the power to promulgate emergency rules to enact the provisions of this act.

Added by Laws 2011, c. 228, § 3. Amended by Laws 2013, c. 132, § 2, eff. Nov. 1, 2013; Laws 2016, c. 345, § 2, eff. Nov. 1, 2016; Laws 2019, c. 56, § 2, eff. Nov. 1, 2019.

§63-3241.4. Supplemental Hospital Offset Payment Program Fund.

A. There is hereby created in the State Treasury a revolving fund to be designated the "Supplemental Hospital Offset Payment Program Fund".

B. The fund shall be a continuing fund, not subject to fiscal year limitations, be interest bearing and consisting of:

1. All monies received by the Oklahoma Health Care Authority from hospitals pursuant to the Supplemental Hospital Offset Payment Program Act and otherwise specified or authorized by law;

2. Any interest or penalties levied and collected in conjunction with the administration of this section; and

3. All interest attributable to investment of money in the fund.

C. Notwithstanding any other provisions of law, the Oklahoma Health Care Authority is authorized to transfer Seven Million Five Hundred Thousand Dollars ($7,500,000.00) each fiscal quarter from the Supplemental Hospital Offset Payment Program Fund to the Authority's Medical Payments Cash Management Improvement Act Programs Disbursing Fund.

D. Notice of Assessment.

1. The Authority shall send a notice of assessment to each hospital informing the hospital of the assessment rate, the hospital's net patient revenue calculation, and the assessment amount owed by the hospital for the applicable year.

2. Annual notices of assessment shall be sent at least thirty (30) days before the due date for the first quarterly assessment payment of each year.

3. The first notice of assessment shall be sent within forty-five (45) days after receipt by the Authority of notification from the Centers for Medicare and Medicaid Services that the assessments and payments required under the Supplemental Hospital Offset Payment Program Act and, if necessary, the waiver granted under 42 C.F.R., Section 433.68 have been approved.

4. The hospital shall have thirty (30) days from the date of its receipt of a notice of assessment to review and verify the assessment rate, the hospital's net patient revenue calculation, and the assessment amount.

5. A hospital subject to an assessment under the Supplemental Hospital Offset Payment Program Act that has not been previously licensed as a hospital in Oklahoma and that commences hospital operations during a year shall pay the required assessment computed under subsection E of Section 3241.3 of this title and shall be eligible for hospital access payments under subsection E of this section on the date specified in rules promulgated by the Authority after consideration of input and recommendations of the Hospital Advisory Committee.

E. Quarterly Notice and Collection.

1. The annual assessment imposed under subsection A of Section 3241.3 of this title shall be due and payable on a quarterly basis. However, the first installment payment of an assessment imposed by the Supplemental Hospital Offset Payment Program Act shall not be due and payable until:

a. the Authority issues written notice stating that the assessment and payment methodologies required under the Supplemental Hospital Offset Payment Program Act have been approved by the Centers for Medicare and Medicaid Services and the waiver under 42 C.F.R., Section 433.68, if necessary, has been granted by the Centers for Medicare and Medicaid Services,

b. the thirty-day verification period required by paragraph 4 of subsection D of this section has expired, and

c. the Authority issues a notice giving a due date for the first payment.

2. After the initial installment of an annual assessment has been paid under this section, each subsequent quarterly installment

payment shall be due and payable by the fifteenth day of the first month of the applicable quarter.

3. If a hospital fails to timely pay the full amount of a quarterly assessment, the Authority shall add to the assessment:

a. a penalty assessment equal to five percent (5%) of the quarterly amount not paid on or before the due date, and

b. on the last day of each quarter after the due date until the assessed amount and the penalty imposed under subparagraph a of this paragraph are paid in full, an additional five-percent penalty assessment on any unpaid quarterly and unpaid penalty assessment amounts.

4. The quarterly assessment including applicable penalties and interest must be paid regardless of any appeals action requested by the facility. If a provider fails to pay the Authority the assessment within the time frames noted on the invoice to the provider, the assessment, applicable penalty, and interest will be deducted from the facility's payment. Any change in payment amount resulting from an appeals decision will be adjusted in future payments.

F. Medicaid Hospital Access Payments.

1. To preserve the quality and improve access to hospital services for hospital inpatient and outpatient services rendered on or after the effective date of this act, the Authority shall make hospital access payments as set forth in this section.

2. The Authority shall pay all quarterly hospital access payments within ten (10) calendar days of the due date for quarterly assessment payments established in subsection E of this section.

3. The Authority shall calculate the hospital access payment amount up to but not to exceed the upper payment limit gap for inpatient and outpatient services.

4. All hospitals shall be eligible for inpatient and outpatient hospital access payments each year as set forth in this subsection except hospitals described in paragraph 1, 2, 3 or 4 of subsection B of Section 3241.3 of this title.

5. A portion of the hospital access payment amount, not to exceed the upper payment limit gap for inpatient services, shall be designated as the inpatient hospital access payment pool.

a. In addition to any other funds paid to hospitals for inpatient hospital services to Medicaid patients, each eligible hospital shall receive inpatient hospital access payments each year equal to the hospital's pro rata share of the inpatient hospital access payment pool based upon the hospital's Medicaid payments for inpatient services divided by the total Medicaid payments for inpatient services of all eligible.

b. Inpatient hospital access payments shall be made on a quarterly basis.

6. A portion of the hospital access payment amount, not to exceed the upper payment limit gap for outpatient services, shall be designated as the outpatient hospital access payment pool.

a. In addition to any other funds paid to hospitals for outpatient hospital services to Medicaid patients, each eligible hospital shall receive outpatient hospital access payments each year equal to the hospital's pro rata share of the outpatient hospital access payment pool based upon the hospital's Medicaid payments for outpatient services divided by the total Medicaid payments for outpatient services of all eligible.

b. Outpatient hospital access payments shall be made on a quarterly basis.

7. A portion of the inpatient hospital access payment pool and of the outpatient hospital access payment pool shall be designated as the critical access hospital payment pool.

a. In addition to any other funds paid to critical access hospitals for inpatient and outpatient hospital services to Medicaid patients, each critical access hospital shall receive hospital access payments equal to the amount by which the payment for these services was less than one hundred one percent (101%) of the hospital's cost of providing these services, as determined using the Medicare Cost Report.

b. The Authority shall calculate hospital access payments for critical access hospitals and deduct these payments from the inpatient hospital access payment pool and the outpatient hospital access payment pool before allocating the remaining balance in each pool as provided in subparagraph a of paragraph 5 and subparagraph a of paragraph 6 of this subsection.

c. Critical access hospital payments shall be made on a quarterly basis.

8. A hospital access payment shall not be used to offset any other payment by Medicaid for hospital inpatient or outpatient services to Medicaid beneficiaries, including without limitation any fee-for-service, per diem, private hospital inpatient adjustment, or cost-settlement payment.

9. If the Centers for Medicare and Medicaid Services finds that the Authority has made payments to hospitals that exceed the upper payment limits determined in accordance with 42 C.F.R. 447.272 and 42 C.F.R. 447.321, hospitals shall refund to the Authority a share of the recouped federal funds that is proportionate to the hospitals' positive contribution to the upper payment limit.

G. All monies accruing to the credit of the Supplemental Hospital Offset Payment Program Fund are hereby appropriated and shall be budgeted and expended by the Authority after consideration of the input and recommendation of the Hospital Advisory Committee.

1. Monies in the Supplemental Hospital Offset Payment Program Fund shall be used only for:

a. transfers to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund (Fund 340) for the state share of supplemental payments for Medicaid and SCHIP inpatient and outpatient services to hospitals that participate in the assessment,

b. transfers to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund (Fund 340) for the state share of supplemental payments for Critical Access Hospitals,

c. transfers to the Administrative Revolving Fund (Fund 200) for the state share of payment of administrative expenses incurred by the Authority or its agents and employees in performing the activities authorized by the Supplemental Hospital Offset Payment Program Act but not more than Two Hundred Thousand Dollars ($200,000.00) each year,

d. transfers to the Medical Payments Cash Management Improvement Act Programs Disbursing Fund (Fund 340) in an amount not to exceed Seven Million Five Hundred Thousand Dollars ($7,500,000.00) each fiscal quarter, and

e. the reimbursement of monies collected by the Authority from hospitals through error or mistake in performing the activities authorized under the Supplemental Hospital Offset Payment Program Act.

2. The Authority shall pay from the Supplemental Hospital Offset Payment Program Fund quarterly installment payments to hospitals of amounts available for supplemental inpatient and outpatient payments, and supplemental payments for Critical Access Hospitals.

3. Except for the transfers described in subsection C of this section, monies in the Supplemental Hospital Offset Payment Program Fund shall not be used to replace other general revenues appropriated and funded by the Legislature or other revenues used to support Medicaid.

4. The Supplemental Hospital Offset Payment Program Fund and the program specified in the Supplemental Hospital Offset Payment Program Act are exempt from budgetary reductions or eliminations caused by the lack of general revenue funds or other funds designated for or appropriated to the Authority.

5. No hospital shall be guaranteed, expressly or otherwise, that any additional costs reimbursed to the facility will equal or exceed

the amount of the supplemental hospital offset payment program fee paid by the hospital.

H. After considering input and recommendations from the Hospital Advisory Committee, the Authority shall promulgate regulations that:

1. Allow for an appeal of the annual assessment of the Supplemental Hospital Offset Payment Program payable under this act; and

2. Allow for an appeal of an assessment of any fees or penalties determined.

Added by Laws 2011, c. 228, § 4. Amended by Laws 2013, c. 132, § 3, eff. Nov. 1, 2013; Laws 2016, c. 345, § 3, eff. Nov. 1, 2016.

§63-3241.5. Supplemental hospital offset payment program.

A. The supplemental hospital offset payment program fee is to supplement, not supplant, appropriations to support hospital reimbursement. If Medicaid payment rates to providers are adjusted, hospital rates shall not be adjusted less favorably than the average percentage-rate reduction or increase applicable to the majority of other provider groups.

B. Notwithstanding any other provision of the Supplemental Hospital Offset Payment Program Act, if, after receipt of authorization to receive federal matching funds for monies generated by the Supplemental Hospital Offset Payment Program Act, the authorization is withdrawn or changed so that federal matching funds are no longer available, the Oklahoma Health Care Authority shall cease collecting the provider fee and shall repay to the hospitals any money received by the Supplemental Hospital Offset Payment Program Fund that is not subject to federal matching funds.

Added by Laws 2011, c. 228, § 5.

§63-3241.6. Implementation of Supplemental Hospital Offset Payment Program Act.

A. The Oklahoma Health Care Authority shall submit to the Hospital Advisory Committee a proposed state plan amendment to implement the requirements of the Supplemental Hospital Offset Payment Program Act, including the payment of hospital access payments under Section 4 of this act no later than forty-five (45) days after the effective date of this act, and shall submit the state plan amendment to the Centers for Medicare and Medicaid Services after consideration of the input and recommendations of the Hospital Advisory Committee.

B. If the state plan amendment is not approved by the Centers for Medicare and Medicaid Services, the Authority shall:

1. Not implement the assessment imposed under the Supplemental Hospital Offset Payment Program Act; and

2. Return any fees to hospitals that paid the fees if any such fees have been collected.

Added by Laws 2011, c. 228, § 6.

§63-3242. Supplemental Medicaid reimbursement for ground emergency transportation.

A. An eligible provider, as described in subsection B of this section, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, shall receive supplemental Medicaid reimbursement to the extent provided by law.

B. A provider shall be eligible for supplemental reimbursement only if the provider meets the following conditions during the state fiscal year:

1. Provides ground emergency medical transportation services to Medicaid beneficiaries;

2. Is a provider that is enrolled as a Medicaid provider for the period being claimed; and

3. Is owned or operated by the state, a political subdivision or local government, that employs or contracts with persons who are licensed to provide emergency medical services in the State of Oklahoma, and includes private entities to the extent permissible under federal law.

C. An eligible provider's supplemental reimbursement pursuant to this section shall be calculated and paid as follows:

1. The supplemental reimbursement to an eligible provider, as described in subsection B of this section, shall be equal to the amount of federal financial participation received because of the claims submitted pursuant to paragraph 3 of subsection F of this section;

2. In no instance shall the amount certified pursuant to paragraph 1 of subsection E of this section, when combined with the amount received from all other sources of reimbursement from the Medicaid program, exceed one hundred percent (100%) of actual costs, as determined pursuant to the Medicaid state plan, for ground emergency medical transportation services; and

3. The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to Medicaid beneficiaries by eligible providers on a per-transport basis or other federally permissible basis. The Oklahoma Health Care Authority shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized, and shall not make any payment pursuant to this section prior to obtaining that approval.

D. 1. It is the Legislature's intent in enacting this section to provide the supplemental reimbursement described in this section without any expenditure from the state General Revenue Fund. An eligible provider, as a condition of receiving supplemental

reimbursement pursuant to this section, shall enter into, and maintain, an agreement with the Authority for the purposes of implementing this section and reimbursing the state for the costs of administering this section.

2. The nonfederal share of the supplemental reimbursement submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid only with funds from the governmental entities described in paragraph 3 of subsection B of this section and certified to the state as provided in subsection E of this section.

E. Participation in the reimbursement program provided by this section by an eligible provider as set forth in subsection B of this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement pursuant to this section on behalf of an eligible provider, the governmental entity shall do the following:

1. Certify, in conformity with the requirements of 42 C.F.R. § 433.51, that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

2. Provide evidence supporting the certification as specified by the Oklahoma Health Care Authority;

3. Submit data as specified by the Authority to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

4. Keep, maintain, and have readily retrievable any records specified by the Authority to fully disclose reimbursement amounts to which the eligible provider is entitled, and any other records required by the Centers for Medicare and Medicaid Services.

F. 1. The Authority shall promptly seek any necessary federal approvals for the implementation of this section. The Authority may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. If federal approval is not obtained for implementation of this section, this section shall not be implemented.

2. The Authority shall submit claims for federal financial participation for the expenditures for the services delineated in subsection E of this section that are allowable expenditures under federal law.

3. The Authority shall submit any necessary materials to the federal government to provide assurances that claims for federal financial participation will include only those expenditures that are allowable under federal law.

Added by Laws 2018, c. 269, § 1, eff. Nov. 1, 2018.

§63-3250.1. Short title.

This act shall be known and may be cited as the "Oklahoma Community Hospitals Public Trust Authorities Act".

Added by Laws 2003, c. 432, § 1, emerg. eff. June 7, 2003.

§63-3250.2. Definitions.

As used in the Oklahoma Community Hospitals Public Trust Authorities Act:

1. "Community hospital public trust authority" or "public trust" means a community hospital public trust authority establishing a hospital district pursuant to the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act;

2. "Hospital" means a hospital as such term is defined by Section 1-701 of Title 63 of the Oklahoma Statutes and facilities within the definition of Section 2657 of Title 63 of the Oklahoma Statutes;

3. "Hospital district" means a designated geographical area established by a community hospital public trust authority; and

4. "Medically indigent person" means a person requiring medically necessary hospital or other health care services for the person or the dependents of the person, who has insufficient or no public or private third-party coverage, and whose personal resources are insufficient to provide for hospital or other health care services.

Added by Laws 2003, c. 432, § 2, emerg. eff. June 7, 2003.

§63-3250.3. Purpose – Creation of public trust – Instrument – Condition precedent – Filing - Amendment.

A. 1. The Oklahoma Legislature finds that the delivery of health care services to the public including medically indigent persons will be enhanced through the establishment of community hospital public trust authorities and the creation of hospital districts pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act.

2. The purpose of the Oklahoma Community Hospitals Public Trust Authorities Act is to provide maximum utilization and efficient administration in delivering health care services by hospital districts to the public including medically indigent persons, and to provide for supplemental Medicaid programs.

B. 1. A hospital or two or more hospitals located within a county or adjacent counties or located within a county or adjacent counties and a municipality may jointly create a public trust for the purposes of:

a. establishing a hospital district,

b. accessing and providing funding for coordination of the delivery of health care to the public including but not limited to programs that contribute to serving the medically indigent,

c. improving access to health care by the public,

d. coordinating the development of new health services in the hospital district,

e. considering various alternatives for integrating the services of the health care delivery system in the hospital district, and

f. providing for and supplementing Medicaid programs.

2. A hospital participating in the creation of a public trust must:

a. expend at least Fifty Thousand Dollars ($50,000.00) annually providing care for medically indigent persons, and

b. have a system of inpatient and/or outpatient health care, trauma care, or emergency care services that is not limited to a specific modality of health care.

3. The boundaries of a community hospital public trust authority should be coextensive with the boundaries of a county or a group of member counties.

4. The county or counties or the county or counties and municipality in which a hospital district is established must approve and shall be the beneficiary of the public trust pursuant to the provisions of Sections 176 and 177 of Title 60 of the Oklahoma Statutes.

C. The instrument creating the public trust shall provide at a minimum:

1. The reasons for organizing and constituting a hospital district, including a statement that the community hospital public trust authority will comply with all applicable provisions of Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes and the Oklahoma Community Hospitals Public Trust Authorities Act;

2. A statement that the public trust shall be separate and independent from the affairs of the beneficiary in all matters or activities authorized by the written instrument creating the public trust;

3. The names and corporate headquarters of each hospital located in the proposed hospital district;

4. The general patient loads of each hospital within the proposed hospital district and the anticipated number of medically indigent persons for whom medical services will be provided;

5. A concise description of the geographic boundaries to be embraced within the proposed hospital district;

6. A statement that the proposed hospital district is embracing only those lands within the proposed boundaries specified by paragraph 5 of this subsection which can reasonably and economically be served in the foreseeable future;

7. Assurance that all hospitals located within the hospital district which meet the eligibility criteria can participate in the public trust;

8. For the appointment, succession, powers, duties, terms and manner of removal of trustees;

9. For the appointment of at least five trustees as follows:

a. the chief executive officers of the hospitals participating in the community hospital public trust authority and may include the chief executive officers of hospitals located within the hospital district,

b. (1) one county commissioner or their designee from each beneficiary county which the hospital district embraces, appointed by the commissioners of each such county, and

(2) the chief administrative officer or his or her designee from a municipality in which the hospital district is situated, if such municipality is the beneficiary of the public trust, and

c. one member appointed by the Governor who has no direct affiliation with any hospital participating in the community hospital public trust authority; provided, that if pursuant to the provisions of this paragraph the Board will have less than five members, the Governor shall appoint additional members; and

10. The time and place of the regular meetings and the manner in which special meetings may be called. A community hospital public trust authority shall keep a complete record of all its proceedings.

D. As a condition precedent, each community hospital public trust authority must receive approval from the Attorney General that the public trust is in the proper form.

E. A certified copy of the public trust agreement must be filed with the Secretary of State and with the court clerk of each beneficiary county and municipality.

F. Each public trust established pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act shall not be amended without a two-thirds (2/3) vote of approval of the trustees of such trust.

Added by Laws 2003, c. 432, § 3, emerg. eff. June 7, 2003.

§63-3250.4. Hospitals within hospital district – License, accreditation, and certification requirements – Participation in federal medical programs.

Hospitals located within a hospital district:

1. Shall be licensed by the State Department of Health and shall meet the standards, requirements and essentials of the Joint Commission of Accreditation of Health Care Organizations or the American Osteopathic Association or meet Medicare certification by the Center for Medicare and Medicaid Services. Provided, the State Commissioner of Health may waive any such standards, requirements and essentials as the Commissioner deems necessary; and

2. May provide services and receive payments therefor pursuant to Titles XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs.
Added by Laws 2003, c. 432, § 4, emerg. eff. June 7, 2003.

§63-3250.5. Members and officers of community hospital public trust authority – Residency – Bond.

A. Each member of a community hospital public trust authority shall be a resident of the state and a registered voter.

B. The members of the community hospital public trust authority shall serve without compensation but may be reimbursed for all reasonable and actual and necessary travel expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

C. Each officer handling funds of the public trust shall furnish a good and sufficient fidelity bond in an amount and with surety as may be specified by the Oklahoma Central Purchasing Act. The cost of the bond shall be paid from funds of the community hospital public trust authority.
Added by Laws 2003, c. 432, § 5, emerg. eff. June 7, 2003.

§63-3250.6. Authority, powers, and duties of community hospital public trust authority – Conflict of interest – Compliance with statutes – Audits – Issuance of bonds.

A. 1. Each community hospital public trust authority shall be a governmental entity and a body politic and corporate with powers of government and with authority to establish and operate a hospital district and to exercise the rights, privileges and functions specified by the Oklahoma Community Hospitals Public Trust Authorities Act and Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes.

2. Nothing in this subsection shall be construed as authorizing any hospital district to levy or collect taxes or to pledge the credit of the state or any subdivision of this state.

B. Each community hospital public trust authority shall have the power to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Act as a vehicle for securing funds for education, indigent medical care, trauma, emergency and other health care services;

4. Coordinate the delivery and efficiency of health care services within the hospital district established pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act;

5. Sue and be sued;

6. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers

pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act;

7. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to discharge its duties and responsibilities or to implement the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act;

8. Accept grants and other funds from agencies of this state and the United States of America, from other government entities, or from any corporation or agency created or designed by the United States or other government entity, and to enter into such agreements as the United States or such corporation or agency may require;

9. Accept grants and gifts from private individuals and organizations;

10. Accept and make intergovernmental transfers authorized by state law. A hospital district may make intergovernmental transfers to the Oklahoma Health Care Authority to the extent permitted by state or federal law;

11. Issue bonds and other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then-owned or after-acquired real or personal property, assets, franchises, or revenues;

12. Become a member of other cooperatives, joint ventures, partnerships, corporations or other legal entities or to own stock therein;

13. Conduct its business and exercise its powers within or without this state;

14. Assess fees, levies, assessments, or charges upon and enforce the payment of such fees, levies, assessments or charges against any hospital located within the geographical boundaries of its hospital district and to remit such monies to the Oklahoma Health Care Authority for purposes of meeting the state’s share for the supplemental Medicaid programs to the extent and manner authorized by federal law. Fees, levies, assessments or charges may be enforced by a community hospital public trust authority through civil action brought in the district court in the county in which the community hospital public trust authority is located;

15. Appoint officers, agents and employees, prescribe their duties and fix their compensation;

16. Engage in long-term planning for the operation and management of a community hospital public trust authority;

17. Establish petty cash funds as needed and provide for appropriate accounting procedures and controls; and

18. Do all other things necessary and proper to implement the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act.

C. No director or officer of a community hospital public trust authority shall vote on any issue before the authority in which such director or officer has a direct interest in any contract or for any work by or for the community hospital public trust authority.

D. The trustees of each community hospital public trust authority created pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act shall make and adopt bylaws for the due and orderly administration and regulation of the affairs of the community hospital public trust authority. All bylaws and amendments thereto of a community hospital public trust authority shall be submitted in writing to each beneficiary of the community hospital public trust authority, the Governor of this state and to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate.

E. No appropriation of state funds shall be made to any community hospital public trust authority. Each authority may receive the funds it may be entitled to receive pursuant to the Medicaid program as administered by the Oklahoma Health Care Authority.

F. Each community hospital public trust authority shall comply with:

1. The annual budget provisions of the state requiring a balanced budget. A copy of the budget shall be submitted annually to the Governor and to each beneficiary of the community hospital public trust authority;

2. The Public Competitive Bidding Act of 1974;

3. The Oklahoma Open Records Act;

4. The Oklahoma Open Meeting Act; and

5. The provisions of Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes and the Community Hospitals Public Trust Authorities Act.

G. 1. Each community hospital public trust authority shall provide for complete financial audits on all accounts of the community hospital public trust authority and authorize periodic audits by an independent external auditing agency. Such audits shall be performed annually in a format approved by the State Auditor and Inspector. The audits shall be made in accordance with generally accepted auditing standards and government auditing standards. Financial statements shall be prepared in accordance with generally accepted accounting principles. Such audits shall be submitted to the State Auditor and Inspector and to the beneficiary of the community hospital public trust authority for review.

2. In addition to the audits specified by this subsection, the State Auditor and Inspector, whenever the State Auditor and Inspector deems it appropriate, and at least once each five (5) years, or upon receipt of a request to do so from the beneficiary of a community hospital public trust authority, the Governor, the Attorney General,

the President Pro Tempore of the Senate, the Speaker of the House of Representatives or the community hospital public trust authority shall conduct a special audit of the authority. Such audit shall be paid from the funds of the community hospital public trust authority.

H. 1. Except for acts of dishonesty, no trustee of a community hospital public trust authority shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of such trust or in the operation of the trust property.

2. A community hospital public trust authority established pursuant to the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act shall be covered by The Governmental Tort Claims Act.

3. Officers, employees, agents, independent contractors and employees of independent contractors of hospitals participating in the hospital district shall not be covered by The Governmental Tort Claims Act. The provisions of this paragraph shall not affect the immunity provided to hospitals or to officers and employees of hospitals covered by Section 152 of Title 51 of the Oklahoma Statutes.

4. In no event shall the state, county or municipality be construed to be or become liable for any act, omission or obligation of a trustee or of the community hospital public trust authority.

I. A community hospital public trust authority may be terminated by agreement of the trustees of this state; provided, that such community hospital public trust authority shall not be terminated while there exists any outstanding contractual obligations chargeable against the trust property.

J. 1. Compliance with the provisions of Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes and the Oklahoma Community Hospitals Public Trust Authorities Act by a community hospital public trust authority shall be and constitute a binding contract with the county or counties and municipality beneficiaries for the acceptance of the beneficial interest in the trust property by the designated beneficiary and the application of the proceeds of the trust property and its operation for the purposes, and in accordance with the stipulations, of the public trust instrument.

2. Each community hospital public trust authority shall be the regularly constituted authority of the beneficiary for the performance of the functions for which the community hospital public trust authority shall have been created.

K. 1. A community hospital public trust authority shall have the power and duty to make and issue bonds and to pledge revenues of the community hospital public trust authority subject to the Oklahoma Bond Oversight and Reform Act. Nothing in the Oklahoma Community Hospitals Public Trust Authorities Act shall authorize the issuance of any bonds by a community hospital public trust authority payable

other than from revenues of the community hospital public trust authority.

2. Community hospital public trust authority revenue bonds issued under the provisions of this subsection shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision, but such bonds shall be payable solely from the funds herein provided.

3. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the community hospital public trust authority shall be obligated to pay the same or the interest thereon except from the revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds.

4. The interest income derived from any obligation issued by a community hospital public trust authority shall be exempt from the tax imposed pursuant to Section 2355 of Title 68 of the Oklahoma Statutes.

Added by Laws 2003, c. 432, § 6, emerg. eff. June 7, 2003.

§63-3250.7. Reports.

Each community hospital public trust authority shall submit an annual report to each beneficiary of the authority, the Governor, the President Pro Tempore of the State Senate and the Speaker of the Oklahoma House of Representatives. Such report shall be submitted in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes, and shall include an account of the operations and actions of the authority and an accounting of all revenue received and disbursed by the authority for the previous fiscal year.

Added by Laws 2003, c. 432, § 7, emerg. eff. June 7, 2003.

§63-3250.8. Medicaid Payment Reimbursement Fund.

A. 1. There is hereby created in the State Treasury a revolving fund to be designated the "Medicaid Payment Reimbursement Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

a. all monies received by the Oklahoma Health Care Authority pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act and otherwise specified or authorized by law including, but not limited to, monies received by the Authority from assessments levied on hospitals included in a hospital district, and

b. interest attributable to investment of money in the fund.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be expended by the Authority for services to Medicaid beneficiaries residing within or receiving services within the boundaries of the community hospitals public trust.

B. Any monies received from any assessment levied on hospitals within a hospital district for purposes of providing the state matching funds for supplemental Medicaid programs pursuant to the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act shall be submitted to the Oklahoma Health Care Authority for deposit into the Medicaid Payment Reimbursement Fund.

C. The Oklahoma Health Care Authority shall transfer to the Medicaid Payment Reimbursement Fund any payment received by the Oklahoma Health Care Authority pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act and rules promulgated by the Oklahoma Health Care Authority pursuant to federal law and the provisions of the Oklahoma Community Hospitals Public Trust Authorities Act.

D. 1. The Oklahoma Health Care Authority shall make Medicaid reimbursement payments to hospitals to the extent permitted by federal law and rules promulgated by the Oklahoma Health Care Authority pursuant to federal law.

2. Each community hospital public trust authority established shall be limited to receipt of supplemental Medicaid program funds for its designated area.

Added by Laws 2003, c. 432, § 8, emerg. eff. June 7, 2003. Amended by Laws 2004, c. 460, § 1, emerg. eff. June 4, 2004.

§63-3250.9. Waivers authorizing Medicaid supplements.

The Oklahoma Health Care Authority Board shall submit an application for any waiver necessary to authorize Medicaid supplements to hospital districts to the extent permitted by federal law and pursuant to the Oklahoma Community Hospitals Public Trust Authorities Act.

Added by Laws 2003, c. 432, § 9, emerg. eff. June 7, 2003.

§63-3271. Short title.

This act shall be known and may be cited as the "Oklahoma State University Medical Authority Act".

Added by Laws 2006, c. 287, § 1, emerg. eff. June 7, 2006.

§63-3272. Definitions.

As used in the Oklahoma State University Medical Authority Act:

1. “Graduate Medical Education” or “GME” means educational programs meeting the guidelines of the American Osteopathic Association offered as an extension of the Oklahoma State University Center for Health Sciences, College of Osteopathic Medicine in cooperation with a hospital or other healthcare provider;

2. “Hospital” means a hospital as such term is defined by Section 1-701 of Title 63 of the Oklahoma Statutes and facilities within the definition of “ambulatory surgical center” as defined in Section 2657 of Title 63 of the Oklahoma Statutes;

3. “Patient” means an individual receiving care from an Oklahoma State University Center for Health Sciences intern, resident or full or part-time physician trainer;

4. “Declaration of necessity” means an official action of the Oklahoma State University Medical Authority to fulfill the terms of an Academic Affiliation or other agreement or to provide facilities, financing or any other general support to enhance the stability, quality or otherwise furtherance of the graduate medical education programs of the Oklahoma State University Center for Health Sciences; and

5. “Academic Affiliation Agreement” means an agreement between the Oklahoma State University Center for Health Sciences and an entity providing facilities, equipment and support for the graduate medical education programs of the Oklahoma State University Center for Health Sciences.

Added by Laws 2006, c. 287, § 2, emerg. eff. June 7, 2006.

§63-3273. Purposes - Legislative findings.

A. The purposes of the Oklahoma State University Medical Authority Act are to provide for an effective and efficient administration, to ensure a dependable source of funding, and to effectuate the mission and purposes of the Oklahoma State University Medical Authority. The mission and purposes of the Oklahoma State University Medical Authority are to support and upon a declaration of necessity, to serve as teaching and training facilities for students enrolled at the Oklahoma State University Center for Health Sciences, upon a declaration of necessity, to acquire and provide a site for conducting medical and biomedical research by faculty members of the Oklahoma State University Center for Health Sciences and to facilitate and upon a declaration of necessity, to provide care for the patients of Oklahoma State University Center for Health Sciences physician trainers. The Oklahoma State University Medical Authority shall maintain a close affiliation with the Oklahoma State University Center for Health Sciences and shall coordinate their operations and activities in a cooperative manner.

B. The Legislature finds that the needs of the citizens of this state and the needs of the Oklahoma State University Center for Health Sciences will be best served by an Authority charged with the mission of supporting the Graduate Medical Education programs of the Oklahoma State University Center for Health Sciences, entering into Academic Affiliation Agreements in support of Oklahoma State University physician and healthcare training programs, operating or leasing the operations of the teaching hospital or hospitals for the

benefit of the Oklahoma State University Center for Health Sciences and providing care for the patients of Oklahoma State University physician trainers.

C. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall retain full power to govern the personnel, curriculum and facilities of the Oklahoma State University Center for Health Sciences.

Added by Laws 2006, c. 287, § 3, emerg. eff. June 7, 2006.

§63-3274. Hospitals - Operation, licensing, accreditation, and certification - Teaching and training.

A. Any hospital or hospitals purchased, leased or constructed by the Oklahoma State University Medical Authority shall be operated as general hospitals and shall be licensed by the State Commissioner of Health, and shall, as far as possible, meet the standards, requirements and essentials of the Joint Commission on Accreditation of Health Care Organizations and the American Osteopathic Association or, alternatively, meet Medicare certification by the Center for Medicare and Medicaid Services. Provided, the State Commissioner of Health may waive any such standards, requirements and essentials as the Commissioner deems necessary.

B. Any such hospitals may provide services and receive payments under Titles XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs.

C. Any such hospitals shall be available as teaching and training hospitals for the colleges of the Oklahoma State University Center for Health Sciences, for other health and educational facilities and shall provide indigent patient care.

Added by Laws 2006, c. 287, § 4, emerg. eff. June 7, 2006.

§63-3275. Oklahoma State University Medical Authority - Members - Qualifications, appointment, and removal - Applicable statutes.

A. There is hereby created the Oklahoma State University Medical Authority, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights, privileges and functions as specified in the Oklahoma State University Medical Authority Act. The Oklahoma State University Medical Authority is covered by the Governmental Tort Claims Act.

B. The Authority shall consist of seven (7) members as follows:

1. One member shall be appointed by the Governor, with the advice and consent of the Senate;

2. One member shall be appointed by the President Pro Tempore of the Senate;

3. One member shall be appointed by the Speaker of the House of Representatives;

4. One member shall be the Chief Executive Officer of the Oklahoma Health Care Authority, or a designee;

5. One member shall be the President of the Oklahoma State University Center for Health Sciences;

6. One member to be appointed by the President of Oklahoma State University who shall be the Chief Executive Officer of any entity, other than the Oklahoma State University Medical Trust, with whom the Oklahoma State University College of Osteopathic Medicine has entered into an Academic Affiliation Agreement to serve as the primary site of practice and teaching hospital for medical residency programs, or a designee; and

7. One member shall be the Chief Executive Officer of the Oklahoma State University Medical Authority who shall be an ex officio, nonvoting member.

C. All appointed members shall be appointed by June 1, 2006. Of the members of the Authority initially appointed, the member appointed by the President Pro Tempore of the Senate shall serve a term of three (3) years; the member appointed by the Speaker of the House of Representatives shall serve a term of two (2) years; and the member appointed by the Governor shall serve a term of one (1) year. Successors shall be appointed for terms of three (3) years.

D. Each member of the Authority, prior to appointment, shall be a resident of the state and a qualified elector.

E. Members shall be removable only for cause by the appointing authority. Any vacancy occurring on the Authority shall be filled by the original appointing authority.

F. The members of the Authority shall serve without compensation but may be reimbursed for all actual and necessary travel expenses incurred in performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

G. All members of the Authority and administrative personnel of the Authority shall be subject to the provisions of the Oklahoma Ethics Commission Rules, Chapter 62 Appendix of Title 74 of the Oklahoma Statutes.

H. A quorum of the Authority shall be four (4) voting members. The Authority shall elect a chair and vice chair from among its members. The chair must be an appointed member of the Authority.

I. The Authority shall be exempt from the Oklahoma Central Purchasing Act but shall be subject to the purchasing policies of Oklahoma State University Center for Health Sciences and shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, except as otherwise provided by this act. Any information submitted to or compiled by the Authority except for budgetary information related to appropriations or the appropriations process with respect to the marketing plans, financial statements, trade secrets, research concepts, methods or products, or any other proprietary information of the Authority, persons, firms,

associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided the information or which is the subject of the information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Authority. Added by Laws 2006, c. 287, § 5, emerg. eff. June 7, 2006.

§63-3276. Oklahoma State University Medical Authority - Powers and duties - Applicable statutes.

A. On and after July 1, 2006, the Authority shall have the power and duty to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Maintain an office at a location to be determined by the Authority;

4. Sue and be sued, subject to the provisions of The Governmental Tort Claims Act;

5. Enter into cooperative agreements with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges for educational programs, professional staffing, research and other medical activities;

6. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers pursuant to the Oklahoma State University Medical Authority Act;

7. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to maintain and operate hospitals or clinics, or to discharge its duties and responsibilities or to make any of its powers effective;

8. Acquire by purchase, lease, gift, or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal, or mixed or any interest therein unless otherwise provided by the Oklahoma State University Medical Authority Act;

9. Appoint such officers, agents and employees, including but not limited to attorneys, as it deems necessary and to prescribe their duties and to fix their compensation;

10. Accept grants from the United States of America, or from any corporation or agency created or designed by the United States of America, and, in connection with any grant, to enter into such agreements as the United States of America or such corporation or agency may require;

11. Make and issue bonds and to pledge revenues of the Authority subject to the Oklahoma Bond Oversight and Reform Act. Nothing in the Oklahoma State University Medical Authority Act shall authorize the issuance of any bonds of the Authority payable other than from

revenues of the Authority. Funds appropriated to the Authority shall not be used for issuance of bonds. Authority revenue bonds issued under the provisions of this act shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision, but such bonds shall be payable solely from the funds herein provided. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from the revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds. The maximum amount of outstanding bonds at any time shall not exceed Fifty Million Dollars ($50,000,000.00) unless a greater amount is expressly approved by the Legislature by a concurrent resolution adopted prior to commencing any action in anticipation of issuance of revenue bonds of the Oklahoma State University Medical Authority for the greater amount;

12. Provide for complete financial audits on all accounts of the Oklahoma State University Medical Authority and to authorize periodic audits by an independent external auditing agency. Such audits shall be performed annually in a format approved by the State Auditor and Inspector, and all such audits shall be submitted to the State Auditor and Inspector for review. Such audits shall be made in accordance with generally accepted auditing standards and government auditing standards. Financial statements shall be prepared in accordance with generally accepted accounting principles. In addition to said audits, whenever the State Auditor and Inspector deems it appropriate, and at least once each five (5) years, or upon receipt of a request to do so from the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives or the Authority, the State Auditor and Inspector shall conduct a special audit of the Authority;

13. Engage in long-term planning for the operation and management of the Authority;

14. Establish petty cash funds and provide for appropriate accounting procedures and controls;

15. Contract with national manufacturers and distributors of drugs and medical supplies when appropriate to carry out the purposes of this act;

16. Do all other things necessary and proper to implement the provisions of the Oklahoma State University Medical Authority Act;

17. Waive, by such means as the Authority deems appropriate, the exemption from federal income taxation of interest on the Authority's bonds provided by the Internal Revenue Code of 1986, as amended, or any other federal statute providing a similar exemption;

18. Arrange for guaranties or insurance of its bonds by the federal government or by any private insurer, and to pay any premiums therefor; and

19. Make a declaration of necessity as provided in Section 3273 of this title. The Authority may, in its exclusive judgment, make a declaration of necessity when such a declaration is deemed necessary to effectuate the purposes of the Oklahoma State University Medical Authority Act.

B. The Oklahoma State University Medical Authority shall be subject to the Oklahoma Budget Law of 1947.

C. The Authority shall prepare monthly a "budget vs. actual" report which shows by budget activity the monthly and year-to-date revenues and expenditures compared to budgeted revenues and expenditures. Such report shall be submitted to the Office of Management and Enterprise Services and to the Directors of the House of Representatives Fiscal Division and the Senate Fiscal Division.

D. The Authority shall be subject to the professional risk management program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes.

Added by Laws 2006, c. 287, § 6, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 520.

§63-3277. Medicaid eligibility criteria - Determination.

The Oklahoma Health Care Authority shall continue to determine eligibility criteria and standards for Medicaid recipients.

Added by Laws 2006, c. 287, § 7, emerg. eff. June 7, 2006.

§63-3278. Agreements and obligations - Public purpose - Conditions.

All agreements and obligations undertaken, as permitted under this section, by the Oklahoma State University Medical Authority shall be for a public purpose. In addition to any other limitations, conditions or restrictions provided by law, the following conditions shall apply to contractual agreements entered into pursuant to this section:

1. Private and public funds shall be accounted for separately; and

2. The state shall not assume any liability for private entities.

Added by Laws 2006, c. 287, § 8, emerg. eff. June 7, 2006.

§63-3279. Oklahoma State University Medical Authority Agency Special Account - Official Depository Account - Bond coverage.

A. The funds deposited in the Oklahoma State University Medical Authority Agency Special Account created in subsection B of this section shall be invested by the State Treasurer in the manner provided for by law. The return on such investments shall be credited to the accounts of the Authority.

B. There is hereby created in the State Treasury an Official Depository Account for the Oklahoma State University Medical Authority, to be designated the Oklahoma State University Medical Authority Agency Special Account. The Official Depository Account shall consist of an agency clearing account and an agency special account. All revenues, except federal entitlements and state appropriations, generated by the Oklahoma State University Medical Authority shall be deposited in these accounts.

C. The Authority shall be subject to blanket bond coverage as provided in Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes, provided the Authority shall be authorized to purchase increased amounts of fidelity bond coverage for employees for whom it is deemed necessary by the Authority. When the amount listed in Section 85.29 of Title 74 of the Oklahoma Statutes is deemed inadequate, the cost of increased coverage shall be borne by the Authority.

Added by Laws 2006, c. 287, § 9, emerg. eff. June 7, 2006.

§63-3280. Issuance of bonds - Procedure - Characteristics - Approvals.

A. Subject to the provisions of paragraph 11 of subsection A of Section 6 of this act, the Oklahoma State University Medical Authority may provide by resolution, from time to time, for the issuance of revenue bonds for its lawful purposes, in such amount or amounts as are necessary, incidental or convenient to the exercise of powers, rights, privileges and functions conferred upon it by the Oklahoma State University Medical Authority Act or other law. The principal of and interest on any indebtedness shall be payable solely from the revenues of the Authority and such other funds as may be provided by law for such payment. The Authority may provide for credit enhancement as additional security or liquidity for its bonds and enter into such agreements as may be necessary or appropriate to provide for the repayment of any funds advanced by the provider of any such credit enhancement including the payment of any fees and expenses incurred in connection therewith. The bonds of each issue shall bear interest at fixed or variable rates and shall bear an average interest rate not to exceed eleven percent (11%) per annum, shall mature at such time or times not exceeding thirty (30) years from their date or dates of issue, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority, at such time or times and at such price or prices and pursuant to such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds and the manner of execution thereof, and shall fix the denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank and trust company within or without this state. If any officer whose

signature or facsimile of whose signature appears on any bonds shall cease to be said officer before the delivery of the bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the person had remained in office until such delivery. All bonds issued pursuant to the provisions of the Oklahoma State University Medical Authority Act shall have all the qualities and incidences of negotiable instruments subject to the laws of this state. The Authority may sell the bonds in such amounts and in such manner, either at public or private sale, and for such price, as it may determine to be in the best interests of the state. If the bonds are not sold by competitive bid, the sale must be approved by the State Bond Advisor.

B. All fees and expenses of bond sales must be approved by the State Bond Advisor and the Bond Oversight Commission. Prior to the preparation of definitive bonds, the Authority, subject to like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds which have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which have become mutilated or which have been destroyed or lost. Except as otherwise provided by Section 14 of this act, bonds may be issued pursuant to the provisions of the Oklahoma State University Medical Authority Act without obtaining the consent of any department, division, commission, board, bureau, or agency of this state, and without any other proceedings or the occurrence of any other conditions or things than those proceedings, conditions, or things that are specifically required by the Oklahoma State University Medical Authority.

C. The Authority may, by resolution, provide for the issuance of refunding bonds then outstanding, including the payment of any redemption premium, any interest accrued to the date of redemption of such bonds, and for incurring additional indebtedness for its lawful purposes. The issuance of such bonds shall be governed by the provisions of the Oklahoma State University Medical Authority Act. Added by Laws 2006, c. 287, § 10, emerg. eff. June 7, 2006.

§63-3281. Issuance of bonds - Approval of Attorney General.

Before any bond shall be issued and delivered by the Oklahoma State University Medical Authority, a certified copy of the proceedings for the issuance thereof, together with any other information which the Attorney General of the State of Oklahoma may require as the Bond Commissioner of the State of Oklahoma, shall be submitted to the Attorney General. If the Attorney General shall find that such bonds have been issued in accordance with law, he shall approve such bonds and execute a certificate to that effect. The Attorney General shall file such certificates in the office of the State Auditor and Inspector, and the certificates shall be recorded in a record kept for that purpose. All bonds approved by

the Attorney General, and issued in accordance with the approved proceedings, shall be valid and binding obligations of the Authority and shall be incontestable for any course from and after the date of such approval.
Added by Laws 2006, c. 287, § 11, emerg. eff. June 7, 2006.

§63-3282. Issuance of bonds - Approval of Supreme Court.

The Oklahoma State University Medical Authority or the Oklahoma State University Medical Trust may file an application with the Supreme Court of the State of Oklahoma for approval of any bonds to be issued under the provisions of the Oklahoma State University Medical Authority Act, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine such application. The Supreme Court shall give such applications precedence over the other business of the Court and consider and determine the validity of the bonds and consider the application and any protest which may be filed thereto. Notice of the hearing on each application shall be given by notice published in a newspaper of general circulation in this state that on a day named the Authority or the Trust will ask the Court to hear the application and approve the bonds. Such notice shall inform all interested parties that they may file a protest against the issuance of the bonds, may be present at the hearing, and may contest the legality thereof. Such notice shall be published one time, not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court is satisfied that the bonds have been properly authorized in accordance with the Oklahoma State University Medical Authority Act, and that when issued such bonds will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which the petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority of the Trust, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.
Added by Laws 2006, c. 287, § 12, emerg. eff. June 7, 2006.

§63-3283. Revenue bonds not debt of state or political subdivision - Statement on bonds - Tax exempt.

Revenue bonds of the Oklahoma State University Medical Authority issued pursuant to the provisions of the Oklahoma State University Medical Authority shall not constitute a debt of the state or of any political subdivision thereof, or a pledge of the full faith and credit of the state, or of any political subdivision thereof, but such bonds shall be payable solely from the funds provided therefor. The forms of the bonds so issued shall contain on the face thereof a

statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from the revenues of the Authority pledged to the payment of such bonds and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or interest on such bonds. The bonds so issued shall be exempt from taxation by the State of Oklahoma and any political subdivision thereof, including the income therefrom, and any gain from the sale thereof.
Added by Laws 2006, c. 287, § 13, emerg. eff. June 7, 2006.

§63-3284. Bonds - Investment securities - Collateral security.

Bonds issued pursuant to provisions of the Oklahoma State University Medical Authority Act are hereby made securities in which all public officers and public boards, agencies and instrumentalities of the state and its political subdivisions, all banks, trust companies, trust and loan associations, investment companies, and others carrying on a banking business, and all insurance companies and insurance associations, and others carrying on an insurance business, may legally and properly invest. Such bonds are also approved as collateral security for the deposit of any public funds and for the investment of trust funds.
Added by Laws 2006, c. 287, § 14, emerg. eff. June 7, 2006.

§63-3285. Annual report to Governor and Legislature.

The Oklahoma State University Medical Authority shall submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Such report shall be submitted in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes, and shall include an account of the operations and actions of the Authority and an accounting of all revenue received and disbursed by the Authority for the previous fiscal year. The report shall include an accounting of expenses related to each of the following:

1. Education and training of students of the Oklahoma State University, resident physicians and others;

2. Care and treatment of patients for whom the Authority receives any form of state or federal reimbursement; and

3. Research.

Added by Laws 2006, c. 287, § 15, emerg. eff. June 7, 2006.

§63-3286. Oklahoma State University Medical Authority Disbursing Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State University Medical Authority, to be designated the "Oklahoma State University Medical Authority Disbursing Fund".

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated revenues and federal entitlements. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Medical Authority for the purpose of operating the Oklahoma State University Medical Center and supporting the residency program of the Oklahoma State University Center for Health Sciences.
Added by Laws 2006, c. 287, § 16, emerg. eff. June 7, 2006. Amended by Laws 2009, c. 1, § 2, emerg. eff. March 9, 2009.

§63-3287. Oklahoma State University Medical Authority Marketing Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma State University Medical Authority, to be designated the "Oklahoma State University Medical Authority Marketing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma State University Medical Authority pursuant to the provisions of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Medical Authority for the purpose of marketing research and planning, public education, special events customary to the health care industry, advertising and promotion of special and general services provided or sponsored by the Oklahoma State University Medical Authority and such other purposes specifically authorized by the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. An amount equal to one-tenth of one percent (1/10 of 1%) of the total annual operating budget of the Oklahoma State University Medical Authority and such other funds as may be specifically designated for deposit to the fund shall be deposited in the Oklahoma State University Medical Authority Marketing Revolving Fund.

C. The Oklahoma State University Medical Authority Marketing Revolving Fund shall be audited annually by the State Auditor and Inspector. The Oklahoma State University Medical Authority shall reimburse the State Auditor and Inspector from the Oklahoma State University Authority Marketing Revolving Fund for any expenses incurred in auditing said fund.
Added by Laws 2006, c. 287, § 17, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 521.

§63-3288. Regulation of traffic and parking on Oklahoma State University Medical Authority property - Appointment of campus police officers and guards.

A. The Oklahoma State University Medical Authority may regulate traffic and the parking of vehicles on property used by or for the Oklahoma State University Medical Authority. Such regulations shall be in writing, and copies thereof, including amendments thereto, shall be filed in the office of the Secretary of State, and in the office of the city clerk of the City of Tulsa. The municipal court of the City of Tulsa shall have jurisdiction to hear and determine prosecutions for violations of such regulations, which may be prosecuted and shall be punishable as violations of ordinances of the City of Tulsa. The Authority may cause to be removed, and may enter into contracts for such purpose, any vehicle parked in violation of such regulations.

B. The Authority may appoint campus police officers and guards for buildings and grounds of the Oklahoma State University Medical Authority in the same manner and with the same powers as campus police appointed by governing boards of state institutions for higher education under the provisions of Section 360.15 et seq. of Title 74 of the Oklahoma Statutes, and who may prevent or stop improper conduct and trespass in and upon such buildings and grounds, and make arrests and prosecute any and all persons arrested for such improper conduct and trespassing. Employees of the Authority serving as police officers shall be certified as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

C. The Authority and the City of Tulsa may enter into a cooperative agreement to effectuate the provisions of this section.
Added by Laws 2006, c. 287, § 18, emerg. eff. June 7, 2006.

§63-3289. Resident physicians of Oklahoma State University Center for Health Sciences - Payroll, benefits and employment status - Termination of privileges.

The Oklahoma State University Medical Authority is authorized to place resident physicians of the Oklahoma State University Center for Health Sciences on the Oklahoma State University Medical Authority payroll, and is further authorized to acquire health, life, and dental insurance for such residents. Such residents shall not be considered employees of the Authority and shall not be eligible to participate in the Oklahoma Public Employees Retirement System. This section shall not preclude the right of the Oklahoma State University Medical Authority to terminate, for cause, the practicing privileges of any resident physician within the Oklahoma State University Medical Authority.
Added by Laws 2006, c. 287, § 19, emerg. eff. June 7, 2006.

§63-3290. Oklahoma State University Medical Trust

A. The State of Oklahoma expressly approves the creation of a public trust to be named the "Oklahoma State University Medical Trust", of which the State of Oklahoma shall be the beneficiary,

provided such approval shall be contingent upon satisfaction of the following conditions:

1. Finalizing of the declaration of trust;

2. Adoption of the declaration of trust by an official action of the trustees of the Trust;

3. Submission of the Trust for acceptance of the beneficial interest and approval as required by Section 177 of Title 60 of the Oklahoma Statutes; and

4. The approved declaration of trust shall:

a. clearly state that the principal purpose of the Oklahoma State University Medical Trust is to effectuate the purposes of the Oklahoma State University Medical Authority as established in the Oklahoma State University Medical Authority Act,

b. except as otherwise provided by law, provide that the title to real property held by the Oklahoma State University Medical Authority shall not be transferred, conveyed, or assigned to the Oklahoma State University Medical Trust without the express consent of the Legislature as the governing entity of the beneficiary pursuant to Section 176 of Title 60 of the Oklahoma Statutes,

c. provide that any indebtedness incurred by the Oklahoma State University Medical Trust or the trustees of the Trust shall not be secured with or create a lien upon real property to which title is held by the Oklahoma State University Medical Authority and shall not involve the bonding capacity of the Oklahoma State University Medical Authority,

d. provide that the trust estate of the Oklahoma State University Medical Trust shall not include fee simple title to real property owned by the Oklahoma State University Medical Authority,

e. clearly state that the creation of the Oklahoma State University Medical Trust shall not in any way reduce, limit or interfere with the power granted to the Oklahoma State University Medical Authority in the Oklahoma State University Medical Authority Act,

f. provide that any lease or contractual agreement involving use of the real property to which title is held by the Oklahoma State University Medical Authority and any improvements thereto shall contain a provision and covenants requiring the proper maintenance and upkeep of the real property and improvements,

g. provide that the trustees of the Oklahoma State University Medical Trust shall be the acting members of the Oklahoma State University Medical Authority as

provided in the Oklahoma State University Medical Authority Act, and

h. provide that the trustees of the Oklahoma State University Medical Trust shall have the duty to submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The report shall be submitted by January 1 of each year and shall include an account of all operations, actions of the Trust, account of all revenue received and disbursed by the Trust for the previous fiscal year. The report shall also provide a complete accounting of how the Trust meets its primary function of effectuating the purposes of the Oklahoma State University Medical Authority, as established in the Oklahoma State University Medical Authority Act.

B. The Oklahoma State University Medical Trust shall require any agreements which it enters into with any entity pursuant to Section 22 of this act for the operations of facilities leased by the Oklahoma State University Medical Authority to the Trust to include, but not be limited to:

1. The inclusion of all the members of the Trust, except the Chief Executive Officer of the Oklahoma Health Care Authority, as five of the six members representing the State of Oklahoma in a governing committee, and the sixth member of the governing committee representing the State of Oklahoma to be designated by the President of Oklahoma State University;

2. Binding arbitration shall not be required by such agreements for resolving issues under consideration by the governing committee; and

3. Major decisions shall be resolved by the governing committee, and approval of any major decision by the governing committee must include the approval of a majority of the state appointees and the approval of a majority of the private entity appointees to the governing committee. Major decisions shall include:

a. approval of the operating and capital budgets,

b. sale or disposition of assets over Two Hundred Fifty Thousand Dollars ($250,000.00),

c. the termination or transfer or material addition or material diminution of medical services at the Oklahoma State University Medical Center related to and part of a teaching program of the Oklahoma State University Center for Health Sciences, and

d. other major decisions as may be agreed upon by the Trust and the private entity.

C. To the extent it is determined by legislative enactment that the Trust has expended funds in contravention of its mission as set forth in this section, the Trust shall remit, upon thirty (30) days'

written notice from the Oklahoma State University Medical Authority, such sum or sums to the Oklahoma State University Medical Authority.

D. In the event the Trust enters into a joint venture or acquires an interest in a not-for-profit entity to effectuate the administration of the mission of the Trust, that entity shall not be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Any information submitted to or compiled by the Trust with respect to marketing plans, financial statements, trade secrets, research concepts, methods or products or any other proprietary information submitted to or compiled by the Trust, persons, firms, associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Trust. The provisions of this subsection shall not apply to budgetary information related to appropriations or the appropriations process. Added by Laws 2006, c. 287, § 20, emerg. eff. June 7, 2006. Amended by Laws 2016, c. 387, § 2, emerg. eff. June 6, 2016.

§63-3291. Submission of certain agreements to Contingency Review Board - Declaratory judgment of validity by Supreme Court of Oklahoma.

A. Contingent upon the creation of the Oklahoma State University Medical Trust as provided in Section 20 of this act, the Trust, prior to acceptance, shall submit to the Contingency Review Board for review the proposed agreement regarding the lease and operations of any hospital or hospitals owned by the Oklahoma State University Medical Authority to any entity authorized to transact business in the state and an independent statement as to the fairness of said proposed agreement for the State of Oklahoma. The Contingency Review Board shall upon receipt of the proposed agreement meet within fifteen (15) business days to review the proposed agreement; and unless the Contingency Review Board disapproves the proposed agreement, the agreement may be executed but no lease of the hospital or hospitals shall become effective until after Supreme Court approval pursuant to subsection B of this section.

B. 1. If a proposed agreement is not disapproved by the Contingency Review Board pursuant to subsection A of this section, the Oklahoma State University Medical Authority and Oklahoma State University Medical Trust, within thirty (30) calendar days after the time for Contingency Review Board action has expired, may file a petition with the Supreme Court of Oklahoma for a declaratory judgment determining the validity of the proposed agreement. The review of the Court shall be based upon the exercise of any of the powers, rights, privileges, and functions conferred upon the

authority or the Oklahoma State University Medical Trust, as applicable, under the Oklahoma State University Medical Authority Act and Oklahoma laws. Exclusive original jurisdiction is conferred upon the Supreme Court to hear and determine such petitions. The Supreme Court shall give such petitions precedence over other business of the Court except habeas corpus proceedings.

2. Notice of the hearing of such a petition shall be given by a notice published in a newspaper of general circulation in this state that on a day specified the Supreme Court will hear the petition to approve the proposed agreement and enter a declaratory judgment. The notice shall be published one time not less than ten (10) days prior the date specified for the hearing. The notice shall inform property owners, taxpayers, citizens and all persons having or claiming any right, title, or interest in the proposed agreement or properties or funds to be affected by the implementation of the proposed agreement, or affected in any way thereby, that they may file protests against the approval of the proposed agreement, and be present at the hearing to contest the legality of the proposed agreement. The hearing may be adjourned from time to time at the discretion of the Court.

3. If the Court is satisfied that the proposed agreement is in accordance with the Oklahoma State University Medical Authority Act and Oklahoma laws, the Court shall enter a declaratory judgment approving and declaring the proposed agreement to be valid and conclusive as to the Authority, the Trust, and all other parties to the proposed agreement; and, upon petition of the Authority, shall issue an order permanently enjoining all persons described in the notice required by this subsection from thereafter instituting any action or proceeding contesting the validity of the proposed agreement. A declaratory judgment rendered pursuant to this subsection shall have force and effect of a final judgment or decree and shall be incontestable in any court in this state.

4. As used in the Oklahoma State University Medical Authority Act, "proposed agreement" means one or more contracts regarding the lease and operations of any hospital or hospitals owned by the Oklahoma State University Medical Authority and all other agreements contemplated by or referred to in the contract regarding such lease and operations.

Added by Laws 2006, c. 287, § 21, emerg. eff. June 7, 2006.

§63-3292. Leases from Oklahoma State University Medical Authority to Oklahoma State University Medical Trust - Transfers of title - Other agreements.

A. Contingent upon the creation of the Oklahoma State University Medical Trust as provided in Section 20 of this act, the Oklahoma State University Medical Authority is hereby authorized to lease, for a term of not more than fifty (50) years, renewable at the option of the Authority, all real property owned by the Authority and any other

sites under the control of the Authority to the Oklahoma State University Medical Trust. Any lease agreement made pursuant to this section shall be contingent upon:

1. Prior review by the Attorney General of any contractual agreement between the Oklahoma State University Medical Trust and any entity authorized to transact business in the State of Oklahoma regarding the lease and operations. The Attorney General shall disapprove the agreement if it is determined that provisions of the agreement are not consistent with state law; and

2. The execution of an operating and lease agreement between the Oklahoma State University Medical Trust and any entity authorized to transact business in the State of Oklahoma.

B. Concurrent with the execution of a lease of real property from the Oklahoma State University Medical Authority to the Oklahoma State University Medical Trust as provided in subsection A of this section, the Authority is authorized to transfer title to and possession of all tangible and intangible personal property under its control to the Trust. In any contractual agreement regarding the lease and operations of a hospital or hospitals between the Oklahoma State University Medical Trust and any entity authorized to transact business in the State of Oklahoma, the Trust is authorized to sell or otherwise convey to such entity all tangible and intangible personal property the Trust may receive from the Oklahoma State University Medical Authority. Any contract or other agreement which purports to exercise the powers authorized by this subsection is subject to review by the Contingency Review Board, as specified in Section 21 of this act.

C. If a contracting entity fails to take possession of the leased premises, or abandons or surrenders possession of the leased premises other than to a state agency, at any time during the term of the lease between the Oklahoma State University Medical Trust and the contracting entity, the interest in the real property leased to the Oklahoma State University Medical Trust by the Oklahoma State University Medical Authority shall revert to and be the sole and exclusive property of the Oklahoma State University Medical Authority.

D. Contingent upon the execution of an agreement between the Oklahoma State University Medical Trust and any entity authorized to transact business in the State of Oklahoma, as specified in subsection A of this section, the Oklahoma State University Medical Authority is authorized to enter into an agreement for such entity to provide patient care services and perform other related duties imposed upon the Oklahoma State University Medical Authority by law. Such an agreement between the Oklahoma State University Medical Authority and such entity is exempt from the requirements of the Oklahoma Central Purchasing Act and any rules adopted by the Oklahoma State University Medical Authority pursuant to the Administrative

Procedures Act. The governing committee created by the agreement and the Oklahoma State University Medical Trust shall be subject to the Open Meeting Act and the Open Records Act to the same extent and with the same exceptions as provided to for the Oklahoma State University Medical Authority in Section 5 of this act and shall be exempt from the Oklahoma Central Purchasing Act.
Added by Laws 2006, c. 287, § 22, emerg. eff. June 7, 2006.

§63-3293. Oklahoma State University Medical Trust Revolving Fund.
There is hereby created in the State Treasury a revolving fund for the Oklahoma State University Medical Trust to be designated the "Oklahoma State University Medical Trust Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated revenues. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Medical Trust.
Added by Laws 2006, c. 287, § 23, emerg. eff. June 7, 2006.

§63-3301. Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area - Membership - Duties and responsibilities.
A. There is hereby created until February 6, 2006, a Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area. The Commission shall be composed of nine (9) members as follows:
1. Three members from the House of Representatives, to be appointed by the Speaker of the House of Representatives;
2. Three members from the Senate, to be appointed by the President Pro Tempore of the Senate; and
3. Three members from the Office of the Governor, to be appointed by the Governor.
B. The co-chairpersons of the Commission shall be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Five members shall constitute a quorum. A quorum shall be present to conduct official business of the Commission. Vacancies on the Commission shall be filled by the authority where such vacancies exist. The Commission shall commence work not later than July 15, 2005.
C. Supportive services shall be provided by the staff of the Oklahoma House of Representatives and the State Senate. The Commission shall also have the authority to hire such consultants or auditors as deemed necessary to accomplish the duties and responsibilities of the Commission. The expense of hiring any consultants or auditors shall be paid by the Oklahoma State

University Center for Health Sciences and/or private or foundation funds.

D. The duties and responsibilities of the Commission shall include, but not be limited to:

1. Study, evaluate and investigate the management and operations of the Oklahoma State University Center for Health Sciences, including any relationships currently existing or proposed with hospitals in the Tulsa Metropolitan Service Area;

2. Evaluate the mission and ability of the Oklahoma State University Center for Health Sciences in providing medical teaching and residency programs to prepare doctors for placement in rural Oklahoma communities;

3. Investigate potential options for providing a stable teaching hospital environment for the continuation of residency programs for the Oklahoma State University Center for Health Sciences;

4. Audit and study all financial arrangements or proposed financial agreements related to maintaining the highest quality medical teaching and residency program possible for the Oklahoma State University Center for Health Sciences; and

5. Study, make recommendations, and submit a written report to the Legislature and the Governor by December 15, 2005, regarding the Oklahoma State University Center for Health Sciences and the future of the delivery and efficiency of teaching, residency, and medical services across rural Oklahoma and the delivery of care to the indigent, underserved, and nonindigent populations of the Tulsa Metropolitan Service Area. The report shall include, at a minimum, recommendations for appropriate written agreements for the lease and management of facilities, provision of indigent care, and recommended minimum levels of state appropriations required for the achievement of a long-term solution for graduate medical education at the Oklahoma State University Center for Health Sciences.

E. In performing its duties and responsibilities, the Commission may hold public hearings in various geographical locations of the state and may invite individuals and organizations to make presentations to the Commission. The Commission is further granted the authority to administer oaths, subpoena witnesses and records, and to hear evidence.

F. Travel reimbursement shall be the responsibility of the appointing authority and shall be subject to the State Travel Reimbursement Act. Legislative members to the Commission shall be reimbursed pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

G. The Commission shall not be subject to the provisions of the Oklahoma Open Records Act with respect to any proprietary information, financial information related to a private for-profit business entity or a nonprofit organization, or other information that would place a business entity or nonprofit organization at a

competitive disadvantage or that the entity would not disclose to a third party without the requirement of judicial process. The Commission may require that documents and records that it requests or that it compels be produced for its review subject to a protective order that prohibits disclosure of the information provided to any person other than a member of the Commission or its designated agents or representatives.
Added by Laws 2005, c. 410, § 4, eff. July 1, 2005.

§63-4001. Short title.
Sections 4002 through 4043 of this title shall be known and may be cited as the "Oklahoma Vessel and Motor Registration Act".
Added by Laws 1989, c. 346, § 1, eff. Jan 1, 1990. Amended by Laws 1990, c. 304, § 1, emerg. eff. May 30, 1990.

§63-4002. Definitions.
As used in the Oklahoma Vessel and Motor Registration Act:
1. "Boat livery" means a business establishment engaged in renting or hiring out vessels for profit;
2. "Canoe" means a light narrow vessel with both ends typically tapered to a sharp point which is propelled solely by its occupants, using a single-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches or similar arrangements;
3. "Certificate of documentation" means a document issued by the United States Coast Guard which is legal proof of ownership of a vessel;
4. "Certificate of registration" means a document which is legal proof of registration of a vessel or motor;
5. "Certificate of title" means a document which is proof of legal ownership of a vessel and/or motor;
6. "Commission" means:
a. the Oklahoma Tax Commission, or
b. the equivalent vessel registration and licensing agency of a federally recognized Indian tribe in this state;
7. "Dealer" means any person engaged in the business of selling, trading, renting with option to purchase, or attempting to negotiate or negotiating sales or exchanges of interests in new or used vessels or motors, or new and used vessels or motors, or any combination thereof;
8. "Dealer agreement" means the agreement, authorization or written contract between a manufacturer and distributor and a new vessel dealer which purports to establish the legal rights and obligations of the parties to the agreement, authorization or written contract with regard to the purchase and sale of new vessels or new motors;
9. "Designated successor" means one or more persons nominated by the new vessel dealer, in a written document filed by the dealer with

the manufacturer or distributor at the time the dealer agreement is executed, to succeed the dealer in the event of the dealer's death or incapacity. If a designated successor is not able to succeed the new vessel dealer because of the designated successor's death or legal incapacity, the dealer shall execute a new document nominating a designated successor within sixty (60) calendar days after the date of the death or incapacity;

10. "Distributor" means a person, resident or nonresident, who in whole or in part offers for sale, sells, or distributes a new vessel or new motor to a new vessel dealer or who maintains a factory representative, resident or nonresident, or who controls a person, resident or nonresident, who in whole or in part offers for sale, sells, or distributes a new vessel or new motor to a new vessel dealer;

11. "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes a factory branch is maintained;

12. "Distributor representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a distributor or distributor branch of vessels or motors, for the purpose of making or promoting the sale of his or her, its or their vessels or motors, or for supervising or contacting his, its or their dealers or prospective dealers;

13. "Documented vessel" means any vessel in this state which shall have and carry on board the original certificate of documentation in legible form as issued by the United States Coast Guard or federal agency successor thereto. All documented vessels shall be required to display a current State of Oklahoma annual registration decal;

14. "Factory branch" means a branch office maintained by a person, firm, association, corporation or trust who manufactures or assembles vessels or motors for the sale of vessels or motors to distributors, or for the sale of vessels or motors to dealers, or for directing or supervising, in whole or in part, its representatives;

15. "Factory representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a manufacturer of vessels or motors or by a factory branch, for the purpose of making or promoting the sale of his, her, its or their vessels or motors, or for supervising or contacting his, its or their dealers or prospective dealers;

16. "Hull identification number" means the serial number affixed to the outside of the hull of a vessel on the upper starboard side (right) corner of the transom (back wall) which is assigned by the manufacturer or the Commission;

17. "Inboard motor" means an internal combustion engine mounted inside a vessel which provides the transfer of power to move a vessel through the water;

18. "Inboard/outboard motor" means an internal combustion engine mounted inside a vessel and an external stern drive attached through the transom of the vessel providing the transfer of power to move the vessel through the water;

19. "John boat" means a narrow, flat bottomed square-ended vessel propelled by a pole, paddle or a motor of less than ten (10) horsepower;

20. "Kayak" means a light narrow vessel with both ends typically tapered to a sharp point and propelled by double-bladed paddles as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches or similar arrangements by one or more individuals seated inside or on top of the vessel and facing the direction of travel;

21. "Kiteboard" means a vessel, similar in appearance to a surfboard, with or without foot straps or bindings, combined with a large controllable kite to propel the rider and board across the water;

22. "Lifeboat" means a vessel carried on another vessel in excess of sixty-five (65) feet for use if such other vessel has to be abandoned;

23. "Manufacturer" means a person who manufactures or assembles new vessels or new motors, or a distributor, factory branch, or factory representative;

24. "Motor" means any internal combustion engine mounted at the stern of a vessel or placed inside a vessel which provides the transfer of power to move the vessel through the water;

25. "New vessel dealer" means a person who holds a dealer agreement granted by a manufacturer or distributor for the sale of the manufacturer's or distributor's vessels or motors, who is engaged in the business of purchasing, selling, exchanging, or dealing in new vessels or new motors, and who has an established place of business;

26. "Operate" means to navigate or be in actual physical control of a vessel or otherwise use a vessel or motor;

27. "Outboard motor" means an internal combustion engine capable of being externally mounted at the stern of a vessel which provides the transfer of power to move a vessel through the water;

28. "Owner" means a person, other than a lienholder, having a property interest in or title to a vessel or motor. The term includes a person entitled to the use or possession of a vessel or motor subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

29. "Paddleboard" means a vessel, similar in appearance to a surfboard, intended to be propelled only by its occupants using a

single- or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches or similar arrangements;

30. "Paddleboat" means a vessel less than eight (8) feet in length designed to be propelled solely by human power through a belt, chain or gears;

31. "Permanent number" means the distinctive and unique number which:

a. the Commission permanently assigns to a vessel, irrespective of any change of ownership of said vessel. The permanent number shall begin with the letters "OK", followed by four numerals, and then followed by two letters, or

b. any federally recognized Indian tribe in this state assigns to a vessel;

provided, the number is configured as prescribed in 33 C.F.R., Parts 173 and 174;

32. "Person" means a natural person, partnership, corporation, association, trust, estate or other legal entity;

33. "Proposed new vessel dealer" means a person who has an application pending for a new dealer agreement with a manufacturer or distributor. Proposed new vessel dealer does not include a person whose dealer agreement is being renewed or continued;

34. "Purchase date" means the purchase date on a bill of sale or the date of complete assignment of title by the current owner;

35. "Sailboard" means a vessel, similar in appearance to a surfboard, equipped with a swivel-mounted mast and sail not secured to a hull by guys or stays;

36. "State" means the State of Oklahoma;

37. "State of principal use" means the state where the vessel or motor is used, is to be used, or remains for any period in excess of sixty (60) calendar days;

38. "Vessel" means every device, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

39. "Waters of this state" means and includes all waters within the territorial limits of this state; provided, such phrase shall not mean or include waters which are entirely owned by a private person or persons, and to which the public is not permitted access; and

40. "Water-thrust device" means a device tethered to the water jet mechanism of a vessel in a manner so that the water jet of the powering vessel provides propulsion for the attached device. Such devices shall be considered a component of the powering vessel.

Added by Laws 1989, c. 346, § 2, eff. Jan. 1, 1990. Amended by Laws 1990, c. 304, § 2, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 1, eff. Jan. 1, 1993; Laws 2003, c. 393, § 1, emerg. eff. June 4, 2003;

Laws 2012, c. 323, § 1, eff. July 1, 2013; Laws 2019, c. 13, § 1, eff. Nov. 1, 2019.

§63-4003. Title and annual registration required - Vessels affected - Outboard motors affected - Sellers, traders and lessors required to be licensed.

A. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every vessel in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from the purchase date or from the date the owner becomes a resident of this state and annually registered under the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. The owner of any such vessel shall file an application as required by the Oklahoma Vessel and Motor Registration Act with the Oklahoma Tax Commission for a certificate of title, a number, and for the annual registration for such vessel on forms prescribed and furnished by the Commission.

2. The provisions of this subsection shall not apply to new vessels in the inventory or stock of licensed dealers for resale which new vessels shall be subject to ad valorem taxation.

3. Said provisions shall apply to and cover all used vessels in the possession and inventory of a dealer except as provided for in Section 4036 of this title.

B. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every outboard motor in excess of ten (10) horsepower in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from the purchase date, or from the expiration of registration, or from the date the owner becomes a resident of this state and registered under the provisions of the Oklahoma Vessel and Motor Registration Act.

The owner of any such motor shall file an application as required by the Oklahoma Vessel and Motor Registration Act for a certificate of title and for an annual registration for such vessel on forms prescribed and furnished by the Commission.

2. The provisions of this subsection shall not apply to new motors in the inventory or stock of licensed dealers for resale which such new motors shall be subject to ad valorem taxation.

3. Said provisions shall apply to and cover all used motors in the possession and inventory of a dealer except as provided for in Section 4036 of this title.

C. Any person engaged in the business of selling, trading, renting with option to purchase, or attempting to or negotiating sales or exchanges of interests in new or used vessels or motors, or new and used vessels or motors, or any combination thereof shall be licensed pursuant to Section 4033 of this title.

Laws 1989, c. 346, § 3, eff. Jan. 1, 1990; Laws 1992, c. 284, § 2, eff. Jan. 1, 1993.

§63-4004. Administration of act - Promulgation of rules and preparation of forms and records - Jurisdiction to enforce act and rules - Determination of factory-delivered price - Manual of procedure - Rules to comply with certain other laws.

A. It shall be the duty of the Oklahoma Tax Commission, and the Commission is hereby granted authority and jurisdiction to administer the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, with the aid of its motor license agents and all duly authorized peace officers of this state.

B. The Commission is hereby authorized to promulgate all necessary rules and prepare forms and records to enact and enforce the provisions of the Oklahoma Vessel and Motor Registration Act.

C. All duly authorized peace officers of this state are hereby granted authority and jurisdiction to enforce the provisions of and any rules pertaining to the Oklahoma Vessel and Motor Registration Act within their jurisdiction.

D. The Commission shall have the authority in cases of dispute to determine the factory-delivered price of any vessel or motor.

E. The Commission shall periodically cause to be prepared and shall distribute to each authorized motor license agent a manual of procedure containing instructions, directions and guidelines to be followed by all motor license agents in the performance of their duties regarding vessels and motors.

F. All rules promulgated pursuant to the provisions of this act shall comply with Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. In addition to other filing requirements of law, such rules shall be filed with the Commissioner of Public Safety.

Laws 1989, c. 346, § 4, eff. Jan. 1, 1990; Laws 1992, c. 284, § 3, eff. Jan. 1, 1993.

§63-4005. Exemptions.

A. A vessel or motor shall not be required to be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act if:

1. Such vessel or motor is owned by the United States, a state other than the State of Oklahoma, any agency thereof, or any subdivision of the state; provided, however, if such vessel is used for recreational or rental purposes on the waters of this state, said vessel shall be registered and numbered in accordance with Section 4002 et seq. of this title;

2. Such vessel or motor is owned by a visiting nonresident and is currently registered in another state. Provided that if any such vessel or motor remains in Oklahoma in excess of sixty (60) calendar days, such vessel or motor shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act and the

registration fees due thereon from the date of entry into Oklahoma must be paid;

3. Such vessel or motor is from a country other than the United States provided such vessel or motor does not remain in Oklahoma in excess of sixty (60) calendar days;

4. Such vessel is used exclusively and solely as a lifeboat;

5. Such vessel is used exclusively and solely for racing purposes;

6. Such vessel is a commercial flotation device which is issued a license by the Grand River Dam Authority pursuant to the provisions of the Scenic Rivers Act; provided, a commercial flotation device shall be required to be titled pursuant to the provisions of Section 4008 of this title;

7. Such vessel is a documented vessel provided such documented vessel shall be required to be registered pursuant to the provisions of Section 4016 of this title; or

8. Such vessel is a canoe, kayak or paddleboat as defined in Section 4002 of this title, except that such vessels, when powered by any means other than human power, shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

B. Motors classified as inboard motors shall not be required to be titled or registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

C. All vessels and motors which are owned by the State of Oklahoma, its agencies or departments, or political subdivisions thereof, or which, under the law, would be exempt from direct ad valorem taxation, shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act. Provided, all vessels and motors titled and registered to the Department of Public Safety shall be exempt from all registration fees.

D. All other vessels shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

E. At the request of the owner, any vessel exempt from the title and registration provisions of this section shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act for the purposes of proof of ownership or vessel identification. All title and registration fees shall be paid by the owner of the vessel.

Added by Laws 1989, c. 346, § 5, eff. Jan. 1, 1990. Amended by Laws 1990, c. 304, § 3, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 4, eff. Jan. 1, 1993; Laws 1993, c. 321, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 152, § 1, eff. July 1, 1994; Laws 2005, c. 190, § 16, eff. Sept. 1, 2005; Laws 2019, c. 13, § 2, eff. Nov. 1, 2019.

§63-4006. Utilization of motor license agents.

The Commission is hereby authorized and directed to utilize its motor license agents appointed under the Oklahoma Vehicle License and Registration Laws in the administration of the Oklahoma Vessel and Motor Registration Act.
Added by Laws 1989, c. 346, § 6, eff. Jan. 1, 1990.

§63-4007. Confidentiality of title and registration information - Penalties - Copies of certificate of title or registration.

A. Except as otherwise provided by this section, all information contained in the certificate of title or the registration of any vessel or motor shall be confidential and privileged, subject only to disclosure to the following:

1. Any duly authorized peace officer of this state in the regular course of the peace officer's duties;

2. Any official person or body of any other state or of the United States, when required in their governmental functions;

3. Any person or firm, when the Oklahoma Tax Commission is satisfied the request for information is reasonable and is related primarily to boating safety;

4. Any filer of a mechanics, storage or abandoned vessel possessory lien under the applicable provisions of Sections 91 through 200 of Title 42, Section 908 of Title 47 or Section 4217.4 of Title 63 of the Oklahoma Statutes, when such information is required to fulfill the notification requirements contained therein;

5. Any vessel or motor manufacturer or an authorized representative thereof in connection with matters of vessel or motor safety and theft, vessel motor emissions, vessel or motor product alterations, recalls or advisories, performance monitoring of vessel or motor parts and dealers, vessel or motor market research activities, including survey research, and removal of non-owner records from the original owner records of vessel or motor manufacturers. The confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Tax Commission shall be authorized to review the use of and the measures employed to safeguard the information; and provided, further, that the manufacturer or representative shall bear the cost incurred by the Tax Commission in the production of the information requested. If the confidentiality provisions, pursuant to this section, are violated, the provisions of subsection D of Section 205 of Title 68 of the Oklahoma Statutes shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or representative violating the provisions of this section, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00); and

6. Any person compiling and publishing vessel or motor statistics, provided that such statistics do not disclose the names

or addresses of individuals. Such information shall be provided upon payment of a fee as determined by the Tax Commission.

B. The Tax Commission or a motor license agent may furnish the holder of a security interest in a specific vessel or motor upon payment of the fee specified by Section 4014 of this title, a copy or certified copy of the certificate of title or registration information for such vessel.

Laws 1989, c. 346, § 7, eff. Jan. 1, 1990; Laws 1992, c. 284, § 5, eff. Jan. 1, 1993; Laws 2004, c. 534, § 12, eff. Nov. 1, 2004; Laws 2005, c. 479, § 3, eff. July 1, 2005.

§63-4008. Application for certificate of title - Transmittal - Issuance - Confirmation.

Except as otherwise provided in Section 4005 of this title, the owner of every vessel or motor in this state shall possess a certificate of title as proof of ownership of such vessel or motor. Application for a certificate of title, whether an original or duplicate, may be made to the Oklahoma Tax Commission or any motor license agent. When application is made with a motor license agent, the application information shall be transmitted either electronically or by mail to the Commission by the motor license agent. If the application information is transmitted electronically, the motor license agent shall forward the required application along with evidence of ownership, where required, by mail. Where the transmission of application information cannot be performed electronically, the Commission is authorized to provide postage-paid envelopes to motor license agents for the purpose of mailing the application along with evidence of ownership, where required. The Commission shall upon receipt of proper application information issue an Oklahoma certificate of title. Such certificates may be mailed to the applicant. Upon issuance of a certificate of title, the Commission shall provide the appropriate motor license agent with confirmation of such issuance.

Laws 1989, c. 346, § 8, eff. Jan. 1, 1990; Laws 1992, c. 284, § 6, eff. Jan. 1, 1993.

§63-4009. Application for certificate of title or registration - Contents - Manufacturer's certificate of origin - Identification number - Homemade vessels - Lien entry form for certain vessels - Delivery of certificate.

A. The application for a certificate of title and registration for a vessel or an outboard motor shall be upon a form furnished by the Oklahoma Tax Commission and shall contain:

1. A full description of the vessel or outboard motor;

2. The manufacturer's serial and model number or other identification number;

3. The length of the vessel;

4. The date on which first sold by the manufacturer or dealer to the owner;

5. Any distinguishing marks;

6. A statement of the applicant's source of title;

7. Whether the vessel is a documented vessel and the number assigned to such vessel;

8. Any security interest upon said vessel or outboard motor, or vessel and motor; and

9. Such other information as the Commission may require.

Every original or duplicate certificate of title and registration for a vessel or an outboard motor shall contain all items listed in this subsection.

B. To obtain an original certificate of title for a vessel or outboard motor that is being registered for the first time in this state or for a vessel or outboard motor that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin or at the discretion of the Commission a copy of the manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by the Commission. A manufacturer's certificate of origin shall contain:

1. The manufacturer's serial or other identification number;

2. Date on which first sold by the manufacturer to the dealer;

3. Any distinguishing marks including model and the year same was made;

4. A statement of any security interests upon said vessel or outboard motor, or vessel and motor; and

5. Such other information as the Commission may require.

C. In the absence of a dealer's or manufacturer's number, the Commission may assign such identifying number to the vessel or outboard motor, which shall be permanently stamped, burned or pressed into or attached onto such vessel or outboard motor.

D. Every dealer selling new or used vessels or outboard motors and every individual not licensed as a dealer who sells a new or used vessel or outboard motor shall verify the hull identification number or serial number is the same as the number on the current registration of the vessel or outboard motor. The seller of the vessel or outboard motor shall sign a notarized affidavit, under penalty of perjury, affirming the numbers are the same.

E. 1. Before a homemade vessel is issued a hull identification number from the Commission, the vessel and the motor shall be inspected by a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety or by any other employee of the Department or any other law enforcement officer of the state as the Commissioner of Public Safety may designate, pursuant to the

rules promulgated by the Commissioner of Public Safety. For the purposes of this act, "homemade vessel" means any vessel not allotted a hull identification number (HIN) by a manufacturer, and specifically excludes any vessel upon which the hull identification number has been covered, altered, defaced, destroyed, or removed.

2. The Department of Public Safety is hereby granted authority and jurisdiction, pursuant to Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, to promulgate, administer and enforce all necessary rules deemed necessary to implement the provisions of this section.

3. The Department of Public Safety shall prescribe all forms deemed necessary to implement the provisions of this section.

F. It shall be unlawful to:

1. Improperly display or fail to display a vessel's hull identification number;

2. Operate or possess a vessel on which the hull identification number has been removed; or

3. Operate or possess a motor on which the serial number has been removed.

G. When registering in this state a vessel which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, the Oklahoma Tax Commission or the motor license agent shall complete a lien entry form as prescribed by said Commission. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 4013 of this title. For completing the lien entry form and recording the security interest on the certificate of title, the Commission or the motor license agent shall collect a fee of Three Dollars ($3.00) which shall be in addition to other fees provided by the Oklahoma Vessel and Motor Registration Act.

H. Upon payment of all fees and taxes, a certificate of title, a certificate of registration and, for a vessel, two registration decals or, for an outboard motor, one registration decal shall be delivered to the applicant. Provided, yearly decals shall be issued for vessels and motors titled and registered to the Department of Public Safety.

Added by Laws 1989, c. 346, § 9, eff. Jan. 1, 1990. Amended by Laws 1992, c. 284, § 7, eff. Jan. 1, 1993; Laws 1997, c. 146, § 8, eff. Nov. 1, 1997; Laws 1999, c. 332, § 1, eff. Nov. 1, 1999; Laws 2005, c. 190, § 17, eff. Sept. 1, 2005.

§63-4009.1. Serial numbers for outboard motors – Rules - Penalties.

A. 1. The Department of Public Safety shall promulgate rules specifying the location and manner in which serial numbers for outboard motors shall be affixed. In promulgating such rules, the

Department shall consider the existence of voluntary industry standards, the current state of technology and the overall process of reducing vessel and motor thefts in this state.

2. Any outboard motor manufactured on or after October 1, 1985, which is for sale in this state shall comply with the rules promulgated pursuant to this section.

3. Any person, firm or corporation which sells or offers to sell any outboard motor or outboard motor part manufactured on or after October 1, 1985, which does not comply with this subsection shall be, upon conviction, guilty of a misdemeanor, punishable by a fine of up to Five Hundred Dollars ($500.00), imprisonment in the county jail for a period of up to one (1) year, or both such fine and imprisonment.

B. 1. It is unlawful for any person to knowingly possess any outboard motor or outboard motor part upon which the serial number required by subsection A of this section has been removed, erased, defaced or otherwise altered to prevent identification.

2. It is unlawful for any person to knowingly possess, manufacture, sell or exchange, offer to sell or exchange, aid in sale or exchange, supply in blank, authorize or direct, give away, or to conspire to or attempt to commit any of the previously mentioned acts, any counterfeit manufacturer's outboard motor or outboard motor part serial number plate or decal, used for the purpose of identification of any outboard motor or outboard motor part, or to conspire or attempt to commit any of these acts.

3. Any person violating any provision of this subsection shall be, upon conviction, guilty of a felony.

C. If any serial number required by this section to identify ownership of an outboard motor or outboard motor part does not exist or has been removed, erased, defaced or otherwise altered to prevent identification, and the true identity cannot be determined, the outboard motor or outboard motor part may be seized by any peace officer in this state and shall be subject to forfeiture pursuant to the procedures established for the law enforcement agency by which the seizing officer is employed. Such outboard motor or outboard motor part may not be sold or used to propel a vessel on the waters of this state unless and until the Department of Public Safety is directed by the Oklahoma Tax Commission to issue to the outboard motor or outboard motor part a replacement identifying number which shall be affixed to the motor or part and shall thereafter be used for identification purposes of the motor or part.

Added by Laws 1999, c. 332, § 6, eff. Nov. 1, 1999.

§63-4010. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4011. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4012. Sale or transfer of ownership - Assignment of certificate - Presentment of assigned certificate - Delivery of certificate - Filing and indexing - Passage of ownership by operation of law - Homemade vessels - Bills of sale - Duplicate certificates.

A. In the event of the sale or transfer of the ownership of a vessel or motor for which a certificate of title has been issued, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on said vessel or motor sworn to before a notary public or some other person authorized by law to take acknowledgments, and deliver same to the purchaser or transferee at the time of delivery to him of such vessel or motor. The purchaser or transferee, unless such person is a bona fide dealer licensed by the State of Oklahoma, shall, within thirty (30) calendar days from the time of delivery to him of such vessel or motor, present the assigned certificate of title to the Oklahoma Tax Commission, or one of its motor license agents, accompanied by the fee required pursuant to Section 4014 of this title, together with any excise tax or registration fee that may be due, whereupon a new certificate of title, shall be issued to the assignee.

B. A licensed dealer shall, on selling or otherwise disposing of a vessel or motor, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned.

C. Said certificate, when so assigned and returned to the Commission, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vessel or motor designated therein. Provided, when the ownership of any vessel or motor shall pass by operation of law, the person owning such vessel or motor may, upon furnishing satisfactory proof to the Commission of such ownership, procure a title to said vessel or motor, regardless of whether a certificate of title has ever been issued. Provided, however, all homemade vessels shall first comply with the provisions of subsection D of Section 4009 of this title.

D. The dealer shall execute and deliver to the purchaser bills of sale for all new vessels or new motors sold by him. On presentation of a bill of sale by a dealer for a new vessel or motor sold in this state, accompanied by any fee required by Section 4014 of this title and any excise tax that may be due, a certificate of title shall be issued.

E. Upon proper proof of a lost certificate of title being made to the Commission or one of its motor license agents, accompanied by an application therefor and payment of the fees required by Section 4014 of this title, a duplicate certificate of title shall be issued to said applicant.

Laws 1989, c. 346, § 12, eff. Jan. 1, 1990; Laws 1992, c. 284, § 8, eff. Jan. 1, 1993.

§63-4013. Perfection of security interest - Applicability of Title 12A - Surrender of certificate or application to secured party - Delivery to Commission - Satisfaction and release - Penalty - New certificate - Security interests perfected prior to effective date of act.

A. 1. Except for a security interest in vessels or motors held by a dealer for sale or lease, a security interest, as defined in paragraph (37) of Section 1-201 of Title 12A of the Oklahoma Statutes, in a vessel or motor as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form prescribed by the Tax Commission, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin or other identification number containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Tax Commission or to a motor license agent. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 1-9-311 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vessels or motors as to which a certificate of title may be properly issued by the Tax Commission, except as to vessels or motors held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vessels or motors as to which a certificate of title may be properly issued by the Tax Commission.

2. Whenever a person creates a security interest in a vessel or motor, such person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Tax Commission, and the manufacturer's certificate of origin or other identification number. The secured party shall deliver the lien entry form and the required lien filing fee within twenty-five (25) calendar days as provided hereafter with certificate of title or the application for certificate of title, and the manufacturer's certificate of origin or other identification number to the Tax Commission or to a motor license agent. Perfection of the security interest shall begin from the date of the delivery to the Tax Commission or to a motor license agent of (i) the lien entry form, (ii) the lien filing fee, and (iii) the certificate of title or application for certificate of title and the manufacturer's certificate of origin or other identification number. When a vessel or motor title is presented to a motor license agent for transfer or registration and the documents reflect a lienholder, the motor license agent shall perfect the lien as

provided for in subsection G of Section 1105 of Title 47 of the Oklahoma Statutes.

3. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's certificate of origin or other identification number, a motor license agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin or other identification number with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) calendar days from the date of purchase of said vessel or motor.

5. Any person creating a security interest in a vessel or motor that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of such certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, such agent shall make a report thereof to the Tax Commission upon the forms and in the manner as may be prescribed by the Tax Commission.

7. The Tax Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on such vessel or motor.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of such security interest, furnish directly or by mail a release of a security interest to the Tax Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used boat dealer to whom the used vessel or motor has been transferred, the secured party shall also, within seven (7) business days after such satisfaction, mail a certified copy of copy number one of the release of security interest to such dealer. If the secured party fails to furnish such release as herein required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars ($100.00) and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Tax Commission or to a motor license agent:

a. a release signed by the secured party, an application for new certificate of title and the proper fees, or

b. by submitting to the Tax Commission or the motor license agent an affidavit, supported by such documentation as the Tax Commission may require, by the owner on a form prescribed by the Tax Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Tax Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied. The Tax Commission shall accept a release of a security interest in any form that identifies the debtor, the secured party, and the vessel or motor and contains the signature of the secured party. The Tax Commission shall not require any particular form for the release of a security interest.

The words "security interest" when used in the Oklahoma Vessel and Motor Registration Act do not include liens dependent upon possession.

C. The Tax Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vessel or motor designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the Tax Commission as to the existence or nonexistence of security interest in the vessel or motor.

D. 1. Any security interest in a vessel or motor properly perfected prior to January 1, 1990, may be continued as to its effectiveness or duration as provided by Section 1-9-515 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 1-9-513 and 1-9-514 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date said security interest was originally perfected under the prior law.

2. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender said certificate of title to the secured party and shall do such other acts as may be required to perfect said security interest under this section.

Added by Laws 1989, c. 346, § 13, eff. Jan. 1, 1990. Amended by Laws 1992, c. 284, § 9, eff. Jan. 1, 1993; Laws 1996, c. 337, § 1, eff. July 1, 1996; Laws 2000, c. 371, § 179, eff. July 1, 2001; Laws 2004, c. 534, § 13, eff. Nov. 1, 2004.

§63-4014. Fees.

A. The charge for each certificate of title for any vessel or motor issued shall be Two Dollars and twenty-five cents ($2.25), which charge shall be in addition to any excise taxes or fees imposed by law for such vessel or motor. One Dollar ($1.00) of each such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

B. The charge for a duplicate certificate of title shall be Two Dollars and twenty-five cents ($2.25) which charge shall be in addition to any other fees imposed by this section for any such vessel or motor. One Dollar ($1.00) of such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

C. For each security interest recorded on a certificate of title, or manufacturer's certificate of origin or other identification number, such person shall pay a fee of Eight Dollars ($8.00), which shall be in addition to other fees provided for in this section.

D. 1. When an application for a new certificate of title or duplicate certificate of title for a vessel or motor is made to the Commission or one of its motor license agents, anapplication fee in the amount of One Dollar and twenty-five cents ($1.25) for the issuance of such certificate of title shall be charged and collected.

2. For recording a security interest on a certificate of title or manufacturer's certificate of origin or other identification number, the Commission or a motor license agent shall charge Two Dollars ($2.00) for each security interest so recorded.

E. 1. The charge for a copy of certificate of title information is One Dollar ($1.00) for each instrument.

2. The charge for a certified copy of certificate of title information is Two Dollars ($2.00) for each instrument.

Added by Laws 1989, c. 346, § 14, eff. Jan. 1, 1990.

§63-4015. Application required - Time - Contents.

Except as otherwise provided by Sections 4005 and 4024 of this title, every owner of a vessel or motor possessing a certificate of title shall make an application for the registration of such vessel or motor with the Oklahoma Tax Commission or with a motor license agent within thirty (30) calendar days from the purchase date, or from the expiration of registration, or from the date the owner becomes a resident of this state. The application shall contain such information as shall be required by the Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

Laws 1989, c. 346, § 15, eff. Jan. 1, 1990; Laws 1992, c. 284, § 10, eff. Jan. 1, 1993.

§63-4016. Application for registration of vessel - Contents - Issuance of certificate and assignment of permanent number - Availability and inspection of certificate and bill of sale.

A. Every owner of a vessel, when making application for registration, shall furnish the following information:

1. A full description of the vessel including the manufacturer's serial, model, or other identification number, the manufacturer's factory delivered price, and the total delivered price of said vessel;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vessel is to be registered resides;

3. The county of location of the vessel; and

4. Such other information as may be prescribed by the Commission.

B. Upon the filing of a registration application for a vessel and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, the Oklahoma Tax Commission shall issue the owner of the vessel a certificate of registration and two registration decals and shall also assign a permanent number for the vessel described in the application. The registration decals and the permanent number shall be recorded on the annual registration certificate covering such vessel. The permanent number shall be displayed upon the vessel as required by Section 4030 of this title.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used vessels, prior to receipt of the certificate of registration and the registration decals, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration and the registration decals, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

Added by Laws 1989, c. 346, § 16, eff. Jan. 1, 1990. Amended by Laws 1992, c. 284, § 11, eff. Jan. 1, 1993; Laws 1997, c. 146, § 9, eff. Nov. 1, 1997; Laws 1999, c. 332, § 2, eff. Nov. 1, 1999.

§63-4017. Application for registration of motor - Contents - Issuance of certificate - Availability and inspection of certificate and bill of sale.

A. Every owner of an outboard motor in excess of ten (10) horsepower, when making application for registration, shall furnish the following information:

1. A full description of the outboard motor including the manufacturer's serial, model, or other identification number, the manufacturer's factory delivered price, and the total delivered price of said outboard motor;

2. The correct name and address, and the name of the city, county and state in which the person in whose name the outboard motor is to be registered resides;

3. The county of location of such outboard motor; and

4. Such other information as may be prescribed by the Oklahoma Tax Commission.

B. Upon the filing of a registration application for an outboard motor and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, the Commission shall issue the owner of the outboard motor a certificate of registration and a registration decal.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used outboard motors, prior to receipt of the certificate of registration and the registration decal, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration and the registration decal, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

Added by Laws 1989, c. 346, § 17, eff. Jan. 1, 1990. Amended by Laws 1992, c. 284, § 12, eff. Jan. 1, 1993; Laws 1997, c. 146, § 10, eff. Nov. 1, 1997; Laws 1999, c. 332, § 3, eff. Nov. 1, 1999.

§63-4018. Members of armed forces or spouses - Registration requirements.

A. Any vessel or motor in this state which is not registered and licensed for the current year in the state of residence or domicile of any person who is a member of the Armed Forces of the United States or the spouse of such member owning a vessel or motor must be registered as provided by the Oklahoma Vessel and Motor Registration Act, except that any such vessel or motor which has been licensed in some other state by such member or spouse of such member while stationed in said other state may be operated in this state for the remainder of the year or period for which it is licensed. If the vessel or motor currently is registered with the Armed Forces of the United States rather than being registered in a state and the member is transferred to a duty station within this state pursuant to military orders, the member or spouse of such member owning the

vessel or motor shall not be required to register the vessel or motor in this state for a period of thirty (30) days after the date the member is required to report for duty by said military.

B. Any person who is a member of the Armed Forces of the United States who is a resident of this state and who is stationed in this state or spouse of such person may make application for a certificate of registration pursuant to the provisions of this section.

C. Any person who is a member of the Armed Forces of the United States, or spouse applying for a registration of any such vessel or motor shall submit an appropriate statement, to be attached to the vessel or motor registration application, showing the following: A description of the vessel or motor owned by applicant; the state and address of the applicant's legal residence or domicile; that applicant or applicant's spouse is on active duty in the Armed Forces of the United States assigned or stationed at a named location in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which applicant is assigned for duty, or where the applicant is the spouse of such member serving in a foreign country the statement shall be signed by said spouse under the penalties of perjury.

Added by Laws 1989, c. 346, § 18, eff. Jan. 1, 1990.

§63-4019. Registration fees - Due date - Delinquency - Registration dates - Proportional fees.

A. 1. The registration fees herein levied upon vessels and motors located within this state shall be due on the first day of July each year and shall become delinquent on the first day of August thereafter.

2. Any person owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the annual registration fee as provided by the Oklahoma Vessel and Motor Registration Act, on or before the 31st day of July each year, shall be deemed delinquent.

B. On the registration of new vessels or new motors purchased in this state and on new or used vessels or motors used in this state or brought into this state between July 1 and September 30, inclusive, of any year the payment of the full annual registration and license fee shall be collected; and between October 1 and December 31, inclusive, of any year the payment of three-fourths (3/4) the annual registration and license fee shall be collected; and between January 1 and March 31, inclusive, of any year the payment of one-half (1/2) the annual registration and license fee shall be collected; and between April 1 and June 30, inclusive, of any year the payment of one-fourth (1/4) of the annual registration and license fee shall be collected.

C. Any person registering a vessel or motor under the provisions of the Oklahoma Vessel and Motor Registration Act may elect to have the vessel or motor registered for a three-year period. If a person elects to register the vessel or motor for a three-year period, the person shall pay ninety percent (90%) of the registration fees that the person would have otherwise paid if the person had registered the vessel or a motor on an annual basis over the three-year period. If a person is registering a vessel or motor pursuant to the provisions of subsection B of this section and elects to register the vessel or motor for a three-year period, the partial year registration shall count as one of the three (3) years of registration. The motor license agent registering the vessel or motor for a three-year period shall receive one hundred percent (100%) of the fees the motor license agent would have otherwise received pursuant to subsection B of Section 1141.1 of Title 47 of the Oklahoma Statutes if the vessel or motor had been registered on an annual basis over the three-year period.

Added by Laws 1989, c. 346, § 19, eff. Jan. 1, 1990. Amended by Laws 1990, c. 304, § 4, emerg. eff. May 30, 1990; Laws 2004, c. 379, § 1, eff. Nov. 1, 2004.

§63-4020. Notice of registration requirements.

The Oklahoma Tax Commission shall notify through the mail, or via electronic mail, all persons who have not opted out of the notification system within the state who have previous vessel or motor registrations on record of the period for registration that are due to be registered in July of that year. Persons choosing to receive such annual notification through the mail shall be assessed an annual fee of fifty cents ($0.50), notwithstanding the provisions of Section 1114.1 of Title 47 of the Oklahoma Statutes, which shall be used by the Tax Commission for printing and mailing of renewal notifications. Members of the armed forces of the United States, the Reserve Corps of the armed forces of the United States, and the Oklahoma National Guard and their spouses eligible for the military registration fee, as provided in Section 4021 of this title, shall receive a renewal notification without payment of such fee. The printed notice shall contain all necessary information for such registration including a breakdown of all charges to be paid by the owner. The breakdown of the charges to be paid by the owner shall include the charges an owner would pay to register the vessel or motor for a one-year period and the charges an owner would pay to register the vessel or motor for a three-year period. Use of a postcard or electronic mail-type renewal notice is specifically permitted. The content and form of the notice shall also contain instructions as to the procedure for renewal upon presentation to a motor license agent or by return mail to the Tax Commission's state office. The Tax Commission shall provide information on its public

website instructing persons on the procedure for obtaining an annual notification via electronic mail, free of charge, outlining all charges and fees associated with the registration of vessels and motors, as well as an explanation of the apportionment of vessel and motor registration fees and penalties. The cost of mailing shall be One Dollar ($1.00) for titles or other forms or devices required by the Oklahoma Vessel and Motor Registration Act. Provided, that the Tax Commission may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

Failure by any applicant to receive notification of renewal as provided by this section shall not excuse the applicant from properly obtaining any registration at the proper time by presenting proof of ownership to the Tax Commission's state office or to a motor license agent.

Added by Laws 1989, c. 346, § 20, eff. Jan. 1, 1990. Amended by Laws 2004, c. 379, § 2, eff. Nov. 1, 2004; Laws 2010, c. 390, § 1, emerg. eff. June 7, 2010.

§63-4021. Fees - Exemptions - Credits - Duplicate certificates.

A. The application required for the initial and subsequent registration of a vessel or a motor shall be accompanied by payment of the following fees:

1. Where the manufacturer’s factory delivered price, or in the absence of such price being published in a recognized publication for the use of marine dealers and/or for purposes of insurance and financing firms, where the provable original or new cost of all materials, is One Hundred Fifty Dollars ($150.00) or less, the registration and license fee for the first and for each succeeding year’s registration shall be One Dollar ($1.00);

2. Where the manufacturer’s factory delivered price, or in the absence of such price being published as provided in paragraph 1 of this section, where the value of such vessel or motor is determined and fixed as above required and, is in excess of One Hundred Fifty Dollars ($150.00), there shall be added to the fee of One Dollar ($1.00), the sum of One Dollar ($1.00) for each One Hundred Dollars ($100.00) or any fraction thereof, in excess of One Hundred Fifty Dollars ($150.00) provided such fee shall not exceed One Hundred Fifty Dollars ($150.00);

3. After the first year’s registration in this state under the Oklahoma Vessel and Motor Registration Act of any new vessel or new motor under paragraph 2 of this subsection, the registration for the second year shall be ninety percent (90%) of the fee computed and assessed hereunder for the first year, and thereafter, such fee shall be computed and assessed at ninety percent (90%) of the previous year’s fee and shall be so computed and assessed for the next nine

(9) successive years provided such fee shall not exceed One Hundred Fifty Dollars ($150.00);

4. The initial and subsequent registration fee for any vessel which is a part of a fleet used for lodging and for which a rental fee and sales tax are collected shall be Forty Dollars ($40.00) in lieu of the fees required by paragraphs 1 through 3 of this subsection. For the purpose of this paragraph, "fleet" means twenty or more vessels operated by a business organization from a single anchorage. The fee provided for in this paragraph may be reduced annually to zero until the total reduction equals the difference between the sum of the fees paid pursuant to paragraphs 1 through 3 of this subsection for the two registration years preceding January 1, 1990, and the fee provided for in this paragraph;

5. For any vessel or motor owned and numbered, registered or licensed prior to January 1, 1990, in this or any other state, or in the absence of such registration upon proof of the year, model and age of same, the registration fee shall be computed and assessed at the rate hereinabove provided for a new vessel or motor based on the value thereof determined as provided in this subsection, but reduced as though same had been registered for each prior year of its existence. Except as provided in paragraph 1 of this subsection, the registration fee for the eleventh year computed in accordance with the provisions of this subsection shall be the amount of the fee to be assessed for such eleventh year and shall be the minimum annual registration fee for such vessel or motor for any subsequent year; and

6. The initial and subsequent registration fee for any vessel or motor which is not being used in a trade or business or for any commercial purpose and is owned by:

a. a nonresident member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders,

b. a resident member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders,

c. the spouse, who resides in Oklahoma, of a resident or nonresident member of the Armed Forces of the United States serving in a foreign country, or

d. any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States,

shall be the lesser of either a Fifteen Dollar ($15.00) registration fee or the fee computed and assessed for vessels or motors of similar age and model pursuant to this section.

B. As used in this section, the term "manufacturer's factory delivered price" shall represent the recommended retail selling price and shall not mean the wholesale price to a dealer.

C. The Oklahoma Tax Commission shall assess the registration fees and penalties for the year or years a vessel or motor was not registered as provided in the Oklahoma Vessel and Motor Registration Act. For vessels or motors not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

D. Upon each vessel or motor repossessed by a mortgagee, a fee of Forty-six Dollars ($46.00) shall be assessed. This fee shall be in lieu of any applicable vessel or motor excise tax and registration fees. Each motor license agent accepting applications for certificates of title for such vessel or motors shall receive Seven Dollars ($7.00) to be deducted from the license fee specified in this paragraph for each application accepted.

E. All vessels or motors owned by the State of Oklahoma, its agencies or departments, or political subdivisions thereof, or which under the law would be exempt from direct ad valorem taxation, shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act for an annual fee of Two Dollars and twenty-five cents ($2.25) irrespective of whether registered by a motor license agent or the Tax Commission.

F. All vessels and motors owned:

1. By the Boy Scouts of America, the Girl Scouts of U.S.A., and the Camp Fire USA, devoted exclusively to youth programs emphasizing physical fitness, character development and citizenship training;

2. By the Department of Public Safety; and

3. By organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which are primarily devoted to the establishment, development, operation, promotion, and participation in, alone or in conjunction with others, educational and training programs and competitive events to provide knowledge, information, or comprehensive skills related to the sports of sailing, fishing, boating, and other aquatic related activities;

are hereby exempt from the payment of registration fees required by this section. Provided all of such vessels or motors shall be registered and shall otherwise comply with the provisions of the Oklahoma Vessel and Motor Registration Act.

G. A credit shall be allowed with respect to the fee for registration of any new vessel or new motor, when such new vessel or motor is a replacement for:

1. A new original vessel or new original motor which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vessel or new original motor as certified by a police report or other documentation as required by the Tax Commission; or

2. A defective new original vessel or new original motor returned by the purchaser/registrant to the seller within six (6)

months of the date of purchase of the defective new original vessel or new original motor as certified by the manufacturer.

Such credit shall be in the amount of the fee for registration which was paid for the new original vessel or new original motor and shall be applied to the registration fee for the replacement vessel or motor. In no event will said credit be refunded.

H. Upon proper proof of a lost certificate of registration being made to the Tax Commission or one of its motor license agents, accompanied by an application therefor and payment of the fees required by the Oklahoma Vessel and Motor Registration Act, a duplicate certificate of registration shall be issued to the applicant. The charge for such duplicate certificate of registration shall be Two Dollars and twenty-five cents ($2.25), which charge shall be in addition to any other fees imposed by Section 4022 of this title for any such vessel or motor.

I. In addition to any other fees levied by the Oklahoma Vessel and Motor Registration Act, there is levied and there shall be paid to the Tax Commission, for each year a vessel or motor is registered, a fee of One Dollar ($1.00) for each vessel or motor for which a registration or license fee is required pursuant to the provisions of this section. The fee shall accrue and shall be collected upon each vessel or motor under the same circumstances and shall be payable in the same manner and times as apply to vessel and motor licenses and registrations under the provisions of the Oklahoma Vessel and Motor Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

Monies collected pursuant to this subsection shall be apportioned by the Tax Commission to the State Treasurer for deposit in the Trauma Care Assistance Revolving Fund created in Section 330.97 of this title.

The collection and payment of the fee shall be a prerequisite to license or registration of any vessel or motor.

J. If a vessel or motor is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax, transfer fees, and penalties and interest; provided, subsequent to such donation, if the person, entity or party acting on another’s behalf who donated the vessel or motor, purchases the same vessel or motor from the nonprofit charitable organization receiving the original donation, such person, entity or party acting on another’s behalf shall be liable for all current and past due registration fees, excise tax, transfer fees, and penalties and interest on such vehicle.

Added by Laws 1989, c. 346, § 21, eff. Jan. 1, 1990. Amended by Laws 1999, c. 332, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 14, emerg. eff. March 20, 2000; Laws 2002, c. 374, § 2, eff. July 1, 2003; Laws

2004, c. 534, § 14, eff. Nov. 1, 2004; Laws 2005, c. 190, § 18, eff. Sept. 1, 2005; Laws 2006, c. 272, § 6, eff. Nov. 1, 2006.
NOTE: Laws 1999, c. 278, § 3 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 379, § 3 repealed by Laws 2005, c. 1, § 101, emerg. eff. March 15, 2005. Laws 2005, c. 1, § 100 repealed by Laws 2006, c. 16, § 49, emerg. eff. March 29, 2006. Laws 2006, c. 16, § 48 repealed by Laws 2007, c. 1, § 54, emerg. eff. Feb. 22, 2007.
NOTE: Laws 2002, c. 374, § 2 made no changes to this section.

§63-4022. Application directly to Commission or motor vehicle agent - Copies - Fees.

A. In addition to the registration fees required by Section 4021 of this title, when any such application for registration is made directly to the Commission or to any motor vehicle agent, a One Dollar and twenty-five cents ($1.25) fee for each year the vessel or motor is registered shall be collected and apportioned as provided by the provisions of the Oklahoma Vessel and Motor Registration Act.

B. 1. The charge for a copy of certificate of registration information is One Dollar ($1.00) for each instrument.

2. The charge for a certified copy of certificate of registration information is Two Dollars ($2.00) for each instrument.
Added by Laws 1989, c. 346, § 22, eff. Jan. 1, 1990. Amended by Laws 2004, c. 379, § 4, eff. Nov. 1, 2004.

§63-4023. Purpose of fees - Payment in lieu of ad valorem taxes.

The registration fees herein imposed upon vessels and motors shall be for the purpose of reimbursing and providing funds for general governmental functions of the state, and when paid in full such fees shall be in lieu of all ad valorem taxes, general or local, to which such vessels and motors may be subject as personal property under the laws of this state.
Added by Laws 1989, c. 346, § 23, eff. Jan. 1, 1990.

§63-4024. Late registration - Failure or refusal to file application - Penalties.

A. In the event a new vessel or a new motor is not registered within thirty (30) calendar days from the date purchased in this state by a resident of this state, the penalty shall be Twenty-five Dollars ($25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee. The rate of the registration fee shall be fixed and determined by the date of the sale by the dealer of said new vessel or motor to the purchaser.

B. If a new or used vessel or motor is brought into Oklahoma by a resident of this state and is not registered within thirty (30) calendar days from the date such vessel or motor enters the state as required by the Oklahoma Vessel and Motor Registration Act, the

penalty shall be Twenty-five Dollars ($25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee.

C. If a vessel or motor is purchased or is brought into Oklahoma by a nonresident of this state and such vessel or motor remains over sixty (60) calendar days and is not registered as required by the Oklahoma Vessel and Motor Registration Act, the penalty shall be Twenty-five Dollars ($25.00).

D. Any person in this state owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the registration fee as required by the Oklahoma Vessel and Motor Registration Act, within one (1) month after the expiration date, shall be deemed delinquent and there shall be added a penalty of twenty-five cents ($0.25) per day on the registration fee for each day such registration is delinquent. The penalty for failure to register shall accrue for a three-month calendar period. Thereafter, the penalty shall be Twenty-five Dollars ($25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee.

E. The failure to register any vessel or motor as required by the Oklahoma Vessel and Motor Registration Act shall in addition to penalties, subject such vessel or motor to the seizure provisions as provided in the Oklahoma Vehicle License and Registration Act.
Added by Laws 1989, c. 346, § 24, eff. Jan. 1, 1990.

§63-4025. Payment of fees and taxes by check - Nonpayment of check - Cancellation of title and registration - Credit of motor license agent's account - Collection - Penalties.

A. When, at the time of titling and registration of any vessel or motor payment is made by check for fees and taxes and the check is not paid by the bank on which drawn for any reason, such certificate of title or registration and other such instruments issued at the time of titling or registration of such vessel or motor shall be canceled immediately, without notice, by the Commission or motor license agent who issued such title or registration certificate. In all such cases the title or registration certificate, number, receipt, and any other official document issued at the time of the acceptance of such check shall be null and void and returned to the issuer.

B. The motor license agent shall transmit all documents and the dishonored check to the Oklahoma Tax Commission for credit to the motor license agent's account. The Commission may enter into a contract for the collection of dishonored checks and canceled instruments.

C. In all such cases, such vessels or motors shall be subject to the fees and penalties provided in the Oklahoma Vessel and Motor

Registration Act as though no attempt to register the vehicle had been made and a further penalty of Twenty-five Dollars ($25.00) shall be assessed.
Added by Laws 1989, c. 346, § 25, eff. Jan. 1, 1990. Amended by Laws 1997, c. 294, § 7, eff. July 1, 1997.

§63-4026. Repossession by mortgagee - Liability for delinquent registration.

At any time that a mortgagee repossesses a vessel or motor on which the registration has become delinquent as of the date of such repossession, the mortgagee shall not be required, as a condition for registration of said vessel or motor to pay any of the penalties which had accrued as of the date of such repossession otherwise prescribed in the Oklahoma Vessel and Motor Registration Act. Provided that said penaltiesshall not be waived unless such vessel or motor is registered by the mortgagee within five (5) days after it is repossessed. Provided further, that if the mortgagor or spouse, becomes the owner of the vessel or motor withinninety (90) days from the date of repossession, the penalty shall reattach and be paid when application is made for the new title.
Added by Laws 1989, c. 346, § 26, eff. Jan. 1, 1990.

§63-4027. Lien of title and registration fees and penalties - Priority - Seizure - Costs of taking into custody and storage - Foreclosure.

All title and registration fees and penalties levied by the terms and provisions of the Oklahoma Vessel and Motor Registration Act shall become and remain a first lien upon any vessel or motor on which said fees, taxes and penalty is due and unpaid. Said lien shall be prior, superior and paramount to all other liens of whatsoever kind or character.

After the thirtieth day after such title and registration fees become delinquent, it shall be the duty of the Oklahoma Tax Commission or the Department of Public Safety, its designated officers or employees, and of sheriffs and all other duly authorized peace officers of this state, to seize and take into custody every vessel or motor required to be titled and registered pursuant to the Oklahoma Vessel and Motor Registration Act but which is not so registered by the owner thereof, and such vessel or motor shall not be released to the owner thereof until it is duly registered and the fee due thereon paid in full, together with any penalty provided by law, plus the cost of seizure, including a reasonable cost of taking such vessel or motor into custody and storing it. In the event the owner or possessor of any such vessel or motor seized, as provided by law, shall fail to pay the registration fee and penalty due thereon, together with said costs of seizure and storage, said officer shall proceed to foreclose the lien thereon by selling such vessel or motor

following the procedure for foreclosure of liens on personal property prescribed in Section 91 of Title 42 of the Oklahoma Statutes.

The provisions of the Uniform Tax Procedure Code under Title 68 of the Oklahoma Statutes providing procedures and remedies with respect to all state taxes shall also be available for the enforcement of the provisions of the Oklahoma Vessel and Motor Registration Act.

Added by Laws 1989, c. 346, § 27, eff. Jan. 1, 1990.

§63-4028. Apportionment of fees, taxes and penalties.

All titling and registration fees, taxes and penalties collected by the Oklahoma Tax Commission pursuant to the provisions of Sections 4014 and 4021 of this title shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

Laws 1989, c. 346, § 28, eff. Jan. 1, 1990; Laws 1992, c. 284, § 13, eff. Jan. 1, 1993.

§63-4029. Refusal, revocation or cancellation of certificate of title or registration.

A. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of or registration for a vessel or motor is not entitled thereto, it may refuse to issue such certificate or to register such vessel or motor. The Commission may for a similar reason, after ten (10) calendar days' notice and a hearing, revoke the certificate of title and registration already acquired. Said notice may be served in person or by registered mail.

B. In addition, in every case where a vessel or motor has been titled or registered upon an application containing any false statement of a fact required in this section to be shown in an application for the title or registration thereof, the Commission shall give written notice of at least ten (10) calendar days to the owner of the vessel or motor and shall require the owner to appear before it for the purpose of showing cause why said title or registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, the Commission shall cancel the title or registration. The owner of the vessel or motor shall then be required to immediately retitle or reregister the vessel or motor and pay the required fees. The owner shall not be entitled to refund or credit for the fees paid for titling and registration of the vessel or motor made under the application which contained any false statement of fact.

C. The Commission shall insert in said application forms appropriate notice to the applicant that any false statement of a fact required to be shown in such application for title or registration subjects the applicant to prosecution.

Laws 1989, c. 346, § 29, eff. Jan. 1, 1990; Laws 1992, c. 284, § 14, eff. Jan. 1, 1993.

§63-4030. Permanent number system for vessels.

A. 1. The Oklahoma Tax Commission shall, and each federally recognized Indian tribe of this state may, develop and implement a permanent number system for vessels which is consistent with United States Coast Guard statutes and regulations. The system shall be effective upon the effective date of this act.

2. Except as otherwise provided by this section, every vessel on the waters of this state shall display the permanent number assigned to it by the Tax Commission or by a federally recognized Indian tribe of this state, which number shall not be obliterated, erased, mutilated, removed or missing.

3. In order to ensure that:

a. a permanent number issued by a federally recognized Indian tribe of this state conforms to federal statutory and regulatory requirements of the United States Coast Guard, and

b. the rights prescribed in paragraph 2 of this subsection are extended to every federally recognized Indian tribe of this state,

every vessel on the waters of this state assigned a permanent number by a federally recognized Indian tribe of this state which issues permanent numbers shall be recorded and maintained by the Tax Commission in the same manner as the Tax Commission records and maintains the permanent number of vessels on the waters of this state which are assigned by the Tax Commission.

B. The vessels authorized to display a number other than that required by the provisions of the Oklahoma Vessel and Motor Registration Act are:

1. A documented vessel, provided that such vessel is currently registered, is displaying both current registration decals, and the name, hailing port and official federal documentation number assigned to it are displayed on the vessel according to federal law or federal rules and regulations;

2. A vessel from a country other than the United States temporarily using the waters of this state;

3. A vessel from another state owned by an out-of-state resident using the waters of this state;

4. A vessel whose owner is the United States, a state or a subdivision thereof; provided, however, if such vessel is used for recreational or rental purposes on the public waters of this state, that vessel shall display the permanent number assigned to it by the Tax Commission;

5. A vessel that is used exclusively and solely for racing purposes;

6. A vessel that is used exclusively and solely as a lifeboat; and

7. A commercial flotation device which is assigned a permit by the Scenic Rivers Commission pursuant to the provisions of Sections 1461 et seq. of Title 82 of the Oklahoma Statutes.

C. Except as otherwise provided for in this section, every vessel and every outboard motor on the waters of this state shall display the current registration decals or decal assigned to it by the Tax Commission. The outboard motor registration decal shall be affixed to the upper portion of the motor cowling in such a manner that approximately one-half (1/2) of the decal is displayed on the left side of the motor cowling extending toward the rear of the motor cowling. Vessel registration decals shall be:

1. Affixed on each side of the forward half of the vessel; and

2. In line with and within six (6) inches aft of the permanent number.

D. The owner of any vessel issued a permanent number pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, shall place on or attach to the vessel the permanent number in such manner that it may be clearly visible. The permanent number shall:

1. Be maintained in legible condition;

2. Be painted, applied as a decal, or otherwise affixed to each side of the forward half of the vessel in contrasting color to the background, as high above the waterline as is practical;

3. Read from left to right;

4. Be comprised of numbers and letters printed in block style of at least three (3) inches in height and one-half (1/2) inch in stroke width; and

5. Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings.

No other similar numbers shall be displayed on either side of the forward half of the vessel.

E. The provisions of this section shall not apply to sailboards or fishing tubes.

F. The Tax Commission shall adopt rules for the placement of the registration decal in an alternate location for antique boats. In this subsection, "antique boat" means a boat that:

1. Is used primarily for recreational purposes; and

2. Was manufactured before 1968.

Such rules shall allow vessels registered as antique boats to display the registration decal on the left portion of the windshield. In the absence of a windshield, the rules shall allow operators of antique boats to attach the registration decal to the certificate of registration and make such decal and certificate available for inspection when the boat is operated on public water.

Added by Laws 1989, c. 346, § 30, eff. Jan. 1, 1990. Amended by Laws 1990, c. 304, § 5, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 15,

eff. Jan. 1, 1993; Laws 1994, c. 152, § 2, eff. July 1, 1994; Laws 1997, c. 199, § 1, eff. Nov. 1, 1997; Laws 1999, c. 332, § 5, eff. Nov. 1, 1999; Laws 2003, c. 34, § 1, eff. Nov. 1, 2003; Laws 2003, c. 393, § 2, emerg. eff. June 4, 2003; Laws 2004, c. 379, § 5, eff. Nov. 1, 2004; Laws 2005, c. 1, § 102, emerg. eff. March 15, 2005; Laws 2008, c. 59, § 1, eff. Nov. 1, 2008.
NOTE: Laws 2004, c. 364, § 2 repealed by Laws 2005, c. 1, § 103, emerg. eff. March 15, 2005.

§63-4031. Boat liveries - Records - Safety equipment - Compliance with act.

A. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number of such vessel, the number of occupants of said vessel, the departure date and time, and the expected date and time of return. The record shall be preserved for at least six (6) months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any vessel to be operated or to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to the Oklahoma Boating Safety Regulation Act and any rules promulgated thereto.

C. The owner of a boat livery shall be required to comply with the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

Laws 1989, c. 346, § 31, eff. Jan. 1, 1990; Laws 1992, c. 284, § 16, eff. Jan. 1, 1993.

§63-4032. Violations - Punishments.

A. It shall be unlawful for any person to:

1. Lend or to sell to, or knowingly permit the use of by one not entitled thereto, any certificate of title or registration issued to or in the custody of the person so lending or permitting the use thereof;

2. Alter or in any manner change a certificate of title or registration certificate issued under the laws of this or any other state;

3. Procure from another state or country or display upon any vessel owned by the person within this state, except as otherwise provided by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, any number issued by any state or country other than this state, unless there shall be displayed upon such vessel at all times the permanent number assigned to it by the Commission;

4. Buy, sell or dispose of, or have in the person's possession for sale, use or storage, any secondhand or used vessel or motor on which the registration fee has not been paid, as required by law, and

on which vessel or motor said person neglects, fails or refuses to display at all times the permanent number assigned to it;

5. Register a vessel or motor on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide dealers who are holders of current and valid dealers' licenses;

6. Operate a vessel or motor upon the waters of this state after the registration deadline for that vessel or motor without a proper title and registration, as prescribed by the Oklahoma Vessel and Motor Registration Act, for the current year;

7. Release a certificate of title or excise tax receipt to any unauthorized person or source, including any dealer. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Commission;

8. Alter or in any manner change a permanent number issued for a vessel under the laws of this state or any other state; or

9. Offer for sale any used vessel, used motor, or any used vessel or motor part if the vessel, motor, or part:

a. is not currently registered, if required,

b. has had the hull identification number or serial number removed,

c. has a hull identification number or serial number which does not match the number listed on the current title or registration, or

d. appears, is suspected, or is known to be stolen.

Anyone violating the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Fifty Dollars ($50.00) for each such violation.

B. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the title or registration of one or more vessels or motors shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or both such fine and imprisonment.

C. A violation of this section and any of the provisions of Sections 4002 through 4031 of this title where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00).

D. In addition thereto, it is specifically provided that any person stating or giving or causing to be stated or given any false information as to the location of any vessel or motor shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

Added by Laws 1989, c. 346, § 32, eff. Jan. 1, 1990. Amended by Laws 1992, c. 284, § 17, eff. Jan. 1, 1993; Laws 2003, c. 393, § 3, emerg. eff. June 4, 2003; Laws 2004, c. 364, § 3, eff. Nov. 1, 2004.

§63-4033. Dealers license required - Multiple locations - Bona fide dealer status - Applications - Report of transfer of ownership - Posting license - Authority granted by license - Compliance with act.

A. It shall be unlawful for any person to engage in the business of selling, or to serve in the capacity of, or act as a dealer of new or used vessels, or motors, or new and used vessels, and motors or any combination thereof in this state without first obtaining a license therefor as provided for by the Oklahoma Vessel and Motor Registration Act. Any person having more than one location where such business is carried on or conducted shall be required to obtain and hold a current license for each such location.

B. 1. Dealer licenses issued pursuant to this section shall be issued only to persons that prove to the satisfaction of the Oklahoma Tax Commission that they are clearly recognizable as bona fide dealers. Proof of bona fide dealer status shall include, but need not be limited to, the following:

a. Maintenance of a display area capable of regularly displaying at least three vessels or motors, or a minimum of one thousand two hundred (1,200) square feet, indoors or outdoors,

b. Annual sales of substantial numbers of new or used vessels or motors. "Substantial sales" normally means sale of five or more vessels or motors unless the applicant can show unusual circumstances justifying lesser sales,

c. Consistent identification of the business as a dealer or mercantile establishment in advertising, signs, telephone book listings, and the like. The dealership must be clearly identifiable as such by any person who visits or deals with it,

d. Location of dealership in areas where zoning permits such sales and commercial operations,

e. Regular hours of operation from May 1 to September 1, inclusive, at least five (5) days per week, and

f. a picture, upon application for a new license, of the business location which includes the selling lot and the office and business sign.

2. The Oklahoma Tax Commission shall issue a license to sell new vessels or motors only to those persons having a dealer agreement to sell new vessels or new motors in this state.

C. 1. Applications for licenses required to be obtained pursuant to the provisions of this section shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed

by the Commission and furnished to such applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant to receive the license requested. The Commission shall require in such application, or otherwise, information relating to:

a. the applicant's financial standing,
b. the applicant's business integrity,
c. whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses have been requested,
d. whether the applicant is able to properly conduct the business for which a license or licenses have been requested, and
e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

All such applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule set out in Section 4034 of this title.

2. In the event any such application is denied and the license for which requested is not issued, the entire license fee shall be returned to the applicant.

3. All licenses issued under the provisions of the Oklahoma Vessel and Motor Registration Act shall expire on December 31 following the date of issue and shall be nontransferable. All applications for renewal of a license issued pursuant to the provisions of this section shall be submitted by December 1 of each year, and such license will be issued by January 1. If applications have not been made for renewal of licenses by December 31 of each year it shall be illegal for any person to sell or to serve in the capacity or act as a dealer. If after January 31 of each year the license has not been renewed or the renewal paid, then such licensee shall be required to apply for a license as a new applicant. Motor vehicle license agents will be notified not to accept such dealers' titles until such time as licenses have been issued by the Commission. Provided, however, such dealers may transfer titles to vessels or motors purchased for resale prior to the expiration of their license. Such dealer shall provide the purchaser with a copy of the invoice showing purchase of the vessel or motor prior to the expiration of the dealer's license. Such transfers shall only be allowed within two (2) years of the license expiration.

D. Application for a dealer's license must show that such dealer has not violated any of the provisions of this section.

E. The Oklahoma Tax Commission may require every person licensed as a dealer, pursuant to the provisions of this subsection, to make a report to the Commission within a period of seven (7) days after the

transfer by such person of the legal ownership of every vessel or motor upon a form prescribed and furnished by the Commission, showing the name and address of the purchaser, a description of the vessel or motor, including but not limited to the make, model, year made, permanent vessel number or motor number, as the case might be, the date of the transfer and such other information as the Commission may require, and containing a certificate signed by the seller that the purchaser was given notice at the time of the sale or transfer that the purchaser is required by law to obtain a certificate of title for such vessel or motor from the Commission within thirty (30) calendar days after such sale or transfer. The Commission may cancel or suspend, in the manner provided by law, the license of any person licensed as a dealer pursuant to the provisions of this section who fails or refuses to comply with the provisions of this section. Dealers failing to comply with provisions of this section shall be responsible for all taxes due on such sales or on such vessels or motors.

F. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

G. 1. A new dealer's license authorizes a dealer to transfer, purchase and sell new and used vessels and motors.

2. A used dealer's license authorizes a dealer to transfer, purchase and sell used vessels and motors.

3. A new dealer's license or a used dealer's license authorizes a dealer to transfer and assign titles and purchase new and used vessels and motors without paying excise tax.

H. Any dealer agreement executed or renewed on and after the effective date of this act shall comply with the provisions of the Oklahoma Vessel and Motor Registration Act.

Added by Laws 1989, c. 346, § 33, eff. Nov. 1, 1989. Amended by Laws 1990, c. 304, § 6, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 18, eff. Jan. 1, 1993.

§63-4034. Fees.

The schedule of license fees to be charged and received by the Oklahoma Tax Commission for the licenses issued pursuant to Section 4033 of this title shall be as follows:

1. For the license issued initially to each dealer of new vessels or new motors, the fee shall be Two Hundred Dollars ($200.00) per location licensed. In addition to the license fee, a Ten Dollar ($10.00) fee per dealer agreement for each such vessel or motor sold at each location licensed shall be charged. The annual renewal fee shall be One Hundred Dollars ($100.00) per location per year. Any changes in the make of vessels or motors sold at any location licensed shall be specified in the renewal application. A fee of Ten Dollars ($10.00) per location shall be charged for such additional dealer agreement for each such vessel or motor sold; and

2. For the license issued initially to each dealer of used vessels or motors, the fee shall be Fifty Dollars ($50.00) per each location licensed with an annual renewal fee of Fifty Dollars ($50.00) per location per year.
Laws 1989, c. 346, § 34, eff. Nov. 1, 1989; Laws 1992, c. 284, § 19, eff. Jan. 1, 1993.

§63-4035. Demonstration permits - Record of purchases and sales.

A. Upon issuance of a license to sell new vessels or new motors, there shall be assigned and issued to such dealer three demonstration permits for vessels, three demonstration permits for motors, or three demonstration permits for each such class the dealer has been authorized to sell. Such permits shall be displayed upon each vessel or motor owned by the dealer when the vessel or motor is driven or displayed on any water of this state. No such demonstration permit issued to any dealer shall be used or displayed upon any secondhand or used vessel or motor, or upon any new vessel or motor which is for private use, or for hire. Any dealer or agent thereof for purposes of demonstrating a vessel or motor for a sale, or any other person, with consent of the dealer, while contemplating purchase, may operate a new vessel or motor with the dealer's demonstration permit affixed so long as this intent is limited to a consecutive seventy-two-hour period, or a weekend. For the purposes of this subsection, "driven or displayed on any water of this state" does not include the use of a vessel or motor for participation in a contest.

B. Each dealer of new and used vessels or motors, shall keep a record of the purchase and sale of each vessel or motor he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vessel or motor purchased or sold, and such other information as the Commission may prescribe.
Added by Laws 1989, c. 346, § 35, eff. Nov. 1, 1989. Amended by Laws 1990, c. 304, § 7, emerg. eff. May 30, 1990; Laws 2004, c. 364, § 4, eff. Nov. 1, 2004.

§63-4035.1. Manufacturer's testing permits - Display - Fee.

Upon application, there shall be assigned and issued up to ten manufacturer's testing permits to manufacturers of new boats or motors. Such permits shall be displayed upon each vessel or motor owned by the manufacturer when the vessel or motor is driven or tested on the waters of this state. No such tester permit shall be used upon any new vessel or motor which is for private use or for hire.

The manufacturer's testing permit shall be provided at a cost of Five Dollars ($5.00) each and shall expire on December 31 of each year.
Added by Laws 1991, c. 126, § 6, emerg. eff. April 29, 1991.

§63-4036. Used vessels or motors - Expiration of registration - Use of demonstration permit - Purchase or transfer of ownership of out-of-state used vessel or motor - Application for certificate of title - Sale or transfer of ownership - Tax stamp - Registration by purchaser.

A. When a registration expires on a used vessel or motor while in the possession of a dealer, the dealer shall affix a dealer's demonstration permit to such vessel or motor whenever the vessel or motor is used for demonstration.

B. Upon the purchase or transfer of ownership of an out-of-state used vessel or motor by a dealer, or the purchase or transfer of ownership of a vessel or motor which does not have a certificate of title or a certificate of registration the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a vessel or motor purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used vessel or motor, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents ($3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used vessels or motors but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used vessel or motor to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title.

E. The purchaser of every used vessel or motor except as otherwise provided by law, shall obtain registration and title for the vessel or motor within thirty (30) calendar days from the date of purchase of same.

Added by Laws 1989, c. 346, § 36, eff. Nov. 1, 1989. Amended by Laws 1990, c. 304, § 8, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 20, eff. Jan. 1, 1993.

§63-4037. Dealer agreements - Restrictions.

A. The following are the subjects that shall be covered by a dealer agreement:

1. Length of term of dealer agreement;

2. Performance and marketing standards;

3. Notice provisions relative to termination, cancellation, or nonrenewal of a dealer agreement;

4. The parties' respective obligations relative to preparation and delivery of the product and warranty service;

5. The parties' respective obligations upon termination, cancellation, or nonrenewal of the dealer agreement relative to the disposal of inventory and equipment, furnishings, special tools, and signs required by the manufacturer or distributor and acquired within the two (2) years last preceding such termination, cancellation, or nonrenewal; and

6. Process and procedure for the resolution of disputes between the parties.

B. 1. No manufacturer shall enter into a dealer agreement with a dealer for the same product line regardless of brand name within a fifteen (15) mile radius of an existing dealer of the same product line regardless of brand name, provided any dealer agreements in existence on June 3, 1989, may be extended or re-issued.

2. The provisions of this subsection shall not apply to dealer agreements relating to inboard and inboard/outboard motors or to dealer agreements relating to canoes.

Added by Laws 1989, c. 346, § 37, emerg. eff. June 3, 1989. Amended by Laws 1990, c. 304, § 9, emerg. eff. May 30, 1990; Laws 1993, c. 321, § 2, emerg. eff. June 7, 1993.

§63-4037.1. Relocating existing dealership within or into relevant market area where same product line is represented.

In the event that a dealer seeks to establish a new vessel or new motor dealership or relocate an existing vessel or motor dealership within or into a relevant market area where the same product line is then represented, the dealer shall notify the Tax Commission and each new vessel or new motor dealer of such product line in the relevant market area of the intention to establish or relocate a dealership within or into that market area. The relevant market area is the area within a radius of fifteen (15) miles of the site of the proposed new vessel or new motor dealership. Within fifteen (15) days of receiving such notice such new vessel or new motor dealer may file with the Commission a protest to the establishing or relocating of the proposed new vessel or new motor dealership. When such a protest is filed, the Commission shall inform the dealer that a timely protest has been filed, and that the dealer shall not establish or relocate the proposed new vessel or new motor dealership until the Commission has held a hearing, nor thereafter, if the Commission has determined that there is good cause for not permitting such new vessel or new motor dealership. The manufacturer or factory representative of the same product line may obtain a waiver of protest from each new vessel or new motor dealer of the same product line within that relevant market area. If a waiver of protest from each dealer within the relevant market area is not attached to the application for the new dealer seeking to establish, the Commission

shall render a final decision no later than sixty (60) days after the Commission's receipt of the notice of protest. In any hearing held pursuant to this section on additional dealerships or relocation of dealerships the new dealer or existing dealer relocating shall have the burden of proof. For the purposes of this section, the reopening in a relevant market area of a new vessel or new motor dealership that has not been in operation for two (2) years or more shall be deemed the establishment of a new vessel or new motor dealership. For the purpose of this section, the designation of an additional location in an existing dealership agreement shall be deemed to be the establishment of a new vessel or new motor dealership.
Added by Laws 1990, c. 304, § 11, emerg. eff. May 30, 1990.

§63-4037.2. Good cause for not relocating additional dealership for same product line - Circumstances considered.

In determining whether good cause has been established for not entering into or relocating an additional dealership for the same product line, the Tax Commission shall take into consideration the existing circumstances, including, but not limited to:

1. Permanency of the investment of the proposed dealership;

2. Effect on the retail new vessel or new motor business and the consuming public in the relevant market area;

3. Whether it is injurious to the public welfare for an additional new vessel or new motor dealership to be established;

4. Whether the new vessel or new motor dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the new vessel or new motor and service facilities, equipment, supply of new vessel or new motor parts, and qualified service personnel; and

5. Whether the establishment of an additional new vessel or new motor dealership would increase competition, and therefore be in the public interest.
Added by Laws 1990, c. 304, § 12, emerg. eff. May 30, 1990.

§63-4038. Designated successor of deceased or incapacitated new vessel dealer - Continuation of existing dealer agreement - Refusal to honor succession - Notice.

A. A designated successor of a deceased or incapacitated new vessel dealer may succeed the dealer in the ownership or operation of the dealership under the existing dealer agreement, if the designated successor gives the manufacturer or distributor written notice of his intention to succeed to the dealership within sixty (60) days after the dealer's death or incapacity and agrees to be bound by all of the terms and conditions of the dealer agreement. A manufacturer or distributor may refuse to honor the existing dealer agreement with the designated successor for good cause or criteria agreed to in the existing dealer agreement, and may require the designated successor

to supply personal and financial data necessary to determine whether the existing dealer agreement should be honored.

B. Within sixty (60) days after receiving the notice of the designated successor's intent to succeed the dealer in the ownership and operation of the dealership or within sixty (60) days after receiving the requested personal and financial data, whichever last occurs, if a manufacturer or distributor believes that good cause or other criteria exists for refusing to honor the succession, the manufacturer or distributor may serve upon the designated successor notice of its refusal to approve the succession.

Added by Laws 1989, c. 346, § 38, emerg. eff. June 3, 1989.

§63-4039. Termination of dealer agreement - Continued sale of parts.

After the termination of the dealer agreement by the manufacturer, the manufacturer shall continue to sell parts to the dealer in order that the dealer may continue to service any ofthe manufacturer's products which the dealer may have sold to customers prior to termination for a period not to exceed eighteen (18) months from the date of termination.

Added by Laws 1989, c. 346, § 39, emerg. eff. June 3, 1989.

§63-4039.1. Commercial vessel dealer - Docking of vessels for sale.

Any currently licensed Oklahoma vessel dealer owning a commercial marina on the waters of this state may dock his vessels for sale at his marina.

Added by Laws 1991, c. 126, § 7, emerg. eff. April 29, 1991. Amended by Laws 1992, c. 284, § 21, eff. Jan. 1, 1993.

§63-4040. Brokers prohibited - Exception.

A. It shall be unlawful to be a broker.

B. For the purposes of this section, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new or used vessel or new or used motor, and who is not:

1. A new or used vessel or new or used motor dealer or agent or employee of such a dealer; or

2. A distributor or an agent or employee of such a distributor.

However, an individual shall not be deemed to be a broker if the individual is the owner of the new or used vessel or new or used motor which is the object of the brokering transaction.

Added by Laws 1989, c. 346, § 40, eff. Jan. 1, 1990. Amended by Laws 2003, c. 393, § 4, emerg. eff. June 4, 2003.

§63-4041. Violations - Denial, revocation or suspension of license - Fine.

The Oklahoma Tax Commission may deny an application for a license, or revoke or suspend a license or impose a fine not to exceed Five Hundred Dollars ($500.00) against a dealer for each day that any provision of this section or Sections 4033 through 4040 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act;

2. For any material misstatement made by an applicant in any application for any license pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act;

3. For any failure to comply with any provision of the Oklahoma Vessel and Motor Registration Act or any rule promulgated by the Commission under authority vested in it by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a dealer who:

   a. has required a purchaser of a new vessel or motor, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,

   b. uses any false or misleading advertising in connection with his business as such a dealer,

   c. has committed any unlawful act which resulted in the revocation of any similar license in another state,

   d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a vessel or motor,

   e. has been convicted of a crime involving moral turpitude,

   f. has committed a fraudulent act in selling, purchasing, or otherwise dealing in vessels or motors or has misrepresented the terms and conditions of a sale, purchase, or contract for sale or purchase of a vessel or motor or any interest therein including an option to purchase such vessel or motor, or

   g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;

6. Being a dealer who does not have an established place of business;

7. Being a new vessel or new motor dealer who:

   a. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vessels or motors at the same

time, and which is equipped with such parts, tools and equipment as may be requisite for the servicing of vessels or motors in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation. Provided that the provisions of this subparagraph shall not apply to:

(1) mercantile establishments engaged in the selling of vessels and motors if:

(a) such vessel and motor business does not constitute more than ten percent (10%) of the business of such establishment,

(b) the vessels sold at such establishment are under fourteen (14) feet in length, and

(c) the outboard motors sold at such establishment are under ten (10) horsepower, or

(2) dealers which are engaged solely in the business of selling canoes. For the purposes of this subsection, "canoe" shall mean a vessel that is long relative to its width, that has curved sides and is tapered to two (2) pointed ends, or is tapered to one (1) pointed end and blunt on the other end, and is generally of traditional shape,

b. does not hold a dealer agreement in effect with a manufacturer or distributor of new vessels or motors for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vessels or motors sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty, or

c. does not properly service a new vessel or motor before delivery of same to the original purchaser thereof.

Added by Laws 1989, c. 346, § 41, eff. Jan. 1, 1990. Amended by Laws 1990, c. 304, § 10, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 22, eff. Jan. 1, 1993.

§63-4042. Denial, suspension or revocation of license - Hearing - Notice - Production of documents - Subpoena - Witnesses.

The Commission may deny any application for license, or suspend or revoke a license issued or impose a fine, only after a hearing of which the applicant, or licensee affected, shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offenses of which the licensee is charged. Such notices may be served as provided by law for the service of

notices, or by mailing a copy by registered mail to the last-known residence or business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. The Commission shall have the power to compel the production of all records, papers and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed in proceedings before courts of the state in civil cases. Any party to such hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed.
Added by Laws 1989, c. 346, § 42, eff. Jan. 1, 1990.

§63-4043. Injunction - Parties.

The Commission is hereby authorized, without cost, bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the State of Oklahoma on the relation of said Commission, to enforce the provisions of Sections 4033 through 4042 of this title. Any licensee or other person who violates or threatens to violate any provision of Sections 4033 through 4042 of this title or rule or regulation enacted thereunder or order of the Commission may be enjoined from so doing.
Laws 1989, c. 346, § 43, eff. Jan. 1, 1990; Laws 1992, c. 284, § 23, eff. Jan. 1, 1993.

§63-4044. Permits for displays and sales of new vessels or motors held off premises of licensed dealer.

The Oklahoma Tax Commission shall issue permits for displays and sales of new vessels or motors which are held off the premises of a licensed dealer thereof as follows:

1. A promotion by an individual new vessel or motor dealer which is held off the premises of such dealer and at which sales activities are conducted may be held only under the following conditions:

a. the dealer participates in an advertised vessel or motor show in which at least two other vessel or motor dealers are participating,

b. application for a permit for a sales promotion by an individual dealer shall be made to the Commission at least seven (7) calendar days prior to such promotion, and such permit shall be issued by the Commission upon payment of a fee of Fifty Dollars ($50.00) per event,

c. the permit shall be valid for a period not to exceed fourteen (14) consecutive days, and

d. the Commission shall not issue a permit to a dealer if he has obtained a permit within the past forty-five (45) calendar days for the same location;

2. A dealer may not be denied a permit on the grounds that the sales promotion is to be held within the relevant market area of another dealer of the same product line;

3. A dealer who fails to obtain such a permit shall be subject to the penalties and fines provided for in Section 4041 of Title 63 of the Oklahoma Statutes.

Provided, a permit shall not be required pursuant to the provisions of this section for a display or sale of new vessels or motors which is held off the premises of a licensed dealer if the display or sale is held within a twenty-five (25) mile radius of the location of the dealership; and

4. Prior to the completion of a sale at an off-premises location, the dealer shall be required to disclose in writing to any person purchasing a new vessel or motor the following information:

a. that location of the dealership making the sale, and

b. that other dealers may not be willing to do repair or warranty work on vessels not purchased at their dealership.

Any salesperson working at an off-premises location shall not wear any identification or clothing indicating an affiliation with another retailer.

Added by Laws 1990, c. 315, § 6, eff. July 1, 1990. Amended by Laws 1992, c. 284, § 24, eff. Jan. 1, 1993; Laws 1993, c. 321, § 3, emerg. eff. June 7, 1993; Laws 1997, c. 55, § 1, eff. Nov. 1, 1997.

§63-4101. Short title - Definitions.

A. This section and Sections 4102 through 4108 of this title shall be known and may be cited as the "Oklahoma Vessel and Motor Excise Tax Act".

B. The terms used in the Oklahoma Vessel and Motor Excise Tax Act shall have the same definitions as those terms are defined by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

Laws 1989, c. 346, § 44, eff. Jan. 1, 1990; Laws 1992, c. 284, § 25, eff. Jan. 1, 1993.

§63-4102. Administration by Oklahoma Tax Commission - Execution of forms, declarations, applications, statements or other information in writing.

A. The Oklahoma Tax Commission is hereby granted authority and jurisdiction to administer the Oklahoma Vessel and Motor Excise Tax Act, and the Commission is hereby authorized to promulgate, adopt and enforce all necessary rules and regulations and to prescribe all

forms which it deems necessary to carry the Oklahoma Vessel and Motor Excise Tax Act into effect and to enforce the provisions thereof.

B. All forms, declarations, applications, statements or other information in writing and executed by owners or representatives of owners are hereby declared to be executed and shall be considered to be executed under penalties of perjury.

Added by Laws 1989, c. 346, § 45, eff. Jan. 1, 1990.

§63-4103. Excise tax - Amount - When due - Delinquency - Failure or refusal to pay - Penalty - Exceptions - Credits.

A. There is hereby levied an excise tax of three and one-fourth percent (3 1/4%) of the value of each vessel and motor upon the transfer of legal ownership of any such vessel or motor registered in this state and upon the use of any such vessel or motor registered in this state, and upon the use of any such vessel or motor registered for the first time in this state required to be registered pursuant to the Oklahoma Vessel and Motor Registration Act. The tax hereby levied shall be due at the time of the transfer of legal ownership or first registration in this state of such vessel or motor and shall be collected by the Oklahoma Tax Commission at the time of the issuance of a certificate of title for any such vessel or motor. The excise tax levied by the Oklahoma Vessel and Motor Excise Tax Act shall be delinquent from and after the thirtieth day after the legal ownership or possession of any vessel or motor is obtained. Any person failing or refusing to pay the tax as herein provided on or before the date of delinquency shall pay, in addition to the tax, a penalty of twenty-five cents ($0.25) per day for each day of delinquency, but such penalty shall in no event exceed the amount of the tax.

B. The provisions of this section shall not apply to transfers made without consideration between husband and wife or parent and child.

C. There shall be a credit allowed with respect to the excise tax paid for a new vessel or motor which is a replacement for:

a. a new original vessel or motor which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vessel or motor as certified by a police report or other documentation as required by the Commission, or

b. a defective new original vessel or motor returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vessel or motor as certified by the manufacturer.

Said credit shall be in the amount of the excise tax which was paid for the new original vessel or motor and shall be applied to the excise tax due on the replacement vessel or motor. In no event will said credit be refunded.

Added by Laws 1989, c. 346, § 46, eff. Jan. 1, 1990.

§63-4104. Apportionment and distribution of revenue.

All revenue derived under the Oklahoma Vessel and Motor Excise Tax Act, Section 4102 et seq. of this title, shall be apportioned and distributed by the Oklahoma Tax Commission as provided for in Section 1101 of Title 47 of the Oklahoma Statutes of the Oklahoma Vehicle License and Registration Act.

Laws 1989, c. 346, § 47, eff. Jan. 1, 1990; Laws 1992, c. 284, § 26, eff. Jan. 1, 1993.

§63-4105. Value of vessel or motor - Time, method of determination - Disputed value.

A. The value of any vessel or motor for the purposes of the excise tax levied by Section 4103 of this title shall be determined as of the time the person applying for a certificate of title thereto obtained either legal ownership or possession of the vessel or motor which shall be the actual date of the sale or other transfer of legal ownership, which date shall be shown by the assignment on the certificate of title or, in the case of a new vessel or motor on the manufacturer's certificate or statement of origin hereby required, and by the application for registration, required to be furnished by the licensed dealer for use by the purchaser. The value of a new vessel or new motor for excise tax purposes shall be the manufacturer's price of such vessel or motor delivered at the factory. As used herein, the manufacturer's factory-delivered price shall represent the recommended retail selling price and shall not mean the wholesale price to a dealer. Further, for purposes of the Oklahoma Vessel and Motor Excise Tax Act, Section 4102 et seq. of this title, a new vessel or new motor used by a licensed dealer for demonstration purposes shall be considered a new vessel or new motor upon the first time sale and registration of such vessel or motor. The value of a used vessel or used motor shall be sixty-five percent (65%) of the manufacturer's price of such vessel or motor delivered at the factory for subsequent transfers for the first year and for the second year and sixty-five percent (65%) of the value of the previous year so fixed for each successive year for which such vessel or motor is registered and licensed in this or any other state, until such vessel or motor reaches a minimum value of Two Hundred Fifty Dollars ($250.00).

B. The Commission shall have the authority in cases of dispute to determine the factory delivered price or price of any vessel or motor.

C. In computing the excise tax, the fees collected shall be rounded to the nearest dollar.

Laws 1989, c. 346, § 48, eff. Jan. 1, 1990; Laws 1992, c. 284, § 27, eff. Jan. 1, 1993.

§63-4106. Exemptions.

An original or a transfer certificate of title shall be issued without the payment of the excise tax levied by this act for:

1. Any vessel or motor owned by a nonresident which is already registered in another state and has been in Oklahoma for a period in excess of sixty (60) calendar days in any single registration year.

2. Any vessel or motor brought into this state by a person formerly living in another state, who has owned and registered said vessel or motor in such other state of his residence at least sixty (60) calendar days prior to the time it is required to be registered in this state;

3. Any vessel or motor registered by the United States, State of Oklahoma or by any of the political subdivisions thereof;

4. Any vessel or motor the legal ownership of which is obtained by the applicant for a certificate of title by inheritance;

5. Any vessel or motor which is owned and being offered for sale by a person licensed as a dealer under the provisions of the Oklahoma Vessel and Motor Registration Act, registered in Oklahoma and the excise tax paid thereon;

6. Any vessel or motor, the ownership of which was obtained by the lienholder or mortgagee under or by foreclosure of a lien or mortgage in the manner provided by law or to the insurer under subrogated rights arising by reason of loss under an insurance contract;

7. Any vessel or motor, the legal ownership of which is obtained by transfers:

a. from one corporation to another corporation pursuant to a reorganization. As used in this section, the term "reorganization" means:

(1) a statutory merger or consolidation, or

(2) the acquisition by a corporation of substantially all of the properties of another corporation when the sole consideration is all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

b. in connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

c. to a corporation for the purpose of organization of such corporation when the former owners of the vessel or motor transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the vessel or motor prior to the transfer;

d. to a partnership in the organization of such partnership if the former owners of the vessel or motor transferred are, immediately after the transfer, members of such partnership and the interest in the partnership received by each is substantially in proportion to his interest in the vessel or motor prior to the transfer;

e. from a partnership to the members thereof when made in the dissolution of such partnership;

8. All vessels or motors owned by the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls; and

9. All vessels or motors owned by organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which are primarily devoted to the establishment, development, operation, promotion, and participation in, alone or in conjunction with others, educational and training programs and competitive events to provide knowledge, information, or comprehensive skills related to the sports of sailing, fishing, boating, and other aquatic related activities. Added by Laws 1989, c. 346, § 49, eff. Jan. 1, 1990. Amended by Laws 2006, c. 272, § 7, eff. Nov. 1, 2006.

§63-4107. Tax in lieu of all other taxes - Sales tax on unattached accessories.

A. The excise tax levied by the Oklahoma Vessel and Motor Excise Tax Act is in lieu of all other taxes on the transfer or the first registration in this state of vessels and motors, including the optional equipment and accessories attached thereto at the time of the sale and sold as a part thereof, except:

1. Vessel and motor registration fees levied pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act; and

2. Any fees for the issuance of either an original, renewal, transfer or duplicate certificate of title.

B. This section shall not relieve any vessel or motor dealer from liability for the sales tax on all sales of accessories or optional equipment, or parts, which are not attached to and sold as a part thereof and included in the sale of such vessels or motors. Added by Laws 1989, c. 346, § 50, eff. Jan. 1, 1990.

§63-4108. Failure or refusal to pay tax - Report to Commission - Seizure - Hearing - Sale.

A. In any case where the owner of a vessel or motor subject to the tax levied by the Oklahoma Vessel and Motor Excise Tax Act fails or refuses to pay the same, after proper demand therefor by an officer or agent of the Oklahoma Tax Commission, such officer or agent shall immediately report such failure to the Commission and

shall, at the same time in case of failure to pay, seize and hold said vessel or motor, as provided by law in case of failure to pay the annual vessel or motor registration fee.

B. The Commission shall, upon demand of the owner of the vessel or motor, accord a hearing to said owner as provided by law and enter its findings and order accordingly. If it is determined by the Commission that said tax is due and payable, then it shall issue its warrant, directly to the sheriff of the county, ordering and directing the sale of such vessel or motor according to the same procedure provided by law for the sale of vessels and motors for failure to pay the required registration fee. Such seizure and sale may, at the time, include both the registration fee due and the excise tax levied by the Oklahoma Vessel and Motor Excise Tax Act, together with all costs of an advertisement and sale. The sale shall be conducted in the manner provided by law for the sale of personal property under execution.

Added by Laws 1989, c. 346, § 51, eff. Jan. 1, 1990.

§63-4200. Short title.

Section 4201 et seq. of this title shall be known and may be cited as the "Oklahoma Boating Safety Regulation Act".

Added by Laws 1989, c. 346, § 52, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 28, eff. Jan. 1, 1993.

§63-4201. Definitions.

In addition to the terms defined by the Oklahoma Vessel and Motor Registration Act, for the purposes of the Oklahoma Boating Safety Regulation Act:

1. "Buoy" means an anchored marker for marking a position on the water, or a hazard, shoal or mooring, or any other prohibitive activity area;

2. "Capacity plate" means a sign posted in view of the operator's station on a vessel which designates the maximum weight capacity and horsepower restrictions of a vessel for safe operation;

3. "Diver's flag" means a red flag not less than twenty (20) inches by twenty-four (24) inches with a four-inch white stripe running from one upper corner to a diagonal lower corner, and such flag is used to indicate a submerged diver;

4. "Emergency vessel" means any law enforcement vessel which is legally authorized to operate in the emergency mode;

5. "Law enforcement vessel" means any vessel legally authorized to operate under the color of law;

6. “Lienholder” means a person holding a security interest in a vessel, as shown on the vessel title;

7. "Manipulate" means to guide, steer or otherwise control;

8. "Marine sewage" means any substance, treated or untreated, that contains any of the waste products of humans or animals or foodstuffs;

9. "Marine toilet" means any latrine, head, lavatory or toilet intended to receive marine sewage and which is located on or in any vessel;

10. "Operator" means the person who operates, has actual physical control, or has charge of the navigation or use of a vessel;

11. "Parasail" means any device which, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a vessel;

12. “Passenger” means any person riding in or upon any vessel or being towed for recreation on water skis, an inner tube, kneeboard, parasail or any similar device;

13. "Personal flotation device" means only a United States Coast Guard approved flotation device;

14. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, or a vessel which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motor, or a vessel less than sixteen (16) feet in length which travels across the water above or on a cushion of air provided by engines, propellers or other means of propulsion;

15. "Sanctioned event" means any organized event on the waters of this state, including but not limited to regattas, motorboat or other boat races, marine parades, tournaments and exhibitions, which is approved and permitted by an authorizing agency;

16. "Under way" means the movement of a vessel whether by mechanical or nonmechanical means which is other than incidental to the force of wind, waves or current; and

17. "Wake" means the track of waves left by a vessel or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the vessel, or are cresting and showing white water, or may cause injury or damage to any person or property.

Added by Laws 1989, c. 346, § 53, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 29, eff. Jan. 1, 1993; Laws 2002, c. 66, § 2; Laws 2008, c. 95, § 1, eff. Nov. 1, 2008.

§63-4202. Administration and enforcement of act - Promulgation of rules - Forms.

The Department of Public Safety is hereby granted authority and jurisdiction to administer and enforce all provisions of the Oklahoma Boating Safety Regulation Act, Section 4201 et seq. of this title,

and the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. The Department is authorized to promulgate and enforce all necessary rules pursuant to Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, and shall prescribe all forms it deems necessary to implement the provisions of the Oklahoma Boating Safety Regulation Act.
Laws 1989, c. 346, § 54, emerg. eff. June 3, 1989; Laws 1992, c. 284, § 30, eff. Jan. 1, 1993.

§63-4202.1. Operators of emergency vessels - Exercise of certain privileges.

A. The operator of an emergency vessel, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a response to an emergency situation, may exercise the privilege set forth in this section, subject to the conditions set forth in subsection B of this section.

B. The operator of an emergency vessel may:

1. Park, moor or beach the vessel irrespective of the provisions of this title;

2. Proceed past a restrictive buoy, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed or wake limits so long as that action does not endanger life or property; and

4. Disregard rules governing direction of movement or turning in specified directions.

C. The exemptions granted in this section shall apply only when an emergency vessel is making use of audible and visual signals meeting the requirements of Section 4207 of this title.

D. The provisions of this section shall not relieve the operator of an emergency vessel from the duty to drive with due regard for the safety of all persons or protect the driver from the consequences of reckless disregard for the safety of others.
Added by Laws 1997, c. 199, § 2, eff. Nov. 1, 1997.

§63-4203. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4204. Administration and enforcement of Act upon waters under jurisdiction of Grand River Dam Authority - Authority as motor license agent - Remission of fees.

A. The provisions of the Oklahoma Boating Safety Regulation Act shall apply to the waters of this state under the jurisdiction of the Grand River Dam Authority, provided, the Department of Public Safety may have jurisdiction to administer and enforce the provisions of the Oklahoma Boating Safety Regulation Act upon waters of this state under the jurisdiction of the Grand River Dam Authority. The

administration and enforcement of the Oklahoma Boating Safety Regulation Act upon the waters under the jurisdiction of the Grand River Dam Authority are vested in the Grand River Dam Authority. Said Authority, and its employees, shall, except as otherwise provided in this section, have the same authority with respect to the enforcement and administration of the Oklahoma Boating Safety Regulation Act upon such waters as are vested by the Oklahoma Boating Safety Regulation Act in the Department of Public Safety with respect to the other waters of this state.

B. The Authority may be designated by the Oklahoma Tax Commission as a motor license agent to award numbers and issue certificates of title and registration for vessels and motors in accordance with the provisions of the Oklahoma Vessel and Motor Registration Act and with any rules and regulations of the said Oklahoma Tax Commission either from blocks of numbers and certificates assigned to said Authority by said Oklahoma Tax Commission or such other method as shall be prescribed by the Oklahoma Tax Commission. The Authority shall remit all fees collected by it pursuant to this section to the Oklahoma Tax Commission to be apportioned and deposited in accordance with the provisions of the Oklahoma Vessel and Motor Registration Act.
Added by Laws 1989, c. 346, § 56, emerg. eff. June 3, 1989.

§63-4205. Sanctioned water events - Administering entities - Safety rules - Permits - Filing of notification of event - Holding event in unsafe manner or unsafe environmental conditions.

A. The United States Army Corps of Engineers, the Oklahoma Department of Tourism and Recreation, and the Grand River Dam Authority may authorize the holding of sanctioned events on any waters of this state under their jurisdiction. Said administering entities shall promulgate rules pursuant to Article 1 of the Oklahoma Administrative Procedures Act, concerning the safety of other vessels and persons thereon, both observers and participants. No sanctioned event shall be held without a written permit from said administering entity, and said written permit shall be available for inspection at all times during the event.

B. Whenever a sanctioned event is proposed to be held, the administering entity shall, upon granting approval to hold such event and at least ten (10) days prior thereto, file a notification in writing of said event with the Marine Enforcement Section of the Highway Patrol Division of the Department of Public Safety. Such notification shall set forth the date, time, location where the sanctioned event is proposed to be held, the type of event and the person in charge of said event.

C. No person shall hold or give permission to hold any sanctioned event in an unsafe manner or under unsafe environmental conditions so as to endanger life or property. Should any duly

authorized peace officer of this state determine within their jurisdiction that such event is being held or conducted in an unsafe manner or under unsafe environmental conditions, such officer shall have the authority to cancel or terminate said event.
Added by Laws 1989, c. 346, § 57, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 31, eff. Jan. 1, 1993; Laws 2000, c. 189, § 11, eff. July 1, 2000; Laws 2011, c. 104, § 5, eff. Nov. 1, 2011.

§63-4206. Use of personal flotation devices.

A. 1. The operator of a vessel less than twenty-six (26) feet in length, while under way, shall require each passenger who is twelve (12) years of age or younger to wear a personal flotation device.

2. Any person operating or manipulating, or who is a passenger on a personal watercraft, water skis, a sailboard or a similar device shall wear a personal flotation device approved and designed for the activity in which the person is engaged.

B. Each personal flotation device shall be in good and serviceable condition, of the type prescribed by the United States Coast Guard and of a size suitable to the person who is or will be wearing it. A ski belt is not a United States Coast Guard approved personal flotation device.
Added by Laws 1989, c. 346, § 58, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 32, eff. Jan. 1, 1993; Laws 1997, c. 199, § 3, eff. Nov. 1, 1997.

§63-4207. Lights and other equipment.

A. Every vessel in all weathers between the hours from sunset to sunrise and during periods of restricted visibility shall carry and exhibit the lights prescribed by the United States Coast Guard when under way, including, but not limited to, the following:

1. Every power-driven vessel shall carry and exhibit:
   a. a masthead light forward. A vessel less than twenty (20) meters, or less than sixty-five (65) feet seven and one-half (7 1/2) inches in length need not exhibit this light forward of amidships but shall exhibit it as far forward as practicable, and
   b. side lights, and
   c. a stern light;

2. Any power-driven vessel of less than twelve (12) meters, or less than thirty-nine (39) feet four and one-half (4 1/2) inches in length may carry and exhibit, in lieu of the lights prescribed in paragraph 1 of this subsection, an all-around white light and side lights;

3. Every sailing vessel shall carry and exhibit:
   a. side lights, and
   b. a stern light;

4. Any sailing vessel of less than twenty (20) meters, or less than sixty-five (65) feet seven and one-half (7 1/2) inches, in length may combine the lights prescribed in paragraph 3 of this subsection within one lantern carried at or near the top of the mast where it can be seen as nearly all-around as possible;

5. Any sailing vessel may carry and exhibit, in addition to the lights prescribed in paragraph 3 of this subsection but not in conjunction with any combination lantern as provided in paragraph 4 of this subsection, two all-around lights in a vertical line, the upper being red and the lower being green, at or near the top of the mast where they can be seen as nearly all-around as possible;

6. Every sailing vessel of less than seven (7) meters, or less than twenty-three (23) feet eleven and one-half (11 1/2) inches in length shall carry and exhibit if practicable, the lights prescribed in paragraph 3 or 4 of this subsection. If such exhibition is not practicable, there shall be carried ready at hand on the vessel a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision;

7. Every sailing vessel propelled by a combination of sail and motor shall carry and exhibit the lights of a power-driven vessel prescribed in paragraph 1 or 2 of this subsection;

8. Every manually powered vessel may carry and exhibit the lights prescribed in this subsection for sailing vessels. If such lights are not carried and exhibited, there shall be carried ready at hand on the vessel a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision; and

9. Every vessel at anchor shall carry and exhibit an all-around white light in such a position where it may best be seen. The deck of an anchored vessel may be illuminated by available auxiliary lights, provided the auxiliary lights do not interfere with the visibility of required lights or impair the safe navigation of other vessels.

For purposes of this section, "restricted visibility" shall mean any condition which restricts visibility including but not limited to fog, mist, falling snow, heavy rain or sandstorm.

B. Every vessel shall be provided with an efficient whistle or other sound-producing mechanical appliance; provided, however, no vessel, except for emergency and law enforcement vessels, shall be equipped with a siren.

C. Every vessel of eight (8) meters or greater, or twenty-six (26) feet three (3) inches or greater, in length shall be equipped with an efficient bell.

D. Every vessel shall be required to carry:

1. At least one wearable personal flotation device for each person on board so placed as to be readily accessible and of a size suitable to the person who is or will be wearing it; and

2. At least one type IV (throwable) personal flotation device on board, so placed as to be readily accessible. This paragraph shall not apply to any vessel under sixteen (16) feet in length.

All lifesaving devices shall be in good and serviceable condition.

E. Every vessel using flammable liquid as fuel shall be equipped with such number, size, and type of United States Coast Guard approved fire extinguisher as prescribed in the rules of the Department of Public Safety. Such extinguisher shall be capable of promptly and effectively extinguishing burning fuel. Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed and secured to the vessel as to be readily accessible.

F. The provisions of subsections B, C, and E of this section shall not apply to vessels while competing in any race conducted pursuant to Section 4205 of this title, or, if such vessels are designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of vessels and motors for the race.

G. Every vessel shall have the carburetor or carburetors of every motor therein, except outboard motors, using any liquid as fuel, equipped with a United States Coast Guard or U.L. or S.A.E. approved backfire flame arrestor or other appropriate attachment, as prescribed by the rules of the Department of Public Safety.

H. Every vessel, except open vessels, using any liquid as fuel shall be provided with such means as may be prescribed by the United States Coast Guard for properly and efficiently ventilating the bilges of the motor and fuel tank compartments so as to remove any explosive or inflammable gases.

I. No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof and as prescribed in the rules of the Department of Public Safety.

Added by Laws 1989, c. 346, § 59, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 33, eff. Jan. 1, 1993; Laws 1997, c. 199, § 4, eff. Nov. 1, 1997; Laws 2003, c. 393, § 5, emerg. eff. June 4, 2003.

§63-4208. Noise control equipment and noise levels.

A. No person shall operate upon the waters of this state any vessel or motor which is not equipped with a muffler or muffler system in good working order. The use of cutouts, removal of mufflers or muffler baffles, cutting or punching of holes in mufflers or otherwise modifying the original muffler or muffling system installed by the manufacturer or any subsequent muffler or muffling system so as to increase or modify the noise level is prohibited. This section shall not apply to vessels in the act of participating in a sanctioned event.

B. No person shall authorize, cause or permit unnecessary sounding of any whistle, horn, bell, siren or other sound-producing device on a vessel while such vessel is within any harbor limits or in areas of congested vessel traffic.
Laws 1989, c. 346, § 60, emerg. eff. June 3, 1989; Laws 1992, c. 284, § 34, eff. Jan. 1, 1993.

§63-4209. Unlawful possession of vessel or motor - Penalties.
A person not entitled to possession of a vessel or motor who, without the consent of the owner and with intent to deprive him of the vessel or motor or its possession, takes, uses, or operates the vessel or motor, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.
Laws 1989, c. 346, § 61, emerg. eff. June 3, 1989; Laws 1992, c. 284, § 35, eff. Jan. 1, 1993.

§63-4209.1. Knowingly receiving, possessing, selling or disposing of stolen or converted vessel or motor - Penalties.
A person not entitled to the possession of a vessel or motor who receives, possesses, sells or disposes of such vessel or motor, knowing said vessel or motor to be stolen or converted under circumstances constituting a crime, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.
Added by Laws 1992, c. 284, § 36, eff. Jan. 1, 1993.

§63-4209.2. Removing or falsifying identification number of vessel or motor - Penalties.
A. As used in this section:
1. "Identification number" includes any identifying number, serial number, motor serial number or other distinguishing number or mark, placed on a vessel or motor by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;
2. "Remove" includes deface, cover and destroy; and
3. "Falsify" includes alter and forge.
B. Any person or persons who shall remove or falsify or cause to be removed or falsified the hull identification number of a vessel or motor in this state, without first giving notice of such act to the Oklahoma Tax Commission, upon such form as the Commission may prescribe, or any person who shall give a wrong description in any application for the registration of any vessel or motor in this state for the purpose of concealing or hiding the identity of such vessel or motor, upon conviction, shall be guilty of a felony and shall be

punished by imprisonment in the State Penitentiary for a term of not less than one (1) year and not more than five (5) years.

C. A person who buys, receives, possesses, sells or disposes of a vessel or motor, knowing that the identification number of the vessel or motor has been removed or falsified, upon conviction, shall be guilty of a misdemeanor.

D. A person who buys, receives, possesses, sells or disposes of a vessel or motor, knowing that the identification number of the vessel or motor has been removed or falsified and with intent to conceal or misrepresent the identity of the vessel or motor, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

E. An identification number may be placed on a vessel or motor by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Commission without violating this section. An identification number so placed or restored is not falsified.

Added by Laws 1992, c. 284, § 37, eff. Jan. 1, 1993.

§63-4209.3. Making false statement in application for certificate of title or assignment thereof for stolen vessel or motor - Penalties.

Any person who shall knowingly make any false statement of a material fact, either in his application for a certificate of title, as provided for in this title, or in any assignment thereof, or who, with intent to procure or pass title to a vessel or motor which he knows or has reason to believe has been stolen, or who shall receive or transfer possession of the same from or to another, or who shall have in his possession any vessel or motor which he knows or has reason to believe has been stolen, and who is not a duly authorized peace officer of this state engaged at the time in the performance of his duty as such officer, upon conviction, shall be guilty of a felony and shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Thousand Dollars ($5,000.00), or imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a vessel or motor.

Added by Laws 1992, c. 284, § 38, eff. Jan. 1, 1993.

§63-4209.4. Altering or forging certificate of title or assignment thereof - Penalties.

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Oklahoma Tax

Commission, pursuant to the provisions of this title, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, upon conviction, shall be guilty of a felony and shall be punished by a fine of not less than Fifty Dollars ($50.00), and not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court.
Added by Laws 1992, c. 284, § 39, eff. Jan. 1, 1993.

§63-4209.5. Injuring, tampering with or damaging vessel or motor or accessories, appurtenances or attachments thereto - Climbing into or upon vessel with intent to commit crime.

A. A person who, with intent and without right to do so, injures or tampers with any vessel or motor or in any other manner damages any part or portion of said vessel or motor or any accessories, appurtenance or attachments thereto, upon conviction, shall be guilty of a misdemeanor.

B. A person who, without right to do so and with intent to commit a crime, climbs into or upon a vessel whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism or other mechanism or device of a vessel while the same is at rest and unattended, or sets in motion any vessel while the same is at rest and unattended, upon conviction, shall be guilty of a misdemeanor.
Added by Laws 1992, c. 284, § 40, eff. Jan. 1, 1993.

§63-4209.6. Falsely reporting theft or conversion of vessel or motor.

A person who knowingly makes a false report of the theft or conversion of a vessel or motor to any duly authorized peace officer of this state, upon conviction, shall be guilty of a misdemeanor.
Added by Laws 1992, c. 284, § 41, eff. Jan. 1, 1993.

§63-4209.7. Additional unlawful acts - Penalties.

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or certificate of registration issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title or certificate of registration issued under the laws of this state or any other state;

3. To purchase identification or number plates on a certificate of title assigned to another vessel or motor; or

4. To sell or dispose of, in any manner, a used vessel or motor without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to him at the time of sale.

B. Anyone violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00).

Added by Laws 1992, c. 284, § 42, eff. Jan. 1, 1993.

§63-4209.8. Inspections for purpose of locating stolen vessels and related equipment.

Any peace officer of the State of Oklahoma may inspect any vessel, motor, trailer, or related equipment in any public garage or repair shop or in any place where such vessel, motor, trailer or related equipment is being held for sale or wrecking, for the purpose of locating stolen vessels, motors, trailers, or related equipment and investigating the title and registration of those items.

Added by Laws 1997, c. 146, § 11, eff. Nov. 1, 1997.

§63-4210. Operation of certain devices or vessels – Prohibited acts – Yielding to emergency vessels - Penalties.

A. No person shall operate, manipulate or give permission to any person to operate or manipulate any parasails, water skis, surfboard, personal watercraft, or similar device, or any vessel in a reckless or negligent manner so as to endanger the life or property of any person.

B. No person shall lease or otherwise give permission to another person to operate any vessel on any waters of this state, except privately owned waters, while the operator is under the influence of alcohol or any substance included in the Uniform Controlled Dangerous Substances Act or any combination of alcohol and such substance.

C. Upon the immediate approach of an authorized emergency vessel making use of an audible or a visual signal or a combination thereof, the operator of every other vessel shall immediately stop his or her vessel whenever or wherever practical or otherwise yield the right-of-way until such authorized emergency vessel has passed, except when otherwise directed by a duly authorized peace officer of this state.

D. No person shall overload or give permission to overload a vessel with passengers or gear so as to exceed the posted capacity plate, United States Coast Guard standards, or the vessel manufacturer’s recommended capacity.

E. No person shall operate or give permission to operate any vessel on the waters of this state for which the manufacturer has affixed a maximum horsepower capacity plate so as to exceed the posted capacity plate or to exceed the United States Coast Guard

standards for maximum horsepower capacity; provided, this provision shall not apply to vessels operating in sanctioned events.

F. No person shall operate, drive or be in actual physical control of any vessel on any waters of this state, except privately owned waters, at speeds in excess of the speed limits established for those waters.

G. No person shall operate on the waters of this state, except privately owned waters, any vessel, including personal watercraft, within fifty (50) feet in proximity to another vessel when running at speeds of over ten (10) miles per hour; provided, this prohibition shall not apply to vessels operating in sanctioned events.

H. Any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable, upon conviction, by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00) and shall be subject to imprisonment in the county jail for a period not to exceed six (6) months.

Added by Laws 1989, c. 346, § 62, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 43, eff. Jan. 1, 1993; Laws 1996, c. 337, § 2, eff. July 1, 1996; Laws 2000, c. 237, § 1, emerg. eff. May 24, 2000; Laws 2003, c. 393, § 6, emerg. eff. June 4, 2003; Laws 2008, c. 95, § 2, eff. Nov. 1, 2008; Laws 2011, c. 201, § 1, eff. July 1, 2011.

§63-4210.1. Negligent homicide - Penalties.

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the operating of a vessel by any person sixteen (16) years of age or older in reckless disregard of the safety of others, the person so operating such vessel shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 1992, c. 284, § 44, eff. Jan. 1, 1993.

§63-4210.2. Eluding or attempting eluding peace officer - Assisting peace officer - Arrests.

Any operator of a vessel who has received a visual and audible signal, a red light and a siren, from any duly authorized peace officer of this state, operating a vessel showing the same to be a law enforcement vessel, directing the said operator to bring his vessel to a stop and who willfully increases his speed or extinguishes his lights in an attempt to elude such officer, or willfully attempts in any other manner to elude the officer, or who does elude such officer, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two

Thousand Dollars ($2,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Said peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other duly authorized peace officers from any office, department or agency of this state. Any such officer within this state, having knowledge of such request, is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause.

Added by Laws 1992, c. 284, § 45, eff. Jan. 1, 1993.

§63-4210.3. Transporting weapon in or discharging weapon from vessel - Exceptions - Penalties.

It shall be unlawful to transport a shotgun, rifle or pistol in or to discharge such weapons from a vessel, except for the purposes of hunting animals or fowl, and in compliance with existing state and federal laws. Anyone violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for not less than ten (10) days and not more than six (6) months, or by both such fine and imprisonment. Any person in possession of a valid handgun license from this state or a reciprocal state authorized by the Oklahoma Self-Defense Act shall not be deemed guilty of transporting a pistol in violation of this section when a handgun is carried concealed or unconcealed upon or about their person in compliance with the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1992, c. 284, § 46, eff. Jan. 1, 1993. Amended by Laws 1998, c. 286, § 9, eff. July 1, 1998; Laws 2012, c. 259, § 47, eff. Nov. 1, 2012.

§63-4210.4. Care and prudent speed to be used in operation of vessel - Operation in wake zone - Parking, mooring or beaching in a swimming area - Violation.

A. Any person who operates or gives permission to operate a vessel on any waters of this state shall operate the same at a careful and prudent speed not greater than nor less than is reasonable or proper, having due regard to other vessels, water skiers, swimmers, sanctioned events, restrictive and informational markers or buoys, existing wind conditions, waves, wakes or other weather conditions then existing.

B. No person shall operate or give permission to operate a vessel in a wake zone at a speed which is other than reasonable and prudent and which shows due regard for the existence of actual or potential hazards and obstacles, or in such a manner as to endanger the life, limb or property of any other person, or in such a manner

as to create a wake. For the purpose of this title, "no wake zone" means any area posted with buoys or within one hundred fifty (150) feet of any boat ramp, dock, pier, or anchored or moored vessel.

C. No person shall park, moor, or beach a vessel at the perimeter of or within a swimming area marked with buoys and cable.

D. Any violation of the provisions of this section shall constitute a careless act in the operation of the vessel.

Added by Laws 1992, c. 284, § 47, eff. Jan. 1, 1993. Amended by Laws 1997, c. 199, § 5, eff. Nov. 1, 1997.

§63-4210.5. Removing, tampering, or interfering with or attaching vessel to waterway marker, navigational aid or buoy.

No person shall remove, tamper or otherwise interfere with or attach or moor a vessel to the anchor cable or any other part of any waterway marker, navigational aid or buoy.

Added by Laws 1992, c. 284, § 48, eff. Jan. 1, 1993.

§63-4210.6. Sitting and standing in vessel while under way.

No person shall sit or ride on the sides of any vessel or the back of any seat of a vessel while under way at any speed greater than idle or trolling speed; provided, however, the operator of such vessel may stand if said vessel is specifically designed to be operated from a standing position. No person shall sit or ride on the covered bow of any vessel while under way at any speed greater than idle or trolling speed unless such vessel is designed as such to allow access to the covered bow by way of side walkways or factory-equipped walk-through areas which are surrounded by life rails, deck rails, bow rails, or other such enclosure extending at least twenty-four (24) inches above the deck; provided, that no person riding in or operating a vessel shall extend any appendage over the edge of the vessel either above or below the rail if such vessel is at any speed greater than idle or trolling speed. No person shall stand on the covered bow of any vessel while under way at a speed greater than idle or trolling speed.

Added by Laws 1992, c. 284, § 49, eff. Jan. 1, 1993. Amended by Laws 2000, c. 317, § 1, emerg. eff. June 5, 2000.

§63-4210.7. Occupying front or back deck of vessel while under way.

No operator shall allow any person to occupy the front or back deck of any vessel while under way at any speed greater than idle or trolling speed unless such vessel is equipped with factory-installed seating or is designed as such to allow access to the front or back deck by way of side walkways or factory-equipped, walk-through areas to a flat deck surrounded by life rails, deck rails, stern rails, bow rails, or other such enclosures extending at least twenty-four (24) inches above the deck.

Added by Laws 1992, c. 284, § 50, eff. Jan. 1, 1993. Amended by Laws 1997, c. 199, § 6, eff. Nov. 1, 1997; Laws 2000, c. 317, § 2, emerg. eff. June 5, 2000.

§63-4210.8. Operation or control of vessel under influence of alcohol or other intoxicating substance.

A. It shall be unlawful for any person to operate or be in actual physical control of a vessel upon the waters of this state, except privately owned waters, who:

1. Has a blood or breath alcohol concentration of eight-hundredths (0.08) or more at the time of a test of the person's blood or breath;

2. Is under the influence of any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state; or

3. Is under the influence of alcohol and any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state.

As used in this section, "other intoxicating substance" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. 1. Any person operating a vessel upon the waters of this state, except privately owned waters, shall be deemed to have given consent to a test or tests of such person's blood, breath, saliva or urine for the purpose of determining the presence and concentration of alcohol or any other intoxicating substance. Such tests shall be performed within two (2) hours of an arrest and in the same manner as provided for in Section 752 of Title 47 of the Oklahoma Statutes.

2. Evidence that the person has refused to submit to a test or tests as required by this section shall be admissible upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed in violation of the provisions of this section.

3. Any person refusing to submit to such test or tests shall be in violation of this section and subject to the fines provided for herein.

C. 1. Any person convicted of a violation of this section shall be guilty of a misdemeanor and fined in an amount not to exceed One Thousand Dollars ($1,000.00). Any second or subsequent conviction shall be punishable by a fine in an amount of not less than One Thousand Dollars ($1,000.00), nor more than Two Thousand Five Hundred Dollars ($2,500.00).

2. A person arrested by a law enforcement officer for a violation of this section may be allowed to post a cash bail in an amount set by the arresting law enforcement officer not to exceed the

maximum fine provided by this section, or deposit a valid license to operate a motor vehicle in exchange for an official receipt issued by the arresting officer as provided for in Section 1111 et seq. of Title 22 of the Oklahoma Statutes.
Added by Laws 1996, c. 337, § 3, eff. July 1, 1996. Amended by Laws 1997, c. 199, § 8, eff. Nov. 1, 1997. Renumbered from Title 63, § 4210A by Laws 2003, c. 393, § 9, emerg. eff. June 4, 2003. Amended by Laws 2011, c. 201, § 2, eff. July 1, 2011.

§63-4210.9. Implied consent to administer drug or alcohol test.

A. 1. Any person who operates a vessel upon the waters of this state shall be deemed to have given consent to a test or tests of the blood or breath of the person, for the purpose of determining the alcohol concentration as defined in Section 7 of this act, and the blood, saliva or urine of the person, for the purpose of determining the presence or concentration of any other intoxicating substance as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a vessel upon the waters of this state while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a boating collision that resulted in the immediate death or serious injury of any person and is removed from the scene of the collision to a hospital or other health care facility outside this state before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a vessel while under the influence may direct the administration of or administer the test or tests.

3. As used in this section, "other intoxicating substance" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. 1. The law enforcement agency by which the arresting officer is employed may designate, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

2. In the event the law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be

tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Board.

3. In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. 1. Any person who is unconscious or otherwise incapable of refusing to submit to a test of the blood or breath of the person to determine the alcohol concentration thereof, or to a test of the blood, saliva or urine of the person to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

2. An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

3. Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released by the arresting officer on the recognizance of the person for medical reasons. The arresting officer who releases an arrested person on the recognizance of the person must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be

treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 4 of this act.

Added by Laws 2011, c. 201, § 3, eff. July 1, 2011.

§63-4210.10. Qualified persons to withdraw blood.

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, or physician's assistant, certified by the State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners or Board of Chiropractic Examiners; an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood; or other qualified person authorized by the Board of Tests for Alcohol and Drug Influence acting at the request of a law enforcement officer, may withdraw blood for purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board of Tests for Alcohol and Drug Influence may collect breath, saliva or urine, or administer tests of breath under the provisions of this section.

B. If the person authorized to withdraw blood as specified in subsection A of this section is presented with a written statement:

1. Authorizing blood withdrawal signed by the person whose blood is to be withdrawn;

2. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;

3. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has been placed under arrest and that the officer has probable cause to believe that the person, while intoxicated, has operated a vessel in such manner as to have caused the death or serious physical injury of another person, or the person has been involved in a boating collision and has been removed from the scene of the collision that resulted in the death or great bodily injury of any person, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, to a hospital or other health care facility outside the State of Oklahoma before the law enforcement officer was able to effect an arrest for such offense; or

4. In the form of an order from a district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs

may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. No person specified in subsection A of this section, no employer of such a person, and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer by the provisions of Section 3 or 5 of this act, or when acting in reliance upon a signed statement or court order as provided in this section, if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection A of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer under the provisions of Section 3 or 5 of this act or when acting pursuant to a court order.

D. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by the Board of Tests for Alcohol and Drug Influence, or tested by a laboratory that is exempt from the Board rules pursuant to Section 759 of Title 47 of the Oklahoma Statutes, to determine the alcohol concentration thereof, or the presence and concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a vessel safely.

E. When blood is withdrawn or saliva or urine is collected for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood, saliva or urine specimen shall be retained by a laboratory approved by the Board of Tests for Alcohol and Drug Influence, in accordance with the rules and regulations of the Board, or by a laboratory that is exempt from the Board rules pursuant to Section 759 of Title 47 of the Oklahoma Statutes, for sixty (60) days from the date of collection. At any time within that period, the tested person or his or her attorney may direct that such blood, saliva or urine specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood, saliva or urine specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board of Tests for Alcohol and Drug Influence, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the Board to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess specimen of breath, or of its alcohol content, shall be retained by the law enforcement agency employing the arresting officer, in accordance with the rules and regulations of the Board, for sixty (60) days from the date of collection. At any time within that period, the tested person, or his or her attorney, may direct that such specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional specimen of breath, or of its alcohol content, prior to the completion of the independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

G. The costs of collecting blood, breath, saliva or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood, breath, saliva or urine for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood, breath, saliva or urine shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

H. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this section, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood, breath, saliva or urine, to be considered valid and admissible in evidence under the provisions of this section, shall have been administered or performed in accordance with the rules and regulations of the Board of Tests for Alcohol and Drug Influence, or performed by a laboratory that is exempt from the Board rules pursuant to Section 759 of Title 47 of the Oklahoma Statutes.

I. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a vessel while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, who is not requested by a law enforcement officer to submit to a test, shall be entitled to have an independent test of his or her blood, breath, saliva or urine, which is appropriate as determined by the Board of Tests for Alcohol and Drug Influence for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

J. Any agency or laboratory certified by the Board of Tests for Alcohol and Drug Influence or any agency or laboratory that is exempt from the Board rules pursuant to Section 759 of Title 47 of the Oklahoma Statutes, which analyzes breath, blood, or urine shall make available a written report of the results of the test administered by or at the direction of the law enforcement officer to:

1. The tested person, or his or her attorney;
2. The Commissioner of Public Safety; and
3. The Fatality Analysis Reporting System (FARS) analyst of the state, upon request.

The results of the tests provided for in this section shall be admissible in civil actions.

Added by Laws 2011, c. 201, § 4, eff. July 1, 2011.

§63-4210.11. Refusal to submit to drug or alcohol testing - Exceptions.

If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given, unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated a vessel in such a manner as to have caused the death or serious physical injury of any other person or persons. In that event, the

test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for the test or tests. The sample shall be taken in a medically acceptable manner at a hospital or other suitable health care facility.
Added by Laws 2011, c. 201, § 5, eff. July 1, 2011.

§63-4210.12. Laboratory report - Evidence.

A. At any proceeding held relevant to this act, a report of the findings of the laboratory of the Oklahoma State Bureau of Investigation, the medical examiner's report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof, which has been made available to the person or an authorized representative at least five (5) days prior to the hearing, with reference to all or part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If the report is deemed relevant by either party, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to this subsection, orders the person to appear.

B. When any alleged controlled dangerous substance has been submitted to the laboratory of the Oklahoma State Bureau of Investigation for analysis, and the analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of the substance shall be released to any other person or laboratory absent an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

C. The court, upon motion of either party, shall order the attendance of any person preparing a report submitted as evidence in the hearing when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of any person having prepared a report. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required.

D. If within five (5) days prior to the hearing or during a hearing, a motion is made pursuant to this section requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the person making the report, the motion is heard, and, if sustained, the testimony ordered can be given.
Added by Laws 2011, c. 201, § 6, eff. July 1, 2011.

§63-4210.13. Criminal trials - Use of alcohol or drug tests as evidence.

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while operating or in actual physical control of a vessel while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of Section 4 of this act and Section 759 of Title 47 of the Oklahoma statutes or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of Section 4 of this act and Section 759 of Title 47 of the Oklahoma Statutes shall be admissible. Evidence that the person has refused to submit to either of said analyses is also admissible. For the purpose of this section, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person was under the influence of alcohol in violation of Section 3 of this act. For persons twenty-one (21) years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of seven-hundredths (0.07) or less is prima facie evidence that the person was not under the influence of alcohol; and

2. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this section, "alcohol concentration" means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence shall first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

Added by Laws 2011, c. 201, § 7, eff. July 1, 2011.

§63-4210.14. Use of other competent evidence.

The provisions of Sections 3 through 7 of this act do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance.

Added by Laws 2011, c. 201, § 8, eff. July 1, 2011.

§4210A. Renumbered as § 4210.8 of this title by Laws 2003, c. 393, § 9, emerg. eff. June 4, 2003.

§63-4211. Diving or submerging in body of water - Use of buoys - Operating vessel in diving area.

A. Any person diving or submerging in a body of water with the aid of any mechanical diving or breathing device or suit shall place a buoy with a flag in the water at or near the point of submergence or fly a flag from a vessel indicating divers are present, in the following manner:

1. Either the nationally recognized diver's flag or Alpha flag may be flown;

2. When flown from a vessel, at least one flag shall be flown not less than one (1) meter above the highest point of the vessel and shall be visible from a three-hundred-sixty-degree circle;

3. The buoy, flag or flags shall be in place only while actual diving operations are in progress;

4. No diving buoys may be closer than one hundred (100) yards to any functional boat ramp; and

5. The flag or flags shall be in good condition and legible, and the flag shall be in the extended position so as to be visible to any other vessel.

B. It shall be unlawful for any person to operate a vessel within one hundred fifty (150) feet of a diving buoy except while engaged in the rescue of a person in such area.

Added by Laws 1989, c. 346, § 63, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 51, eff. Jan. 1, 1993; Laws 1999, c. 9, § 1, eff. Nov. 1, 1999.

§63-4211.1. Inner tubes, air mattresses or floating chairs - Distance from shore restricted.

Inner tubes, air mattresses, floating chairs or similar devices shall not be more than fifty (50) feet from shore when being used by a swimmer.

Added by Laws 1992, c. 284, § 52, eff. Jan. 1, 1993. Amended by Laws 1997, c. 199, § 7, eff. Nov. 1, 1997.

§63-4212. Towing person or persons using parasails, water skis or similar devices - Time restrictions - Professional exhibitions excepted - Colliding with or striking object or person - Operation of personal watercraft.

A. 1. No person shall operate or give permission to operate a vessel on any waters of this state for towing a person or persons using parasails or on water skis, a surfboard, or similar device unless there is in such vessel:

a. a person who is at least eight (8) years old, and who, in addition to the operator, is in a position to

observe the progress of the person or persons being towed,

b. if the vessel is not a personal watercraft, an efficient wide angle convex rear view mirror installed on such vessel in such manner as to permit the person operating said vessel to face the direction of travel and be in a position to observe the progress of the person or persons being towed, or

c. if the vessel is a personal watercraft, two efficient wide angle convex rear view mirrors installed on such vessel in such manner as to permit the person operating such watercraft to face the direction of travel and be in a position to observe the progress of the person or person being towed.

2. Water skiing shall be allowed with any watercraft which is designed to accommodate two or more persons.

B. No person shall operate or give permission to operate a vessel on any waters of this state towing a person or persons using parasails or on water skis, a surfboard, a sailboard or similar device nor shall any person engage in parasailing, water skiing, surfboarding, sailboarding or similar activity at any time between the hours from sunset to sunrise or at such time visibility due to other existing conditions is obscured so as to endanger life or property.

C. The provisions of subsections A and B of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under Section 4205 of this title.

D. No person shall operate or give permission to operate or manipulate any vessel, tow rope or other device by which the direction or location of parasails, water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the parasails, water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.

E. 1. No person shall operate or give permission to operate a personal watercraft or similar device capable of being remote controlled by the skier unless such device is factory equipped with an engine kill switch capable of shutting off the engine in the event the skier becomes detached from the personal watercraft device. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach such lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel.

2. No person shall operate a personal watercraft at any time between the hours from sunset to sunrise unless equipped with prescribed lights.

Added by Laws 1989, c. 346, § 64, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 53, eff. Jan. 1, 1993; Laws 1993, c. 60, § 1, emerg. eff. April 12, 1993; Laws 1994, c. 231, § 1, eff. Sept. 1, 1994; Laws 2003, c. 393, § 7, emerg. eff. June 4, 2003.

§63-4213. Placing or disposing of marine sewage in state waters prohibited - Use of total retention marine toilets required.

A. No person shall place or dispose of marine sewage in any waters of this state.

B. On and after July 1, 1995, no person shall operate a vessel equipped with a marine toilet which is not a total retention system in accordance with federal regulations regarding marine toilets.

Added by Laws 1989, c. 346, § 65, emerg. eff. June 3, 1989. Amended by Laws 1990, c. 304, § 13, emerg. eff. May 30, 1990; Laws 1992, c. 284, § 54, eff. Jan. 1, 1993; Laws 1993, c. 321, § 4, emerg. eff. June 7, 1993.

§63-4214. Collision, accident, or other casualty - Rendering of assistance by vessel operator - Notice - Accident report - Notice to appear - Written report – Drug and alcohol test.

A. The operator and/or passenger of a vessel involved in a collision, accident, or other casualty, shall render to other persons involved in the collision, accident, or other casualty reasonable assistance as may be necessary and practicable and shall immediately, by the quickest means of communication, give notice of such accident to the local police department if such accident occurs within a municipality, or to the office of the county sheriff or nearest state highway patrol headquarters after complying with the requirements of this section. The operator of a vessel involved in a collision, accident, or other casualty shall give his name, address, and identification of his vessel, in writing, to any person injured in the collision, accident, or other casualty and to the owner of any property damaged in the collision, accident, or other casualty.

B. Any operator of a vessel involved in a collision, accident, or other casualty who could be cited for a violation of the Oklahoma Boating Safety Regulation Act where the collision, accident or other casualty resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person shall submit to drug and alcohol testing as soon as practicable after such collision, accident or other casualty occurs. The boating violation shall constitute probable cause for purposes of Section 752 of Title 47 of the Oklahoma Statutes and the procedures found in Section 752 of Title 47 of the Oklahoma Statutes shall be followed to determine the presence of alcohol or controlled dangerous substances within the blood system of the operator of the vessel.

C. If a collision, accident, or other casualty results in death or injury to a person or damage to property in excess of Two Thousand Dollars ($2,000.00), the operator of the vessel involved in the collision, accident, or other casualty shall file with the Department of Public Safety a full description of the collision, accident, or other casualty, and such information as the Department may require. No person shall be prosecuted or subjected to any penalty for providing such report to the Department and any statement or information included in such report shall not be received against the person upon any criminal investigation, proceeding or trial.

D. Whenever a person is halted by any duly authorized peace officer of this state for any violation of Chapters 70, 71 or 72 of this title, which shall be punishable as a misdemeanor, and is not taken before a magistrate as hereinbefore required or permitted, the officer shall prepare in quadruplicate using the "Oklahoma Uniform Violations Complaint", a written notice to appear in court, such notices to appear to be serially numbered, containing the name and address of the person, the state registration number of the vessel, if any, the offense charged, the time and place when and where the person shall appear in court, and such other pertinent information as may be necessary.

E. The time specified in the notice to appear must be at least five (5) calendar days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

F. The person charged with the violation may give his written promise to appear in court by signing the written notice to appear prepared by the officer, in which event the officer shall deliver a copy of the notice to appear to the person, and thereupon the officer shall not take the person into physical custody for the violation.

G. If the person charged with the violation is a minor, then the citing officer shall ascertain from the minor the name and address of the parents or legal guardian of the minor, and the officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) calendar days after the date of violation.

H. Except for felony violations, any duly authorized peace officer of this state at the scene of a boating accident may issue a written notice to appear to the operator of a vessel involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense in connection with the accident.

I. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department of Public Safety pursuant to this section shall be transmitted to the official or agency of the United States.

J. Any employee or officer of an agency of this state, or employee or officer of a municipality or county in this state, shall make a written report to the Department of Public Safety if an occurrence involving a vessel or its equipment results in one or more of the following:

1. A person dies;

2. A person is injured and requires medical treatment beyond first aid;

3. Damage to the vessel and other property totals more than Two Thousand Dollars ($2,000.00) or there is a complete loss of the vessel;

4. A person disappears from the vessel under circumstances that indicate death or injury;

5. A person drowns in swimming to retrieve a vessel that is adrift from its mooring or dock, having departed from a position of inherent safety such as a shore or pier;

6. A person drowns while swimming from a vessel for pleasure and the vessel does not contribute to the drowning;

7. A person drowns after falling from a vessel that is moored or anchored for use as a swimming platform or other purpose;

8. A person dies or is injured while in the act of launching a vessel into a body of water;

9. A person drowns or is injured while surfing;

10. A fatality or injury occurs to an operator or a crew member while participating in an organized/sanctioned race, or warm-up, in a vessel uniquely designed for racing; or

11. Damage, injury or death on a docked, moored or anchored vessel resulting from unusual wake or wave conditions.

Added by Laws 1989, c. 346, § 66, emerg. eff. June 3, 1989. Amended by Laws 1991, c. 182, § 65, eff. Sept. 1, 1991; Laws 1992, c. 284, § 55, eff. Jan. 1, 1993; Laws 2008, c. 95, § 3, eff. Nov. 1, 2008; Laws 2009, c. 41, § 1, eff. Nov. 1, 2009.

§63-4215. Negligent operation - Liability.

A. The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the statutes of this state, or the violation of any municipal ordinance, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable, however, unless such vessel is being used with his or her express or implied consent. Nothing contained herein shall be construed to relieve any other person from any liability which he or she would otherwise have.

B. The owner of a vessel shall not be liable for any injury or damage occasioned by the negligent operation of the vessel as provided in subsection A of this section if:

1. The owner is engaged in the trade or business of renting or leasing vessels;

2. The owner is in compliance with the Oklahoma Vessel and Motor Registration Act, Section 4001 et seq. of this title;

3. The injury or damage occurred during a period of rental or lease;

4. The owner did not knowingly permit or entrust the vessel to be operated by a reckless or otherwise incompetent operator where the owner knew or should have known that the injury or damage would have occurred; and

5. The owner has:

a. briefed the renter of the vessel on the location of fire extinguishers and life vests when applicable,

b. ensured there are enough life vests of the proper size for every passenger on the boat,

c. presented guidelines to the renter for safely piloting a vessel, and

d. executed a safety check on lighting, gasoline, oil, and bilge water removal systems.

Added by Laws 1989, c. 346, § 67, emerg. eff. June 3, 1989. Amended by Laws 2017, c. 244, § 1, emerg. eff. May 12, 2017.

§63-4216. Actions against nonresident owners or operators - Service of notice - Venue.

In an action in any court of this state, arising out of injury to person or property caused by any vessel or motor while operating in the waters of this state, including the Oklahoma portion of boundary rivers, or moored in such waters or against shore land in this state, when the owner or operator is a nonresident of this state or a corporation not incorporated under the laws of this state, service of the original notice may be made upon such nonresident owner or operator or upon such foreign corporation in the manner provided in Sections 2004 and 2005 of Title 12 of the Oklahoma Statutes. The venue of such an action shall be the county in which the damage occurred and the presence of such vessel and the doing of said damage within the territory comprising the State of Oklahoma, together with the subsequent removal of said vessel from the jurisdiction of the State of Oklahoma, shall constitute a waiver by the owner or operator thereof of any objection to the venue of such an action commenced in a proper court of this state.

Added by Laws 1989, c. 346, § 68, emerg. eff. June 3, 1989.

§63-4217. Abandonment of vessel - Removal.

A. It shall be unlawful to abandon a vessel on the waters of this state or other public property. Any officer of the Department of Public Safety or any other law enforcement agency shall deem a vessel abandoned and shall have authority to remove or direct the

removal of a vessel when found upon any portion of the waters of this state or other public property, if, after a period of forty-eight (48) hours, there is no evidence of an apparent owner who intends to remove the vessel. Any law enforcement officer prior to removing such vessel shall attempt to notify the owner of such vessel if the vessel has an identification number registered in this state or if the name and address of the owner is attached to such vessel.

B. If such officer has reasonable cause to believe a vessel has been abandoned in a location which would be hazardous to the free flow of traffic or would be highly susceptible to damage from vandalism or other harm, he shall have authority to remove or direct the removal of the vessel immediately. At the time of ordering the removal of an abandoned vessel, the authorizing officer shall also determine the sale value of the vessel and certify that amount on the removal order.

C. Any officer of the Department of Public Safety is hereby authorized to cause to be removed any vessel found upon the waters of this state or any other public property when:

1. Report has been made that such vessel has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vessel has been abandoned as defined in this section;

3. The person operating or in control of such vessel is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, when the owner or operator is not in a position to take charge of his vessel and direct or request proper removal; or

5. When a vessel and/or motor registration is thirty (30) days past the date of expiration.

Such officer may ensure the safe removal of said vessel by use of a trailer.

Added by Laws 1989, c. 346, § 69, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 56, eff. Jan. 1, 1993; Laws 2002, c. 66, § 3.

§63-4217.1. Abandoned vessels – Notice of removal.

Any officer who has removed or directed the removal of any vessel, or an authorized person in the employing agency of the officer, shall within seventy-two (72) hours of the removal notify the Department of Public Safety of the removal. The notice of removal shall contain the name and address of the owner, if known, the make, model, vessel identification number, registration number, date stored, place stored and the estimated value. Upon receipt of such notice of removal, the Department of Public Safety shall promptly request the Oklahoma Tax Commission or other appropriate registering jurisdiction to furnish the name and address of the owner

of and any lienholder on the vessel and must within five (5) days from receipt of the requested information send a notice to the owner and any lienholder by regular mail, postage prepaid, at the addresses furnished by the Tax Commission or registering jurisdiction, of the location of the vessel. This section shall not be construed to create any civil liability upon the state, any agency of the state or employee thereof for failure to provide notice to the owner or lienholder.
Added by Laws 2002, c. 66, § 4.

§63-4217.2. Abandoned vessels - Contest of removal or storage - Hearing.

A. After the removal or storage of any abandoned or wrecked vessel at the request of a public agency, the registered or legal owner of the vessel, or their agent, may contest the validity of the removal or storage, by filing a written request for a hearing with the public agency. The written request may be filed before or after the vessel is retrieved from the storage operator. The public agency shall not be required to conduct a hearing if the request is received more than ten (10) days following actual or constructive notice to the owner or driver of the vessel that the vessel has been so removed or stored. A hearing shall be scheduled within seventy-two (72) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person who directed the removal or storage of the vessel. The public agency may, with the consent of the person requesting the hearing, schedule the hearing by telephone and conduct the hearing on the merits by telephone conference call.

The hearing officer shall apply the law to the evidence and make a determination whether the vessel removal and storage was justified. If deemed unjustified, the public agency shall bear the cost of hookup and tow mileage, and the operator shall waive all storage costs in such cases as a condition of eligibility to respond to a service call request from a public agency. The vessel owner or agent shall not be charged any type of fee or costs relating to impoundment or storage in such case. If the tow and storage is deemed justified, the owner or agent shall bear the cost of reasonable tow and storage.

B. Failure of either the registered or legal owner, or their agent, to timely request or to timely appear for a scheduled hearing shall satisfy the hearing requirement of this section.

C. The hearing conducted by the public agency pursuant to this section shall not be governed by the Administrative Procedures Act. The owner of a stored vessel may, either in lieu of such hearing or after such hearing, file a petition in the district court of the county wherein the vessel is stored. The district court is vested

with original jurisdiction to conduct a de novo hearing and determine the validity of removal and storage.

D. The provisions of this section shall not apply to the removal of vessels pursuant to Section 954A of Title 47 of the Oklahoma Statutes.

Added by Laws 2002, c. 66, § 5.

§63-4217.3. Abandoned vessels – Regaining possession.

The owner of a vessel or lienholder of the vessel abandoned in violation of Section 4217 of Title 63 of the Oklahoma Statutes, or the owner of any vessel or lienholder of the vessel or insurer of a vessel when the insurer has purchased the vessel as a total loss vessel from the registered owner which shall have been lawfully removed from any waters of this state or other public property may regain possession of the vessel in accordance with rules of the Department of Public Safety upon payment of the reasonable cost of removal and storage of the vessel. The cost of removal and storage shall be paid to the wrecker or towing service. An operator shall release the vessel from storage upon authorization from the owner, agent or lienholder of the vessel or, in the case of a total loss, the insurer of the vessel where the vessel is to be moved to an insurance pool yard for sale.

Added by Laws 2002, c. 66, § 6.

§63-4217.4. Abandoned vessels – Lien – Foreclosure by sale – Notice – Application of proceeds.

A. Every person lawfully in possession of an abandoned vessel shall have a special lien thereon for the compensation due from the owner of such abandoned vessel for all expenses incurred.

B. The lien may be foreclosed by a sale of such abandoned vessel upon giving notice and in the following manner. The notice shall contain:

1. The name of the party bringing action and the name of the owner or any person claiming any interest therein;

2. A full description of the vessel, giving all available information as to the make, year, serial number, registration decal number with year and the state from which the registration was issued;

3. A full statement of all the facts;

4. The amount of the claim, giving a full description of the work, labor, storage or any other costs involved; and

5. The date, time and place of the sale.

The notice shall be posted in three public places in the county in which the vessel is to be sold at least ten (10) days before the time specified therein for such sale, and a copy of said notice shall be mailed to the owner and any other person claiming any interest in the

abandoned motor vehicle, at their last-known mailing address, by registered mail on the same date of posting said notice.

C. Proceedings for such sale under this section shall not be commenced until ten (10) days after the lien has accrued.

D. A return of such sale shall be made at the time of sale and proof of posting and mailing of the notice of sale of abandoned vessel.

E. The proceeds from the sale of an abandoned vessel made pursuant to subsection B of this section shall be applied in the following order:

1. To the reasonable cost incurred in the sale of the abandoned vessel;

2. To the satisfaction of the special lien provided for in subsection A of this section;

3. To the satisfaction of any indebtedness secured by a subordinate security interest or lien in the vessel; and

4. To the owner if the owner is known, and if the owner or the address of the owner is not known, to the Oklahoma Tax Commission to be remitted to the State Treasurer and deposited in the General Revenue Fund.

Added by Laws 2002, c. 66, § 7.

§63-4218. Violations - Penalties.

A. Except as otherwise provided by the provisions of this section, any person violating the provisions of the Oklahoma Boating Safety Regulation Act for which another penalty is not provided, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Fifty Dollars ($50.00) for each such violation.

B. Any person who violates Section 4213 of this title for which another penalty is not provided, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine of not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000.00).

C. Any person who violates any provision of Sections 4206 through 4212 of this title, for which another penalty is not provided, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed One Hundred Dollars ($100.00) for each such violation.

Added by Laws 1989, c. 346, § 70, emerg. eff. June 3, 1989. Amended by Laws 1992, c. 284, § 57, eff. Jan. 1, 1993; Laws 2003, c. 393, § 8, emerg. eff. June 4, 2003.

§63-4219. Nighttime speed limit.

It shall be unlawful for any person to operate any vessel upon the waters of this state which are under the jurisdiction of the Grand River Dam Authority (GRDA), between the hours of one-half hour

after sunset and one-half hour before sunrise at any speed in excess of thirty-five (35) miles per hour. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00).
Added by Laws 1996, c. 337, § 4, eff. July 1, 1996. Amended by Laws 1997, c. 199, § 9, eff. Nov. 1, 1997.

§63-4220. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4220.1. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4220.2. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4220.3. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4220.4. Repealed by Laws 1992, c. 284, § 59, eff. Jan. 1, 1993.

§63-4221. Failure to comply with lawful order or directive of law enforcement officer.

No person shall willfully fail or refuse to comply with any lawful order or directive of any law enforcement officer while in the performance of his or her duty of enforcing the provisions of Title 63 or Title 21 of the Oklahoma Statutes. Failure to comply will constitute a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00).
Added by Laws 1996, c. 337, § 5, eff. July 1, 1996. Amended by Laws 2004, c. 364, § 5, eff. Nov. 1, 2004.

§63-4222. Repealed by Laws 2018, c. 27, § 62, eff. Nov. 1, 2018.

§63-4230. Repealed by Laws 1997, c. 240, § 6, emerg. eff. May 23, 1997.

§63-4230.1. Repealed by Laws 2003, c. 459, § 12.

§63-4231. Short title.

Sections 1 through 6 of this act shall be known and may be cited as the “Kyle Williams Boating Safety Education Act”.
Added by Laws 2006, c. 228, § 1, eff. Jan. 1, 2007.

§63-4232. Definitions - Requirements for persons younger than sixteen to operate certain motorized vessels, personal watercraft - Boating Safety Education Certificate.

A. As used in this section:

1. "Vessel" shall have the same meaning as defined in Section 4002 of Title 63 of the Oklahoma Statutes, but shall not include personal watercraft; and

2. "Boating safety education course" means a course in safe boating that meets or exceeds the minimum instruction standards as established by the National Association of State Boating Law Administrators in effect at the time the course is completed.

B. A person under sixteen (16) years of age shall not operate any vessel, as defined in this section, powered by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered vessel sixteen (16) feet or greater in length on the waters of this state unless the person has:

1. Successfully completed a boating safety education course or has passed a proctored equivalency examination which tests the knowledge of information included in the curriculum of such a course; and

2. Received a Boating Safety Education Certificate as evidence of successful completion of a boating safety education course or an equivalency examination.

C. A person at least twelve (12) years of age, but who has not reached sixteen (16) years of age, shall not operate a vessel, as defined in this section, powered by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered vessel sixteen (16) feet or greater in length on the waters of this state unless the person:

1. Has met the requirements listed in subsection B of this section; and

2. Is accompanied by a competent adult, eighteen (18) years of age or older, who is in a position on or in the vessel to take immediate control of the vessel being operated.

D. 1. A person under sixteen (16) years of age shall not operate a personal watercraft unless the person has met the requirements listed in subsection B of this section.

2. A person at least twelve (12) years of age, but who has not reached sixteen (16) years of age, shall not operate a personal watercraft unless the person:

a. Has met the requirements listed in subsection B of this section; and

b. Is under the visual supervision by a competent adult, eighteen (18) years of age or older within a distance of five hundred (500) yards.

The operator of a personal watercraft shall stay at least fifty (50) feet away from all moving vessels, shall idle at or in the vicinity of docks and swimmers, and shall wear an approved personal flotation device.

E. The Department of Public Safety shall promulgate rules necessary for:

1. The certification of programs and tests for boating safety education offered by other public or private organizations;

2. The administration of a boating safety education program; and

3. The issuance of boating safety education certificates.

F. A Boating Safety Education Certificate issued by the Department of Public Safety to a person who has successfully completed a boating safety education course or course equivalency examination shall not expire.

G. A person who is operating a vessel on the waters of this state shall have in his or her immediate possession:

1. The original Boating Safety Education Certificate as proof the operator meets the requirements of this section; or

2. A photo identification that clearly shows the operator is sixteen (16) years of age or older.

Failure to present such proof upon request by a peace officer shall be prima facie evidence of a violation of this section.

Added by Laws 2006, c. 228, § 2, eff. Jan. 1, 2007.

§63-4233. Exceptions to certification requirement.

Except as otherwise provided, a person is not required to comply with the certification required by Section 2 of this act if the person:

1. Is not a resident of this state and has proof the person has successfully completed a boating safety education course or equivalency examination in another state or foreign country that is approved by the Department of Public Safety;

2. Is participating in a sanctioned event as defined in Section 4201 et seq. of this title; or

3. Is operating a personal watercraft as defined in Section 4201 et seq. of this title in a no-wake zone while under the supervision of an adult.

Added by Laws 2006, c. 228, § 3, eff. Jan. 1, 2007.

§63-4234. Unlawful acts regarding certificates.

It shall be unlawful for any person to:

1. Alter, forge, counterfeit or falsify any Boating Safety Education Certificate issued under the laws of this or any other state;

2. Possess a Boating Safety Education Certificate that has been altered, forged, counterfeited or falsified;

3. Lend or to sell to, or knowingly permit the use of by one not entitled thereto, any Boating Safety Education Certificate; or

4. Make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application for a Boating Safety Education Certificate.

Added by Laws 2006, c. 228, § 4, eff. Jan. 1, 2007.

§63-4235. Violation of certification requirement - Penalties.

A. Any parent, legal guardian or person having actual responsibility for a person under sixteen (16) years of age, or who is the owner of the vessel operated by a person under sixteen (16) years of age, who knows, or should have known, that the person operating the vessel is not in compliance with the certification required by Section 2 of this act shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00). Any second or subsequent conviction shall be punishable by a fine in an amount of not less than Two Hundred Fifty Dollars ($250.00), nor more than Five Hundred Dollars ($500.00).

B. A violation of the provisions of Section 2 of this act shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00).

C. All fines collected under this section shall be deposited to the Boating Safety Education Fund administered by the State Boating Law Administrator as designated by the Commissioner of Public Safety for the purpose of establishing, maintaining and operating a program of boating safety education throughout the State of Oklahoma.

D. A court may defer the imposition of a fine and place a defendant on probation for a period not to exceed sixty (60) days if the defendant:

1. Is a first-time violator of a provision of this section;

2. Pleads guilty or nolo contendere or is found guilty;

3. Requests permission from the court to attend a boating safety education course; and

4. Successfully completes a boating safety education course approved by the Department of Public Safety during the probation period.

E. Any person producing proof in court that a valid Boating Safety Education Certificate or equivalent form recognized by the Department of Public Safety reflecting such person has successfully completed a boating safety education course or is exempt from such course was in effect at the time of the alleged offense of Section 2 of this act shall be entitled to dismissal of such charge upon payment of court costs. If such proof is provided within two (2) regular business days after the violation, the charge shall be dismissed without payment of court costs.

Added by Laws 2006, c. 228, § 5, eff. Jan. 1, 2007.

§63-4236. Boating Safety Education Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Boating Safety Education Fund". The fund shall be a continuing fund, not

subject to fiscal year limitations, and shall consist of fine monies collected pursuant to Section 4235 of this title and any monies contributed to the fund from any other source. All monies accruing to the credit of such fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purposes of establishing and maintaining a boating safety education program throughout the State of Oklahoma. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 228, § 6, eff. Jan. 1, 2007. Amended by Laws 2012, c. 304, § 522.

§63-4251. Short title.

This act shall be known and may be cited as the "Vessel and Motor Chop Shop, Stolen and Altered Property Act".
Added by Laws 1997, c. 146, § 1, eff. Nov. 1, 1997.

§63-4252. Definitions.

In addition to the terms defined by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of Title 63 of the Oklahoma Statutes, and the terms defined by the Oklahoma Boating Safety Regulation Act, Section 4201 et seq. of Title 63 of the Oklahoma Statutes, for the purposes of the Vessel and Motor Chop Shop, Stolen and Altered Property Act:

1. "Chop shop" means any building, lot or other premises where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any vessel or motor, or vessel or motor part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

   a. alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the hull identification number, manufacturer's serial number or other identification number of such vessel or motor or vessel or motor part, in order to misrepresent the identity of such vessel or motor or vessel or motor part, or to prevent the identification of such vessel or motor or vessel or motor part, or

   b. sell or dispose of such vessel or motor or vessel or motor part; and

2. "Unidentifiable" means that the uniqueness of a vessel or motor or vessel or motor part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in vessel or motor theft investigative procedures and vessel or motor identification examination techniques, or by expert employees of not-for-profit vessel or motor theft prevention agencies

specially trained and experienced in vessel or motor theft investigation procedures and vessel or motor identification examination techniques.
Added by Laws 1997, c. 146, § 2, eff. Nov. 1, 1997.

§63-4253. Crimes and penalties - Exceptions - Punishment for second and subsequent offenses - Restitutions.

A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;

2. Transports any vessel or motor or vessel or motor part to or from a location knowing it to be a chop shop; or

3. Sells, transfers, purchases, or receives any vessel or motor or vessel or motor part either to or from a location knowing it to be a chop shop,

upon conviction, is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a hull identification number, manufacturer's serial number or other identification number with the intent to misrepresent the identity or prevent the identification of a vessel or motor or vessel or motor part, upon conviction, is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a vessel or motor or vessel or motor part, with knowledge that the hull identification number, manufacturer's serial number or other identification number of the vessel or motor or vessel or motor part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction, is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a vessel or motor scrap processor who, in the normal legal course of business and in good faith, processes a vessel or motor or vessel or motor part by crushing, compacting, or other similar methods, provided that any hull identification number, manufacturer's serial number or other identification number is not removed from the vessel or motor or vessel or motor part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a vessel or motor or

vessel or motor part which has been recovered by law enforcement authorities after having been stolen or where the condition of the hull identification number, manufacturer's serial number or other identification number of the vessel or motor or vessel or motor part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all hull identification numbers, manufacturer's serial numbers or other identification numbers on a vessel or motor or vessel or motor part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the vessel or motor or vessel or motor part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsection A, B or C of this section, the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsection A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsection A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by subsection A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than two (2) years, or by a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or both such imprisonment and fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsection A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsection A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than two (2) years, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsection A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsection A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than one (1)

year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsection A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such imprisonment and fine.

I. No prosecution shall be brought and no person shall be convicted of any violation under this section, where acts of the person, otherwise constituting a violation, were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section shall be ordered to make restitution to the lawful owner or owners of the stolen vessel or motor or the stolen vessel or motor part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. "Lawful owner" shall include an innocent bona fide purchaser for value of a stolen vessel or motor or stolen vessel or motor part who does not know that the vessel or motor or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

Added by Laws 1997, c. 146, § 3, eff. Nov. 1, 1997.

§63-4254. Seizure of property.

A. Any tool, implement, or instrumentality, including, but not limited to, a vessel or motor or vessel or motor part, used or possessed in connection with any violation of Section 3 of this act may be seized by a member of a state or local law enforcement agency when:

1. The seizure is incident to inspection under an administrative inspection warrant;

2. The seizure is incident to a search made under a search warrant;

3. The seizure is incident to a lawful arrest;

4. The seizure is made pursuant to a valid consent to search;

5. The property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 6 of this act; or

6. There are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

B. When property is seized under this section, the seizing agency may:

1. Place the property under seal; or

2. Remove the property to a place selected and designated by the seizing agency.

Added by Laws 1997, c. 146, § 4, eff. Nov. 1, 1997.

§63-4255. Forfeiture of property.

A. The following are subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner is known or can be identified and located:

1. Any tool;

2. Any implement; or

3. Any instrumentality, including, but not limited to, any vessel or motor or vessel or motor part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 3 of this act or to promote or facilitate a violation of Section 3 of this act.

B. Any vessel or motor, other conveyance, or vessel or motor part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the vessel or motor, other conveyance, or vessel or motor part is a consenting party to a violation of Section 3 of this act.

C. No vessel or motor, vessel or motor part, other conveyance, tool, implement, or instrumentality is subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

D. 1. Seizing agencies shall utilize their best efforts to identify any seized vessel or motor or vessel or motor part to determine ownership or the identity of any other person having a right or interest in a seized vessel or motor or vessel or motor part. In its reasonable identification and owner location attempts, the seizing agency shall cause the National Crime Information Center (NCIC) to be searched for stolen or wanted information on vessels or motors similar to the seized vessel or motor or consistent with the seized vessel or motor part.

2. Where a vessel or motor or vessel or motor part has an apparent value in excess of One Thousand Dollars ($1,000.00):

a. the seizing agency shall consult with an expert of the type specified in Section 2 of this act, and

b. the seizing agency shall also request searches of the on-line and off-line files of the National Crime Information Center (NCIC) when the state law enforcement files have been searched with negative results.

E. A forfeiture of a vessel or motor, vessel or motor part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

F. Property described in subsection A of this section seized and held for forfeiture shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.

G. 1. The district attorney in the county where the seizure occurs shall bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure except where the district attorney in the sound exercise of discretion determines that no forfeiture action should be brought because of the rights of property owners, lienholders, or secured creditors, or because of exculpatory, exonerating, or mitigating facts and circumstances.

2. The district attorney shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to each person whose right, title, or interest is of record in the Oklahoma Tax Commission, the Department of Public Safety, the Federal Aviation Agency, or any other department of the state, or any other state or territory of the United States, or of the federal government if such property is required to be registered in any such department.

3. Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

4. The owner of the property, or any person having, or claiming, right, title, or interest in the property may within sixty (60) days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

5. The district attorney shall show at a forfeiture hearing, by a preponderance of the evidence, that such property was used in the commission of a violation of Section 3 of this act, or was used or possessed to facilitate such violation.

6. The owner of property may show by a preponderance of the evidence that the owner did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.

7. Unless the district attorney shall make the showing required of it, the court shall order the property released to the owner. Where the prosecutor has made such a showing, the court may order:

a. the property be destroyed by the agency which seized it or some other agency designated by the court,

b. the property be delivered and retained for use by the agency which seized it or some other agency designated by the court, or

c. the property be sold at public sale.

H. A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

I. Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, shall be paid to the general fund of the county of seizure or treasury of the governmental unit employing the seizing agency.

J. No vessel or motor, either seized under Section 4 of this act or forfeited under this section, shall be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed hull identification number, manufacturer's serial number or other identification number is corrected by the issuance and affixing of either an assigned or replacement hull identification number plate, manufacturer's serial number plate or other identification number plate as may be appropriate under laws or regulations of this state.

K. No motor part having any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed hull

identification number, manufacturer's serial number or other identification number shall be disposed of upon forfeiture except by destruction thereof, except that this provision shall not apply to any vessel or motor part which is assembled with and constitutes part of a vessel or motor.

L. No vessel or motor or vessel or motor part shall be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized vessel or motor or vessel or motor part which is unidentifiable shall be the subject of a written report sent by the seizing agency to the Department of Public Safety which report shall include a description of the vessel or motor or vessel or motor part, its color, if any, the date, time and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where the same is held or stored.

M. When a seized unidentifiable vessel or motor or vessel or motor part has been held for sixty (60) days or more after the notice to the Department of Public Safety specified in subsection L of this section has been given, the seizing agency or its agent shall cause the vessel or motor or vessel or motor part to be sold at public sale to the highest bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at least thirty (30) days prior to the sale on the premises where the vessel or motor or vessel or motor part has been stored.

N. When a seized unidentifiable vessel or motor or vessel or motor part has an apparent value of One Thousand Dollars ($1,000.00) or less, the seizing agency shall authorize the disposal of the vessel or motor or vessel or motor part, provided that no such disposition shall be made less than sixty (60) days after the date of seizure.

O. The proceeds of the public sale of an unidentifiable vessel or motor or vessel or motor part shall be deposited in the General Revenue Fund of the state, or treasury of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.

P. Seizing agencies shall utilize their best efforts to arrange for the towing and storing of vessels or motors and vessel or motor parts in the most economical manner possible. In no event shall the owner of a vessel or motor or a vessel or motor part be required to pay more than the minimum reasonable costs of towing and storage.

Q. A seized vessel or motor or vessel or motor part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made, until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to

determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination, which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

R. When a seized vessel or motor is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.

S. When an applicant for a certificate of title or salvage certificate presents to the Oklahoma Tax Commission proof that the applicant purchased or acquired a vessel or motor at a public sale conducted pursuant to this section and such fact is attested to by the seizing agency, the Oklahoma Tax Commission shall issue a certificate of title, salvage certificate for the vessel or motor upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the affidavit of the seizing agency that a state-assigned number was applied for and affixed to the vessel or motor prior to the time that the vessel or motor was released by the seizing agency to the purchaser.

Added by Laws 1997, c. 146, § 5, eff. Nov. 1, 1997.

§63-4256. Civil proceedings.

A. The Attorney General, any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of the Vessel and Motor Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction, after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. Ordering any defendant to be divested of any interest in any property;

2. Imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;

3. Ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority; or

4. Ordering the surrender of the charter of a corporation organized under the laws of the state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by the Vessel and Motor Chop Shop, Stolen and Altered Property Act and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 3 of this act shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under Section 3 of this act terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under Section 3 of this act, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section 3 of this act in this state. The person shall be deemed to have thereby

submitted to the jurisdiction of the courts of this state for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

Added by Laws 1997, c. 146, § 6, eff. Nov. 1, 1997.

§63-4257. Criminal proceedings.

In addition to the power of the Attorney General or any district attorney to institute civil proceedings under Section 6 of this act, the Attorney General or any district attorney is empowered to institute criminal prosecutions for a violation of Section 3 of this act in any court of competent jurisdiction.

Added by Laws 1997, c. 146, § 7, eff. Nov. 1, 1997.

§63-5000.24. Medicaid Buy-In Program.

A. The Oklahoma Health Care Authority, following directives of and upon approval of the Health Care Financing Administration, is directed to implement a Medicaid Buy-In Program for persons with disabilities, if funds become available. Components of such program shall include, but not be limited to:

1. Allowing individuals with disabilities who are sixteen (16) years of age and over, but under sixty-five (65) years of age, and who, except for earned income, would be eligible to receive Supplemental Security Income (SSI) benefits, regardless of whether they have ever received Supplemental Security Income (SSI) cash benefits, the option of purchasing Medicaid coverage that will enable individuals with disabilities to gain and/or maintain employment and reduce their dependency on existing cash benefit programs;

2. Removing work disincentives that inhibit individuals with disabilities from engaging in work that is commensurate with their abilities and capabilities;

3. Developing an infrastructure within and outside state government that supports efforts to enhance employment opportunities for individuals with disabilities; and

4. Ensuring meaningful input in the design, implementation, and evaluation of programs, policies, and procedures developed under such program by individuals with disabilities and other interested parties.

B. The Oklahoma Health Care Authority Board shall promulgate any rules necessary to implement provisions of the Oklahoma Ticket to Work and Work Incentives Improvement Act regarding the Medicaid Buy-In Program.

Added by Laws 2001, c. 365, § 3, emerg. eff. June 4, 2001.

§63-5000.25. Results-based funding pilot project.

A. The Oklahoma Health Care Authority, upon approval of the Health Care Financing Administration, is directed to develop a results-based funding pilot project for eligible persons who participate in the Oklahoma Medicaid program and who are currently receiving outpatient behavioral health services, if funds become available.

B. As used in this section:

1. “Results-based funding” means an approach which emphasizes performance outcome measures, accountability of programmatic results, program results showing cost efficiency and effectiveness for the delivery of such program service, and consumer choice and satisfaction; and

2. "Medicaid" means the medical assistance program established in Title XIX of the Social Security Act, 42 U.S.C.A., Section 1396 et seq., and administered in this state by the Oklahoma Health Care Authority.

Added by Laws 2001, c. 365, § 4, emerg. eff. June 4, 2001.

§63-5003. Legislative declaration - Purpose.

A. The Legislature recognizes that the state is a major purchaser of health care services, and the increasing costs of such health care services are posing and will continue to pose a great financial burden on the state. It is the policy of the state to provide comprehensive health care as an employer to state employees and officials and their dependents and to those who are dependent on the state for necessary medical care. It is imperative that the state develop effective and efficient health care delivery systems and strategies for procuring health care services in order for the state to continue to purchase the most comprehensive health care possible.

B. It is therefore incumbent upon the Legislature to establish the Oklahoma Health Care Authority whose purpose shall be to:

1. Purchase state and education employees' health care benefits and Medicaid benefits;

2. Study all state-purchased and state-subsidized health care, alternative health care delivery systems and strategies for the procurement of health care services in order to maximize cost containment in these programs while ensuring access to quality health care; and

3. Make recommendations aimed at minimizing the financial burden which health care poses for the state, its employees and its charges, while at the same time allowing the state to provide the most comprehensive health care possible.

Added by Laws 1993, c. 332, § 1.

§63-5004. Short title.

Sections 1 through 14 of this act shall be known and may be cited as the "Oklahoma Health Care Authority Act".
Added by Laws 1993, c. 332, § 2.

§63-5005. Definitions.

For purposes of the Oklahoma Health Care Authority Act:

1. "Administrator" means the chief executive officer of the Authority;

2. "Authority" means the Oklahoma Health Care Authority;

3. "Board" means the Oklahoma Health Care Authority Board;

4. "Health services provider" means health insurance carriers, pre-paid health plans, hospitals, physicians and other health care professionals, and other entities who contract with the Authority for the delivery of health care services to state and education employees and persons covered by the state Medicaid program; and

5. "State-purchased health care" or "state-subsidized health care" means medical and health care, pharmaceuticals and medical equipment purchased with or supported by state and federal funds through the Oklahoma Health Care Authority, the Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the Department of Corrections, the Department of Veterans Affairs, other state agencies administering state-purchased or state-subsidized health care programs, the Oklahoma State Regents for Higher Education, the State Board of Education and local school districts.
Added by Laws 1993, c. 332, § 3. Amended by Laws 1997, c. 109, § 1, eff. Nov. 1, 1997.

§63-5006. Oklahoma Health Care Authority - Creation - Powers and duties - Personnel.

A. There is hereby created the Oklahoma Health Care Authority. The Authority shall have the power and duty to:

1. Purchase health care benefits for Medicaid recipients, and others who are dependent on the state for necessary medical care, as specifically authorized by law;

2. Enter into contracts for the delivery of state-purchased health care and establish standards and criteria which must be met by entities to be eligible to contract with the Authority for the delivery of state-purchased health care;

3. Develop a proposed standard basic health care benefits package or packages to be offered by health services providers, for Medicaid recipients;

4. Study all matters connected with the provision of state-purchased and state-subsidized health care coverage;

5. Develop and submit plans, reports and proposals, provide information and analyze areas of public and private health care

interaction pursuant to the provisions of the Oklahoma Health Care Authority Act;

6. Serve as a resource for information on state-purchased and state-subsidized health care access, cost containment and related health issues;

7. Administer programs and enforce laws placed under the jurisdiction of the Authority pursuant to the Oklahoma Health Care Authority Act, and such other duties prescribed by law;

8. Collaborate with and assist the Insurance Commissioner in the development of a Uniform Claim Processing System for use by third-party payors and health care providers;

9. Collaborate with and assist the State Department of Health with the development of licensure standards and criteria for pre-paid health plans; and

10. Exercise all incidental powers which are necessary and proper to carry out the purposes of the Oklahoma Health Care Authority Act.

B. All positions within the Authority shall be unclassified until approval of the annual business and personnel plan submitted by January 1, 1995, by the Governor and the Legislature. In the annual business plan submitted January 1, 1995, the Board shall include a personnel plan which shall list, describe and justify all unclassified positions within the Authority and their compensation. All other employees and positions shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act.

Added by Laws 1993, c. 332, § 4. Amended by Laws 1995, c. 204, § 6, eff. July 1, 1995; Laws 1999, c. 87, § 1, emerg. eff. April 13, 1999.

§63-5007. Oklahoma Health Care Authority Board.

A. There is hereby created the Oklahoma Health Care Authority Board which shall consist of the following nine (9) members:

1. Five members appointed by the Governor;

2. Two members appointed by the Speaker of the House of Representatives; and

3. Two members appointed by the President Pro Tempore of the Senate.

B. Each member shall serve at the pleasure of his or her appointing authority and may be removed or replaced without cause. Any member of the Board shall be prohibited from voting on any issue in which the member has a direct financial interest. The Administrator of the Oklahoma Health Care Authority shall be an ex officio member of the Board, but shall be entitled to vote only in case of a tie vote.

C. The Board shall have the power and duty to:

1. Establish the policies of the Oklahoma Health Care Authority;

2. Adopt and promulgate rules as necessary and appropriate to carry out the duties and responsibilities of the Authority. The Board shall be the rulemaking body for the Authority; and

3. Adopt, publish and submit by January 1 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives appropriate administrative policies and the business plan for that year. All actions governed by the administrative policies and annual business plan shall be examined annually in an independent audit.

D. A majority of the members of the Board shall constitute a quorum for the transaction of business and for taking any official action. Official action of the Board must have a favorable vote by a majority of the members present.

E. Members appointed pursuant to subsection A of this section shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. The Board and the Authority shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

Added by Laws 1993, c. 332, § 5. Amended by Laws 1994, c. 282, § 2, eff. July 1, 1994; Laws 1995, c. 98, § 1, eff. July 1, 1995; Laws 1995, c. 204, § 7, eff. July 1, 1995; Laws 1998, c. 143, § 1, eff. July 1, 1998; Laws 2002, c. 375, § 13, eff. Nov. 5, 2002; Laws 2019, c. 9, § 1, emerg. eff. March 13, 2019.

§63-5007.1. Oklahoma Medicaid Accountability and Outcomes Act.

A. This act shall be known and may be cited as the "Oklahoma Medicaid Accountability and Outcomes Act".

B. 1. Subject to the availability of funds, the Joint Legislative Oversight Committee for the Oklahoma Health Care Authority shall enter into a contract for a study of the Oklahoma Medicaid Program. The contract shall be executed with an organization having nationally recognized expertise in the area of health care and health care service delivery.

2. The study shall include the entire Oklahoma Medicaid Program, including the Medicaid managed care programs and services delivered pursuant to the Oklahoma Medicaid Program Reform Act of 2003.

3. The purpose of the study shall be to evaluate access to care, health care outcomes, and the quality and cost of health care and related services delivered through the Oklahoma Medicaid Program.

4. A report of the study and findings shall be made to the Oklahoma Health Care Authority Board, the Governor, and the appropriate committees of the Oklahoma State Senate and the Oklahoma House of Representatives.

Added by Laws 2002, c. 489, § 1, eff. Nov. 1, 2002. Amended by Laws 2003, c. 464, § 9, eff. July 1, 2003.

§63-5008. Administrator - Qualifications - Status - Powers and duties - Contract bidding process - Advisory committees.

A. The Administrator of the Oklahoma Health Care Authority shall have the training and experience necessary for the administration of the Authority. The Administrator shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor and may be removed or replaced without cause. Compensation for the Administrator shall be determined by the Governor. The Administrator may be removed from office by a two-thirds (2/3) vote of the members elected to and constituting each chamber of the Legislature.

B. The Administrator of the Oklahoma Health Care Authority shall be the chief executive officer of the Authority and shall act for the Authority in all matters except as may be otherwise provided by law. The powers and duties of the Administrator shall include but not be limited to:

1. Supervision of the activities of the Authority;

2. Formulation and recommendation of rules for approval or rejection by the Oklahoma Health Care Authority Board and enforcement of rules and standards promulgated by the Board;

3. Preparation of the plans, reports and proposals required by the Oklahoma Health Care Authority Act, Section 5003 et seq. of this title, other reports as necessary and appropriate, and an annual budget for the review and approval of the Board;

4. Employment of such staff as may be necessary to perform the duties of the Authority including but not limited to an attorney to provide legal assistance to the Authority for the state Medicaid program; and

5. Establishment of a contract bidding process which:

a. encourages competition among entities contracting with the Authority for state-purchased and state-subsidized health care; provided, however, the Authority may make patient volume adjustments to any managed care plan whose prime contractor is a state-sponsored, nationally accredited medical school. The Authority may also make education or research supplemental payments to state-sponsored, nationally accredited medical schools based on the level of participation in any managed care plan by managed care plan participants,

b. coincides with the state budgetary process, and

c. specifies conditions for awarding contracts to any insuring entity.

C. The Administrator may appoint advisory committees as necessary to assist the Authority with the performance of its duties or to provide the Authority with expertise in technical matters.

Added by Laws 1993, c. 332, § 6. Amended by Laws 1994, c. 382, § 46, eff. Sept. 1, 1994; Laws 1995, c. 1, § 21, emerg. eff. March 2, 1995; Laws 1995, c. 330, § 1, emerg. eff. June 8, 1995; Laws 1996, c. 3, § 11, emerg. eff. March 6, 1996; Laws 2019, c. 9, § 2, emerg. eff. March 13, 2019.
NOTE: Laws 1994, c. 282, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1995, c. 204, § 8 repealed by Laws 1996, c. 3, § 25, emerg. eff. March 6, 1996.

§63-5009. Development of managed care system - Administration of Oklahoma Medicaid Program.

A. On and after July 1, 1993, the Oklahoma Health Care Authority shall be the state entity designated by law to assume the responsibilities for the preparation and development for converting the present delivery of the Oklahoma Medicaid Program to a managed care system. The system shall emphasize:

1. Managed care principles, including a capitated, prepaid system with either full or partial capitation, provided that highest priority shall be given to development of prepaid capitated health plans;

2. Use of primary care physicians to establish the appropriate type of medical care a Medicaid recipient should receive; and

3. Preventative care.

The Authority shall also study the feasibility of allowing a private entity to administer all or part of the managed care system.

B. On and after January 1, 1995, the Authority shall be the designated state agency for the administration of the Oklahoma Medicaid Program.

1. The Authority shall contract with the Department of Human Services for the determination of Medicaid eligibility and other administrative or operational functions related to the Oklahoma Medicaid Program as necessary and appropriate.

2. To the extent possible and appropriate, upon the transfer of the administration of the Oklahoma Medicaid Program, the Authority shall employ the personnel of the Medical Services Division of the Department of Human Services.

3. The Department of Human Services and the Authority shall jointly prepare a transition plan for the transfer of the administration of the Oklahoma Medicaid Program to the Authority. The transition plan shall include provisions for the retraining and reassignment of employees of the Department of Human Services affected by the transfer. The transition plan shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before January 1, 1995.

C. In order to provide adequate funding for the unique training and research purposes associated with the demonstration program conducted by the entity described in paragraph 7 of subsection B of

Section 6201 of Title 74 of the Oklahoma Statutes, and to provide services to persons without regard to their ability to pay, the Oklahoma Health Care Authority shall analyze the feasibility of establishing a Medicaid reimbursement methodology for nursing facilities to provide a separate Medicaid payment rate sufficient to cover all costs allowable under Medicare principles of reimbursement for the facility to be constructed or operated, or constructed and operated, by the organization described in paragraph 7 of subsection B of Section 6201 of Title 74 of the Oklahoma Statutes.
Added by Laws 1993, c. 332, § 7. Amended by Laws 1994, c. 282, § 4, eff. July 1, 1994; Laws 1995, c. 1, § 22, emerg. eff. March 2, 1995; Laws 1997, c. 292, § 11, eff. July 1, 1997; Laws 2000, c. 343, § 1, emerg. eff. June 6, 2000; Laws 2003, c. 464, § 10, eff. July 1, 2003; Laws 2004, c. 378, § 3, emerg. eff. June 3, 2004.
NOTE: Laws 1994, c. 103, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§63-5009.1. Oklahoma Health Care Authority - Acceptance of federal grants - Appropriations in advance.

A. 1. The Oklahoma Health Care Authority may accept grants from the federal government of monies or services for the purpose of augmenting any assistance program or other program within the jurisdiction of the Authority or to reimburse the state for any such assistance payments.

2. The Authority shall comply with the requirements of any federal agency governing the federal grants in any manner not inconsistent with the Constitution and laws of this state.

B. The Authority may make apportionments in advance of funds under its control, in accordance with the requirements of the federal government, when such funds are to be matched in whole or in part by federal funds; provided, the provisions of this subsection shall not authorize the Authority to make apportionments in advance of such funds in violation of any constitutional or statutory restrictions or provisions.
Added by Laws 1996, c. 177, § 1, eff. Nov. 1, 1996.

§63-5009.2. Advisory Committee on Medical Care for Public Assistance Recipients.

A. The Advisory Committee on Medical Care for Public Assistance Recipients, created by the Oklahoma Health Care Authority, pursuant to 42 Code of Federal Regulations, Section 431.12, for the purpose of advising the Authority about health and medical care services, shall include among its membership the following:

1. Board-certified physicians and other representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for their care. The Advisory Committee shall, at all times,

include at least one physician from each of the six classes of physicians listed in Section 725.2 of Title 59 of the Oklahoma Statutes; provided, however, such physicians shall be participating providers in the State Medicaid Plan;

2. Members of consumers' groups, including, but not limited to:

a. Medicaid recipients, and

b. representatives from each of the following consumer organizations which represent the interests of:

(1) people who are economically disadvantaged,

(2) children,

(3) the elderly,

(4) people with mental illness,

(5) people who are developmentally disabled, and

(6) people with alcohol or substance abuse problems;

3. The Director of the Department of Human Services; and

4. A member approved and appointed by the Oklahoma Academy of Pediatrics who shall:

a. monitor provider relations with the Oklahoma Health Care Authority, and

b. create a forum to address grievances.

B. The Advisory Committee shall meet bimonthly to review and make recommendations related to:

1. Policy development and program administration;

2. Policy changes proposed by the Authority prior to consideration of such changes by the Authority;

3. Financial concerns related to the Authority and the administration of the programs under the Authority; and

4. Other pertinent information related to the management and operation of the Authority and the delivery of health and medical care services.

C. 1. The Administrator of the Authority shall provide such staff support and independent technical assistance as needed by the Advisory Committee to enable the Advisory Committee to make effective recommendations.

2. The Advisory Committee shall elect from among its members a chair and a vice-chair. A majority of the members of the Advisory Committee shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Advisory Committee.

3. Members shall not receive any compensation for their services, but shall be reimbursed pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. The Authority shall give due consideration to the comments and recommendations of the Advisory Committee in the Authority's deliberations on policies, administration, management and operation of the Authority.

Added by Laws 1992, c. 291, § 1, eff. Sept. 1, 1992. Amended by Laws 1996, c. 213, § 1, eff. Nov. 1, 1996. Renumbered from § 187.1 of Title 56 by Laws 1996, c. 213, § 2, eff. Nov. 1, 1996. Amended by Laws 2006, c. 315, § 17, emerg. eff. June 9, 2006.

§63-5009.3. Repealed by Laws 2001, c. 277, § 14, eff. July 1, 2001.

§63-5009.4. Advisory Task Force on SoonerCare – Duties.

A. The duties of the Advisory Task Force on SoonerCare shall include:

1. Addressing methods of educating SoonerCare members regarding access to and proper utilization of emergency medical services provided by hospitals and other health care providers;

2. Reviewing the eligibility determination process of the Department of Human Services to ensure accuracy on physician assignments and adequacy of education regarding availability of and access to services;

3. Reviewing issues related to notification of participants by contracting providers as a condition of payment;

4. Actively promoting equitable reimbursement rates for emergency room screening; and

5. Addressing patient and provider educational endeavors necessary for expansion of SoonerCare to the Aged, Blind and Disabled and Title XXI populations.

B. The Task Force shall make recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than January 31, 2001.

Added by Laws 1999, c. 32, § 2, emerg. eff. April 5, 1999.

§63-5009.5. Acturarial certification of Medicaid managed care plan capitation rates.

Contracted Medicaid managed care plan capitation rates shall be certified as actuarially sound and shall reflect any Legislative or Authority programmatic or administrative changes. The results of the actuarial certification shall be disclosed to the public at least thirty (30) days prior to implementation of the modification.

Added by Laws 2002, c. 489, § 2, eff. Nov. 1, 2002.

§63-5009.6. Diabetes self-management training report.

A. The Oklahoma Health Care Authority shall examine the feasibility of a state plan amendment to the Oklahoma Medicaid Program for diabetes self-management training (DSMT).

B. By December 1, 2018, the Authority shall submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor estimating the potential costs to the state, clinical findings, reviews of pilot projects and research

from other states on the effects of DSMT on persons with a diabetes diagnosis.

C. Beginning July 1, 2019, and subject to the availability of funding, the Authority shall draft a state plan amendment for DSMT for persons with a diabetes diagnosis. The provisions of this subsection shall only apply if the report required by subsection B of this section demonstrates DSMT to be evidence-based and essential to qualifying participants in the Oklahoma Medicaid Program.

D. As used in this section, "diabetes self-management training (DSMT)" means the process of facilitating the knowledge, skill and ability necessary for diabetes self-care. This process requires incorporating the patient's unique needs and experiences into an individualized education and support plan that promotes new behaviors and solutions, including, but not limited to, healthy eating, physical activity, self-monitoring and medication use.

Added by Laws 2018, c. 34, § 1, eff. Nov. 1, 2018.

§63-5010. Analysis of state health care programs - Exploration of cost containment and delivery alternatives.

A. The Oklahoma Health Care Authority shall analyze the state-purchased and state-subsidized health care programs and explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

1. Creation of economic incentives for the persons for whom the state purchases or subsidizes health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

2. Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including, but not limited to, prepaid delivery systems, utilization review, and prospective payment methods;

3. Coordination of state agency efforts to purchase drugs effectively;

4. Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

5. Development of data systems to obtain utilization data from state-purchased and state-subsidized health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs.

B. 1. The Authority shall prepare for the Governor, the Legislature and the Joint Legislative Oversight Committee for the Oklahoma Health Care Authority an annual report on the savings realized and all costs incurred in the implementation of any drug cost containment programs including, but not limited to:

a. development and implementation of a drug prior authorization list, and

b. other uses of prior authorizations.

2. Costs shall include direct costs such as staffing, contracts and other resources used.

Added by Laws 1993, c. 332, § 8. Amended by Laws 2004, c. 218, § 1, eff. Nov. 1, 2004.

§63-5011. State-purchased health care benefits – Utilization and financial data review – Collection of cost and quality of service data.

A. The Authority shall:

1. Require utilization review and financial data review from participating entities which contract with the Authority for state-purchased and state-subsidized health care on a quarterly basis;

2. Centralize enrollment files for all persons covered by state-purchased and state-subsidized health care benefit plans;

3. Develop enrollment demographics on a plan-specific basis; and

4. Establish methods for collecting, analyzing, and disseminating information on the cost and quality of services rendered by health care providers to all persons covered by such plans.

B. The administrator may require that any entity that contracts for the delivery of services pursuant to a state-purchased or state-subsidized health care benefit plan administered by the Authority shall provide to said administrator all information deemed necessary to fulfill the administrator's duties as set forth in the Oklahoma Health Care Authority Act, Section 5003 et seq. of this title. All data related to claims and produced pursuant to the Oklahoma Health Care Authority Act shall be the property of this state.

C. Any savings realized pursuant to this section and Section 5009 of this title shall not be used to increase benefits unless such use is authorized by law.

Added by Laws 1993, c. 332, § 9. Amended by Laws 1994, c. 282, § 5, eff. July 1, 1994; Laws 1999, c. 87, § 2, emerg. eff. April 13, 1999.

§63-5011.1. State-purchased health care benefits – Optometrists to be permitted to provide vision care or medical diagnosis and treatment of the eye.

A. All state-purchased and state-subsidized health care benefit plans, including but not limited to Medicaid, which offer services for vision care or medical diagnosis and treatment for the eye shall allow optometrists to be providers of those services. Such state-purchased and state-subsidized health care benefit plans shall also require equal payment for the same services provided by an optometrist if the services are within the scope of practice of optometry.

B. With respect to optometric services, any state-purchased and state-subsidized health care benefit plan, including but not limited to Medicaid, which uses a gatekeeper or equivalent for referrals for services for vision care or for medical diagnosis and treatment of the eye, shall require such covered services be provided on a referral basis within the medical group or network at the request of an enrollee who has a condition requiring vision care or medical diagnosis and treatment of the eye if:

1. A referral is necessitated in the judgment of the primary care physician; and

2. Treatment for the condition falls within the licensed scope of practice of an optometrist.

C. All state-purchased and state-subsidized health care benefit plans shall have a defined set of standards and procedures for selecting providers, including specialists, to serve enrollees. The standards and procedures shall be drafted in such a manner that they are applicable to all categories of providers and shall be utilized by the health plan in a manner that is without bias for or discrimination against a particular category or categories of providers.

D. No health care benefit plan specified by this section shall require a provider to have hospital privileges if hospital privileges are not usual and customary for the services the provider provides.

E. Nothing in this section shall be construed to:

1. Prohibit any state-purchased and state-subsidized health care benefit plan which offers services for vision care or medical diagnosis and treatment for the eye from determining the adequacy of the size of its network;

2. Prohibit an optometrist from agreeing to a fee schedule;

3. Limit, expand, or otherwise affect the scope of practice of optometry; or

4. Alter, repeal, modify or affect the laws of this state except where such laws are in conflict or are inconsistent with the express provisions of this section.

F. Existing state-purchased and state-subsidized health care benefit plans shall comply with the requirements of this section upon issuance or renewal on or after the effective date of this act.

Added by Laws 2000, c. 54, § 3, eff. Nov. 1, 2000.

§63-5012. Submission of plans, proposals and recommendations to Legislature - Contents.

On or before January 1, 1996, the Authority shall submit plans, recommendations and proposals to the Governor and the Legislature regarding state-purchased and state subsidized health care. Said plans, proposals and recommendations shall include, but not be limited to:

1. A plan for local and regional health planning for health care delivery;

2. A proposal for the containment of health care costs;

3. In collaboration with the Oklahoma State Regents, a proposal for enhancing the number of primary care physicians and physician extenders graduating from schools in Oklahoma and remaining to practice within the state. The plan shall include recommendations for improving access to basic health care through more effective utilization of allied health care professionals and appropriate geographic distribution of physicians and other health care professionals;

4. A plan for facilitating the use of practice parameters based upon outcomes research;

5. A proposal for the utilization of Resource Based-Relative Value System for use as a rate schedule by third-party payors and health care providers; and

6. A plan to reduce liability exposure and expense for all health care providers.

Added by Laws 1993, c. 332, § 10.

§63-5013. Authority as resource for information on state health care access, cost containment and related health issues.

A. The Authority shall serve as a resource for information on state-purchased and state-subsidized health care access, cost containment and related health issues, and shall:

1. Provide data and information required by the Governor, the Legislature, or its committees, and to state agencies, institutions of higher education and cities, towns, counties and school districts and to private citizens and groups, within the limitations of the resources available to the Authority;

2. Participate with any state agency or institution of higher education in developing specific goals, programs, and performance monitoring systems to assist in the development of health care delivery in this state;

3. Conduct or contract for studies which are related to health care delivery, involving product or process innovation; and

4. Prepare, publish and distribute such studies, reports, bulletins and other materials as it considers appropriate regarding health care studies and other relevant health care topics. Provided that a copy of any material which evaluates health plans or health care providers shall be provided to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate at least sixty (60) days prior to public dissemination.

Added by Laws 1993, c. 332, § 11. Amended by Laws 1996, c. 355, § 1, eff. July 1, 1996.

§63-5013.1. Persons providing Medicaid home- and community-based personal care services pursuant to contract with Authority.

A. An individual who only provides Medicaid home- and community-based personal care services, pursuant to a contract with the Oklahoma Health Care Authority, shall be exempt from the provisions of the Home Care Act, Section 1-1960 et seq. of Title 63 of the Oklahoma Statutes.

B. The Authority, with the assistance of the Aging Services Division of the Department of Human Services, shall develop qualifying criteria that comply with federal standards for personal care services under the Medicaid program for persons providing Medicaid home- and community-based personal care services pursuant to a contract with the Oklahoma Health Care Authority. Such criteria shall also include requirements for a criminal history investigation to be conducted on such persons pursuant to Section 1-1950.1 of Title 63 of the Oklahoma Statutes.

Added by Laws 1997, c. 219, § 3, emerg. eff. May 19, 1997.

§63-5014. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004.

§63-5015. Review of state-purchased and state-subsidized health care programs and regulatory agencies - Report to Legislature.

The Oklahoma Health Care Authority shall review state-purchased and state-subsidized health care programs and health care regulatory agencies, including, but not limited to, medical services within the Department of Mental Health and Substance Abuse Services, the Department of Veterans Affairs, the Department of Human Services, the State Department of Health, the Oklahoma Medical Center, the State Education and Employees Group Insurance Board, and any other state-purchased and state-subsidized health care programs as deemed appropriate by the administrator, and submit to the Legislature, no later than December 1, 1995, an initial report including, but not limited to:

1. A description of the respective roles of these programs and agencies regarding health care cost containment;

2. A plan to increase the combined efficiency of these programs and agencies to control costs and maintain or improve access to quality care;

3. Methods to ensure coordination between these programs and agencies and the Authority;

4. An analysis of the real and potential impacts of cost shifting; and

5. Recommendations regarding structural changes in the state's current health care delivery system.

Added by Laws 1993, c. 332, § 13. Amended by Laws 1997, c. 109, § 3, eff. Nov. 1, 1997.

§63-5015.1. Legal division or unit.

A. The Oklahoma Health Care Authority Board shall establish a legal division or unit in the Oklahoma Health Care Authority. The Administrator of the Oklahoma Health Care Authority may employ attorneys as needed, which may be on full-time and part-time basis. Provided the Oklahoma Health Care Authority shall not exceed the authorized full-time equivalent limit for attorneys as specified by the Legislature in the appropriations bill for the Authority. Except as otherwise provided by this section, such attorneys, in addition to advising the Board, Administrator and Authority personnel on legal matters, may appear for and represent the Board, Administrator and Authority in legal actions and proceedings.

B. The Legislature shall establish full-time-equivalent limits for attorneys employed by the Oklahoma Health Care Authority.

C. It shall continue to be the duty of the Attorney General to give official opinions to the Board, Administrator and Authority, and to prosecute and defend actions therefor, if requested to do so. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney fee for such legal services from the Authority. The Attorney General is authorized to levy and collect costs, expenses and fees which exceed the costs associated with the salary and benefits of one attorney FTE position per fiscal year.

D. The Board, Administrator or Authority shall not contract for representation by private legal counsel unless approved by the Attorney General. Such contract for private legal counsel shall be in the best interests of the state.

E. 1. The Attorney General shall be notified by the Board or its counsel of all lawsuits against the Authority, its officers or employees that seek injunctive relief which would impose obligations requiring the expenditure of funds in excess of unencumbered monies in the agency's appropriations or beyond the current fiscal year.

2. The Attorney General shall review any such cases and may represent the interests of the state, if the Attorney General considers it to be in the best interest of the state to do so, in which case the Attorney General shall be paid as provided in subsection C of this section. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the Board, Administrator and Authority as necessary to avoid conflicts of interest.

Added by Laws 1995, c. 95, § 1, emerg. eff. April 13, 1995.

§63-5016. Oklahoma Health Care Authority Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Oklahoma Health Care Authority Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall

consist of all monies received by the Authority, from any source. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Authority for any purpose authorized by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1993, c. 332, § 14. Amended by Laws 2012, c. 304, § 523.

§63-5017. Oklahoma Health Care Authority Federal Disallowance Fund.

There is hereby created in the State Treasury a fund for the Oklahoma Health Care Authority to be designated the "Oklahoma Health Care Authority Federal Disallowance Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. It shall consist of monies received by the Oklahoma Health Care Authority which, in the opinion of the Oklahoma Health Care Authority Board, may be subject to federal disallowances and interest which may accrue on said receipts. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority at the discretion of the Oklahoma Health Care Authority Board for eventual settlement of the appropriate pending disallowances. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The Administrator of the Oklahoma Health Care Authority may request the Director of the Office of Management and Enterprise Services to transfer monies between the Oklahoma Health Care Authority Federal Disallowance Fund and any other fund of the authority, as needed for the expenditure of funds.
Added by Laws 1995, c. 96, § 1, eff. July 1, 1995. Amended by Laws 2012, c. 304, § 524.

§63-5018. Confidentiality of Medicaid applications and records - Disclosure to authorized representative.

All applications and records concerning any applicant or recipient under the Medicaid Program shall be confidential and shall be open to inspection only to persons duly authorized by the Oklahoma Health Care Authority, this state, or the United States, and for purposes directly related to plan administration. Provided, however, the Oklahoma Health Care Authority shall maintain a process to allow an authorized representative of a client of the State Medicaid Program to have access to confidential information when necessary for eligibility determination and the appeals process. For purposes of this section, "authorized representative" shall mean any person designated by a client of the State Medicaid Program to review

confidential information about the client pertinent to eligibility determination and the appeals process. For purposes of this section, "purposes directly related to plan administration" means establishing eligibility, determining the amount of medical assistance, providing services to recipients, conducting or assisting with an investigation or prosecution, or civil or criminal proceedings in relation to the administration of the State Medicaid Program.

Applications and records considered confidential are those which disclose:

1. The name and address of the recipient;
2. The medical services provided;
3. The recipient's social and economic circumstances;
4. The agency's evaluation of personal information;
5. The medical data which includes but is not limited to diagnosis and past history of disease and disability; and
6. Any information received for the purpose of verifying income eligibility and determining the amount of medical assistance payments.

Added by Laws 1995, c. 170, § 3, emerg. eff. May 8, 1995.

§63-5018.1. Concurrent applications by active duty military members.

If a person who is on active duty with the United States Armed Forces makes an application to the Oklahoma Health Care Authority to receive any type of benefits, either for himself or herself or for an immediate family member, and the person has previously made the same or a substantially similar application in another state which was pending at the time the person became a resident of this state, the Authority shall consider the application as if it had been made in this state at the time it was originally made in the other state.

Added by Laws 2015, c. 66, § 2, eff. Nov 1, 2015.

§63-5019. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004.

§63-5020. Oklahoma Health Care Authority Medicaid Program Fund.

There is hereby created in the State Treasury a fund for the Oklahoma Health Care Authority to be designated the "Oklahoma Health Care Authority Medicaid Program Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority at the discretion of the Oklahoma Health Care Authority Board. Expenditures from said fund shall be made upon warrants issued by the State

Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The Administrator of the Oklahoma Health Care Authority may request the Director of the Office of Management and Enterprise Services to transfer monies between the Oklahoma Health Care Authority Medicaid Program Fund and any other fund of the Authority, as needed for the expenditure of funds.

Added by Laws 1995, c. 306, § 6, eff. July 1, 1995. Amended by Laws 2012, c. 304, § 525.

§63-5020A. Rate Preservation Fund.

There is hereby created in the State Treasury a fund for the Oklahoma Health Care Authority to be designated the "Rate Preservation Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies designated to the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Authority for the sole purpose of maintaining reimbursement rates to providers when decreases in the state's Federal Medical Assistance Percentage (FMAP) rate would otherwise result in implementation of reimbursement rate decreases by the Authority. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The Administrator of the Authority may request the Director of the Office of Management and Enterprise Services to transfer monies between the Rate Preservation Fund and any other fund of the Authority as needed for the expenditure of funds.

Added by Laws 2019, c. 447, § 1, emerg. eff. May 24, 2019.

§63-5021. Repealed by Laws 2004, c. 378, § 5, emerg. eff. June 3, 2004.

§63-5022. Repealed by Laws 2017, c. 324, § 3, emerg. eff. July 1, 2017.

§63-5022.1. Repealed by Laws 2017, c. 324, § 3, emerg. eff. July 1, 2017.

§63-5022.2. Nursing facilities liability insurance costs – Medicaid reimbursement.

The Oklahoma Health Care Authority shall promulgate rules which shall provide that the liability insurance costs of nursing facilities shall be allowable costs for purposes of Medicaid reimbursement.

Added by Laws 2000, c. 340, § 6, eff. July 1, 2000.

§63-5023. Adjustment of per diem rate – Medicaid savings.

Effective January 1, 2000, and every January thereafter, the Oklahoma Health Care Authority will adjust the nursing facility per diem rate in an amount equal to the total amount of the savings to the Medicaid program as a result of the automatic cost-of-living adjustment on Social Security benefits received by nursing home recipients, as published in the Federal Register.

Added by Laws 1999, c. 348, § 3, eff. July 1, 1999.

§63-5024. Incorporated physician providers – Income deferral programs.

A. 1. Effective July 1, 2001, the Oklahoma Health Care Authority is authorized to offer to eligible contracted incorporated physician providers, elective income deferral programs which can result in federal income tax advantages and other advantages to such providers and their employees. These deferral programs shall take into account present and future provisions of the United States Internal Revenue Code which now or in the future might have the beneficial effect of magnifying the after-tax value payments made by the state to incorporated physician providers.

2. The Oklahoma Health Care Authority may adopt a plan that provides for the investment of deferral amounts in life insurance or annuity contracts which offer a choice of underlying investment options. Contract-issuing companies shall be limited to companies that are licensed to do business in this state.

3. As a condition of participation in these income deferral programs, all participating incorporated physician providers shall be subject to provisions for forfeiture of benefits for failure to maintain in force a Medicaid provider agreement and to furnish services to Medicaid recipients for a specified duration.

B. The Oklahoma Health Care Authority may consult with the State Treasurer and the Attorney General of the state for advice in establishing the program.

C. The Oklahoma Health Care Authority Board shall have the authority to promulgate rules regarding the operation of the program.

Added by Laws 2001, c. 147, § 2, emerg. eff. April 30, 2001. Amended by Laws 2001, c. 317, § 6, emerg. eff. June 1, 2001; Laws 2002, c. 122, § 1.

§63-5025. Reimbursement methodology - Established.

The Oklahoma Health Care Authority may establish, with available funds, a reimbursement methodology that will enhance the reimbursement for services provided to Medicaid beneficiaries in emergency hospitals in rural areas of the state.

Added by Laws 2001, c. 317, § 2, eff. Nov. 1, 2001.

§63-5026. Medicaid prescription drug program – Definition of phenylketonuria.

A. The Oklahoma Health Care Authority Board shall, in administering the Medicaid prescription drug program, utilize the following definition for "phenylketonuria" to mean: An inborn error of metabolism attributable to a deficiency of or a defect in phenylalanine hydroxylase, the enzyme that catalyzes the conversion of phenylalanine to tyrosine. The deficiency permits the accumulation of phenylalanine and its metabolic products in the body fluids. The deficiency can result in intellectual disabilities (phenylpyruvic oligophrenia), neurologic manifestations (including hyperkinesia, epilepsy, and microcephaly), light pigmentation, and eczema. The disorder is transmitted as an autosomal recessive trait and can be treated by administration of a diet low in phenylalanine.

B. The Oklahoma Health Care Authority Board shall promulgate any rules necessary to effectuate the provisions of this section.

Added by Laws 2005, c. 452, § 2, eff. Nov. 1, 2005. Amended by Laws 2019, c. 475, § 58, eff. Nov. 1, 2019.

§63-5027. Health care district.

A. As used in this section “health care district” means a subordinate health care entity that better promotes efficient administration of health care service delivery for counties with a population of one hundred thousand (100,000) or less to eligible persons in this state.

B. A locally designated health care district shall:

1. Coordinate the delivery of health care services in local jurisdictions such as municipalities and counties; provided, however, jurisdictions containing multiple areas shall be contiguous and shall possess commonality as it relates to need;

2. Be authorized to adjust Medicaid provider rates above the state minimum established by the Oklahoma Health Care Authority;

3. Be authorized to contract with employer-sponsored health plans or private health plans to provide services to Medicaid and indigent beneficiaries; and

4. Be authorized to expand health care services or health care providers within health care districts.

C. Health care districts may be established by local communities wherein locally generated tax dollars are received for the benefit of local hospitals or other local health care services. The districts shall have the same boundaries as the area over which the locally assessed tax is levied.

D. Health care districts may be established by the governing boards of the hospitals located within the area over which the locally assessed tax for the benefit of the local hospital or other local health care service is levied. The governing board of the

hospital shall be the governing board of the local health care district.

E. 1. Each health care district may certify to the Oklahoma Health Care Authority the amount of funds generated by tax assessment within the health care district for the benefit of the local hospital or other local health care services.

2. The Authority shall submit such information to the Centers for Medicare and Medicaid Services (CMS) for the purpose of applying for federal matching funds. The Authority shall submit any necessary applications for waivers to accomplish the provisions of this act.

F. The Oklahoma Health Care Authority Board is hereby directed to promulgate rules to enact the provisions of this section. The rules shall, at a minimum, address:

1. Internal establishment of local health care district accounts within the Authority including, but not limited to, procedures for remitting funds out of such accounts back to the local health care district; and

2. Methods for certifying funds for each local health care district and for reporting such amounts to the Centers for Medicare and Medicaid Services for federal matching purposes. The revenue for each health care district account shall consist of federal matching dollars received for such certified funds.

The Oklahoma Health Care Authority shall apply for federal matching funds based on the amount of funds certified by the local health care district for such purposes. The Authority shall not reduce the amount of disbursements otherwise due to a health care district based on the health care district's receipt of the local area dedicated monies and any attributable federal matching funds; and

3. Procedures for continuing the Authority's claims payment function, pursuant to a draw-down process for funds, for each Medicaid service within the local health care district.

Added by Laws 2007, c. 168, § 2, eff. Nov. 1, 2007.

§63-5028. Care coordination models for aged, blind and disabled persons.

A. The Oklahoma Health Care Authority shall initiate requests for proposals for care coordination models for aged, blind and disabled persons. Care coordination models for members receiving institutional care shall be phased in two (2) years after the initial enrollment period of a care coordination program.

B. The Oklahoma Health Care Authority Board shall promulgate rules to implement the provisions of this act.

Added by Laws 2015, c. 244, § 1, eff. Nov. 1, 2015.

§63-5028.1. Request for information for care coordination models for newborns through children 18 years of age.

A. The Oklahoma Health Care Authority, with assistance from the Department of Human Services and the Department of Mental Health and Substance Abuse Services, shall initiate a request for information for care coordination models for newborns through children eighteen (18) years of age in the custody of the Department of Human Services.

B. Any request for information shall require consideration of and incorporate efforts to continue the implementation of relevant initiatives as provided by the Master Settlement Agreement ("Pinnacle Plan") and administered by the Department of Human Services.

C. The Oklahoma Health Care Authority, with assistance from the Department of Human Services and the Department of Mental Health and Substance Abuse Services, shall provide a summary of the request for information responses to the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives and the Governor on or before January 1, 2018.

D. The Oklahoma Health Care Authority Board shall promulgate rules to implement the provisions of this section.

Added by Laws 2017, c. 208, § 1, eff. Nov. 1, 2017.

§63-5029. Mailing information to victims of domestic violence.

A. The Oklahoma Health Care Authority shall coordinate with domestic violence sexual assault programs certified by the Office of the Attorney General who provide counseling services for victims of domestic violence to ensure that any information relating to billing or explanation of benefits (EOB) provided, maintained, monitored or otherwise handled by the Authority or any other state agency including, but not limited to, services rendered by such facilities, is not sent by paper mail to the actual physical address of persons receiving such services.

B. The Oklahoma Health Care Authority Board shall promulgate rules to implement the provisions of this act.

Added by Laws 2015, c. 324, § 1, eff. Nov. 1, 2015.

NOTE: Editorially renumbered from § 5028 of this title to avoid duplication in numbering.

§63-5030.1. Medicaid Drug Utilization Review Board.

A. There is hereby created within the Oklahoma Health Care Authority the Medicaid Drug Utilization Review Board, which shall be responsible for the development, implementation and assessment of retrospective and prospective drug utilization programs under the direction of the Authority.

B. The Medicaid Drug Utilization Review Board shall consist of ten (10) members appointed by the administrator of the Authority as follows:

1. Four physicians, licensed and actively engaged in the practice of medicine or osteopathic medicine in this state, of which:

a. three shall be physicians chosen from a list of not less than six names submitted by the Oklahoma State Medical Association, and

b. one shall be a physician chosen from a list of not less than two names submitted by the Oklahoma Osteopathic Association;

2. Four licensed pharmacists actively engaged in the practice of pharmacy, chosen from a list of not less than six names submitted by the Oklahoma Pharmaceutical Association;

3. One person representing the lay community, who shall not be a physician or a pharmacist, but shall be a health care professional with recognized knowledge and expertise in at least one of the following:

a. clinically appropriate prescribing of covered outpatient drugs,

b. clinically appropriate dispensing and monitoring of covered outpatient drugs,

c. drug use review, evaluation and intervention, and

d. medical quality assurance; and

4. One person representing the pharmaceutical industry who is a resident of the State of Oklahoma, chosen from a list of not less than two names submitted by the Pharmaceutical Research and Manufacturers of America. The member representing the pharmaceutical industry shall be prohibited from voting on action items involving drugs or classes of drugs.

C. Members shall serve terms of three (3) years, except that one physician, one pharmacist and the lay representative shall each be initially appointed for two-year terms in order to stagger the terms. In making the appointments, the administrator shall provide, to the extent possible, for geographic balance in the representation on the Medicaid Drug Utilization Review Board. Members may be reappointed for a period not to exceed three three-year terms and one partial term. Vacancies on the Medicaid Drug Utilization Review Board shall be filled for the balance of the unexpired term from new lists submitted by the entity originally submitting the list for the position vacated.

D. The Medicaid Drug Utilization Review Board shall elect from among its members a chair and a vice-chair who shall serve one-year terms, provided they may succeed themselves.

E. The proceedings of all meetings of the Medicaid Drug Utilization Review Board shall comply with the provisions of the

Oklahoma Open Meeting Act and shall be subject to the provisions of the Administrative Procedures Act.

F. The Medicaid Drug Utilization Review Board may advise and make recommendations to the Authority regarding existing, proposed and emergency rules governing retrospective and prospective drug utilization programs. The Oklahoma Health Care Authority Board shall promulgate rules pursuant to the provisions of the Administrative Procedures Act for implementation of the provisions of this section. Added by Laws 1995, c. 161, § 2, emerg. eff. May 2, 1995. Amended by Laws 1996, c. 221, § 4, eff. Nov. 1, 1996. Renumbered from § 504.1 of Title 56 by Laws 1996, c. 221, § 7, eff. Nov. 1, 1996. Amended by Laws 1999, c. 201, § 1, eff. July 1, 1999; Laws 2006, c. 92, § 1, eff. Nov. 1, 2006.

§63-5030.2. Definitions.

As used in Sections 1 through 5 of this act:

1. "Compendia" means the "American Hospital Formulary Services Drug Information", "U.S. Pharmacopoeia Drug Information", peer-reviewed medical literature, other information provided by individuals involved in health care, and information as needed by the Medicaid Drug Utilization Review Board;

2. "Criteria" means those explicit and predetermined elements that are used to assess or measure drug use on an ongoing basis to determine if the use is appropriate, medically necessary, and not likely to result in adverse medical outcomes;

3. "Authority" means the Oklahoma Health Care Authority;

4. "Drug-disease contraindication" means the possibility that the therapeutic effect of a drug would be adversely altered by the presence of another disease or condition;

5. "Drug interactions" means the possibility that two or more drugs taken by a patient may lead to clinically significant toxicity that is uncharacteristic of any one of the drugs present or that the taking of which leads to interference with the effectiveness of one or any of the drugs;

6. "Drug to drug interaction" means a clinically significant adverse medical effect that results from the use of two or more drugs together;

7. "Drug Utilization Review" or "DUR" means both retrospective and prospective drug utilization review designed to educate physicians and pharmacists and thereby ensure that prescriptions are appropriate, medically necessary and not likely to have adverse medical results;

8. "Overutilization" or "underutilization" means the use of a drug in such quantities that the desired therapeutic goal is not achieved;

9. "Prospective drug utilization review" means the part of a drug utilization review program that occurs before a drug is

dispensed, and that is designed to screen, based on explicit and predetermined criteria and standards, for potential drug therapy problems, including, but not limited to:

a. therapeutic duplication,

b. drug-disease contraindications,

c. incorrect drug dosage or duration of drug treatment,

d. drug allergy interactions, and

e. clinical abuse or misuse; and

10. "Retrospective drug utilization review" means the part of the drug utilization review program that assesses or measures drug use based on an historical review of drug use data against predetermined and explicit criteria and standards on an ongoing basis with professional input. Retrospective drug utilization review includes the periodic examination of Medicaid drug pharmacy claims data and other information sources to identify the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care:

a. among physicians, pharmacists, and patients, or

b. associated with specific drugs.

Added by Laws 1999, c. 201, § 2, eff. July 1, 1999.

§63-5030.3. Powers and duties of board.

A. The Medicaid Drug Utilization Review Board shall have the power and duty to:

1. Advise and make recommendations regarding rules promulgated by the Oklahoma Health Care Authority Board to implement the provisions of this act;

2. Oversee the development, implementation and assessment of a Medicaid retrospective and prospective drug utilization review program, including making recommendations regarding contractual agreements of the Oklahoma Health Care Authority with any entity involved in processing and reviewing Medicaid drug profiles for the drug utilization review program in accordance with the provisions of this act;

3. Develop and apply the criteria and standards to be used in retrospective and prospective drug utilization review. The criteria and standards shall be based on the compendia and federal Food and Drug Act approved labeling, and shall be developed with professional input;

4. Provide a period for public comment on each meeting agenda. As necessary, the Medicaid Drug Utilization Review Board may include a public hearing as part of a meeting agenda to solicit public comment regarding proposed changes in the prior authorization program and the retrospective and prospective drug utilization review processes. Notice of proposed changes to the prior authorization status of a drug or drugs shall be included in the monthly meeting agenda at least thirty (30) days prior to the consideration or

recommendation of any proposed changes in prior authorization by the Medicaid Drug Utilization Review Board;

5. Establish provisions to timely reassess and, as necessary, revise the retrospective and prospective drug utilization review process;

6. Make recommendations regarding the prior authorization of prescription drugs pursuant to the provisions of Section 5 of this act; and

7. Provide members of the provider community with educational opportunities related to the clinical appropriateness of prescription drugs.

B. Any party aggrieved by a decision of the Oklahoma Health Care Authority Board or the Administrator of the Oklahoma Health Care Authority, pursuant to a recommendation of the Medicaid Drug Utilization Review Board, shall be entitled to an administrative hearing before the Oklahoma Health Care Authority Board pursuant to the provisions of the Administrative Procedures Act.

Added by Laws 1999, c. 201, § 3, eff. July 1, 1999.

§63-5030.4. Drug utilization review program.

1. The Medicaid Drug Utilization Review Board shall develop and recommend to the Oklahoma Health Care Authority Board a retrospective and prospective drug utilization review program for medical outpatient drugs to ensure that prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

2. The retrospective and prospective drug utilization review program shall be operated under guidelines established by the Medicaid Drug Utilization Review Board as follows:

a. The retrospective drug utilization review program shall be based on guidelines established by the Medicaid Drug Utilization Review Board using the mechanized drug claims processing and information retrieval system to analyze claims data in order to:

(1) identify patterns of fraud, abuse, gross overuse or underuse, and inappropriate or medically unnecessary care,

(2) assess data on drug use against explicit predetermined standards that are based on the compendia and other sources for the purpose of monitoring:

(a) therapeutic appropriateness,

(b) overutilization or underutilization,

(c) appropriate use of generic drugs,

(d) therapeutic duplication,

(e) drug-disease contraindications

(f) drug-drug interactions,

(g) incorrect drug dosage,
(h) duration of drug treatment, and
(i) clinical abuse or misuse, and

(3) introduce remedial strategies in order to improve the quality of care and to conserve program funds or personal expenditures.

b. (1) The prospective drug utilization review program shall be based on guidelines established by the Medicaid Drug Utilization Review Board and shall provide that, before a prescription is filled or delivered, a review will be conducted by the pharmacist at the point of sale to screen for potential drug therapy problems resulting from:
(a) therapeutic duplication,
(b) drug-drug interactions,
(c) incorrect drug dosage or duration of drug treatment,
(d) drug-allergy interactions, and
(e) clinical abuse or misuse.

(2) In conducting the prospective drug utilization review, a pharmacist may not alter the prescribed outpatient drug therapy without the consent of the prescribing physician or purchaser.

Added by Laws 1999, c. 201, § 4, eff. July 1, 1999.

§63-5030.4A. Disease state management programs – Feasibility study.

A. The Oklahoma Health Care Authority shall study the feasibility of implementing one or more disease state management programs.

B. The components of the study shall include, but not be limited to:

1. A description and assessment of the findings, costs of the program, savings incurred and estimated costs and savings of an expansion of the pilot program for asthma disease state management developed by the Authority;

2. An overview of disease state management programs for enrollees of health management organizations contracting with the Authority pursuant to the Sooner Care Plus Program;

3. An assessment of the adaptability of such disease state management programs for the Medicaid fee-for-service population;

4. An overview of representative vendors of the disease state management programs, including their characteristics, capabilities and charges for products and services;

5. An overview and assessment of the disease state management pilot project developed by the Oklahoma State Education Employees Government Insurance Board; and

6. A record, if available, of the savings generated by disease state management programs in other states by pharmaceutical manufacturers for Medicaid fee-for-service recipients.

C. The study shall be under the joint direction of the Disease State Management Director and the Pharmacy Director of the Oklahoma Health Care Authority. The Directors shall consult with the following entities as they deem necessary:

1. Medical, pharmacy, and nursing professionals who are experienced in disease state management programs;

2. Appropriate pharmaceutical manufacturers in connection with study components outlined in paragraphs 4 and 5 of subsection B of this section;

3. Disease state management vendors; and

4. Other resources as necessary including, but not limited to, health care advocates.

D. The Oklahoma Health Care Authority shall submit periodic progress reports to the Joint Legislative Oversight Committee. The Oklahoma Health Care Authority shall publish and submit a final report by December 1, 2002, to the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Senate, the Governor, and the chair of the Health and Social Services Subcommittee of the Appropriation and Budget Committee of the Oklahoma House of Representatives and of the Health and Social Services Subcommittee of the Committee on Appropriations of the Oklahoma State Senate.

E. As used in this section, "disease state management program" means an integrated system of interventions, measurements and refinements of health care delivery that include:

1. Patient education and involvement in self-care techniques;

2. Clinical policies/best practices that extend across the entire continuum of care;

3. Outpatient drug management;

4. Clinical information systems with the capacity to identify, classify, and track defined patient populations;

5. Informed support of physicians;

6. Team-oriented multidisciplinary approach; and

7. Feedback or continuous review.

Added by Laws 2002, c. 411, § 1, emerg. eff. June 5, 2002.

§63-5030.5. Drug prior authorization program - Conditions.

A. Except as provided in subsection F of this section, any drug prior authorization program approved or implemented by the Medicaid Drug Utilization Review Board shall meet the following conditions:

1. The Medicaid Drug Utilization Review Board shall make note of and consider information provided by interested parties, including, but not limited to, physicians, pharmacists, patients, and

pharmaceutical manufacturers, related to the placement of a drug or drugs on prior authorization;

2. Any drug or drug class placed on prior authorization shall be reconsidered no later than twelve (12) months after such placement;

3. The program shall provide either telephone or fax approval or denial within twenty-four (24) hours after receipt of the prior authorization request; and

4. In an emergency situation, including a situation in which an answer to a prior authorization request is unavailable, a seventy-two-hour supply shall be dispensed, or, at the discretion of the Medicaid Drug Utilization Review Board, a greater amount that will assure a minimum effective duration of therapy for an acute intervention.

B. In formulating its recommendations for placement of a drug or drug class on prior authorization to the Oklahoma Health Care Authority Board, the Medicaid Drug Utilization Review Board shall:

1. Consider the potential impact of any administrative delay on patient care and the potential fiscal impact of such prior authorization on pharmacy, physician, hospitalization and outpatient costs. Any recommendation making a drug subject to placement on prior authorization shall be accompanied by a statement of the cost and clinical efficacy of such placement;

2. Provide a period for public comment on each meeting agenda. Prior to making any recommendations, the Medicaid Drug Utilization Review Board shall solicit public comment regarding proposed changes in the prior authorization program in accordance with the provisions of the Oklahoma Open Meeting Act and the Administrative Procedures Act; and

3. Review Oklahoma-Medicaid-specific data related to utilization criterion standards as provided in division (1) of subparagraph b of paragraph 2 of Section 5030.4 of this title.

C. The Oklahoma Health Care Authority Board may accept or reject the recommendations of the Medicaid Drug Utilization Review Board in whole or in part, and may amend or add to such recommendations.

D. The Oklahoma Health Care Authority shall immediately provide coverage under prior authorization for any new drug approved by the United States Food and Drug Administration. If a new drug does not fall in a class that is already placed under prior authorization, that drug must be reviewed by the Drug Utilization Review Board within one hundred (100) days of approval by the United States Food and Drug Administration to determine whether to continue the prior authorization criteria.

E. 1. Prior to a vote by the Medicaid Drug Utilization Review Board to consider expansion of product-based prior authorization, the Authority shall:

a. develop a written estimate of savings expected to accrue from the proposed expansion, and

b. make the estimate of savings available, on request of interested persons, no later than the day following the first scheduled discussion of the estimate by the Medicaid Drug Utilization Review Board at a regularly scheduled meeting.

2. The written savings estimate based upon savings estimate assumptions specified by paragraph 3 of this subsection prepared by the Authority shall include as a minimum:

a. a summary of all paid prescription claims for patients with a product in the therapeutic category under consideration during the most recent month with complete data, plus a breakdown, as available, of these patients according to whether the patients are residents of a long-term care facility or are receiving Advantage Waiver program services,

b. current number of prescriptions, amount reimbursed and trend for each product within the category under consideration,

c. average active ingredient cost reimbursed per day of therapy for each product and strength within the category under consideration,

d. for each product and strength within the category under consideration, where applicable, the prevailing State Maximum Allowable Cost reimbursed per dosage unit,

e. the anticipated impact of any patent expiration of any product within the category under consideration scheduled to occur within two (2) years from the anticipated implementation date of the proposed prior authorization expansion, and

f. a detailed estimate of administrative costs involved in the prior authorization expansion including, but not limited to, the anticipated increase in petition volume.

3. Savings estimate assumptions shall include, at a minimum:

a. the prescription conversion rate of products requiring prior authorization (Tier II) to products not requiring prior authorization (Tier I) and to other alternative products,

b. aggregated rebate amount for the proposed Tier I and Tier II products within the category under consideration,

c. market shift of Tier II products due to other causes including, but not limited to, patent expiration,

d. Tier I to Tier II prescription conversion rate, and

e. nature of medical benefits and complications typically seen with products in this class when therapy is switched from one product to another.

4. The Medicaid Drug Utilization Review Board shall consider prior authorization expansion in accordance with the following Medicaid Drug Utilization Review Board meeting sequence:

a. first meeting: publish the category or categories to be considered for prior authorization expansion in the future business section of the Medicaid Drug Utilization Review Board agenda,

b. second meeting: presentation and discussion of the written estimate of savings,

c. third meeting: make formal notice in the agenda of intent to vote on the proposed prior authorization expansion, and

d. fourth meeting: vote on prior authorization expansion.

F. The Medicaid Drug Utilization Review Board may establish protocols and standards for the use of any prescription drug determined to be medically necessary, proven to be effective and approved by the United States Food and Drug Administration (FDA) for the treatment and prevention of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) without prior authorization, except when there is a generic equivalent drug available.

Added by Laws 1999, c. 201, § 5, eff. July 1, 1999. Amended by Laws 2001, c. 340, § 1, emerg. eff. June 1, 2001; Laws 2002, c. 411, § 2, emerg. eff. June 5, 2002; Laws 2005, c. 206, § 1, eff. Nov. 1, 2005; Laws 2014, c. 341, § 1, eff. July 1, 2014; Laws 2015, c. 306, § 1.

§63-5051.1. Recovery from tortfeasors of amounts paid for medical expenses of injured and diseased persons - Liens or other legal action.

A. 1. The payment of medical expenses by the Oklahoma Health Care Authority for or on behalf of or the receipt of medical assistance by a person who has been injured or who has suffered a disease as a result of the negligence or act of another person creates a debt to the Authority, subject to recovery by legal action pursuant to this section. Damages for medical costs are considered a priority over all other damages and should be paid by the tortfeasor prior to other damages being allocated or paid.

2. The payment of medical expenses by the Authority for or on behalf of a person who has been injured or who has suffered a disease, and either has a claim or may have a claim against an insurer, to the extent recoverable, creates a debt to the Authority whether or not such person asserts or maintains a claim against an insurer.

B. The Authority shall provide notice to all recipients of medical assistance at the time of application for such assistance of their obligation to report any claim or action, and any judgment, settlement or compromise arising from the claim or action, for injury

or illness for which the Authority makes payments for medical assistance.

C. The recipient of medical assistance from the Authority for an injury or disease who asserts a claim or maintains an action against another on account of the injury or disease, or the recipient's legal representative, shall notify the Authority of the claim or action and of any judgment, settlement or compromise arising from the claim or action prior to the final judgment, settlement or compromise.

D. If the injured or diseased person asserts or maintains a claim against another person or tortfeasor on account of the injury or disease, the Authority:

1. Shall have a lien upon payment of the medical assistance to the extent of the amount so paid upon that part going or belonging to the injured or diseased person of any recovery or sum had or collected or to be collected by the injured or diseased person up to the amount of the damages for the total medical expenses, or by the heirs, personal representative or next of kin in case of the death of the person, whether by judgment or by settlement or compromise. The lien authorized by this subsection shall:

a. be inferior only to a lien or claim of the attorney or attorneys handling the claim on behalf of the injured or diseased person, the heirs or personal representative,

b. not be applied or considered valid against any temporary or permanent disability award of the claimant due under the Workers' Compensation Act,

c. be applied and considered valid as against any insurer adjudged responsible for medical expenses under the Workers' Compensation Act, and

d. be applied and considered valid as to the entire settlement, after the claim of the attorney or attorneys for fees and costs, unless a more limited allocation of damages to medical expenses is shown by clear and convincing evidence;

2. May take any other legal action necessary to recover the amount so paid or to be paid to the injured or diseased person or to the heirs, personal representative or next of kin in case of the death of the person; and

3. Shall have the right to file a written notice of its lien in any action commenced by the injured or diseased person.

E. The Authority, to secure and enforce the right of recovery or reimbursement on behalf of the injured or diseased person, may initiate and prosecute any action or proceeding against any other person or tortfeasor who may be liable to the injured or diseased person, if the injured or diseased person has not initiated any legal proceedings against the other person or tortfeasor.

F. Any person or insurer that has been notified by the Authority of a claim of lien authorized by this section and who, directly or indirectly, pays to the recipient any money as a settlement or compromise of the recipient's claim arising out of the injury shall be liable to the Authority for the money value of the medical assistance rendered by the Authority in an amount not in excess of the amount to which the recipient was entitled to recover from the tortfeasor or insurer because of the injury.

G. A Medicaid special needs trust for the purposes of establishing or maintaining Medicaid eligibility shall not be approved until such time as the Authority has been made whole and paid in full for all paid medical claims which are associated with the action.

H. A Medicaid recipient must notify the Authority prior to a compromise or settlement against a third party in which the Authority has provided or has become obligated to provide medical assistance.

I. As used in this section:

1. "Medical expenses" includes the cost of hospital, medical, surgical and dental services, care and treatment, rehabilitation, and prostheses and medical appliances, and nursing and funeral services;

2. "Person" includes, in addition to an individual, the guardian of an individual, and the administrator or executor of the estate of an individual, and a corporation; and

3. "Insurer" means any insurance company that administers accident and health policies or plans or that administers any other type insurance policy containing medical provisions, and any nonprofit hospital service and indemnity and medical service and indemnity corporation, actually engaged in business in the state, regardless of where the insurance contract is written, or plan is administered or where such corporation is incorporated.

Added by Laws 1970, c. 313, § 1, emerg. eff. April 7, 1970. Amended by Laws 1981, c. 159, § 1, emerg. eff. May 8, 1981; Laws 1986, c. 22, § 1, emerg. eff. March 18, 1986; Laws 1996, c. 221, § 1, eff. Nov. 1, 1996. Renumbered from § 200 of Title 56 by Laws 1996, c. 221, § 6, eff. Nov. 1, 1996. Amended by Laws 2005, c. 91, § 1, eff. Nov. 1, 2005; Laws 2007, c. 74, § 1, eff. Nov. 1, 2007.

§63-5051.2. Right to reimbursement for medical services - Assignment to Oklahoma Health Care Authority.

A. Whenever the Oklahoma Health Care Authority pays for medical services or renders medical services, for or on behalf of a person who has been injured or suffered an illness or disease, the right of the provider of the services to reimbursement shall be automatically assigned to the Oklahoma Health Care Authority, upon notice to the insurer or other party obligated as a matter of law or agreement to reimburse the provider on behalf of the patient.

B. Upon the assignment, the Authority, for purposes of the claim for reimbursement, becomes a provider of medical services.

C. The assignment of the right to reimbursement shall be applied and considered valid against any employer or insurer under the Workers' Compensation Act in this state.

D. Each insurer, upon receiving a claim from the Oklahoma Health Care Authority, shall accept the state's right of recovery, to process and, if appropriate, pay the claim to the same extent that the plan would have been liable if it had been billed at the point of sale or by the original provider of services. Insurer shall not deny the Authority claims on the basis of the date of submission, the format of the claim, or for failure to present proper documentation of coverage at the point of sale.

E. Insurer shall make appropriate payments to the Authority as long as the claim is submitted for consideration within three (3) years from the date the service was furnished. Any action by the Authority to enforce the payment of the claim shall be commenced within six (6) years of the submission of the claim by the Authority. Added by Laws 1981, c. 159, § 2, emerg. eff. May 8, 1981. Amended by Laws 1996, c. 221, § 2, eff. Nov. 1, 1996. Renumbered from § 200a of Title 56 by Laws 1996, c. 221, § 6, eff. Nov. 1, 1996. Amended by Laws 2007, c. 74, § 2, eff. Nov. 1, 2007.

§63-5051.3. Medical assistance - Homestead lien.

A. Pursuant to the provisions of this section, the Oklahoma Health Care Authority is authorized to file and enforce a lien against the homestead of a recipient for payments of medical assistance made by the Authority to the recipient who is an inpatient of a nursing facility or an intermediate care facility for individuals with intellectual disabilities (ICF/IID) if the Authority, upon competent medical testimony, determines the recipient cannot reasonably be expected to be discharged and returned home. A one-year period of compensated inpatient care at a nursing facility or an ICF/IID shall constitute a determination by the Authority that the recipient cannot reasonably be expected to be discharged and returned home.

B. Upon certification for Title XIX of the federal Social Security Act payments for a nursing facility or ICF/IID care, the Authority shall provide written notice to the recipient that:

1. A one-year period of compensated inpatient care at a nursing facility or ICF/IID shall constitute a determination by the Authority that the recipient cannot reasonably be expected to be discharged and returned home;

2. A lien will be filed against the homestead of the recipient pursuant to the provisions of this section and that the amount of the lien shall be for the amount of assistance paid by the Authority from the date the recipient became eligible for compensated inpatient care

at a nursing facility or ICF/IID until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient; and

3. The recipient is entitled to a hearing with the Authority prior to the filing of the lien pursuant to this section.

The notice shall also contain an explanation of the lien and the effect the lien will have on the ownership of the homestead of the recipient and any other person residing in the homestead. The notice shall be signed by the recipient or the legal guardian of the recipient acknowledging that the recipient or the legal guardian of the recipient understands the notice and the effect that the payment of medical assistance on the recipient's behalf will have upon the homestead of the recipient.

C. The lien filed pursuant to subsection E of this section shall be for the amount of assistance paid beginning from the date the recipient began receiving inpatient care from a nursing facility or ICF/IID and for any amount paid thereafter for the medical assistance to the recipient.

D. The Authority shall not file a lien on the homestead of the recipient pursuant to subsection E of this section while the homestead is the lawful residence of:

1. The surviving spouse of the recipient;

2. A child related to the recipient by blood or marriage who is twenty (20) years of age or less;

3. An adult child related to the recipient by blood or marriage who is incapacitated as defined by the Authority; or

4. A brother or sister of the recipient who has an equity interest in the home and who was residing in the home for at least one (1) year immediately preceding the date the recipient was admitted to the nursing facility or ICF/IID and has resided there on a continuous basis since that time.

E. No lien for payment of medical assistance pursuant to this section shall be effective unless:

1. The Authority has provided notice to the recipient of the intent to file a lien against the homestead of the recipient and of the opportunity for a hearing on the matter; and

2. After the notice specified in paragraph 1 of this subsection has been given, a lien is filed for record against the legal description of the homestead in the office of the county clerk of the county in which the homestead of the recipient is located. The lien shall contain the following information:

a. the name and address of the place of residence of the recipient,

b. the amount of the assistance paid at the time of the filing of the lien,

c. the date the recipient began receiving compensated inpatient care at a nursing facility or ICF/IID,

d. the legal description of the real property against which the lien will be recorded, and

e. such other information as the Authority requires.

F. 1. After the lien has been filed pursuant to subsection E of this section, the Authority may enforce a lien only:

a. after the death of the surviving spouse of the recipient,

b. when there is no child related to the recipient by blood or marriage who is twenty (20) years of age or less residing in the homestead,

c. when there is no adult child related to the recipient by blood or marriage who is incapacitated as defined by the Authority residing in the homestead, and

d. when no brother or sister of the recipient is residing in the homestead, who has resided there for at least one (1) year immediately before the date of the recipient's admission to the facility or institution, and has resided there on a continuous basis since that time.

2. A lien filed pursuant to subsection E of this section shall remain on the homestead:

a. until the lien is satisfied,

b. until the value of the homestead is consumed by the lien, at which time the Authority may force the sale of the homestead to satisfy the lien, or

c. after transfer of title of the real property by conveyance, sale, succession, inheritance, or will.

3. The lien filed pursuant to subsection E of this section may be enforceable by the Authority before or after the death of the recipient.

4. The lien created by this section shall be treated as a mortgage and shall be assignable by the Authority to another entity and shall be released in accordance with the provisions as set forth in Section 15 of Title 46 of the Oklahoma Statutes.

5. The lien shall sever a joint tenancy; however, the lien shall be enforceable only to the extent of the ownership of the person receiving assistance as it existed at the time the recipient began receiving assistance.

G. The recipient, the heirs, personal representative, or assigns of the recipient may discharge said lien at any time by paying the amount of the lien to the Authority.

H. At the end of the one-year limitation, the Authority shall exclude from consideration as a resource the value of the homestead of the recipient.

I. The payment of medical assistance on behalf of the recipient by the Authority and the signing of the notice pursuant to subsection B of this section shall constitute a waiver of the homestead rights

of the recipient for the purposes of this section and Section 3 of Article XII of the Oklahoma Constitution.

J. 1. Pursuant to the provisions of this subsection, if the homestead is sold to enforce the lien authorized pursuant to the provisions of this section, an amount up to Six Thousand Dollars ($6,000.00) from the proceeds of the sale of the homestead, less the value of any prepaid burial or insurance policies or designated accounts for funeral expenses already owned by the recipient, may be set aside in an irrevocable trust on behalf of the recipient, in which the Authority is to be included as the remainder, and the funds are to be used for the funeral expenses of the recipient.

2. Payment of the funeral expenses from the proceeds of the sale of the homestead shall be made as follows:

a. if the proceeds exceed the amount of the lien, the payment of funeral expenses shall be first satisfied from any amount in excess of the lien amount. After the excess is exhausted, the remainder of funeral expenses shall be satisfied from the lien amount prior to payment of any reimbursement to the Authority, and

b. if the proceeds from the sale of the homestead do not exceed the amount of the lien, the payment of funeral expenses shall be satisfied from the lien amount prior to payment of any reimbursement to the Authority.

K. As used in this section:

1. "Nursing facility" means any home, establishment, or institution which offers or provides on a regular basis twenty-four-hour medical services, skilled nursing care, necessary special dietary service, and personal care and supervision to three or more of its residents who are not related to the owner or administrator of the facility; and

2. "ICF/IID" means intermediate care facilities for individuals with intellectual disabilities, which provide comprehensive and individualized health care and rehabilitation services to individuals to promote their functional status and independence.

L. If any provision of this section shall be in conflict with any applicable federal statutes and regulations, the federal statutes and regulations shall prevail and be controlling until such time as the federal statutes and regulations shall be revised to conform to this section.

Added by Laws 1986, c. 175, § 1, emerg. eff. May 15, 1986. Amended by Laws 1996, c. 221, § 3, eff. Nov. 1, 1996. Renumbered from § 200b of Title 56 by Laws 1996, c. 221, § 6, eff. Nov. 1, 1996. Amended by Laws 2015, c. 278, § 1, eff. Nov. 1, 2015; Laws 2017, c. 255, § 1, eff. Nov. 1, 2017.

§63-5051.4. Coverage under Medicaid Program Reform Act of 2003 - Enrollment fee and/or premium.

The Oklahoma Health Care Authority is hereby authorized to charge an enrollment fee and/or premium for the provision of health care coverage under the Oklahoma Medicaid Program Reform Act of 2003. Such charges, if unpaid, create a debt to the state and are subject to recovery by the Authority by any legal action against an enrollee, the heirs or next of kin of the enrollee in the event of the death of the enrollee. The Authority may end coverage for the nonpayment of such enrollment and/or premium pursuant to rules promulgated by the Oklahoma Health Care Authority Board.
Added by Laws 2003, c. 464, § 11, eff. July 1, 2003.

§63-5051.5. Data files comparisons - File systems maintained by insurers - Exchange of information with Authority.

A. 1. On or after November 1, 2003, any entity that provides health insurance in this state including, but not limited to, a licensed insurance company, not-for-profit hospital service, medical indemnity corporation, managed care organization, self-insured plan, pharmacy benefit manager or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service is hereby required to compare data from its files with data in files provided to the entity by the Oklahoma Health Care Authority and accept the Authority's right of recovery and the assignment of rights and not charge the Authority or any of its authorized agents any fees for the processing of claims or eligibility requests. Data files requested by or provided to the Authority shall provide the Authority with eligibility and coverage information that will enable the Authority to determine the existence of third party coverage for Medicaid recipients and the necessary information to determine during what period Medicaid recipients may be or may have been covered by the health insurer and the nature of the coverage that is or was provided, including the name, address, and identifying number of the plan.

2. The insurer shall transmit to the Authority, in a manner prescribed by the Centers for Medicare and Medicaid Services or as agreed between insurer and the Authority, an electronic file of all identified subscribers or policyholders, or their dependents, for whom there is data corresponding to the information contained in subsection C of this section.

B. 1. An insurer shall comply with a request under the provisions of this subsection no later than sixty (60) days after the date of transmission by the Authority and shall only be required to provide the Authority with the information required by subsection C of this section.

2. The Authority may make such request for data from an insurer no more than once every six (6) months, as determined by the date of the Authority's original request.

C. Each insurer shall maintain a file system containing the name, address, group policy number, coverage type, social security number, and date of birth of each subscriber or policyholder, and each dependent of the subscriber or policyholder covered by the insurer, including policy effective and termination dates, claim submission address, and employer's mailing address.

D. The Oklahoma Health Care Authority Board shall promulgate rules governing the exchange of information under this section. Such rules shall be consistent with all laws relating to the confidentiality or privacy of personal information or medical records including, but not limited to, provisions under the federal Health Insurance Portability and Accountability Act (HIPAA).

Added by Laws 2003, c. 464, § 12, eff. July 1, 2003. Amended by Laws 2007, c. 74, § 3, eff. Nov. 1, 2007; Laws 2011, c. 204, § 1, eff. Nov. 1, 2011.

§63-5052. Opportunity for hearing before Authority - Record - Review by Administrator - Judicial review.

A. Any applicant or recipient, adversely affected by a decision of the Oklahoma Health Care Authority on benefits or services provided pursuant to the provisions of this title, shall be afforded an opportunity for a hearing pursuant to the provisions of subsection B of this section after such applicant or recipient has been notified of the adverse decision of the Authority.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision and exhaustion of other available administrative remedies, the Authority shall hold a hearing pursuant to the provisions of rules promulgated by the Oklahoma Health Care Authority Board pursuant to this section.

2. The record of the hearing shall include, but shall not be limited to:

a. all pleadings, motions, and intermediate rulings,
b. evidence received or considered,
c. any decision, opinion, or report by the officer presiding at the hearing, and
d. all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

3. Oral proceedings shall be electronically recorded by the Authority. Any party may request a copy of the tape recording of such person's administrative hearing or may request a transcription of the tape recording to comply with any federal or state law.

C. Any decision of the Authority after such a hearing pursuant to subsection B of this section shall be subject to review by the Administrator of the Oklahoma Health Care Authority upon a timely request for review by the applicant or recipient. The Administrator shall issue a decision after review. A hearing decision of the

Authority shall be final and binding unless a review is requested pursuant to the provisions of this subsection. The decision of the Administrator may be appealed to the district court in which the applicant or recipient resides within thirty (30) days of the date of the decision of the Administrator as provided by the provisions of subsection D of this section.

D. Any applicant or recipient under this title who is aggrieved by a decision of the Administrator rendered pursuant to this section may petition the district court in which the applicant or recipient resides for a judicial review of the decision pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes. A copy of the petition shall be served by mail upon the general counsel of the Authority.

Added by Laws 1997, c. 137, § 1, emerg. eff. April 22, 1997.

§63-5053. Short title.

This act shall be known and may be cited as the "Oklahoma Medicaid False Claims Act".

Added by Laws 2007, c. 137, § 1, eff. Nov. 1, 2007.

§63-5053.1. Definitions - Civil penalty for false or fraudulent claims.

A. For purposes of this section:

1. "Claim":

a. means any request or demand for money or property, whether under a contract or otherwise and whether or not the state has title to the money or property, that:

(1) is presented to an officer, employee or agent of the state, or

(2) is made to a contractor, grantee or other recipient, if the money or property is to be spent or used on the state's behalf or to advance a state program or interest, and if this state:

(a) provides or has provided any portion of the money or property requested or demanded, or

(b) will reimburse such contractor, grantee or other recipient for any portion of the money or property which is requested or demanded; and

b. shall not include requests or demands for money or property that the government has paid to an individual as compensation for state employment or as an income subsidy with no restrictions on the individual's use of the money or property;

2. "Knowing" and "knowingly" mean that a person, with respect to information:

a. has actual knowledge of the information,

b. acts in deliberate ignorance of the truth or falsity of the information, or

c. acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required;

3. "Material" means having a natural tendency to influence or be capable of influencing the payment or receipt of money or property; and

4. "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation or from the retention of any overpayment.

B. Any person who:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

3. Conspires to commit a violation of the Oklahoma Medicaid False Claims Act;

4. Has possession, custody, or control of property or money used, or to be used, by the state and knowingly delivers, or causes to be delivered, less than all of such money or property;

5. Is authorized to make or deliver a document certifying receipt of property used or to be used by the state and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true;

6. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the state who lawfully may not sell or pledge property; or

7. Knowingly makes, uses or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state;

is liable to the State of Oklahoma for a civil penalty consistent with the civil penalties provision of the Federal False Claims Act, 31 U.S.C. 3729(a), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 101-410), and as further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Public Law 114-74), plus three times the amount of damages which the state sustains because of the act of that person.

C. If the court finds that:

1. The person committing the violation in subsection B of this section furnished officials of this state responsible for investigating false claims violations with all information known to

such person about the violation within thirty (30) days after the date on which the defendant first obtained the information;

2. The person fully cooperated with any state investigation of the violation; and

3. At the time the person furnished the state with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation, the court may assess not less than two times the amount of damages which the state sustains because of the act of the person.

D. A person violating subsection B of this section shall also be liable to this state for the costs of a civil action brought to recover any such penalty or damages.

E. Any information furnished pursuant to subsections A through D of this section shall be exempt from disclosure under the Oklahoma Open Records Act.

F. This section does not apply to claims, records or statements under the Oklahoma Tax Code.

Added by Laws 2007, c. 137, § 2, eff. Nov. 1, 2007. Amended by Laws 2016, c. 44, § 1, eff. Nov. 1, 2016; Laws 2017, c. 86, § 1, eff. Nov. 1, 2017.

§63-5053.2. Civil actions by Attorney General or individual persons authorized - Complaint procedure.

A. The Attorney General shall diligently investigate a violation under the Oklahoma Medicaid False Claims Act. If the Attorney General finds that a person has violated or is violating the Oklahoma Medicaid False Claims Act, the Attorney General may bring a civil action under this section against the person.

B. 1. A person may bring a civil action for a violation of the Oklahoma Medicaid False Claims Act for the person and for this state. The action shall be brought in the name of the state. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and state the reasons for consenting.

2. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the state pursuant to Section 2004 of Title 12 of the Oklahoma Statutes. The complaint shall be filed in camera, shall remain under seal for at least sixty (60) days, and shall not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within sixty (60) days after it receives both the complaint and the material evidence and information.

3. The state may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph 2 of this subsection. Any such motions may be

supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until twenty (20) days after the complaint is unsealed and served upon the defendant pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

4. Before the expiration of the sixty-day period or any extensions obtained under paragraph 3 of this subsection, the state shall:

a. proceed with the action, in which case the action shall be conducted by the state, or

b. notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

5. When a person brings an action under this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.

Added by Laws 2007, c. 137, § 3, eff. Nov. 1, 2007. Amended by Laws 2016, c. 44, § 2, eff. Nov. 1, 2016.

§63-5053.3. Actions brought by individuals - Participation by state - Procedure.

A. If the state proceeds with the action pursuant to Section 5053.2 of this title, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in this subsection.

1. The state may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

2. The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, the hearing may be held in camera.

3. Upon a showing by the state that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the participation of the person, such as:

a. limiting the number of witnesses the person may call,

b. limiting the length of the testimony of the witnesses,

c. limiting the person's cross-examination of witnesses, or

d. otherwise limiting the participation by the person in the litigation.

4. Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

B. If the state elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the state so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the expense of the state. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.

C. Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than sixty (60) days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

D. Notwithstanding subsection B of Section 5053.2 of this title, the state may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil money penalty. If any alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in the proceeding as the person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the State of Oklahoma, if all time for filing the appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

Added by Laws 2007, c. 137, § 4, eff. Nov. 1, 2007. Amended by Laws 2016, c. 44, § 3, eff. Nov. 1, 2016.

§63-5053.4. Actions brought by individuals - Share of proceeds of actions or settlement - Award of expenses, fees, and costs.

A. 1. If the state proceeds with an action brought by a person under subsection B of Section 5053.2 of this title, the person shall, subject to paragraph 2 of this subsection, receive at least fifteen percent (15%) but not more than twenty-five percent (25%) of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

2. Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal, civil or administrative hearing, in a legislative, administrative or State Auditor and Inspector report, hearing, audit or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than ten percent (10%) of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.

3. Any payment to a person under paragraph 1 or 2 of this subsection shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

B. If the state does not proceed with an action under Section 5053.2 of this title, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent (25%) and not more than thirty percent (30%) of the proceeds of the action or settlement and shall be paid out of the proceeds. The person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

C. Whether or not the state proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of the Oklahoma Medicaid False Claims Act upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under subsection A or B of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of the Oklahoma Medicaid False Claims Act, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. The dismissal shall not

prejudice the right of this state to continue the action, represented by the Office of the Attorney General or its assigns.

D. If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

Added by Laws 2007, c. 137, § 5, eff. Nov. 1, 2007. Amended by Laws 2009, c. 32, § 1, eff. Nov. 1, 2009; Laws 2016, c. 44, § 4, eff. Nov. 1, 2016.

§63-5053.5. Prohibition of certain individual actions - Dismissal - Liability for expenses or fees - Relief following adverse acts - Statute of limitations.

A. In no event may a person bring an action under subsection B of Section 5053.2 of this title which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party.

B. The court shall dismiss an action or claim under this section, unless opposed by the state, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a criminal, civil or administrative hearing, in which the state or its agent is a party, in a legislative, or State Auditor and Inspector report, hearing, audit or investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information. For purposes of this subsection, "original source" means an individual who either:

1. Prior to a public disclosure under subsection B of this section, has voluntarily disclosed to the state the information on which allegations or transactions in a claim are based; or

2. Has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the state before filing an action under the Oklahoma Medicaid False Claims Act.

C. The state is not liable for expenses which a person incurs in bringing an action under this section.

D. In civil actions brought under this section by this state, the provisions of Title 28 of the Oklahoma Statutes shall apply.

E. Any employee, contractor or agent shall be entitled to:

1. All relief necessary to make the employee, contractor or agent whole, if the employee, contractor or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent or

associated others in furtherance of an action under this act, or other efforts to stop one or more violations of the Oklahoma Medicaid False Claims Act.

2. Relief which shall include reinstatement with the same seniority status the employee, contractor or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An action under this section may be brought in the appropriate district court of the State of Oklahoma for the relief provided in this subsection.

F. An action under this section shall not be brought more than three (3) years after the date when the retaliation occurred.

Added by Laws 2007, c. 137, § 6, eff. Nov. 1, 2007. Amended by Laws 2009, c. 32, § 2, eff. Nov. 1, 2009; Laws 2016, c. 44, § 5, eff. Nov. 1, 2016; Laws 2017, c. 86, § 2, eff. Nov. 1, 2017.

§63-5053.6. Service of subpoena - Limitation of actions - Burden of proof - Res judicata.

A. A subpoena requiring the attendance of a witness at a trial or hearing conducted under the Oklahoma Medicaid False Claims Act may be served at any place in Oklahoma.

B. A civil action under Section 5053.2 of this title may not be brought:

1. More than six (6) years after the date on which the violation of the Oklahoma Medicaid False Claims Act is committed; or

2. More than three (3) years after the date when facts material to the right of action are known or reasonably should have been known by the official of the State of Oklahoma charged with responsibility to act in the circumstances, but in no event more than ten (10) years after the date on which the violation is committed, whichever occurs last.

C. If the state elects to intervene and proceed with an action brought under Section 5053.2 of this title, the state may file its own complaint or amend the complaint of a person who has brought an action under Section 5053.2 of this title to clarify or add detail to the claims in which the state is intervening and to add any additional claims with respect to which the state contends it is entitled to relief. For statute of limitations purposes, any such state pleading shall relate back to the filing date of the complaint of the person who originally brought the action to the extent that the claim of the state arises out of the conduct, transactions or occurrences set forth, or attempted to be set forth, in the prior complaint of the person.

D. In any action brought under Section 5053.2 of this title, this state shall be required to prove all essential elements of the

cause of action, including damages, by a preponderance of the evidence.

E. Notwithstanding any other provision of law, a final judgment rendered in favor of this state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under the Oklahoma Medicaid False Claims Act.

Added by Laws 2007, c. 137, § 7, eff. Nov. 1, 2007. Amended by Laws 2016, c. 44, § 6, eff. Nov. 1, 2016.

§63-5053.7. Jurisdiction.

A. Any action under Section 5053.2 of this title may be brought in any judicial district in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act proscribed by the Oklahoma Medicaid False Claims Act occurred. A summons as required by Section 2004 of Title 12 of the Oklahoma Statutes shall be issued by the appropriate district court and served at any place within or outside the State of Oklahoma.

B. The district courts shall have jurisdiction over any action brought under the laws of the state for the recovery of funds paid by a state or local government if the action arises from the same transaction or occurrence as an action brought under the Oklahoma Medicaid False Claims Act.

Added by Laws 2007, c. 137, § 8, eff. Nov. 1, 2007. Amended by Laws 2016, c. 44, § 7, eff. Nov. 1, 2016.

§63-5054. State Medicaid program - Administrative sanctions.

A. The Oklahoma Health Care Authority may administer administrative sanctions to Medicaid recipients who abuse the state Medicaid program.

B. Administrative sanctions shall not be administered by the Oklahoma Health Care Authority until notice and hearing have been provided to the Medicaid recipient.

C. For purposes of this section, “abuse” means practices that result in reimbursement for services that are not medically necessary, including reimbursement for a gross overutilization of services.

Added by Laws 2011, c. 255, § 2, eff. Nov. 1, 2011.

§63-5060. State Medicaid program not to contract with out-of-state providers.

A. Where practicable and in accordance with state and federal law, the state Medicaid program shall not contract with an out-of-

state medical provider for treatment that is available from one or more providers licensed and practicing in the State of Oklahoma.

B. The Oklahoma Health Care Authority shall seek any federal approval necessary to implement the provisions of this section.

Added by Laws 2019, c. 475, § 59, eff. Nov. 1, 2019.

§63-6101. Short title.

This act may be cited as the "Catastrophic Health Emergency Powers Act".

Added by Laws 2003, c. 473, § 1.

§63-6102. Legislative findings.

The Oklahoma Legislature finds that:

1. The government must do more to protect the health, safety, and general well-being of its citizens during a catastrophic health emergency;

2. New and emerging dangers, including emergent and resurgent infectious diseases and incidents of civilian mass casualties, pose serious and immediate threats during a catastrophic health emergency;

3. A renewed focus on the prevention, detection, management, and containment of catastrophic health emergencies is needed;

4. Catastrophic health emergency threats, including those caused by nuclear, biological or chemical events, may require the exercise of extraordinary government powers and functions;

5. This state must have the ability to respond, rapidly and effectively, to potential or actual catastrophic health emergencies;

6. The exercise of catastrophic health emergency powers must promote the common good;

7. Catastrophic emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission;

8. Guided by principles of justice and antidiscrimination, it is the duty of this state to act with fairness and tolerance towards individuals and groups during catastrophic health emergencies;

9. The rights of people to liberty, bodily integrity, and privacy must be respected to the fullest extent possible consistent with maintaining and preserving the health and security of the public during a catastrophic health emergency;

10. This act is necessary to protect the health and safety of the citizens of this state during a catastrophic health emergency; and

11. The provisions of Sections 9 through 25 of this act shall only be activated upon the occurrence of a catastrophic health emergency.

Added by Laws 2003, c. 473, § 2.

§63-6103. Purposes.

The purposes of the Catastrophic Health Emergency Powers Act are:

1. To require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a catastrophic health emergency;

2. To authorize the reporting and collection of data and records, the management of property, the protection of persons, and access to communications during a catastrophic health emergency;

3. To facilitate the early detection of a catastrophic health emergency, and allow for immediate investigation of such a catastrophic health emergency by granting access to health information of individuals under specified circumstances;

4. To grant state and local officials the authority during a catastrophic health emergency to provide care, treatment, and vaccination to persons who are ill or who have been exposed to transmissible diseases, and to separate affected individuals from the population at large to interrupt disease transmission;

5. To ensure during a catastrophic health emergency that the needs of infected or exposed persons are properly addressed to the fullest extent possible, given the primary goal of controlling serious health threats; and

6. To provide, during a catastrophic health emergency, state and local officials with the ability to prevent, detect, manage, and contain health threats without unduly interfering with civil rights and liberties.

Added by Laws 2003, c. 473, § 3.

§63-6104. Definitions.

As used in the Catastrophic Health Emergency Powers Act:

1. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population;

2. "Catastrophic health emergency" means an occurrence of imminent threat of an illness or health condition that:

a. is believed to be caused by any of the following:

(1) a nuclear attack,

(2) bioterrorism,

(3) a chemical attack, or

(4) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, and

b. poses a high probability of any of the following harms:

(1) a large number of deaths in the affected population,
(2) a large number of serious or long-term disabilities in the affected population, or
(3) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population;

3. "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing, and transporting the specimens and reporting test results;

4. "Contaminated waste" means:

a. "biological waste", which includes blood and blood products, excretions, exudates, secretions, suctioning and other body fluids, and waste materials saturated with blood or body fluids,

b. "cultures and stocks", which includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate, and mix cultures, wastes from production of biologicals and serums, and discarded live and attenuated vaccines,

c. "pathological waste", which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, necropsy or autopsy and laboratory procedures, and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals, but does not include teeth or formaldehyde or other preservative agents, and

d. "sharps", which includes needles, intravenous (IV) tubing with needles attached, scalpel blades, lancets, breakable glass tubes, and syringes that have been removed from their original sterile containers;

5. "Health care facility" means any nonfederal institution, building, or agency or portion thereof, whether public or private or for profit or nonprofit, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, hospitals, infirmaries, intermediate care facilities, kidney dialysis centers, long-term care facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, special care facilities, medical laboratories, and adult day-care centers. This also includes, but is not limited to, the following

related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services;

6. "Health care provider" means any person or entity who provides health care services including, but not limited to, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers;

7. "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan, or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person;

8. "Isolation" means the physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a transmissible or possibly transmissible disease from nonisolated individuals, to prevent or limit the transmission of the disease to nonisolated individuals;

9. "Mental health support personnel" means, but is not limited to, psychiatrists, psychologists, social workers, and volunteer crisis counseling groups;

10. "Protected health information" means any information, whether oral, written, electronic, visual, or any other form, that relates to the past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care of an individual, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information to reveal the identity of that individual;

11. "Public health authority" means the Oklahoma State Commissioner of Health; or local health department that acts principally to protect or preserve the health of the public; or any person directly authorized to act on behalf of the Oklahoma State Commissioner of Health or local health department;

12. "Public safety authority" means the Commissioner of Public Safety; or any local government agency that acts principally to protect or preserve the public safety; or any person directly authorized to act on behalf of the Commissioner of Public Safety or local agency;

13. "Quarantine" means the physical separation and confinement of an individual or groups of individuals, who are or may have been exposed to a transmissible or possibly transmissible disease and who

do not show signs or symptoms of a transmissible disease, from nonquarantined individuals, to prevent or limit the transmission of the disease to nonquarantined individuals;

14. "Specimens" means, but is not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues, and cultures necessary to perform required tests;

15. "Tests" means, but is not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the health, safety, and welfare of the public;

16. "Transmissible disease" means an infectious disease that can be transmitted from person to person; and

17. "Trial court" means the district court for the area in which isolation or quarantine is to occur, a court designated by the Public Health Emergency Plan under the Catastrophic Health Emergency Powers Act, or to the district court for the area in which a catastrophic health emergency has been declared.

Added by Laws 2003, c. 473, § 4. Amended by Laws 2007, c. 69, § 2, eff. Nov. 1, 2007.

§63-6105. Oklahoma Catastrophic Health Emergency Planning Task Force.

A. There is hereby created the Oklahoma Catastrophic Health Emergency Planning Task Force. The purpose of the task force is to prepare a plan for responding to a catastrophic health emergency.

B. The task force shall be comprised as follows:

1. The cabinet secretary with responsibilities for health and human services who shall serve as chair of the task force;

2. The State Commissioner of Health or a designee;

3. The Director of the Department of Public Safety or a designee;

4. The State Attorney General or a designee;

5. The Administrative Director of the Courts or a designee;

6. The Director of Civil Emergency Management or a designee;

7. Two members of the State Senate to be appointed by the President Pro Tempore of the Senate;

8. Two members of the Oklahoma House of Representatives to be appointed by the Speaker of the House of Representatives;

9. The Director of the Tulsa City-County Health Department or a designee;

10. The Director of the Oklahoma City-County Health Department or a designee;

11. The State Fire Marshal;

12. A representative of the Oklahoma State Board of Medical Licensure and Supervision to be appointed by the State Board of Medical Licensure and Supervision;

13. A representative of the State Board of Osteopathic Examiners to be appointed by the State Board of Osteopathic Examiners;

14. A representative of the Governor to be appointed by the Governor;

15. A person appointed by the Governor representing a statewide organization representing hospitals;

16. A representative of the Oklahoma Nurses Association to be appointed by the Oklahoma Nurses Association; and

17. A representative of the Oklahoma Psychological Association to be appointed by the Oklahoma Psychological Association.

C. Appointees shall serve at the pleasure of the appointing authority.

D. No later than December 31, 2004, the task force shall deliver a plan for responding to a catastrophic health emergency to the Governor, the President Pro Tempore of the State Senate, and the Speaker of the Oklahoma House of Representatives. The plan shall include provisions or guidelines for the following:

1. Notification of and communication with the population during a catastrophic health emergency;

2. Central coordination of resources, manpower, and services, including coordination of responses by state, local, tribal, and federal agencies during a catastrophic health emergency;

3. The location, procurement, storage, transportation, maintenance, and distribution of essential materials including, but not limited to, medical supplies, drugs, vaccines, food, shelter, clothing, and beds during a catastrophic health emergency;

4. The role of law enforcement agencies in response to a catastrophic health emergency;

5. The method of evacuating populations and housing and feeding evacuated populations during a catastrophic health emergency;

6. The identification and training of health care providers to diagnose and treat persons with infectious disease during a catastrophic health emergency;

7. The treatment of persons who have been exposed to or who are infected with diseases or health conditions that may be the cause of a catastrophic health emergency;

8. The safe disposal of contaminated wastes and human remains during a catastrophic health emergency;

9. The safe and effective control of persons treated during a catastrophic health emergency;

10. Tracking the source and outcomes of infected persons during a catastrophic health emergency;

11. Ensuring that during a catastrophic health emergency each city and county within the state identifies the following:

a. sites where medical supplies, food, and other essentials can be distributed to the population,

b. sites where public health and emergency workers can be housed and fed, and

c. routes and means of transportation of people and materials;

12. The recognition of cultural norms, values, religious principles, and traditions that may be relevant during a catastrophic health emergency; and

13. Other measures necessary to carry out the purposes of this act.

E. The task force shall distribute this plan to those who will be responsible for its implementation, other interested persons and the public and seek their review and comments.

F. The task force shall annually review its plan for responding to a catastrophic health emergency.

G. Staff assistance for the task force shall be provided upon request by the chair of the task force by the agency or agencies determined to be appropriate by the chair.

H. Members of the task force shall receive no compensation for serving on the task force, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed pursuant to the Oklahoma Travel Reimbursement Act by their employing or appointing agencies.

Added by Laws 2003, c. 473, § 5.

§63-6301. Reports required from health care providers, coroners, medical examiners, or pharmacists.

A. A health care provider, coroner, or medical examiner shall report all cases of persons who harbor any illness or health condition that may be potential cause of a catastrophic health emergency. Reportable illnesses and health conditions include, but are not limited to, the diseases caused by the biological agents listed in 42 C.F.R., Section 72, app. A (2000) and any illnesses or health conditions identified by the public health authority.

B. In addition to the foregoing requirements for health care providers, a pharmacist shall report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be potential causes of a catastrophic health emergency. Prescription-related events that require a report include, but are not limited to:

1. An unusual increase in the number of prescriptions or over-the-counter pharmaceuticals to treat conditions that the public health authority identifies through regulations;

2. An unusual increase in the number of prescriptions for antibiotics; and

3. Any prescription that treats a disease that is relatively uncommon or may be associated with bioterrorism.

C. The report shall be made electronically or in writing within twenty-four (24) hours to the public health authority. The report shall include as much of the following information as is available: the specific illness or health condition that is the subject of the report; the name of the patient, date of birth, sex, race, occupation, and current home and work addresses, including city and county; the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported.

D. Any animal case of a zoonotic disease that is suspected to be a bioterrorism event or associated with an outbreak shall be reported to the State Veterinarian. Appropriate clinical specimens will be required to be rapidly submitted for laboratory confirmation. The State Veterinarian or State Veterinary Diagnostic Laboratory Director or a designee will immediately report by telephone confirmed veterinary cases of public health importance to the State Department of Health.

E. For the purposes of this section, "health care provider" shall include out-of-state medical laboratories, provided that the out-of-state laboratories have agreed to the reporting requirements of this state. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.

F. The public health authority may enforce the provisions of this section in accordance with existing enforcement rules.
Added by Laws 2003, c. 473, § 6.

§63-6302. Investigations – Identification of exposed individuals – Closing, evacuation, or decontamination of facilities – Decontamination or destruction of materials – Enforcement powers.

A. The public health authority shall ascertain the existence of cases of an illness or health condition that may be potential causes of a catastrophic health emergency; investigate all such cases for sources of infection or contamination and to ensure that they are subject to proper control measures; and define the distribution of the illness or health condition. To fulfill these duties, the public health authority shall identify exposed individuals as follows:

1. Acting on information developed in accordance with Section 6 of this act, or other reliable information, the public health authority shall identify all individuals thought to have been exposed to an illness or health condition that may be a potential cause of a catastrophic health emergency; and

2. The public health authority shall counsel and interview such individuals where needed to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information includes the name and address, including city and county, of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.

B. The public health authority, for examination purposes, shall close, evacuate, or decontaminate any facility or decontaminate or destroy any material when the authority reasonably suspects that such facility or material may endanger the public health.

C. The public health authority may enforce the provisions of this section in accordance with existing enforcement rules. An order of the public health authority given to effectuate the purposes of this section shall be enforceable immediately by the public safety authority.

Added by Laws 2003, c. 473, § 7.

§63-6303. Reportable illnesses, health conditions, unusual clusters, or suspicious events – Duty to notify public health authorities – Sharing of information.

A. Whenever the public safety authority or other state or local government agency learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that may be the cause of a catastrophic health emergency, it shall immediately notify the public health authority.

B. Whenever the public health authority learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to be caused by terrorism, it shall immediately notify the public safety authority, tribal authorities, and federal health and public safety authorities.

C. Sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between public health and safety authorities shall be restricted to the information necessary for the treatment, control, investigation, and prevention of a catastrophic health emergency.

Added by Laws 2003, c. 473, § 8.

§63-6401. Governor’s declaration.

A state of catastrophic health emergency may be declared by the Governor upon the occurrence of a "catastrophic health emergency" as defined in paragraph 2 of Section 4 of this act. Prior to such a declaration, the Governor shall consult with the public health authority and may consult with any additional public health or other experts as needed.

Added by Laws 2003, c. 473, § 9.

§63-6402. Executive order.

A state of catastrophic health emergency shall be declared by an executive order that specifies:

1. The nature of the catastrophic health emergency;

2. The political subdivisions or geographic areas subject to the declaration;

3. The conditions that have brought about the catastrophic health emergency;

4. The duration of the state of the catastrophic health emergency, if less than thirty (30) days; and

5. The primary public health authority responding to the catastrophic health emergency.

Added by Laws 2003, c. 473, § 10.

§63-6403. Activation of disaster response and recovery aspects of emergency plans – Powers of Governor.

A. The declaration of a state of catastrophic health emergency shall activate the disaster response and recovery aspects of the state, local, and inter-jurisdictional disaster emergency plans in the affected political subdivisions or geographic areas. Such declaration authorizes the deployment and use of any forces to which the plans apply and the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or available pursuant to this act.

B. During a state of catastrophic health emergency, the Governor may:

1. Suspend the provisions of any regulatory statute prescribing procedures for conducting state business, or the orders and rules of any state agency, to the extent that strict compliance with the same would prevent, hinder, or delay necessary action (including emergency purchases) by the public health authority to respond to the catastrophic health emergency, or increase the health threat to the population;

2. Utilize all available resources of the state government and its political subdivisions, as reasonably necessary to respond to the catastrophic health emergency;

3. Transfer the direction, personnel, or functions of state departments and agencies in order to perform or facilitate response and recovery programs regarding the catastrophic health emergency;

4. Mobilize all or any part of the National Guard into service of the state. An order directing the National Guard to report for active duty shall state the purpose for which it is mobilized and the objectives to be accomplished;

5. Provide aid to and seek aid from other states during the catastrophic health emergency in accordance with any interstate emergency compact made with this state; and

6. Seek aid from the federal government for the catastrophic health emergency in accordance with federal programs or requirements.

C. The public health authority shall coordinate all matters pertaining to the catastrophic health emergency response of the state. The public health authority shall have primary jurisdiction, responsibility, and authority for:

1. Planning and executing catastrophic health emergency assessment, mitigation, preparedness response, and recovery for the state;

2. Coordinating catastrophic health emergency response between state and local authorities during a catastrophic health emergency;

3. Collaborating with relevant federal government authorities, elected officials of other states, private organizations or companies during a catastrophic health emergency;

4. Coordinating recovery operations and mitigation initiatives subsequent to catastrophic health emergencies; and

5. Organizing public information activities regarding catastrophic health emergency response operations.

D. After the declaration of a state of catastrophic health emergency, special identification for all public health personnel working during the catastrophic health emergency shall be issued as soon as possible. The identification shall indicate the authority of the bearer to exercise public health functions and emergency powers during the state of catastrophic health emergency. Public health personnel shall wear the identification in plain view.

Added by Laws 2003, c. 473, § 11.

§63-6404. Enforcement of public health authority orders – Assistance from public safety authority.

During a state of catastrophic health emergency, the public health authority may request assistance in enforcing orders pursuant to this act from the public safety authority. The public safety authority may request assistance from the National Guard in enforcing the orders of the public health authority.

Added by Laws 2003, c. 473, § 12.

§63-6405. Termination of declaration of emergency by executive order – Special Session of State Legislature.

A. The Governor shall terminate the declaration of a state of catastrophic health emergency by executive order upon finding that the occurrence of the condition that caused the catastrophic health emergency no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population,

or a significant risk of substantial future harm to a large number of people in the affected population.

B. Notwithstanding any other provision of the Catastrophic Health Emergency Powers Act, the declaration of a state of catastrophic health emergency shall be terminated automatically after thirty (30) days unless renewed by the Governor under the same standards and procedures set forth in this act. Any such renewal shall also be terminated automatically after thirty (30) days unless renewed by the Governor under the same standards and procedures set forth in the Catastrophic Health Emergency Powers Act.

C. If the Governor declares a catastrophic health emergency, the State Legislature shall automatically be called into Special Session at 8:00 a.m. on the morning of the second day following the date of such declaration for the purpose of concurring with or terminating the catastrophic health emergency. The State Legislature by concurrent resolution may terminate a state of catastrophic health emergency at any time. Thereupon, the Governor shall by appropriate action end the state of catastrophic health emergency. Such termination by the State Legislature shall override any renewal by the Governor.

D. All orders or legislative actions terminating the declaration of a state of catastrophic health emergency shall indicate the nature of the emergency, the area or areas threatened, and the conditions that make possible the termination of the declaration.

Added by Laws 2003, c. 473, § 13.

§63-6501. Safe disposal of contaminated waste - Powers of public health authority.

A. The public health authority may exercise, for such period as the state of catastrophic health emergency exists, the following powers regarding the safe disposal of contaminated waste:

1. To adopt and enforce measures to provide for the safe disposal of contaminated waste as may be reasonable and necessary to respond to the catastrophic health emergency. Such measures may include, but are not limited to, the collection, storage, handling, destruction, treatment, transportation, and disposal of contaminated waste; and

2. To require any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of contaminated waste under the laws of this state, and any landfill business or other such property, to accept contaminated waste, or provide services or the use of the business, facility, or property if such action is reasonable and necessary to respond to the catastrophic health emergency as a condition of licensure, authorization, or the ability to continue doing business in the state as such a business or facility. The use of the business, facility, or property may include transferring the management and supervision of such business,

facility, or property to the public health authority for a period of time, which shall not exceed the termination of the declaration of a state of catastrophic health emergency.

B. All bags, boxes, or other containers for contaminated waste shall be clearly identified as containing contaminated waste and, if known, the type of contaminated waste.

Added by Laws 2003, c. 473, § 14.

§63-6502. Safe disposal of human remains – Powers of public health authority – Identification and written record.

A. The public health authority may exercise, for such period as the state of catastrophic health emergency exists, the following powers regarding the safe disposal of human remains:

1. To adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary to respond to the catastrophic health emergency. Such measures may include, but are not limited to, the embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains;

2. To take possession or control of any human remains; and

3. To order the disposal of any human remains of a person who has died of a transmissible disease through burial or cremation within twenty-four (24) hours after death. To the extent possible, religious, cultural, family, and individual beliefs of the deceased person or the family of the deceased person shall be considered when disposing of any human remains.

B. Any human remains prior to disposal shall be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with a transmissible disease shall have an external, clearly visible tag indicating that the human remains are infected and, if known, the transmissible disease.

C. Every person in charge of disposing of any human remains during a catastrophic health emergency shall maintain a written or electronic record of the human remains and all available information to identify the decedent and the circumstances of death and disposal. If human remains cannot be identified prior to disposal, a qualified person shall, to the extent possible, take fingerprints and photographs of the human remains, obtain identifying dental information, and collect a DNA specimen. All information gathered under this subsection shall be promptly forwarded to the public health authority.

Added by Laws 2003, c. 473, § 15.

§63-6503. Pharmaceutical agents and medical supplies – Purchase and distribution by public health authority - Regulation of use, sale, dispensing, distribution or transportation – Hoarding.

A. The public health authority may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it deems advisable in the interest of preparing for or controlling a catastrophic health emergency, without any additional legislative authorization.

B. If a catastrophic health emergency results in a statewide or regional shortage or threatened shortage of any product under subsection A of this section, whether or not such product has been purchased by the public health authority, the public health authority may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety, and welfare of the people of the state during the catastrophic health emergency.

C. In making rationing or other supply and distribution decisions, the public health authority may give preference to health care providers, disaster response personnel, and mortuary staff.

D. During a state of catastrophic health emergency, the public health authority may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the catastrophic health emergency, with the right to take immediate possession thereof. If a catastrophic health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow the public health authority to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing fair and equitable distribution among affected states.

Added by Laws 2003, c. 473, § 16.

§63-6504. Civil proceedings relating to destruction of property.

To the extent practicable consistent with the protection of public health, prior to the destruction of any property under the Catastrophic Health Emergency Powers Act, the public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this state or any such rules that may be developed by the courts for use during a state of catastrophic health emergency. Any property acquired by the public health authority through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

Added by Laws 2003, c. 473, § 17.

§63-6601. Prevention of utilization of nuclear, biological or chemical agents – Proper control and treatment of transmissible diseases – Duty of public health authority.

During a state of catastrophic health emergency, the public health authority shall use every available means to prevent the utilization of nuclear, biological, or chemical agents, and to otherwise ensure that all cases of transmissible disease are subject to proper control and treatment.

Added by Laws 2003, c. 473, § 18.

§63-6602. Repealed by Laws 2009, c. 78, § 14, eff. Nov. 1, 2009, and by Laws 2013, 1st Ex. Sess., c. 3, § 2, emerg. eff. Sept. 10, 2013.

§63-6701. Provision of information to general public.

A. The public health authority shall inform the people of the state when a state of catastrophic health emergency has been declared or terminated, how to protect themselves during a state of catastrophic health emergency, and what actions are being taken to control the catastrophic health emergency.

B. The public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.

C. If the public health authority has reason to believe there are large numbers of people of the state who lack sufficient skills in English to understand the information, the public health authority shall make reasonable efforts to provide the information in the primary languages of those people as well as in English.

D. The provision of information shall be made in a manner accessible to individuals with disabilities.

Added by Laws 2003, c. 473, §20.

§63-6702. Provision of information about and referrals to mental health support personnel.

During and after the declaration of a state of catastrophic health emergency, the public health authority shall provide information about and referrals to mental health support personnel to address psychological responses to the catastrophic health emergency.

Added by Laws 2003, c. 473, § 21.

§63-6801. Enforcement of provisions of act – Rules – Fines and penalties – Orders and other remedies.

The public health authority and other affected agencies are authorized to promulgate and implement rules as are reasonable and necessary to implement and effectuate the provisions of the Catastrophic Health Emergency Powers Act. The public health authority and other affected agencies shall have the power to enforce the provisions of the Catastrophic Health Emergency Powers Act

through the imposition of fines and penalties, the issuance of orders, and any other remedies as are provided by law, but nothing in this section shall be construed to limit specific enforcement powers enumerated in the Catastrophic Health Emergency Powers Act.
Added by Laws 2003, c. 473, § 22.

§63-6802. Transfer of monies from state funds – Conditions.

A. During a catastrophic health emergency, the Governor may transfer from any fund available to the Governor in the State Treasury sums of money as may be necessary during a state of catastrophic health emergency.

B. Monies so transferred shall be repaid to the fund from which they were transferred when monies become available for that purpose, by legislative appropriation or otherwise.

C. A transfer of funds by the Governor under the provisions of this section may be made only when one or more of the following conditions exist:

1. No appropriation or other authorization is available to meet the catastrophic health emergency;

2. An appropriation is insufficient to meet the catastrophic health emergency; or

3. Federal monies available for such a catastrophic health emergency require the use of state or other public monies.

D. All expenses incurred by the state during a state of catastrophic health emergency shall be subject to the following limitations:

1. No expense shall be incurred against the monies authorized under this section, without the general approval of the Governor;

2. The aggregate amount of all expenses incurred pursuant to this section shall not exceed Fifty Million Dollars ($50,000,000.00) for any fiscal year; and

3. Monies authorized for a state of catastrophic health emergency in prior fiscal years may be used in subsequent fiscal years only for the catastrophic health emergency for which they were authorized. Monies authorized for a catastrophic health emergency in prior fiscal years, and expended in subsequent fiscal years for the catastrophic health emergency for which they were authorized, apply toward the fifty-million-dollar expense limit for the fiscal year in which they were authorized.
Added by Laws 2003, c. 473, § 23.

§63-6803. Preemption.

The Catastrophic Health Emergency Powers Act does not explicitly preempt other laws or rules that preserve to a greater degree the powers of the Governor or public health authority, provided the laws or rules are consistent, and do not otherwise restrict or interfere,

with the operation or enforcement of the provisions of the Catastrophic Health Emergency Powers Act.
Added by Laws 2003, c. 473, § 24.

§63-6804. Compliance with federal law and regulations - Conflict of laws - Predesignation of hospitals.

A. The Catastrophic Health Emergency Powers Act does not restrict any person from complying with federal law or regulations. Any disclosure by a health care provider or other covered entity of information or data which is protected health information under the provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPPA"), Public Law 104-191, and which disclosure is occasioned or otherwise caused by the exercise of any emergency powers pursuant to the Catastrophic Health Emergency Powers Act, shall be deemed a disclosure for "Uses and Disclosures Required by Law", as defined by 45 C.F.R., Section 164.512(a), and for "Uses and Disclosures for Public Health Activities", as defined by 45 C.F.R., Section 164.512(b).

B. During a catastrophic health emergency, in the event of a conflict between the Catastrophic Health Emergency Powers Act and other state or local laws or rules concerning public health powers, the provisions of the Catastrophic Health Emergency Powers Act apply.

C. Nothing in the Catastrophic Health Emergency Powers Act shall imply the predesignation of hospitals.
Added by Laws 2003, c. 473, § 25.

§63-6900. Grant programs for administration of National Hospital Preparedness Program.

A. The State Commissioner of Health shall develop grant programs for private, nonprofit and public entities for the purpose of administering the National Hospital Preparedness Program (HPP). For purposes of this section, the "National Hospital Preparedness Program" or "HPP" means the federal preparedness grant offered through the U.S. Department of Health and Human Services designed to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

B. The selection and awarding of grants, whether in the form of professional service contracts or any other funding mechanism developed by the Commissioner, to programs developed pursuant to this section shall be exempt from the requirements of The Oklahoma Central Purchasing Act.

C. The Commissioner shall develop a process for awarding grants to programs developed pursuant to this section. Such process for selection shall not be required for contracts awarded for program support services, including, but not limited to, professional service contracts to evaluate, audit or provide budgeting, accounting,

auditing or legal services for specific programs or program grantees, contractors or participants.
Added by Laws 2009, c. 141, § 1, eff. Nov. 1, 2009.

§63-7002. Sale, etc. of human or synthetic urine or of adulterants – Violation – Penalty.

A. It is unlawful for a person to:

1. Sell, give away, distribute, or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the urine to defraud or cause deceitful results in a urine, drug, or alcohol screening test;

2. Attempt to foil or defeat a urine, drug, or alcohol screening test by the substitution or spiking of a urine sample;

3. Advertise for sale any product designed to foil or defeat a urine, drug, or alcohol screening test;

4. Adulterate a urine or other bodily fluid sample with the intent to defraud or cause deceitful results in a urine, drug, or alcohol screening test;

5. Possess adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding or causing deceitful results in a urine, drug, or alcohol screening test; or

6. Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding or causing deceitful results in a urine, drug, or alcohol screening test.

B. Intent to defraud or cause deceitful results in a urine, drug, or alcohol screening test is presumed if:

1. A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, or marketing of urine; or

2. Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, or marketing of urine.

C. As used in this section, “adulterant” means a substance that is not expected to be in human urine or a substance expected to be present in human urine but that is at a concentration so high that it is not consistent with human urine, including, but not limited to:

1. Bleach;
2. Chromium;
3. Creatinine;
4. Detergent;
5. Glutaraldehyde;
6. Glutaraldehyde/squalene;
7. Hydrochloric acid;
8. Hydroiodic acid;
9. Iodine;

10. Nitrite;
11. Peroxidase;
12. Potassium dichromate;
13. Potassium nitrite;
14. Pyridinium chlorochromate; and
15. Sodium nitrite.

D. Any person convicted of violating any of the provisions of subsection A of this section shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both such imprisonment and fine.
Added by Laws 2004, c. 59, § 6, emerg. eff. April 6, 2004.

§63-7100.1. Short title.

Sections 1 through 7 of this act shall be known and may be cited as the "Oklahoma Health Information Exchange Act".
Added by Laws 2008, c. 305, § 1, emerg. eff. June 2, 2008.

§63-7100.2. Legislative findings - Purpose.

A. The Legislature finds that the exchange of health information in Oklahoma has been impeded as a result of:

1. Confusion about the proper application of federal and state privacy and privilege law; and

2. Concern regarding potential liability for violations of such laws.

B. The purpose of this act is to:

1. Set forth a standard process for authorizing the exchange of health information in compliance with federal and state law; and

2. Ensure immunization from liability under state law for exchanges of health information in accordance with the standard process.
Added by Laws 2008, c. 305, § 2, emerg. eff. June 2, 2008.

§63-7100.3. Definitions.

As used in the Oklahoma Health Information Exchange Act:

1. "Board" means the State Board of Health;

2. "Health information" means information, regardless of source or form, that:

a. includes demographic information collected from an individual,

b. relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual, or

c. identifies the individual or from which there is a reasonable basis to believe the information can be used to identify the individual; and

3. "Health care entity" means:

a. a health plan that, either as an individual or group, provides for, or pays the cost of, medical care,

b. a health care provider that offers or renders medical or health services, or

c. any further individual or association defined as a covered entity under 45 C.F.R., Section 160.103.

Added by Laws 2008, c. 305, § 3, emerg. eff. June 2, 2008.

§63-7100.4. Authorization form for exchange of health information - Instructions.

A. The State Board of Health shall adopt and distribute a standard authorization form and accompanying instructions for use in obtaining authorization for the exchange of health information.

B. The authorization form adopted and distributed by the Board shall comply with all applicable federal and state privacy and privilege laws.

Added by Laws 2008, c. 305, § 4, emerg. eff. June 2, 2008.

§63-7100.5. Acceptance and use of form.

A. A health care entity shall accept the authorization form adopted and distributed by the State Board of Health as a valid authorization for the exchange of health information.

B. A health care entity is not required under this act to use the authorization form adopted and distributed by the Board.

Added by Laws 2008, c. 305, § 5, emerg. eff. June 2, 2008.

§63-7100.6. Immunity from liability.

Persons exchanging health information under the authorization form adopted and distributed by the State Board of Health pursuant to Section 4 of this act, when used in accordance with the instructions of the Board, shall be immunized from liability in actions based upon state privacy or privilege law that may be claimed to arise from the exchange of such information.

Added by Laws 2008, c. 305, § 6, emerg. eff. June 2, 2008.

§63-7100.7. Information exchange not a violation or waiver of privilege protected by law.

The exchange of health information under the authorization form adopted and distributed by the State Board of Health shall not be deemed to have violated or waived any privilege protected under the statutory or common law of this state.

Added by Laws 2008, c. 305, § 7, emerg. eff. June 2, 2008.

§63-7200.1. Short title.

This act shall be known and may be cited as the "Oklahoma Sleep Diagnostic Testing Regulation Act".

Added by Laws 2009, c. 360, § 1.

§63-7200.2. Legislative findings.

The Oklahoma Legislature hereby finds that:

1. There is a growing need for sleep diagnostic testing in the diagnosis and treatment of sleep disorders;

2. Sleep diagnostic testing is being performed in Oklahoma; and

3. Oklahoma law does not provide sufficient regulation of sleep diagnostic testing to assure the protection of the public.

Therefore, there is a need to provide legislation to enable the appropriate entities to regulate persons performing sleep diagnostic testing on the citizens of this state.

Added by Laws 2009, c. 360, § 2.

§63-7200.3. Definitions.

As used in the Oklahoma Sleep Diagnostic Testing Regulation Act:

1. "Advanced practice nurse" means a person licensed to practice as an advanced practice nurse by the Oklahoma Board of Nursing pursuant to the Oklahoma Nursing Practice Act;

2. "Interpreting physician" means a physician who provides professional interpretation of data generated by sleep diagnostic tests. An interpreting physician shall be board-certified in sleep medicine by the American Board of Sleep Medicine (ABSM) or the American Board of Medical Specialties or must have completed a one-year sleep medicine fellowship accredited by the Accreditation Council for Graduate Medical Education (ACGME) or received a Certification of Special Qualifications (CSQ) or a Certification of Added Qualifications (CAQ) in Sleep Medicine issued by the American Osteopathic Association;

3. "Physician" means a person licensed to practice:

a. allopathic medicine and surgery by the State Board of Medical Licensure and Supervision pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or

b. osteopathic medicine by the State Board of Osteopathic Examiners pursuant to the Oklahoma Osteopathic Medicine Act;

4. "Physician assistant" means a person licensed to practice as a physician assistant by the State Board of Medical Licensure and Supervision pursuant to the Physician Assistant Act;

5. "Sleep diagnostic test" means any technological recording procedure used for the diagnosis of sleep-related breathing disorders or other disorders of sleep;

6. “Sleep diagnostic testing facility” means a building or place situated in a fixed location or a mobile entity that is used to conduct sleep diagnostic tests and includes sleep disorder centers and laboratories for sleep-related breathing disorders, but does not include a hospital that conducts sleep diagnostic tests for its patients, including sleep diagnostic tests performed under arrangements made by a hospital for its patients whereby the hospital exercises professional responsibility over the arranged services; and

7. “Supervising physician” means a physician responsible for the supervision of the sleep diagnostic testing performed, including, but not limited to, the quality of the testing performed, the proper operation and calibration of the equipment used to perform sleep diagnostic tests and the actions of nonphysician personnel engaged in the performance of the sleep diagnostic testing. A supervising physician shall be board-certified in sleep medicine by the American Board of Sleep Medicine (ABSM) or the American Board of Medical Specialties or shall have completed a one-year sleep medicine fellowship accredited by the Accreditation Council for Graduate Medical Education (ACGME), or received a Certification of Special Qualifications (CSQ) or a Certification of Added Qualifications (CAQ) in Sleep Medicine issued by the American Osteopathic Association. Added by Laws 2009, c. 360, § 3. Amended by Laws 2010, c. 200, § 1, eff. Nov. 1, 2010.

§63-7200.4. Ordering and furnishing sleep diagnostic tests - Facility standards.

A. Sleep diagnostic tests shall be ordered by a physician, physician assistant or advance practice nurse.

B. Sleep diagnostic tests shall be furnished:

1. By a sleep diagnostic testing facility;

2. By, or under arrangements made by, a hospital for its patients whereby the hospital exercises professional responsibility over the arranged services; or

3. In the patient’s home.

C. Sleep diagnostic testing facilities shall meet the following standards:

1. Sleep diagnostic testing facilities shall be supervised by a supervising physician as defined by this act;

2. On and after January 1, 2010, sleep diagnostic testing facilities shall be fully or provisionally certified or accredited by the American Academy of Sleep Medicine (AASM), the Joint Commission or the Accreditation Commission for Healthcare (ACHC), except that the full or provisional certification or accreditation by AASM, the Joint Commission, or ACHC shall not be required until June 30, 2010, for any sleep diagnostic testing facility that has submitted a complete application for certification or accreditation to AASM, the Joint Commission and/or ACHC on or before December 31, 2009;

3. An interpreting physician shall interpret the data generated by all sleep diagnostic tests conducted at a sleep diagnostic testing facility; and

4. Nonphysician personnel conducting sleep diagnostic tests shall perform their duties under the direction and supervision of the supervising physician.

D. Sleep diagnostic tests performed in the patient's home shall be conducted under the supervision of a supervising physician and interpreted by an interpreting physician.

Added by Laws 2009, c. 360, § 4.

§63-7200.5. Violations - Enforcement - Promulgation of rules.

A. It shall be unlawful for any facility or person to perform sleep diagnostic tests without having first complied with this act or as may otherwise be allowed by applicable law.

B. The State Department of Health is authorized to enforce the provisions of this act.

C. The State Board of Health shall promulgate rules and enforcement measures as necessary to implement the provisions of the Oklahoma Sleep Diagnostic Testing Regulation Act.

Added by Laws 2009, c. 360, § 5. Amended by Laws 2010, c. 200, § 2, eff. Nov. 1, 2010.

§63-7300. Interstate Health Care Compact.

WHEREAS, the separation of powers, both between the branches of the Federal government and between Federal and State authority, is essential to the preservation of individual liberty;

WHEREAS, the Constitution creates a Federal government of limited and enumerated powers, and reserves to the States or to the people those powers not granted to the Federal government;

WHEREAS, the Federal government has enacted many laws that have preempted State laws with respect to Health Care, and placed increasing strain on State budgets, impairing other responsibilities such as education, infrastructure, and public safety;

WHEREAS, the Member States seek to protect individual liberty and personal control over Health Care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over Health Care in the States;

WHEREAS, by acting in concert, the Member States may express and inspire confidence in the ability of each Member State to govern Health Care effectively; and

WHEREAS, the Member States recognize that consent of Congress may be more easily secured if the Member States collectively seek consent through an interstate compact.

NOW THEREFORE, the Member States hereto resolve, and by the adoption into law under their respective State Constitutions of this Health Care Compact, agree, as follows:

Sec. 1. Definitions.

As used in this Compact, unless the context clearly indicates otherwise:

1. "Commission" means the Interstate Advisory Health Care Commission.

2. "Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of:

(a) the date upon which this Compact shall be adopted under the laws of the Member State, and

(b) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

3. "Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:

(a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and

(b) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and

(c) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veterans Affairs, or provided to Native Americans.

4. "Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State.

5. "Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member State. The preliminary estimate of Member State Base Funding Level for the State of Oklahoma is Ten Billion Three Hundred Forty-four Million.

6. "Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by the Current Year Inflation Adjustment Factor.

7. "Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau.

8. “Current Year Inflation Adjustment Factor” means the Total Gross Domestic Product Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.

Sec. 2. Pledge.

The Member States shall take joint and separate action to secure the consent of the United States Congress to this Compact in order to return the authority to regulate Health Care to the Member States consistent with the goals and principles articulated in this Compact. The Member States shall improve Health Care policy within their respective jurisdictions and according to the judgment and discretion of each Member State.

Sec. 3. Legislative Power.

The legislatures of the Member States have the primary responsibility to regulate Health Care in their respective States.

Sec. 4. State Control.

Each Member State, within its State, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care that are inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

Sec. 5. Funding.

(a) Each Federal fiscal year, each Member State shall have the right to Federal monies up to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of Member State authority under this Compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the Member State.

(b) By the start of each Federal fiscal year, Congress shall establish an initial Member State Current Year Funding Level for each Member State, based upon reasonable estimates. The final Member State Current Year Funding Level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each Member State and audited by the United States Government Accountability Office.

Sec. 6. Interstate Advisory Health Care Commission.

(a) The Interstate Advisory Health Care Commission is established. The Commission consists of members appointed by each

Member State through a process to be determined by each Member State. A Member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member is entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the Commission's total membership.

(b) The Commission may elect from among its membership a Chairperson. The Commission may adopt and publish bylaws and policies that are not inconsistent with this Compact. The Commission shall meet at least once a year, and may meet more frequently.

(c) The Commission may study issues of Health Care regulation that are of particular concern to the Member States. The Commission may make nonbinding recommendations to the Member States. The legislatures of the Member States may consider these recommendations in determining the appropriate Health Care policies in their respective States.

(d) The Commission shall collect information and data to assist the Member States in their regulation of Health Care, including assessing the performance of various State Health Care programs and compiling information on the prices of Health Care. The Commission shall make this information and data available to the legislatures of the Member States. Notwithstanding any other provision in this Compact, no Member State shall disclose to the Commission the health information of any individual, nor shall the Commission disclose the health information of any individual.

(e) The Commission shall be funded by the Member States as agreed to by the Member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the Member States in accordance with the terms of this Compact.

(f) The Commission shall not take any action within a Member State that contravenes any State law of that Member State.

Sec. 7. Congressional Consent.

This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress, in consenting to this Compact, alters the fundamental purposes of this Compact, which are:

(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and

(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Section 5 above.

Sec. 8. Amendments.

The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

Sec. 9. Withdrawal; Dissolution.

Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.

Added by Laws 2011, c. 267, § 1.

§63-7301. Diabetes prevention reporting.

A. The Oklahoma Health Care Authority and the State Department of Health shall collaborate to identify benchmarks and develop goals to reduce the incidence rates of, improve health care services for, and control complications resulting from diabetes.

B. The Authority and the Department shall submit a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by January 10th of odd-numbered years. Such report shall contain the following information:

1. The fiscal impact of all types of diabetes on the Authority, the Department, and county health departments including the number of persons with diabetes receiving services through the Authority, the Department, and county health departments;

2. The fiscal impact of diabetes on the Authority, the Department, and county health departments in comparison to other chronic diseases;

3. An assessment of the benefits of diabetes prevention programs including a summary of funding directed to the Authority and the Department from the Oklahoma State Legislature;

4. A description of coordination between the Authority and the Department including, but not limited to, programs relating to the treatment and prevention of all forms of diabetes;

5. Detailed action plans for battling diabetes with actionable items for consideration by the Legislature including, but not limited to, steps to reduce the impact of diabetes, pre-diabetes, and related diabetes complications;

6. Identification of expected outcomes of the action steps and benchmarks for controlling and preventing all forms of diabetes; and

7. The development of a detailed budget blueprint identifying needs, costs, and resources required to implement the plan provided for in this act. Such blueprint shall include a budget range for all options presented in the plan for consideration by the Legislature.

C. The provisions of this act shall be limited to diabetes information, data, initiatives, and programs within the Authority and the Department prior to the effective date of this act, unless there is available funding for diabetes in each agency that may be used for new research, data collection reporting or other requirements of this act.

Added by Laws 2015, c. 46, § 1, eff. Nov. 1, 2015.

§63-7302. Tanning facilities - Age requirement - Posting requirement.

A. As used in this act:

1. "Phototherapy device" means equipment that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury;

2. "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in the air between two hundred (200) and four hundred (400) nanometers and that is used for tanning of human skin and any equipment used with that equipment including, but not limited to, protective eyewear, timers and handrails. For the purposes of this paragraph, "tanning device" shall not include a phototherapy device used, or prescribed for use, by a physician;

3. "Tanning facility" means any location, place, area, structure or business that provides persons access to any tanning device, including tanning salons, health clubs, apartments and condominiums, regardless of whether a fee is charged for access to tanning equipment; and

4. "Operator" means a person designated by the owner of a tanning facility or tanning device lessee to operate or to assist and instruct in the operation and use of the tanning facility or tanning device.

B. It shall be unlawful for any person under eighteen (18) years of age to use any tanning device of any tanning facility in this state.

C. A person who is the owner, lessee or operator of a tanning facility in this state shall post in a conspicuous place in each tanning facility owned, leased or operated by that person a notice developed by the State Department of Health that states all of the following:

1. That it is unlawful for a tanning facility or operator to allow a person under eighteen (18) years of age to use any tanning device;

2. That a tanning facility or operator that violates the provisions of this act shall be subject to a civil penalty;

3. That an individual may report a violation of one or more provisions of this act to the local law enforcement agency; and

4. The health risks associated with tanning including, but not limited to, skin cancer, premature aging of skin, burns to the skin and adverse reactions to certain medications, foods and cosmetics.

D. The State Board of Health shall promulgate rules to implement the provisions of this act.

Added by Laws 2017, c. 189, § 1, eff. Nov. 1, 2017.

§63-7310. Health insurance plans – Step therapy protocol - Requirements.

A. As used in this section:

1. "Clinical practice guidelines" means a systematically developed statement to assist decision-making by healthcare providers and patients about appropriate healthcare or specific clinical circumstances and conditions;

2. "Health insurance plan" means any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool, the Oklahoma Medicaid Program and the state health care benefits plan that provides medical, surgical or hospital expense coverage. For purposes of this section, "health insurance plan" also includes any utilization review organization that contracts with a health insurance plan provider;

3. "Medical necessity" means that, under the applicable standard of care, a health service or supply is appropriate to improve or preserve health, life or function, to slow the deterioration of health, life or function or for the early screening, prevention, evaluation, diagnosis or treatment of a disease, condition, illness or injury;

4. "Step therapy protocol" means a protocol or program that establishes a specific sequence in which prescription drugs for a specified medical condition that are medically appropriate for a particular patient are covered by a health insurance plan;

5. "Step therapy exception" means a process by which a step therapy protocol is overridden in favor of immediate coverage of the healthcare provider's selected prescription drug;

6. "Utilization review organization" means an entity that conducts utilization review, not including a health insurance plan provider performing utilization review for the provider's own health insurance plan; and

7. "Pharmaceutical sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

B. For any health insurance plan that is delivered, issued for delivery, amended or renewed on or after January 1, 2020, and that

utilizes a step therapy protocol, a health carrier, health benefit plan or utilization review organization shall use recognized, evidence-based and peer-reviewed clinical practice guidelines when establishing any step therapy protocol, when such guidelines are available.

C. 1. For any health insurance plan that is delivered, issued for delivery, amended or renewed on or after January 1, 2020, and that restricts coverage of a prescription drug for the treatment of any medical condition pursuant to a step therapy protocol, the health insurance plan provider shall provide to the prescribing healthcare provider and patient access to a clear, convenient and readily accessible process to request a step therapy exception. Any health insurance plan provider that utilizes a step therapy protocol shall make such process to request a step therapy exception accessible on the health insurance plan provider's website.

2. A health insurance plan shall grant a requested step therapy exception if the submitted justification of the prescribing provider and supporting clinical documentation, if needed, is completed and supports the statement of the provider that:

a. the required prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental harm to the patient,

b. the required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug,

c. the patient has tried the required prescription drug while under the patient's current or a previous health insurance plan and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event,

d. the required prescription drug is not in the best interest of the patient, based on medical necessity, or

e. the patient is stable on a prescription drug selected by the patient's healthcare provider for the medical condition under consideration while on the patient's current or a previous health insurance plan.

3. A health insurance plan provider shall permit a patient to appeal any decision rendered on a request for a step therapy exception.

D. A health insurance plan provider shall respond to a request for a step therapy exception, or any appeal therefor, within seventy-two (72) hours of receipt of the request or appeal. If a patient's prescribing healthcare provider indicates that exigent circumstances exist, the health insurance plan provider shall respond to such a request or appeal within twenty-four (24) hours of receipt of the request or appeal. If the health insurance plan provider fails to

respond within the required time, the step therapy exception or appeal shall be deemed granted. Upon granting a step therapy exception, the health insurance plan provider shall authorize coverage for and dispensation of the prescription drug prescribed by the patient's healthcare provider.

E. This section shall not be construed to prevent a healthcare provider from prescribing a prescription drug that is determined to be medically appropriate.

F. Nothing in this section shall be construed to authorize the use of a pharmaceutical sample for the sole purpose of meeting the requirements for a step therapy exception.

G. Nothing in this section shall be construed to prevent the substitution of a drug in accordance with current statutes and regulations of this state.

H. The Oklahoma Insurance Department and the Oklahoma Health Care Authority shall adopt rules necessary to implement and administer this act prior to January 1, 2020.

Added by Laws 2019, c. 69, § 1, eff. Nov. 1, 2019.

OKLAHOMA STATUTES
TITLE 47. MOTOR VEHICLES

§47-1-101. Definition of words and phrases....32
§47-1-101.1. Ancient vehicle....32
§47-1-102. Arterial street....32
§47-1-103. Authorized emergency vehicles - Equipment....32
§47-1-103.1. Automobile....33
§47-1-103.2. Autocycle....33
§47-1-104. Bicycle, electric-assisted bicycle, and motorized bicycle....34
§47-1-105. Bus....35
§47-1-105.1. Church bus....35
§47-1-106. Business district....35
§47-1-107. Cancellation of driver's license....35
§47-1-107.1. Class A commercial motor vehicle....36
§47-1-107.2. Class B commercial motor vehicle....36
§47-1-107.3. Class C commercial motor vehicle....36
§47-1-107.4. Class D motor vehicle....36
§47-1-108. Commercial operator or driver....37
§47-1-108.1. Tillerman....38
§47-1-108.2. Steerman....38
§47-1-109. Commissioner....38
§47-1-110. Controlled - Access highway....38
§47-1-111. Cross walk....38
§47-1-112. Dealer....38
§47-1-113. Department....39
§47-1-114. Driver and driver license....39
§47-1-114A. Electric personal assistive mobility device....39
§47-1-115. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....39
§47-1-116. Established place of business....39
§47-1-117. Explosives....39
§47-1-118. Farm tractor....40
§47-1-119. Flammable substance....40
§47-1-120. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....40
§47-1-120.1. Gross combination weight rating (GCWR)....40
§47-1-121. Gross vehicle weight rating (GVWR)....40
§47-1-122. Highway....40
§47-1-123. Manufactured home....40
§47-1-124. Identifying number....40
§47-1-125. Implement of husbandry....41
§47-1-126. Intersection....41
§47-1-127. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....42
§47-1-128. License to operate a motor vehicle....42
§47-1-129. Lienholder....42
§47-1-130. Local authorities....42
§47-1-131. Mail....42
§47-1-132. Manufacturer....42
§47-1-133. Metal tire....42
§47-1-133.1. Repealed by Laws 2004, c. 521, § 20, eff. Nov. 1, 2004....43
§47-1-133.2. Moped....43
§47-1-133.3. Motorized scooter....43
§47-1-134. Motor vehicle....43
§47-1-134.1. Low-speed electrical vehicle....44
§47-1-135. Motorcycle....44
§47-1-136. Motor-driven cycle....44

§47-1-136.1. Repealed by Laws 2005, c. 394, § 19, emerg. eff. June 6, 2005....45
§47-1-136.2. Repealed by Laws 2004, c. 521, § 21, eff. Nov. 1, 2004....45
§47-1-136.3. Motorized wheelchair....45
§47-1-137. Nonresident....45
§47-1-138. Nonresident's operating privilege....45
§47-1-139. Official traffic - Control devices....45
§47-1-140. Operator or driver....45
§47-1-140.1. “Other intoxicating substance” defined....46
§47-1-141. Owner....46
§47-1-142. Park, parking, and public parking lot....46
§47-1-143. Pedestrian....46
§47-1-144. Person....46
§47-1-145. Pneumatic tire....47
§47-1-146. Pole trailer....47
§47-1-147. Police officer....47
§47-1-148. Private road or driveway....47
§47-1-149. Railroad....47
§47-1-150. Railroad sign or signal....47
§47-1-151. Railroad train....47
§47-1-152. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....48
§47-1-152.1. Recreational vehicle....48
§47-1-153. Registration....48
§47-1-154. Residence district....48
§47-1-155. Revocation of driving privilege....48
§47-1-156. Right-of-way....48
§47-1-157. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....48
§47-1-158. Roadway and shoulder....48
§47-1-159. Safety zone....49
§47-1-160. School bus....49
§47-1-161. Security....49
§47-1-162. Semitrailer....49
§47-1-163. Sidewalk....49
§47-1-164. Solid tire....50
§47-1-165. Special mobilized machinery....50
§47-1-166. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....50
§47-1-167. Stand or standing....50
§47-1-168. State....50
§47-1-169. Stop....50
§47-1-170. Stop or stopping....50
§47-1-171. Street....51
§47-1-172. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....51
§47-1-173. Suspension of driving privilege....51
§47-1-173.1. Tank vehicle....51
§47-1-174. Taxicab....51
§47-1-175. Through highway....52
§47-1-176. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....52
§47-1-177. Traffic....52
§47-1-178. Traffic control signal....52
§47-1-179. Traffic lane....52
§47-1-180. Trailer....53
§47-1-181. Transporter....53
§47-1-181.1. Travel trailer....53
§47-1-182. Truck....53

§47-1-183. Truck tractor....53
§47-1-184. Turnpike and turnpike authority....53
§47-1-185. Urban district....54
§47-1-186. Vehicle....54
§47-2-101. Creation of Department of Public Safety and Office of Commissioner of Public Safety - Powers and authority - Chief officer - Services for Governor and Lieutenant Governor....54
§47-2-102. Commissioner of Public Safety - Qualifications - Appointment - Vacancy - Expenses - Bond - Oath....55
§47-2-103. Organization of Department....56
§47-2-104. Commissioner to appoint subordinates - Salaries....56
§47-2-105. Personnel of Highway Patrol Division - Qualifications - Probationary period - Suspension or dismissal - Transfer - Grievances - Uniforms – Top-ranking officers - Training and expenses - Reinstatement....58
§47-2-105.1. Repealed by Laws 1988, c. 290, § 25, operative July 1, 1988....64
§47-2-105.2. Highway Patrol Academies....64
§47-2-105.3. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998....64
§47-2-105.3a. Executive security....64
§47-2-105.4. Salaries....64
§47-2-105.4A. Size and Weight Enforcement Section of Oklahoma Highway Patrol Division created - Additional members of Highway Patrol - Purchase and maintenance of vehicles and equipment - Training....65
§47-2-105.4B. Bomb Squad Section....66
§47-2-105.4C. Authorization to engage in part-time employment....66
§47-2-105.5. Controlled substance screenings of applicants....66
§47-2-105.6. Marine Enforcement Section - Powers, duties, responsibilities and authority - Salaries. 67
§47-2-105.6A. Repealed by Laws 2003, c. 461, § 20, eff. July 1, 2003....68
§47-2-105.7. Capitol Patrol Section - Authority - Reclassification - Salaries - Application....68
§47-2-105.8. Communications Section - Salaries....69
§47-2-105A. Repealed by Laws 2007, c. 62, § 33, emerg. eff. April 30, 2007....69
§47-2-105B. Position of Chaplain....69
§47-2-106. Driver License Examining Division - Driver Compliance Division....70
§47-2-106.1. Permit clerks and supervisor....71
§47-2-106.2A. Transfer of powers and duties....71
§47-2-106.2B. Transfer of powers and duties to Department of Public Safety....72
§47-2-106.2C. Traffic safety-related projects - Incentives....72
§47-2-106.3. Fraudulent Documents Identification Unit....73
§47-2-107. Traveling expenses of assistants and other employees - Equipment....73
§47-2-108. Powers and duties of commissioner....74
§47-2-108.1. Interlocal agreements....74
§47-2-108.2. Contracts incident to real estate gifted to state – Construction of gun range....75
§47-2-108.3. Vehicle ownership and registration information....75
§47-2-108.4. Oklahoma Incident Management Team Advisory Committee....75
§47-2-108.5. Oklahoma State Award Program Committee — Oklahoma Medal of Valor and Oklahoma Purple Heart....76
§47-2-109. Commissioner to prescribe forms....79
§47-2-109.1. Charging and collection of fees - Forms of payment....79
§47-2-110. Authority to administer oaths and acknowledge signatures – Release of records – Confidentiality of certain information....79
§47-2-111. Records of Department....81
§47-2-112. Authority to grant or refuse applications - Confiscation of documents....82
§47-2-113. Seizure of documents and plates....83
§47-2-114. Distribution of synopsis of laws....83

§47-2-115. Department may summon witnesses and take testimony....83
§47-2-116. Giving of notice....83
§47-2-117. Police authority of Department - Traffic-related enforcement authority on National System of Interstate and Defense Highways - Special traffic-related enforcement in municipalities. 84
§47-2-117.1. Investigation and report of violation of rules and regulations governing transportation of persons and property....89
§47-2-118. Administration of Division of Highway Patrol....89
§47-2-119. Badge of authority - Penalties....89
§47-2-120. Transportation for Attorney General....90
§47-2-121. Legal division....90
§47-2-122. Receipt of funds - Law enforcement training centers - Drug Abuse Resistance Education Program - Petty cash fund....90
§47-2-122.1. Acquisition of federal funds....91
§47-2-122.2. Employee performance program – Recognition awards....91
§47-2-122.3. Ownership, training and use of canines....92
§47-2-123. Sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property....93
§47-2-124. Law Enforcement Telecommunications Systems Division - Creation....93
§47-2-124.1. Arrest warrant identification information - Dissemination....94
§47-2-125. Deposit and expenditure of funds....95
§47-2-126. Rules....95
§47-2-127. Repealed by Laws 1983, c. 304, § 182, eff. July 1, 1983....96
§47-2-128. Transfer of personnel and assets....96
§47-2-129. Custody and dissemination of confidential and privileged information....96
§47-2-130. Expense allowance for certain employees....96
§47-2-130.1. Additional compensation for irregular shift hours and twenty-four-hour call employees. 97
§47-2-131. Repealed by Laws 1995, c. 294, § 4, eff. July 1, 1995....97
§47-2-132. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....97
§47-2-133. Psychological Services Division - Director - Internship program....97
§47-2-134. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998....98
§47-2-135. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998....98
§47-2-136. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998....98
§47-2-140. Repealed by Laws 1998, c. 245, § 11, eff. Jan. 1, 1999....98
§47-2-140.1. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.2. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.3. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.4. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.5. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.6. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.7. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.8. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.9. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.10. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-140.11. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....98
§47-2-141. Repealed by Laws 1998, c. 245, § 12, eff. Jan. 1, 1999....98
§47-2-142. Computer Imaging System Revolving Fund....98
§47-2-143. Department of Public Safety Patrol Vehicle Revolving Fund....99
§47-2-144.1. Department of Public Safety Revolving Fund....99
§47-2-145. Department of Public Safety Restricted Revolving Fund....100
§47-2-146. Department of Public Safety Patrol Academy Revolving Fund....101
§47-2-147. State Public Safety Fund....101

§47-2-150. Weapons, badges and official license plates - Retention after retirement.....101
§47-2-201. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.....102
§47-2-300. Definitions.....102
§47-2-301. Establishment - Law Enforcement Retirement Fund - Retirement Medical Benefit Fund - Right to benefits.....110
§47-2-301.1. Termination or partial termination of System.....112
§47-2-302. Application for membership - Assistant Commissioner as member of System - Make-up contributions by certain employees.....113
§47-2-303. Law Enforcement Retirement Board.....113
§47-2-303.1. Duties of board - Investments - Liability insurance - Investment managers - Custodial services - Reports - Legal services - Confidentiality.....116
§47-2-303.2. Duties of fiduciaries.....119
§47-2-303.3. Certain benefits exempt from legal process.....120
§47-2-303.4. Deposits of contributions and dedicated revenues - Warrants and vouchers.....122
§47-2-303.5. Acceptance of gifts or gratuities.....123
§47-2-304. Contributions to fund - Amount - Deduction by employer - Pick-up of member contributions.....123
§47-2-304.1. Mobilization for state or national emergencies – Reduction of employer contribution prohibited.....124
§47-2-305. Retirement and retirement pay - Reemployment - Disability benefits.....124
§47-2-305.1. Computation of benefits - Increase in benefits.....130
§47-2-305.1A. Direct rollover of distribution - Definitions - Notice - Election.....131
§47-2-305.1B. Trustee-to-trustee transfer - Treatment of trust - Rules.....134
§47-2-305.1C. Direct payments for qualified health insurance premiums - Definitions - Rules.....135
§47-2-305.2. Deferred option plans.....136
§47-2-305.3. Increase in benefits.....139
§47-2-305.4. Limitations on benefits and contributions under qualified plans of the Internal Revenue Code of 1986.....139
§47-2-305.5. Additional retirement benefit.....155
§47-2-305.6. Benefit adjustment - Restoration of Initial COLA Benefit.....156
§47-2-305.7. Benefit increase - Offset.....157
§47-2-305.8. Increase in benefits – Amount - Offset.....157
§47-2-305.9. Law Enforcement Retirement System - Increase in benefits.....157
§47-2-305.10. Increase in benefits - July 1, 2006.....158
§47-2-305.11. Increase in benefits - July 1, 2008 - Offset.....158
§47-2-306. Payments in case of death.....158
§47-2-306.1. Repealed by Laws 1985, c. 296, § 8, emerg. eff. July 24, 1985.....161
§47-2-306.2. Unpaid accumulated contributions - Payment to beneficiary or next of kin.....162
§47-2-306.3. Death benefit.....162
§47-2-307. Leaves of absence - Termination of employment - Reinstatement - Service in Armed Forces - Involuntary furloughs.....162
§47-2-307.1. Service credit for membership in Public Employees Retirement System - Time of application.....165
§47-2-307.2. Service credit for unused sick leave - Prorated service credit for sick or temporary disability time - Option to purchase service credit.....166
§47-2-307.3. Prior law enforcement service credit - Time of application.....168
§47-2-307.4. Military service credit.....169
§47-2-307.5. Transferred credited service - Computation of purchase price.....171
§47-2-307.6. Repealed by Laws 1998, c. 256, § 11, eff. July 1, 1998.....173
§47-2-307.7. Reduction-in-force termination credit.....173
§47-2-308. Payments on termination of membership - Reemployment.....175
§47-2-308.1. Election to defer commencement of retirement benefits.....175

§47-2-308.2. Actuarial investigation - Establishment of tables and rates - Actuarial valuation of assets and liabilities – Determination of employer contributions....176
§47-2-309. Proceedings on claims - Appeal to district court....176
§47-2-309.1. Officers of State Bureau of Investigation and Bureau of Narcotics and Dangerous Drugs Control - Transfer to System....177
§47-2-309.2. Employees of Communications Division and Waterways Patrol Division of Department of Public Safety - Transfer to System....178
§47-2-309.3. Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board - Transfer to System....178
§47-2-309.4. Park rangers - Transfer to System....179
§47-2-309.5. Pharmacy board inspectors - Transfer to System....179
§47-2-309.6. Capitol patrol members and park managers and supervisors - Transfer to Oklahoma Law Enforcement Retirement System from Oklahoma Public Employees Retirement System....180
§47-2-309.7. Repealed by Laws 2007, c. 62, § 34, emerg. eff. April 30, 2007....182
§47-2-309.8. Service credit....182
§47-2-310. Repealed by Laws 2004, c. 542, § 8, eff. July 1, 2004....183
§47-2-310.1. Injury in the line of duty - Injury Review Board - Paid leave - Accrual of leave and service credit, deductions....183
§47-2-310.2. Law Enforcement Retirement System members - Inability to perform duties - Administrative leave with pay - Transfer of temporary disability benefits....184
§47-2-311. Repealed by Laws 1988, c. 321, § 45, operative July 1, 1988....185
§47-2-312. Fraud - Penalties....185
§47-2-313. Renumbered as § 2-150 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001....185
§47-2-314. Election for limited participation by certain universities....185
§47-2-315. Certain employees of Grand River Dam Authority - Election to participate....187
§47-2-316. Oklahoma Blue Alert Act....189
§47-4-101. Exceptions from provisions of this chapter....190
§47-4-102. Unauthorized use of vehicle - Punishment....190
§47-4-103. Unauthorized use of a vehicle known to be stolen - Punishment....190
§47-4-104. Damaging or tampering with vehicle or implement of husbandry....191
§47-4-105. Stolen, converted, recovered and unclaimed vehicles....191
§47-4-106. False report of theft or conversion....192
§47-4-107. Removed, falsified or unauthorized identification....192
§47-4-107a. Offenses in connection with trim tag plates - Exceptions - Penalties - Civil remedies - Definitions....193
§47-4-108. False statements of material facts - Punishment....195
§47-4-109. Altering or forging certificate of title - Punishment....195
§47-4-110. Offenses in connection with certificates of title....196
§47-4-111. Inspection of public garage or repair shop or place where vehicles are held for sale or wrecking for purpose of locating stolen vehicles and investigating title and registration thereof...197
§47-5-101. Repealed by Laws 1963, c. 138, § 3, eff. June 4, 1963....197
§47-6-101. See the following versions:....197
§47-6-101.1. Licenses for persons under twenty-one years of age....197
§47-6-101.2. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007....198
§47-6-101.3. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007....198
§47-6-101.4. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007....198
§47-6-101.5. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007....198
§47-6-101v1. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database....198
§47-6-101v2. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement -

Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database....208
§47-6-102. Persons exempt – Reciprocity agreements with foreign countries....219
§47-6-102.1. Operation by persons with an agricultural exemption permit....220
§47-6-103. Persons not to be licensed - Appeal....220
§47-6-103.1. Parental objection to licensing of unemancipated child....221
§47-6-104. Repealed by Laws 1990, c. 219, § 47, eff. Jan. 1, 1991....222
§47-6-105. Graduated Class D licenses — Motorcycle-only licenses — Farm vehicle special permits 222
§47-6-105.1. Repealed by Laws 2007, c. 62, § 36, emerg. eff. April 30, 2007....227
§47-6-105.2. Instructor permit....227
§47-6-105.3. Issuance of identification card – Fees....228
§47-6-105v1. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits. 230
§47-6-105v2. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits. 234
§47-6-106. Application for license....239
§47-6-106.1. Renumbered as § 11-906.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000....243
§47-6-106.2. Renumbered as § 11-906.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000....243
§47-6-106.3. Renumbered as § 11-906.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000....243
§47-6-106.4. Renumbered as § 11-906.4 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000....243
§47-6-107. Restricted licenses for unemancipated persons under 18 - Signature of legal parent or guardian - Liability - Financial responsibility - Cancellation or suspension....243
§47-6-107.1. Recommendation of cancellation or denial of driving privileges of persons 20 or younger for certain alcohol or substance abuse offenses – Notification of Department....245
§47-6-107.2. Department to cancel or deny driving privileges pursuant to recommendation under Section 6-107.1 of this title - Petition for relief - Hearing - Modification or reinstatement of driving privileges....246
§47-6-107.3. Licenses or permits for persons under 18 - Enrollment in school required - Reading proficiency testing....247
§47-6-107.4. Licenses or permits for persons under 18 - Period of cancellation or denial under § 6-107.3....251
§47-6-107.5. Licenses or permits for persons under 18 - Cancellation or denial under § 6-107.3 - Hearings and appeals....251
§47-6-107.6. Licenses or permits for persons under 18 - False information relating to school attendance or enrollment - Misdemeanor....252
§47-6-107.7. Renumbered as § 608 of Title 37 by Laws 2007, c. 62, § 23, emerg. eff. April 30, 2007. 252
§47-6-108. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....252
§47-6-109. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....252
§47-6-110. Examination of applicants....252
§47-6-110.1. Endorsements....256
§47-6-110.2. Computerized finger imaging system....257
§47-6-110.3. Prohibition of implementation of federal REAL ID Act - Legislative findings - Retrieval and deletion of biometric data....258
§47-6-110.4. Pilot program for certified third-party examiners for commercial truck driver instructors....259
§47-6-110.5. Training and education for compliance with the REAL ID Act....260

§47-6-111. Issuance of license or identification card - Temporary permit - Restricted commercial driver license - "Sex Offender" license or card – Original, renewal or replacement of modified driving privileges....261
§47-6-112. License to be carried and exhibited on demand....265
§47-6-113. Restricted licenses....265
§47-6-114. Replacement license – Proof of identity - Removal of endorsements or restrictions....266
§47-6-115. Expiration and renewal of driver licenses....267
§47-6-115.1. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989....269
§47-6-115.2. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989....269
§47-6-116. Notice of change of address or name....269
§47-6-117. Records to be kept by Department....270
§47-6-118. Driver's License Medical Advisory Committee....274
§47-6-119. Physical or mental conditions hazardous to public safety - Physical and/or psychological examination - Renewal - Retesting....275
§47-6-119A. Bioptic driving - Restricted license....276
§47-6-120. Cancellation, denial, or disqualification....277
§47-6-121. Extension of driver license during service in Armed Forces or while employed as civilian contractor with Armed Forces....277
§47-6-122. Renewal by mail....278
§47-6-123. Repealed by Laws 1983, c. 173, § 4, eff. Jan. 1, 1984....278
§47-6-124. See the following versions:....278
§47-6-124v1. Issuance of license or identification card - Veteran designation....279
§47-6-124v2. Issuance of license or identification card - Veteran designation....279
§47-6-201. Authority to cancel or deny driving privilege – Appeal – Release for driving privilege reinstatement....280
§47-6-201.1. Revocation of driving privilege for noncompliance with child support order - Notice - Release....281
§47-6-202. Suspending privileges of nonresidents and reporting convictions....283
§47-6-202.1. Diplomatic immunity – Verification – Records to be submitted to United States Department of State – Severability....283
§47-6-203. Suspension of resident's license or driving privilege upon conviction in another state.. 284
§47-6-204. Order by court to surrender license to Department - Report of conviction....285
§47-6-205. Mandatory revocation of driving privilege....285
§47-6-205.1. Periods of revocation - Denial of driving privileges....287
§47-6-205.2. Disqualification from driving privileges for certain convictions or acts - Driving while disqualified....291
§47-6-206. Authority of Department to suspend license or privilege....296
§47-6-206.1. Driver improvement or defensive driving course....298
§47-6-207. Authority of department to deny application for or cancel license for certain ailments; appeal....300
§47-6-208. Period of suspensions - Renewal or restoration of license....301
§47-6-208.1. Authority of Department to decline to process certain requests for suspension or revocation of license....301
§47-6-208.3. Repealed by Laws 1999, c. 229, § 4, eff. Nov. 1, 1999....301
§47-6-209. Surrender and return of license - Seizure of license....301
§47-6-210. No operation under foreign license during suspension or revocation in this state....302
§47-6-211. Right of appeal to district court....302
§47-6-212. Reinstatement fees - Conditions for reinstatement - Provisional license....304
§47-6-212.1. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995....307
§47-6-212.2. Required completion of alcohol and drug assessment and evaluation....307
§47-6-212.3. Ignition interlock device - Duration - Violations....308
§47-6-212.4. Revocation, suspension, cancellation or denial of driving privileges....310
§47-6-212.5. Impaired Driver Accountability Program....310

§47-6-212.6. Notice of Impaired Driver Accountability Program to persons subject to revocation of driving privileges....312
§47-6-301. Unlawful use of license or identification card....312
§47-6-302. Making false affidavit perjury....315
§47-6-303. Driving without license or while license is canceled, denied, suspended, or revoked - Penalties....315
§47-6-304. Permitting unauthorized minor to drive....317
§47-6-305. Permitting unauthorized person to drive....318
§47-6-306. Employer permitting unlicensed or improperly licensed person to drive....318
§47-6-307. Liability for knowingly permitting the operation by a person not qualified....318
§47-6-308. Penalty for misdemeanor....318
§47-6-309. Operation of Class D motor vehicle under Class A, B or C commercial license....319
§47-7-101. Commissioner of public safety to administer chapter....319
§47-7-102. Court review....319
§47-7-103. Definitions....319
§47-7-116. Damage limitation - Compulsory Insurance Law....321
§47-7-201. Application of Article II....322
§47-7-202. Department to determine amount of security required - Notices....322
§47-7-203. Exceptions to requirement of security....323
§47-7-204. Policy requirements....324
§47-7-205. Form and amount of security....324
§47-7-206. Failure to deposit security and file proof of financial responsibility....325
§47-7-207. Release from liability....325
§47-7-208. Adjudication of nonliability....325
§47-7-209. Agreements for payment of damages....325
§47-7-210. Payment upon judgment....326
§47-7-211. Termination of security requirement....327
§47-7-212. Duration of suspension....327
§47-7-213. Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states....327
§47-7-214. Authority of Department to decrease amount of security....328
§47-7-215. Correction of action of Department....328
§47-7-216. Custody of security....329
§47-7-217. Disposition of security....329
§47-7-218. Return of deposit....329
§47-7-219. Matters not to be evidence in civil suits....329
§47-7-301. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-302. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-303. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-304. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-305. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-306. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-307. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....330
§47-7-308. When courts to report nonpayment of judgments....330
§47-7-309. Further action with respect to nonresidents....330
§47-7-310. Suspension for nonpayment of judgments....330
§47-7-311. Exception in relation to government vehicles....330
§47-7-312. Exception when consent granted by judgment creditor....331
§47-7-313. Exception when insurer liable....331
§47-7-314. Suspension to continue until judgments paid and proof given....331
§47-7-315. Discharge in bankruptcy....332
§47-7-316. Payments sufficient to satisfy requirements....332
§47-7-317. Installment payment of judgments - Default....332

§47-7-318. Action if breach of agreement....333
§47-7-319. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....333
§47-7-320. Alternate methods of giving proof....333
§47-7-321. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....333
§47-7-322. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....333
§47-7-323. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....333
§47-7-324. Motor vehicle liability policies - Contents and coverages....333
§47-7-325. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....336
§47-7-326. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....336
§47-7-327. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....336
§47-7-328. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....336
§47-7-329. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....336
§47-7-330. Cash or certificate of deposit as proof....336
§47-7-331. Application of deposit....336
§47-7-332. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....337
§47-7-333. Substitution of proof....337
§47-7-334. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....337
§47-7-335. Duration of proof - When proof may be canceled or returned....337
§47-7-401. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003....338
§47-7-402. Surrender of license....338
§47-7-403. Forged proof....338
§47-7-404. Reciprocity....338
§47-7-501. Renumbered as Title 36, § 996.1 by Laws 2009, c. 62, § 40, eff. Nov. 1, 2009....339
§47-7-502. Exception in relation to vehicles insured under other laws....339
§47-7-503. Self-insurers....339
§47-7-504. Chapter not to prevent other process....339
§47-7-505. Relief by court in cases of hardship....340
§47-7-506. Driving privilege reinstatement fee....341
§47-7-508. Renumbered as § 941 of Title 36 by Laws 1988, c. 27, § 4, eff. Nov. 1, 1988....341
§47-7-600. Definitions....341
§47-7-600.1. Statement or endorsement to be included in policies - Excess or additional coverage - Binders....343
§47-7-600.2. Online verification system — Rules — Exception....343
§47-7-601. Liability requirements - Proof of compliance - Nonresidents....345
§47-7-601.1. Owner's and operator's security verification forms - Contents....346
§47-7-601.2. Insurance carriers prohibited from canceling, terminating, increasing or requiring higher premiums for certain peace officers, firefighters or emergency vehicle operators....348
§47-7-602. Certification of existence of security — Online verification system — Exemptions....349
§47-7-602.1. Possession of security verification form while operating or using certain vehicles....351
§47-7-603. Verification of security....352
§47-7-603.1. Repealed by Laws 1990, c. 298, § 12, eff. July 1, 1991....352
§47-7-604. Repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982....352
§47-7-605. Suspension of driving privilege and registration - Proof of security - Seizure of driver license and vehicle - Other penalties - Immunity....352
§47-7-606. Failure to maintain insurance or security — Penalties....355
§47-7-606.1. Uninsured Vehicle Enforcement Program....358
§47-7-606.2. Uninsured Vehicle Enforcement Diversion Program....360
§47-7-607. Exemptions....363
§47-7-608. Repealed by Laws 2009, c. 7, § 2, eff. Nov. 1, 2009 and Laws 2009, c. 62, § 41, eff. Nov. 1, 2009....364
§47-7-609. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009....364
§47-7-610. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995....364
§47-7-612. Security verification forms - Violations of law - Penalties....364

§47-7-621. Oklahoma Temporary Motorist Liability Plan.....365
§47-7-622. Coverage periods.....366
§47-7-623. Temporary Insurance Premium Pool.....366
§47-7-624. Secondary coverage.....367
§47-7-625. Forms - Bidding.....367
§47-7-626. Plan administrator – Rates – Premiums.....367
§47-7-627. Right of recovery.....368
§47-7-628. Implementation.....368
§47-7-700. Reinstatement of driving privileges following subsequent withdrawal – Liability for fees. 368
§47-8-101. Owner of for-rent vehicle to give proof of financial responsibility.....369
§47-8-102. Owner of for-rent vehicle liable when no policy obtained.....370
§47-8-103. Renting motor vehicle to another.....371
§47-8-104. Financial responsibility of taxicab operators.....372
§47-10-101. Provisions of chapter apply throughout state.....373
§47-10-102. Accidents involving nonfatal injury.....373
§47-10-102.1. Accidents involving death.....373
§47-10-103. Accidents involving damage to vehicle.....374
§47-10-104. Duty to give information and render aid - Drug and alcohol testing.....374
§47-10-105. Duty upon striking unattended vehicle.....375
§47-10-106. Duty upon striking fixtures upon a highway.....375
§47-10-107. Immediate notice of accident.....376
§47-10-108. Written report of accident - Notice to other parties - Ancillary proceedings.....376
§47-10-109. Form of report.....377
§47-10-110. Additional information.....377
§47-10-111. When driver unable to report.....378
§47-10-112. False reports.....378
§47-10-113. Accident report forms.....378
§47-10-114. Penalty for failure to report.....378
§47-10-115. Confidentiality of reports relating to collisions.....379
§47-10-116. Department to tabulate and analyze accident reports.....379
§47-10-117. Any incorporated city may require accident reports.....379
§47-10-118. Accident response fee prohibited.....380
§47-11-101. Provisions of chapter refer to vehicles upon the highways - Exceptions.....380
§47-11-102. Required obedience to traffic laws.....380
§47-11-103. Obedience to police officers.....380
§47-11-104. Persons riding animals or driv-animal-drawn vehicles.....380
§47-11-105. Persons working on highways - Exceptions.....381
§47-11-106. Authorized emergency vehicles.....381
§47-11-107. Military convoys exempt from municipal traffic regulation - Right of way - Exceptions. 382
§47-11-201. Obedience to and required traffic-control devices.....383
§47-11-202. Traffic-control signal legend.....383
§47-11-203. Pedestrian-control signals.....385
§47-11-204. Flashing signals.....386
§47-11-204.1. Lane use control signals.....386
§47-11-205. Pedestrian-catuated school crossing signals.....386
§47-11-206. Display of unauthorized signs, signals or markings.....386
§47-11-207. Interference with official traffic-control devices or railroad signs or signals - Violation resulting in personal injury or death - Penalty.....387
§47-11-208. Traffic signal preemption device – Possession, use, interference with, or sale.....388
§47-11-225. Renumbered as § 12-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000.....388
§47-11-301. Drive on right side of roadway - Exceptions.....388

§47-11-302. Passing vehicles proceeding in opposite directions....389
§47-11-303. Overtaking a vehicle on the left - Signal....389
§47-11-304. When overtaking on the right is permitted....390
§47-11-305. Limitations on overtaking on the left....390
§47-11-306. Further limitations on driving to left of center of roadway....390
§47-11-307. No-passing zones....391
§47-11-308. One-way roadways and rotary traffic island....391
§47-11-308a. Renumbered as § 15-131 of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007....391
§47-11-308b. Renumbered as § 15-132 of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007....391
§47-11-309. Driving on roadways laned for traffic....391
§47-11-310. Following too closely....393
§47-11-311. Driving on divided highways....394
§47-11-312. Restricted access....394
§47-11-313. Restrictions on use of controlled-access roadway....394
§47-11-314. See the following versions:....394
§47-11-314v1. Approaching stationary authorized vehicles on the roadway....395
§47-11-314v2. Approaching stationary authorized vehicles on the roadway....395
§47-11-315. Driving between vehicles in funeral procession prohibited....396
§47-11-315.1. Overtaking a vehicle being used in the collection or refuse, solid waste or recyclables. 396
§47-11-401. Vehicle approaching or entering intersection....397
§47-11-402. Vehicle turning left....397
§47-11-403. Vehicle entering stop or yield intersection....398
§47-11-403.1. Failure to yield causing fatality or serious bodily injury - Assessment of fee....399
§47-11-403.2. Repealed by Laws 2007, c. 62, § 37, emerg. eff. April 30, 2007....399
§47-11-403.2a. Transfer of funds from Motorcycle Safety and Drunk Driving Awareness Fund to Department of Public Safety Revolving Fund....399
§47-11-404. Vehicle entering highway from private road or driveway....399
§47-11-405. Operation of vehicles on approach of authorized emergency vehicles....400
§47-11-405.1. Renumbered as § 11-314 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002....400
§47-11-406. Farm tractors or implements - Operation on highways - Permission from Department required - Wide vehicles - Duty of operator - Yield of right-of-way....400
§47-11-501. Pedestrians subject to traffic regulations....401
§47-11-501.1. Rights and duties of persons operating wheelchair or motorized wheelchair....401
§47-11-502. Pedestrians' right-of-way in crosswalks....401
§47-11-503. Crossing at other than cross walks....402
§47-11-504. Drivers to exercise due care....402
§47-11-505. Pedestrians to use right half of crosswalks....402
§47-11-506. Pedestrians on roadways or bridges....402
§47-11-507. Pedestrians soliciting rides or business....403
§47-11-601. Required position and method of turning at intersections....403
§47-11-602. Turning to proceed in opposite direction - Turns on curve or near crest of grade prohibited....404
§47-11-603. Starting parked vehicle....404
§47-11-604. Turning movements and required signals....404
§47-11-605. Signals by hand and arm or signal lamps....405
§47-11-606. Method of giving hand-and-arm signals....405
§47-11-701. Obedience to signal indicating approach of train....405
§47-11-702. Commercial motor vehicles and buses - Railroad crossing....406
§47-11-703. Stop signs and yield signs....406
§47-11-704. Emerging from alley, driveway or building....407

§47-11-705. Meeting or overtaking stopped school bus – Violation and penalty - Reporting violations – Video monitoring on buses....407
§47-11-705.1. Church buses - Definition - Meeting and overtaking stopped bus - Signs and signals. 409
§47-11-801. Basic rule - Maximum and minimum limits – Fines and penalties....409
§47-11-801a. Repealed by Laws 1996, c. 324, § 6....413
§47-11-801b. Renumbered as § 944 of Title 36 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002....413
§47-11-801c. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....413
§47-11-801d. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005....413
§47-11-801e. Speeding violations – Distribution of fines, fees and costs....413
§47-11-802. Establishment of state speed zones....415
§47-11-803. When local authorities may and shall alter maximum limits....415
§47-11-804. Minimum speed regulation....416
§47-11-805. Speed limitation on motorcycles, motor-driven cycles, and motorized scooters....416
§47-11-805.1. Low-speed electrical vehicles – Restrictions on operation....417
§47-11-805.2. Repealed by Laws 2019, c. 43, § 6, eff. Nov. 1, 2019....417
§47-11-805.3. Electric personal assistive mobility devices - Registration - Operation requirements - Warning notice....417
§47-11-805.4. Electric gopeds....418
§47-11-806. Special speed limitations....419
§47-11-806.1. Reduced speed limit at certain times in school zone....420
§47-11-806.2. Reduced speed limit in toll booth zone....420
§47-11-807. Charging violations and rule in civil actions....420
§47-11-808. Jammers and speed measuring devices - Use, possession, manufacture, sale or distribution prohibited - Exemption....421
§47-11-808.1. Unlawful acts - Radar detectors....421
§47-11-809. Exemptions....421
§47-11-810. Points - Convictions for speeding....421
§47-11-901. Reckless driving....422
§47-11-901a. Renumbered as § 15-102.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. 423
§47-11-901b. Full time and attention to driving....423
§47-11-901c. Unlawful use of cellular telephone....423
§47-11-901d. Text messaging - Penalties....424
§47-11-902. Persons under the influence of alcohol or other intoxicating substance or combination thereof — Penalty — Enhancement....426
§47-11-902.1. Renumbered as § 3-451 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990. 433
§47-11-902.2. Renumbered as § 3-452 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990. 433
§47-11-902.3. Renumbered as § 3-453 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990. 433
§47-11-902a. Allowing use of motor vehicle without ignition interlock device....433
§47-11-902b. Forfeiture of motor vehicle....434
§47-11-902c. Preemption of legislation pertaining to prosecution of offenses related to driving under the influence of alcohol or other intoxicating substances....438
§47-11-902d. Impaired driver database - Oklahoma Impaired Driver Database Revolving Fund....438
§47-11-903. Negligent homicide....439
§47-11-904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance - Causing great bodily injury....439
§47-11-905. Person involved in personal injury accident without a valid driver license – Causing great bodily injury – Causing death....440
§47-11-906.1. Drunk Driving Prevention Act - Short title....441
§47-11-906.2. Purpose....441

§47-11-906.3. Oklahoma Driver's Manual - Contents....442
§47-11-906.4. Operating or being in actual physical control of motor vehicle while under the influence while under age - Penalties....442
§47-11-1001. Stopping, standing or parking outside of business or residence district - Penalties....445
§47-11-1002. Officers authorized to remove illegally stopped vehicle....446
§47-11-1003. Stopping, standing or parking prohibited in specified places....447
§47-11-1004. Additional parking regulations....448
§47-11-1005. Authorized emergency vehicles; vehicles used in construction or maintenance of highways - Excepted from certain provisions....449
§47-11-1006. Parking of vehicles on posted private property - Penalty - Liability of land owner....449
§47-11-1007. Parking areas for physically disabled persons - Violations and penalties....449
§47-11-1007.1. Renumbered as § 15-115 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008....451
§47-11-1008. Renumbered as § 15-116 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008....451
§47-11-1009. Parking on certain state property prohibited - Procedure for enforcement and appeal. 451
§47-11-1010. Erection and maintenance of certain parking signs - Window stickers and other parking identification....452
§47-11-1011. Renumbered as § 15.3 of Title 73 by Laws 1995, c. 288, § 3, eff. July 1, 1995....453
§47-11-1012. Parking meters - Exemption....453
§47-11-1101. Unattended motor vehicle....453
§47-11-1102. Limitations on backing....453
§47-11-1103. Motorcycles, motor-driven cycles, motorized scooters or motorized bicycles - Restrictions on transporting other persons....453
§47-11-1104. Obstruction to driver's view or control - Overloading school bus....454
§47-11-1105. Opening and closing vehicle doors....454
§47-11-1106. Driving on mountain highways....454
§47-11-1107. Coasting prohibited....455
§47-11-1108. Following fire apparatus and other emergency vehicles prohibited....455
§47-11-1109. Crossing fire hose....455
§47-11-1110. Putting glass, etc., on highway prohibited....455
§47-11-1111. Throwing or dropping object on or at moving vehicles....456
§47-11-1112. Child passenger restraint system required for certain vehicles - Exemptions....456
§47-11-1113. Child passenger restraint system education program....458
§47-11-1114. Allowing passenger to ride outside passenger compartment....459
§47-11-1115. Railroad-highway grade crossings – Class A, B or C commercial vehicles – When crossing prohibited....459
§47-11-1116. Self-propelled or motor-driven and operated vehicles - Golf carts, all-terrain, and utility vehicles - Operation on streets, highways, and roadways within unincorporated areas....459
§47-11-1117. All-terrain vehicle passenger restrictions - Penalties and enforcement - Liability of parents or vehicle owners - Applicability....462
§47-11-1118. Forget-Me-Not Vehicle Safety Act - Short title....463
§47-11-1119. Definitions - Unattended child or vulnerable adult in motor vehicle prohibited - Exception - Penalty....463
§47-11-1120. Removing a child from a vehicle - Immunity....464
§47-11-1201. Effect of regulations....464
§47-11-1202. Traffic laws apply to persons riding bicycles or motorized scooters....465
§47-11-1203. Riding on bicycle or motorized scooter....465
§47-11-1204. Clinging to vehicles....465
§47-11-1205. Riding on roadway, one-way street or highway....465
§47-11-1206. Carrying articles....466
§47-11-1207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....466

§47-11-1208. Overtaking and passing bicycle - Violations - Fines and penalties.....466
§47-11-1209. Electric-assisted bicycles and operators – Rights and restrictions – Label requirements. 468
§47-11-1301. Driving through safety zones prohibited.....469
§47-11-1302. Maintenance and construction zones.....469
§47-11-1303. Endangerment of a highway worker.....471
§47-11-1401. Unlawful acts - Signs - Violations.....472
§47-11-1401.1. Oklahoma Electronic Toll Collection Act - Short title.....474
§47-11-1401.2. Oklahoma Electronic Toll Collection Act - Definitions - Imposition of toll evasion violation penalties.....474
§47-11-1402. Enforcement of laws – Costs – Authority of other entities.....483
§47-11-1403. Agreements as to law enforcement - Equipment - Charges - Payments - Funds.....484
§47-11-1404. Flashing and signal lights.....484
§47-11-1405. Repealed by Laws 2008, c. 319, § 9, eff. Nov. 1, 2008.....484
§47-12-101. Driving or permitting to be driven vehicle with unsafe or missing equipment - Other forbidden acts - Exceptions relating to requirements for equipment - Rules - Definitions.....484
§47-12-101.1. Sale of improperly equipped vehicle - Improper equipping or operation of improperly equipped vehicle.....486
§47-12-101.2. Construction of act - Severability.....486
§47-12-102. Renumbered as § 12-428 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.....487
§47-12-201. Proper display of lamps and other signal devices - Adoption of federal specifications and standards.....487
§47-12-202. Visibility distance and mounted height of lamps.....487
§47-12-203. Head lamps on motor vehicles.....488
§47-12-203.1. Number of driving lamps required or permitted.....489
§47-12-203.2. Use of distribution of light or composite beam lighting equipment.....489
§47-12-203.3. Headlamps with single distribution of light - Farm tractors and certain other motor vehicles.....490
§47-12-203.4. Lighting equipment upon motor vehicles operated below certain speed.....490
§47-12-204. Tail lamps.....490
§47-12-204.1. Lamps illuminating rear license plate.....491
§47-12-205. Reflectors.....491
§47-12-206. Stop lamps.....492
§47-12-206.1. Turn signal lamps.....492
§47-12-207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....493
§47-12-208. Vehicles of certain width - Clearance lamps - Side marker lamps - Reflectors.....493
§47-12-209. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....494
§47-12-210. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....494
§47-12-211. Visibility of reflectors, clearance lamps and marker lamps.....494
§47-12-212. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....494
§47-12-213. Lamps, reflectors, and flags on projecting load.....494
§47-12-214. Lamps on parked or stopped motor vehicles.....495
§47-12-215. Lamps on farm tractors - Farm equipment and implements of husbandry.....496
§47-12-216. Lamps, lighting devices, or reflectors on animal-drawn and certain other vehicles.....497
§47-12-217. Auxiliary, fog, and off-road lamps.....498
§47-12-218. Emergency vehicles - Flashing lights.....500
§47-12-218.1. Use of lights on wreckers and tow vehicles.....500
§47-12-218.2. Vehicles operated by rural letter carriers or any highway contract route vehicles delivering mail - Flashing lights.....501
§47-12-219. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....501
§47-12-220. Back-up and vehicular hazard warning lamps.....501
§47-12-221. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.....502
§47-12-222. Renumbered as § 12-203.2 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003...502

§47-12-223. Renumbered as § 12-203.3 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003...502
§47-12-224. Renumbered as § 12-602.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003...502
§47-12-225. Renumbered as § 12-203.4 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003...502
§47-12-226. Renumbered as § 12-203.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003...502
§47-12-227. Special restriction on lamps....502
§47-12-228. Special lighting equipment and warning devices on school buses and church buses...504
§47-12-229. Standards and specifications for lights on vehicles or machinery operated by state or other government jurisdictions....505
§47-12-230. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....506
§47-12-231. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001....506
§47-12-232. Vans operated for nonprofit charitable organization equipped with strobe-light-type device....506
§47-12-301. Brake equipment required....506
§47-12-302. Performance ability of brakes....508
§47-12-303. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....510
§47-12-304. Renumbered as § 12-608 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.....510
§47-12-305. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-306. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-307. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-308. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-309. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-310. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-311. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-312. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-313. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-314. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-315. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....511
§47-12-401. Horns and warning devices....511
§47-12-402. Mufflers or other noise-suppressing systems - Prevention of excessive or unusual noise. 512
§47-12-403. Mirrors....512
§47-12-404. Windshields and windows - Obstruction, obscuring, or impairing of driver's view - Electric windshield wiper mechanism....513
§47-12-405. Tires and wheels - Peripheral equipment - Unsafe operating condition....513
§47-12-405.1. Coupling devices - Stay chains, cables or other safety devices....515
§47-12-405.2. Fuel tanks and intake pipes - Projection beyond side of vehicle - Construction and attachment....516
§47-12-405.3. Aprons....516
§47-12-406. Safety glazing material or safety glass - Standards - Identification markings - Sale or replacement....517
§47-12-407. Certain vehicles to be equipped with flares and other emergency equipment....518
§47-12-408. Display of warning devices when vehicle disabled....518
§47-12-409. Vehicles transporting hazardous materials....520
§47-12-410. Air-conditioning equipment....520
§47-12-411. Television-type receiving equipment visible from operator's seat prohibited....521
§47-12-412. Renumbered as § 595 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003....521
§47-12-413. Seat belts or shoulder harnesses....521
§47-12-414. Specifications....521
§47-12-415. Penalties....521
§47-12-416. Short title....521
§47-12-417. Operators and front seat passengers required to wear safety belts - Exemptions - Assessment of points prohibited - Fine and court costs limited – Municipal ordinances....522
§47-12-418. Repealed by Laws 2008, c. 302, § 13, emerg. eff. June 2, 2008....523

§47-12-419. Educational program - Evaluating effectiveness of act - Reports.....523
§47-12-420. Civil proceedings - Effect of act.....523
§47-12-421. Repealed by Laws 1991, c. 176, § 2, eff. Sept. 1, 1991.....523
§47-12-422. Restrictions on use of glass coating materials or sunscreening devices on windshields and windows.....523
§47-12-423. Emission control system - Disconnection, alteration, modification, or replacement....526
§47-12-424. Obstruction to turning of steering control - Definitions.....526
§47-12-425. Absent, disconnected, or broken parts of suspension system.....527
§47-12-426. Properly operating speedometer.....527
§47-12-427. Official slow-moving vehicle emblem.....527
§47-12-428. Converted school buses - Color.....528
§47-12-501. Short title.....528
§47-12-502. Definitions.....528
§47-12-503. Prohibited acts.....529
§47-12-504. Service, repair or replacement of odometer.....529
§47-12-505. Transfer of ownership of motor vehicle - Information required.....530
§47-12-506. Violation - Penalty.....530
§47-12-507. Actions - Jurisdiction - Venue - Duty to prosecute.....530
§47-12-601. Headlamps and other illuminating devices on certain motorcycles - Definition.....531
§47-12-602. Headlamps required - Permissible auxiliary lighting.....531
§47-12-602.1. Headlamps upon motorcycles - Minimum requirements.....532
§47-12-603. Tail lamps.....532
§47-12-604. Reflectors.....532
§47-12-605. Stop lamps.....533
§47-12-606. Electric flashing turn signal lamps.....533
§47-12-608. Brakes on motorcycles.....533
§47-12-609. Motorcycles - Required equipment.....534
§47-12-701. Provisions in chapter applicable to bicycles.....534
§47-12-702. Front lamp.....535
§47-12-703. Rear lamp.....535
§47-12-704. Reflector.....535
§47-12-705. Repealed by Laws 2006, c. 173, § 9, eff. July 1, 2006.....535
§47-12-706. Reflective material.....535
§47-12-707. Additional lights and reflectors.....535
§47-12-708. Brakes.....536
§47-12-709. Sirens.....536
§47-13-101. Vehicles without required equipment or in unsafe condition.....536
§47-13-102. Officers may inspect a vehicle and its equipment.....536
§47-13-103. Owner and drivers to submit vehicles for inspection.....537
§47-14-101. Scope and effect of chapter – Issuance of annual overweight permits - Movement of certain vehicles at nighttime and on holidays.....537
§47-14-102. Repealed by Laws 1972, c. 52, § 5, emerg. eff. March 15, 1972.....539
§47-14-103. Width, height and length of vehicle and load.....539
§47-14-103A. Motor vehicle and manufactured home combinations - Overall length and width - Limitations on movement.....543
§47-14-103B. Automobile transporters - Extension of load - Height.....543
§47-14-103C. Special permits - Movement of houses or buildings.....544
§47-14-103D. Permit to transport or move manufactured home.....544
§47-14-103E. Notification of issuance of permit.....546
§47-14-103F. Manufactured home used in construction, oil field or seasonal farming activities - Special decals.....546
§47-14-103G. Oversize or overweight load vehicle permits - Annual fleet permits – Permits for movement of oversized portable buildings.....547

§47-14-104. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.....550
§47-14-105. Loads on vehicles.....551
§47-14-106. Trailers and towed vehicles.....551
§47-14-107. Definitions.....551
§47-14-109. Single-axle load limit - Gross weight of vehicle and load - Exceptions - Additional fees - "Utility vehicle" defined.....552
§47-14-109.1. Load overweight violations not to be recorded as traffic offenses under certain conditions.....556
§47-14-109.2. Weighing as single draft.....556
§47-14-109.3. Exemption for vehicles fueled by compressed or liquefied natural gas.....557
§47-14-110. Carrying registration certificate - Inspection.....557
§47-14-111. Weighing vehicles - Compelling unloading - Certificates - Bills of sale - Proof of ownership - Impounding.....557
§47-14-112. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.....559
§47-14-113. When the department of highways or local authorities may restrict right to use highways.....559
§47-14-114. Liability for damage to highway or structure.....559
§47-14-115. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.....560
§47-14-116. Permit fees - Escrow account system - Applications - Emergencies - Provisional permits - Violations - Disposition and allocation of proceeds.....560
§47-14-116a. Transportation of manufactured home without permit - Penalties.....563
§47-14-117. Repealed by Laws 1984, c. 49, § 4, operative July 1, 1984.....563
§47-14-118. Motor carriers - Permits - Oklahoma Load Limit Map - Saddlemounts - Exemptions and restrictions - Driveaway permits.....563
§47-14-118.1. Multi-state oversize and overweight permits.....568
§47-14-119. Load capacity violations - Penalties.....568
§47-14-120. Movement of certain manufactured items - Limitations - Permits - Fees - Escorts.....568
§47-14-120.1. Vehicles 12 or more feet wide to be escorted.....569
§47-14-120.2. Law enforcement escort – Transport of oversized load or hazardous shipment by road or rail – Fees.....570
§47-14-121. Special combination vehicles - Permits.....570
§47-14-122. Apportionment of fees.....571
§47-14-123. Roads and highways - Size, weight, and speed regulations.....571
§47-14-124. Commercial class A license - Hazardous material endorsement exception.....572
§47-14-125. Agricultural vehicles – Exempt from electronic logging devices.....572
§47-14-126. High-wide corridors.....572
§47-15-101. Provisions uniform throughout state.....575
§47-15-101.1. Jurisdiction of cities and towns to regulate traffic on boundary lines.....575
§47-15-102. Powers of local authorities.....575
§47-15-102.1. Cellular phone usage – State preemption of orders, ordinances or regulations.....576
§47-15-103. Rights of owners of real property.....577
§47-15-104. State highway commission to adopt sign manual.....577
§47-15-105. Department of highways to sign all state and federal highways.....577
§47-15-106. Local traffic-control devices.....578
§47-15-107. Authority to require pedestrian obedience to traffic-control signs.....578
§47-15-108. Authority to designate through highways and "stop" and "yield" intersections.....578
§47-15-109. Regulations relative to school buses.....578
§47-15-110. Model Traffic Ordinance - Authorization to adopt.....579
§47-15-111. Special parking privileges for physically disabled persons.....579
§47-15-112. Physical disability temporary placard - Definitions.....580
§47-15-112.1. Repealed by Laws 1995, c. 133, § 4, emerg. eff. April 27, 1995. (Prior to repeal by Laws 1995, c. 133, this section had been amended in c. 15, Laws 1995.).....582
§47-15-113. Penalties.....582

§47-15-114. Operation of motorized scooters – Ordinances or regulations.....583
§47-15-115. Civilian volunteer disabled parking violation units.....583
§47-15-116. Power of municipality or political subdivision to enforce act.....585
§47-15-131. Speed limits - Traffic control regulations - Violations.....586
§47-15-132. Public trusts - Contracts and agreements - Enforcement of speed limits and regulations. 587
§47-16-101. Parties to a crime.....587
§47-16-102. Offenses by persons owning or controlling vehicles.....587
§47-16-103. Public officers and employees - Exceptions.....587
§47-16-104. Procedure upon arrest for felony.....588
§47-16-105. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....588
§47-16-106. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....588
§47-16-107. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....588
§47-16-108. Misdemeanor violations - Procedure.....588
§47-16-109. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....588
§47-16-109.1. Authority of officer at scene of accident.....588
§47-16-110. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....589
§47-16-111. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.....589
§47-16-112. Failure to obey notice to appear.....589
§47-16-113. Procedure prescribed herein not exclusive.....589
§47-16-114. Arrest of traffic violators without warrant.....589
§47-17-101. Misdemeanor violations - Penalties.....589
§47-17-102. Felony violations – Penalties.....590
§47-18-101. Record of traffic cases - Report of convictions to department.....591
§47-19-101. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.....593
§47-19-201. Renumbered as § 11-805.2 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002...593
§47-19-211. Renumbered as § 11-805.3 of this title by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.....593
§47-20-101. Uniformity of interpretation.....593
§47-20-102. Effect of headings.....593
§47-20-103. Short title.....593
§47-20-104. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....593
§47-20-105. Constitutionality.....594
§47-20-106. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.....594
§47-20-107. Time of taking effect.....594
§47-21-101. Renumbered as § 2101 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-102. Renumbered as § 2102 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-103. Renumbered as § 2103 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-104. Renumbered as § 2104 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-105. Renumbered as § 2105 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-106. Renumbered as § 2106 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-107. Renumbered as § 2107 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-108. Renumbered as § 2108 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-21-109. Renumbered as § 2109 of Title 68 by Laws 1965, c. 215, § 3.....594
§47-22. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.....594
§47-22.1. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.....594
§47-22.2. Repealed by Laws 1979, c. 292, § 8, emerg. eff. July 5, 1979.....595
§47-22.5n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.....595
§47-22.5s. Renumbered as § 1133.2 of this title by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001.....595
§47-22.30n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.....595
§47-24.4. Repealed by Laws 1985, Chapter 179, § 99, operative July 1, 1985.....595
§47-40-101. Accident report forms.....595

§47-40-102. Traffic collision resulting in injury or death or property damage exceeding certain amount - Reports - Confidentiality - Allowing examination or reproduction for commercial solicitation prohibited....595
§47-40-103. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....598
§47-40-104. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....598
§47-40-105. Renumbered as § 12-609 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003....598
§47-40-106. Repealed by Laws 2007, c. 62, § 38, emerg. eff. April 30, 2007....598
§47-40-107. Federal Highway Safety Act of 1966 - Securing of benefits under....598
§47-40-108. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993....599
§47-40-109. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993....599
§47-40-110. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993....599
§47-40-111. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993....599
§47-40-112. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993....599
§47-40-113. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980....599
§47-40-121. Motorcycle Safety and Education Program....599
§47-40-122. Advisory Committee for Motorcycle Safety and Education....600
§47-40-123. Motorcycle Safety and Education Program Revolving Fund....601
§47-108.1. Renumbered as § 15-101.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002....601
§47-116.2a. Closing particular highways....601
§47-116.11. Renumbered as Section 2-105.4A of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001....601
§47-116.12. Renumbered as Section 2-106.1 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001. 601
§47-116.13. Assignment as enforcement officer - Uniforms and badges - Use without authority....602
§47-116.14. Vehicles not registered or improperly registered....602
§47-116.15. Repealed by Laws 2004, c. 522, § 30, eff. July 1, 2004....603
§47-121.11. Commercial vehicles to have copy of reports as to defects....603
§47-127.1. Renumbered as § 14-109.2 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995....603
§47-127.2. Repealed by Laws 1995, c. 27, § 9, eff. July 1, 1995....603
§47-134. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....603
§47-149.1. Renumbered as § 12-427 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003....603
§47-149.2. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003....603
§47-151. Marking of automobiles owned or leased by state....603
§47-152. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001....604
§47-153. Driving of unmarked automobiles prohibited - Exception....604
§47-153.1. Department of Mental Health and Substance Abuse Services - Unmarked automobiles. 605
§47-154. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002....605
§47-155. Misdemeanor - Violations of Act - Penalty....605
§47-156. Purchase of passenger automobiles or bus with public funds prohibited - Exceptions....605
§47-156.1. Use of state-owned or state-leased motor vehicles for private use - Penalty - Exceptions - Temporary authorization - Employee status report....608
§47-156.3. Purchase of motor vehicles necessary for performance of official duties permitted - Color - Marking - Size of lettering....610
§47-156.4. Renumbered as § 78b of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001....611
§47-157.1. Insurance on Department of Transportation, Board of Agriculture and Department of Human Services vehicles – Kinds and amounts....611
§47-157.2. Bids on insurance....612
§47-157.3. Actions to be brought against insurer....612
§47-157.4. Venue of actions....612
§47-157.5. Definition....612
§47-158.1. Repealed by Laws 2002, c. 53, § 1, eff. Nov. 1, 2002....613
§47-158.2. Maintenance of actions....613

§47-159.1. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....613
§47-159.2. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.....613
§47-159.3. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....613
§47-159.4. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....613
§47-159.5. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....613
§47-159.6. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....613
§47-159.7. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.....614
§47-159.8. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.....614
§47-159.9. Renumbered as § 78c of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.....614
§47-159.10. Renumbered as § 78d of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.....614
§47-159.11. Renumbered as § 485.12 of Title 63 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.....614
§47-161. Repealed by Laws 2009, c. 183, § 15, eff. Nov. 1, 2009.....614
§47-161.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....614
§47-161.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....614
§47-161A. Household Goods Act of 2009 - Definitions.....614
§47-162. Powers and duties of Commission.....615
§47-162.1. Participation in Unified Carrier Registration System.....616
§47-163. Certification to transport household goods.....616
§47-163.1. Repealed by Laws 2009, c. 183, § 16, eff. Nov. 1, 2009.....617
§47-163.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....617
§47-165. Application and filing fees.....617
§47-166. Certificates or permits.....618
§47-166.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.1a. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.1b. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.3. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.4. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....618
§47-166.5. Conflicting constitutional provisions - Amendment and alteration.....618
§47-166a. Definitions - Operation of equipment not owned by motor carrier - Leases - Application of provisions.....619
§47-167.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....622
§47-169. Filing of certificates of insurance coverage as condition precedent to certificate or permit - Actions by injured party - Failure to maintain coverage.....622
§47-169.1. Motor carriers - Liability for loss, damage or injury to goods or property.....623
§47-169.2. Claims - Procedure.....624
§47-169.3. Nonliability - Burden of proof.....624
§47-169.4. Concealed loss or damage - Claim - Inspection - Evidence.....624
§47-169.5. Failure to process claim or express declination of claim in writing - Penalty.....625
§47-169.6. Other remedies and rights of action - Attorney fees - Costs.....625
§47-169.7. Statements of liability or indemnity agreements not required - Exceptions.....625
§47-170. Weight and size of vehicles - Advertising - Suspension or revocation - Personal character of certificates or permits.....626
§47-170.1. Complaints - Notice and hearing - Orders - Revocation - Liability of complaining party - Appeal.....626
§47-170.2. Report of load capacity violations to Corporation Commission - Contempt of Commission motor carrier rules, tariffs and regulations - Penalties - Complaint procedure.....628
§47-171. Appropriation - Extra help for Corporation Commission.....629
§47-171.1. Expenditure of Corporation Commission Revolving Funds - Uses.....629
§47-171.2. Motor carrier enforcement officers.....630
§47-172. Violations of act - Penalty - Report of violations - Civil or criminal proceedings - Official misconduct - Contempt - Personnel, salaries and powers - Oath and bond.....630
§47-172.1. Qualifications for enforcement officers.....633

§47-173. Venue of actions against motor carriers - Issuance of summons.....633
§47-176. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....634
§47-177.2. License and permit for transporting deleterious substances - Proof of access to approved disposal well - List of permits - Fees - Provisions supplemental to other applicable motor carrier laws.....634
§47-177.3. Violations - Penalties.....635
§47-180. Definitions.....635
§47-180a. Display of identification device on motor carriers.....636
§47-180b. Device subject to seizure.....636
§47-180c. Seizure and confiscation of devices - Grounds.....636
§47-180d. Rules and regulations.....637
§47-180e. Commission to provide for suitable methods of identification.....637
§47-180f. Purchase of devices and other equipment.....637
§47-180g. Issuance of identification devices.....637
§47-180h. Fee for registration.....638
§47-180i. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....638
§47-180j. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....638
§47-180k. Records.....638
§47-180l. Reciprocal compacts and agreements with other states.....639
§47-180m. Enforcement of act.....639
§47-224. Auto buses not operating under certificate or permit or license of Corporation Commission - Authority of city to regulate.....640
§47-225. Auto buses operating under certificate or permit or license - Prohibiting stopping, loading, unloading and parking.....640
§47-226.1. Power of city or town to grant franchise.....641
§47-226.2. Operation without franchise unlawful when franchise granted to another.....641
§47-226.3. Violations.....641
§47-226.4. Definition of franchise.....641
§47-226.5. Validation of existing franchises.....641
§47-228.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....642
§47-228.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.....642
§47-228.3. Intrastate motor transportation fuel surcharge.....642
§47-228.4. Application of Sections 161 through 180m.....642
§47-230.1. Short title.....642
§47-230.2. Legislative intent.....642
§47-230.3. Definitions.....643
§47-230.4. Powers and duties of Commissioner.....643
§47-230.5. Examination and inspection of record, equipment, etc.....645
§47-230.6. Certain uses and activities of vehicles and containers prohibited.....645
§47-230.7. Discharge of hazardous material prohibited.....646
§47-230.8. Reporting of incidents and accidents.....646
§47-230.9. Compliance with act - Violations - Penalties.....647
§47-230.10. Exemptions.....649
§47-230.11. Cooperation with other agencies.....649
§47-230.12. Immunity from civil liability.....650
§47-230.13. Enforcement of act.....650
§47-230.14. Conflicts with other laws.....650
§47-230.15. Report of violations to Corporation Commission - Liability and damage insurance - Administrative penalties - Driving hours - Conflicting regulations.....651
§47-230.16. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.....653
§47-230.17. Hazardous materials endorsement exemption for commercial Class A license holders. 653
§47-230.21. Short title.....654

§47-230.22. Public policy and interest - Revocation of existing certificates and permits - Application of act....654
§47-230.23. Definitions....655
§47-230.24. Powers and duties of Corporation Commission....656
§47-230.25. Shipping documentation - Penalty for violation of act....657
§47-230.26. Contempt proceedings....657
§47-230.27. Fees....658
§47-230.28. Motor carrier license required - Guidelines for granting license - Suspension and revocation - Additional powers of Commission - Application requirements - Hearing - Notice....658
§47-230.29. Operation of equipment not owned by motor carrier - Required lease provisions....659
§47-230.30. Liability and cargo insurance or bond....662
§47-230.31. Operation of vehicles in excess of weight or size limits prohibited - Certain advertisements prohibited - Authority to suspend or cancel license - Licenses personal to holder. 664
§47-230.32. Rules and regulations....664
§47-230.33. Heavy road - building vehicles - Inapplicability of Motor Carrier Act - Insurance....664
§47-230.34. Short title....665
§47-230.34a. Issuance of harvest permit - Duration - Application - Fees - Violation and bond - Rules. 665
§47-230.34b. Proximity of portable scale to commercial grain elevator — Exceptions....666
§47-251. Special identification, right to....667
§47-252. Special personal identification card....667
§47-253. Repealed by Laws 2004, c. 504, § 24, eff. July 1, 2004....667
§47-254. Purpose of law....667
§47-255. List of licensed operators to be secured and maintained....667
§47-256. Expiration of amateur license - Notice and delivery of indentification - Violations....667
§47-309.8. Renumbered as Section 2-309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001. 668
§47-376. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000....668
§47-377.1. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998....668
§47-421. Definitions - Persons not included - Sworn statement showing exemption....668
§47-422. Compliance with act required - License necessary....670
§47-423. Application for license - Separate application and license for each motor vehicle....670
§47-424. License fees - Period covered by license....671
§47-425. Insurance policies and bonds - Parties to actions....671
§47-426. Appointment of Secretary of Commission as agent to accept service of summons....673
§47-427. Summons or notice of suit - Form - Service....673
§47-428. License - Issuance - Contents - Carried in vehicle - License plate....674
§47-429. Transfer of license or license plate....675
§47-430. Revocation of license....675
§47-431. Rules for administration of act....675
§47-432. Custody and operation of motor vehicle used in violation of act....675
§47-433. Disposition of fees....675
§47-434. Authority of county or municipal corporation not affected....675
§47-435. Violation a misdemeanor - Punishment....676
§47-436. Actions for injunctions....676
§47-437. Highway Patrol and peace officers to enforce Act....676
§47-438. Partial invalidity....676
§47-461. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018....676
§47-462. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018....676
§47-463. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018....676
§47-464. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018....677
§47-465. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018....677

§47-466. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.....677
§47-467. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.....677
§47-468. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.....677
§47-469. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.....677
§47-470. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.....677
§47-561. Necessity for regulation - Legislative finding.....677
§47-562. Definitions.....677
§47-563. Oklahoma Motor Vehicle Commission.....681
§47-564. Licenses.....683
§47-564.1. Off-premises displays of new motor vehicles.....685
§47-564.2. Certificate of registration for new motor vehicle salesperson — Penalties.....686
§47-565. Denial, revocation or suspension of license - Right of first refusal.....686
§47-565.1. Manufacturer's or distributor's prevention or refusal to honor succession to dealership by legal heir or devisee of new motor vehicle dealer - Procedure.....698
§47-565.2. Termination, cancellation or nonrenewal of new motor vehicle dealer franchise.....700
§47-565.3. Notice to manufacturer or distributor of proposed sale, transfer, or assignment of franchise.....704
§47-566. Procedure for denial, suspension or revocation of license or imposing fine.....705
§47-566.1. Application of Administrative Procedures Act.....706
§47-567. Injunctions.....706
§47-572. Venue in damage actions.....707
§47-573. Liberal construction.....707
§47-576. Petty cash fund - Creation.....707
§47-577. Administration.....707
§47-578. Repealed by Laws 2000, c. 341, § 8, eff. Nov. 1, 2000.....707
§47-578.1. Procedures for establishing or relocating new motor vehicle dealers within certain areas. 708
§47-579. Considerations in determining good cause for establishment or relocation of additional franchise.....709
§47-579.1. Certain vehicle brokering unlawful - Penalties.....710
§47-580. Denial, revocation or suspension of license.....710
§47-580.2. Insurance coverage on vehicles on loan from authorized motor vehicle dealer.....710
§47-581. Definitions.....711
§47-582. Used Motor Vehicle and Parts Commission.....715
§47-582.1. Manufactured Home Advisory Committee.....720
§47-583. See the following versions:.....721
§47-583.1. Certificate of registration for used motor vehicle or manufactured home salesperson — Penalties.....721
§47-583v1. License required - Application - Fees - Specifications and display - Bond - Liability insurance.....722
§47-583v2. License required - Application - Fees - Specifications and display - Bond - Liability insurance.....727
§47-584. Denial, revocation or suspension of license – Fine - Grounds.....734
§47-585. Denial, suspension or revocation of license - Fine - Appeal.....738
§47-586. Injunctions.....739
§47-587. Petty cash fund.....739
§47-588. Owner-installed manufactured homes.....739
§47-591.1. Short Title.....740
§47-591.2. Definitions.....740
§47-591.3. License required - Power and authority of Commission.....740
§47-591.4. Application for license – Form - Grounds for refusal to issue license or B.I.D. card.....741
§47-591.5. Fees - Amendment of application - Term of license.....742
§47-591.6. Register of purchases and sales - Inspection of parts.....743

§47-591.7. Certain licenses not required....743
§47-591.8. Transfer of certificate of title - Salvage or junked title - Inspection of certificates of title and vehicles - Destruction of license plates - Reporting of vehicle identification numbers - Time limit....743
§47-591.9. Refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.)....745
§47-591.10. Notification of refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.) - Hearing - Appeal - Fines....746
§47-591.11. Salvage pool or salvage disposal sales - Sales to unqualified buyers prohibited - Insurance company sales – Payment – Register - Consignment auction....746
§47-591.12. Repealed by Laws 2007, c. 56, § 3, eff. Nov. 1, 2007....747
§47-591.13. Violations - Penalties....747
§47-591.14. Automotive dismantlers and parts recyclers - Engaging in business without license - Injunction - Venue....748
§47-592.1. Short title – Oklahoma Crusher Act....748
§47-592.2. Definitions....748
§47-592.3. License required - Exemption....749
§47-592.4. License eligibility....749
§47-592.5. License application....750
§47-592.6. License investigation - Fees....750
§47-592.7. License display – Transferability – Annual fee....751
§47-592.8. Proof of ownership – Restrictions – Vehicle report....751
§47-592.9. Rule authority – Criminal penalties – Injunctive actions....753
§47-592.10. Violations....754
§47-595. Batteries – “Rebuilt” molded into container....754
§47-596. Short title....755
§47-596.1. Definitions....755
§47-596.2. New recreational vehicle dealer - Licensure - License fees....758
§47-596.3. Dealer sales responsibility....759
§47-596.4. Dealer agreement renewal....760
§47-596.5. Manufacturer termination of dealer agreement - Good cause - Notice - Repurchase of inventory....761
§47-596.6. Dealer termination of dealer agreement - Good cause - Notice - Repurchase of inventory. 763
§47-596.7. Sale of inventory after termination of dealer agreement....765
§47-596.8. Sale of business assets - Conditions....766
§47-596.9. Warrantor obligations - Approval of claims....767
§47-596.10. Warrantor prohibited acts....769
§47-596.11. Dealer prohibited acts....770
§47-596.12. Damaged recreational vehicle prior to shipment....770
§47-596.13. Coercion by manufacturer....771
§47-596.14. Denial of application for license....771
§47-596.15. Cause of action - Damages - Mediation....774
§47-596.16. Remedies....775
§47-601. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-602. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-603. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-604. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-605. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-606. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-607. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-608. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-609. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776

§47-610. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-611. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....776
§47-701. Guaranteed arrest bond certificates - Automobile clubs or associations....776
§47-702. Guaranteed arrest bond certificates - Trucking associations....778
§47-751. Implied consent to breath test, blood test or other test for determining presence or concentration of alcohol or other intoxicating substance....780
§47-752. Administration of tests - Authorization - Liability - Laboratories - Independent analysis - Costs....782
§47-753. Refusal to submit to test....786
§47-754. Seizure of license - Temporary driving privileges - Administrative revocation....787
§47-754.1. Modification of revocation or denial if no other adequate means of transportation exists - Ignition interlock device - Rules....789
§47-754.2. District court order to modify a revocation or denial....791
§47-755. Repealed by Laws 2017, c. 392, § 16, eff. Nov. 1, 2017....791
§47-756. Admission of evidence shown by tests....791
§47-757. Other competent evidence - Admissibility....793
§47-758. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000....793
§47-759. Board of Tests for Alcohol and Drug Influence - Powers and duties – Revolving fund....793
§47-759.1. Abolition of Alcohol Drug Countermeasures Unit - Transfer of powers, duties, and responsibilities....796
§47-761. Operation of motor vehicle while impaired - Penalties - Suspensions - Violations not bondable....797
§47-762. Repealed by Laws 1995, c. 313, § 10, eff. July 1, 1995....798
§47-781. Enactment - Text....798
§47-782. Licensing authority....802
§47-783. Compensation and expenses of administrator....802
§47-784. Executive head....802
§47-785. Reports to Department of Public Safety....802
§47-786. Enforcement of Article IV....802
§47-787. Review of act or omission....802
§47-789. Short title....803
§47-790. Nonresident Violator Compact....803
§47-801. Definitions....808
§47-802. Administration and enforcement – Human trafficking information and course of study....808
§47-803. School license....809
§47-804. Instructor's license....809
§47-805. License fees....810
§47-806. Suspension or revocation of license....810
§47-807. Persons and schools exempt....810
§47-808. Penalties....811
§47-851. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....811
§47-852. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....811
§47-853. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....811
§47-854. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....811
§47-854.1. Renumbered as § 2-143 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001....811
§47-855. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....811
§47-855.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001 and by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002....811
§47-855.1. Official inspectors – License – Revocation or suspension....812
§47-856. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....812
§47-856.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....812
§47-856.1A. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-856.2. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813

§47-856.3. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-856.4. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-856.5. Repealed by Laws 1996, c. 287, § 3....813
§47-857. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-858. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-858.1. Repealed by Laws 1998, c. 158, § 5, eff. Nov. 1, 1998....813
§47-859. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-860. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001....813
§47-901. Abandonment unlawful - Determination....813
§47-902. Authorization to remove abandoned vehicle....814
§47-903. Notice of impoundment - Civil liability....814
§47-903A. Contest of removal or storage - Hearing - Exemptions....814
§47-904. Payment of cost of removal and storage....816
§47-904.1. Lienholder defined....816
§47-907. Special liens....816
§47-908. Foreclosure of lien - Notice....817
§47-909. Time to commence proceedings....817
§47-910. Return of sale....817
§47-911. Disposition of proceeds of sale....817
§47-951. Definitions....818
§47-952. Rulemaking authority - Requests for service by political subdivisions - Official rotation logs. 820
§47-953. Licenses - Fees - Renewal - Disciplinary actions - Civil enforcement actions....822
§47-953.1. Maximum fees and charges....823
§47-953.2. Fees and charges for storage and after-hours release of towed vehicles....828
§47-954. Enforcement....831
§47-954A. Abandoned motor vehicle - Removal....831
§47-955. Towing of vehicle from roadway – Grounds and licensed wrecker liability....834
§47-956. Gifts prohibited - Financial interest of officers....836
§47-957. Independent employment of wrecker or towing services....836
§47-958. Violations and penalties....837
§47-961. Referral fees - Misdemeanor....837
§47-962. Possessory lien - Foreclosure - Collection of wrecker or towing fees....837
§47-964. Report of vehicles parked or stored more than 30 days....837
§47-965. Notification of law enforcement after repossession....838
§47-966. Nonconsensual Towing Act of 2011 - Application of act - Rates....838
§47-967. Assessments - Budgetary limits....839
§47-968. Appointment of unclassified employees....840
§47-1001. Short title....840
§47-1002. Ridesharing arrangement defined....840
§47-1003. Non-liability of employer....840
§47-1004. Money or other benefits received by driver not to constitute income for tax purposes..840
§47-1005. Certain ridesharing vehicles not to be construed as motor bus or taxicab for registration purposes....840
§47-1006. Rideshare drivers not deemed commercial operators or drivers....841
§47-1010. Short title - Oklahoma Transportation Network Company Services Act....841
§47-1011. Definitions....841
§47-1012. Application of act to persons and entities....842
§47-1013. Permits – Rules – Commission authority....842
§47-1014. Agent for service of process....843
§47-1015. Fares and rates....843
§47-1016. Driver photograph - License plate information - Company logo or emblem....843
§47-1017. Electronic receipt....844

§47-1018. Zero tolerance policy for drugs or alcohol - Complaints....844
§47-1019. Driver applications – Background check - Updates....844
§47-1020. Vehicle equipment standards....845
§47-1021. Acceptance of rides - Payments....845
§47-1022. Seating capacity - Passengers....846
§47-1023. Nondiscrimination and accessibility....846
§47-1024. Recordkeeping....846
§47-1025. Insurance requirements....846
§47-1026. Insurance disclosures to drivers....848
§47-1027. Coverage exclusions by insurers....848
§47-1028. Claim payments....849
§47-1029. Disclosure of passenger information....850
§47-1030. Exclusive jurisdiction of the Oklahoma Corporation Commission....850
§47-1101. Short title....850
§47-1102. Definitions....850
§47-1103. Legislative intent....856
§47-1104. Apportionment of fees, taxes and penalties collected....857
§47-1104.1. University or college supporter license plate fees - Adoptive Grant Program for Oklahomans with Intellectual Disabilities - Revolving fund - Annual report....866
§47-1104.2. Environmental Education Revolving Fund....867
§47-1104.3. Agricultural awareness special license plate fee – Ag in the Classroom Education Revolving Fund....867
§47-1104.4. OSU Extension Service License Plate Revolving Fund....868
§47-1104.5. Special license plate fee – Urban Forestry and Beautification Revolving Fund....868
§47-1104.6. Choose Life Assistance Program Revolving Fund – Applications for funds – Restrictions on use of funds....869
§47-1104.7. Future Farmers of America special license plate - Fee....870
§47-1104.8. Color Oklahoma Revolving Fund....871
§47-1104.9. Oklahoma Central Cancer Registry Revolving Fund....871
§47-1104.10. Animal Friendly Revolving Fund....872
§47-1104.11. Patriot License Plate Revolving Fund....872
§47-1104.12. Oklahoma Quarter Horse Revolving Fund....873
§47-1104.13. Oklahoma Zoological Society Revolving Fund....873
§47-1104.14. Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund....874
§47-1104.15. Oklahoma Association for the Deaf License Plate Revolving Fund....875
§47-1104.16. Buffalo Soldier License Plate Revolving Fund....875
§47-1104.17. Prevent Blindness Oklahoma License Plate Revolving Fund....876
§47-1104.18. Oklahoma Friends of the Capitol License Plate Revolving Fund....876
§47-1104.19. Pancreatic Cancer Research License Plate Revolving Fund....877
§47-1104.20. Alzheimer's Research License Plate Revolving Fund....877
§47-1104.21. Hospice and Palliative Care License Plate Revolving Fund....878
§47-1104.22. Juvenile Diabetes Research License Plate Revolving Fund....879
§47-1104.23. Deer Creek Schools Foundation License Plate Revolving Fund....879
§47-1104.24. Oklahoma Lupus License Plate Revolving Fund....880
§47-1104.25. Oklahoma Association of Chiefs of Police License Plate Revolving Fund....881
§47-1104.26. Oklahoma Nurses License Plate Revolving Fund....881
§47-1104.27. Oklahoma Concerns of Police Survivors License Plate Revolving Fund....882
§47-1104.28. Piedmont Public Schools Education Foundation License Plate Revolving Fund....882
§47-1104.29. Prisoner of War and Missing in Action License Plate Revolving Fund....883
§47-1104.30. Down Syndrome Association of Central Oklahoma License Plate Revolving Fund....883
§47-1104.31. Elk City Education Foundation License Plate Revolving Fund....884
§47-1104.32. Extraordinary Educators License Plate Revolving Fund....884

§47-1105. Definitions - Certificate of title - Application - Evidence of ownership and compliance with federal law - Liens and encumbrances - Fees - Notice of nonuse or theft.....884
§47-1105.1. Definitions.....896
§47-1105.2. Vehicle identification numbers and certificate of origin for multi-stage vehicles - Transfer of ownership - Certificate of title.....897
§47-1105.3. Necessity of vehicle identification number - Obliteration, erasure, etc.....898
§47-1105.4. Repealed by Laws 2019, c. 172, § 2, eff. Nov. 1, 2019.....898
§47-1105.5. Background checks.....898
§47-1106. Refusal or revocation of title.....899
§47-1107. Sale or transfer of ownership of vehicle - Violations - Penalties.....899
§47-1107.1. Verification and certification of mileage - Disclosure statement.....901
§47-1107.2. Odometer disclosure statement - Exempted vehicles.....902
§47-1107.3. Certificate of title - Terms to stamp in accordance with odometer disclosure statement. 902
§47-1107.4. Written notice of transfer – Fee – Presumptions.....902
§47-1107.5. Transfer of title in transfer-on-death form.....903
§47-1108. Lost title - Replacement.....904
§47-1109. Confidentiality of information - Disclosure - Fees - Construction - Penalty for violation..904
§47-1110. Perfection of security interest - Release - Filing and indexing - Effectiveness, duration, assignment or termination - Priority in manufactured home.....909
§47-1111. Salvage title - New title.....914
§47-1112. Application for registration - Information required - False statements.....919
§47-1112.1. Motor vehicle dealers - Disclosure of certain vehicle damage.....920
§47-1112.1A. Registration of vintage vehicles.....921
§47-1112.2. Transferability of license plates.....922
§47-1112.3. Documentation required in possession or in vehicle.....924
§47-1113. Issuance of certificate of registration, license plates and decals - Requirements and specifications for license plates - Issuance of license plates without documentary evidence of ownership - Registration certificate to be in possession of commercial vehicle operator - Manufactured homes.....924
§47-1113.2. Reissue of official vehicle license plates.....930
§47-1113.3. Oklahoma License Plate Design Task Force.....931
§47-1113A. Definitions.....932
§47-1114. Lost, mutilated or destroyed license plate or decal - Replacement - Prohibition of issuance.....934
§47-1114.1. Computation of annual license fee.....934
§47-1114.2. Residency requirements for motor license agent.....934
§47-1115. Vehicles required to be registered - Registration schedule - Delinquent registration - Penalties.....934
§47-1115.1. Seizure of vehicles not bearing or displaying proper license plate - Sale.....939
§47-1115.2. Preemption of orders, ordinances, or regulations of municipalities or other political subdivisions – Exceptions.....940
§47-1115.3. All-terrain vehicles, utility vehicles, and motorcycles - Registration.....940
§47-1116. Registration periods.....941
§47-1116.1. New vehicles - Dealer license plate or decal - Registration period.....941
§47-1116.2. Operation of golf carts by persons with physical disability.....941
§47-1117. Manufactured home - Registration - Certificate of title.....942
§47-1118. Issuance of certificates of title for manufactured homes - School district maps - Commission not party in lawsuits to determine ownership.....944
§47-1119. Manufactured home - Information to be furnished county assessor in county of location. 945
§47-1120. Proportional registration.....945

§47-1120.1. Entry into International Registration Plan or other compacts or agreements - Assessment and payment of fees....948
§47-1120.2. Transfer of International Registration Plan revenues collected....949
§47-1121. Dishonored checks - Collection - Cancellation of license....949
§47-1122. Temporary license - Fee....950
§47-1123. Reciprocal compacts and agreements....951
§47-1124. Temporary permit - Fee....951
§47-1124.1. Temporary permit or authorization for vehicle subject to proportional registration....953
§47-1124.2. Hunters permits....954
§47-1125. Certain nonresident vehicle owners required to register vehicle - Exceptions....955
§47-1126. Repossessed vehicle - Registration....956
§47-1127. Military personnel - Registration of vehicles - Exemption from penalties....956
§47-1128. Manufacturer's or dealer's license - In-transit license plates....959
§47-1129. Special mobilized machinery - Registration procedure - Exemptions....961
§47-1130. Oklahoma Tax Commission Fund - Deposit of fees for use in mailings....962
§47-1131. Order renewal - Notification....962
§47-1132. Vehicle registration fees - Assessment - Computation....963
§47-1132.1. License and registration fee....965
§47-1132.2. Motor Vehicle Driver Education Revolving Fund....966
§47-1132.3. Credit for registration fee for replacement of vehicles destroyed by tornadoes....966
§47-1132.4. Additional fee – Apportionment of revenue....967
§47-1132.5. Additional fee payable to Oklahoma Tax Commission....968
§47-1132.6. Registered motorcycle fee....968
§47-1132.7. Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles....969
§47-1132A. Registration renewals - Selection of motor license agents - Fees....970
§47-1132B. Administration of electronic transactions - Motor license agent fees....970
§47-1133. Registration of commercial vehicles....970
§47-1133.1. Vehicles having combined laden weight of 8,000 pounds or less primarily used for business - Registration as commercial vehicles having combined laden weight of more than 8,000 and less than 15,001 pounds....976
§47-1133.2. Commercial vehicles - Display of registrant's name - Violations - Nonresident vehicles. 977
§47-1133.3. Noncommercial boat trailers and utility-type trailers - Annual registration....978
§47-1133.4. Single or combination farm use vehicle....978
§47-1134. Farm vehicles - License fees - Exemptions....979
§47-1134.1. Taxicabs, privately owned school buses, intercity and intracity motorbuses - License fee. 980
§47-1134.2. Vehicles used primarily for transporting unfinished and unprocessed forest products - License fee - Affidavit....982
§47-1134.3. Wrecker or towing vehicles - License plates - Registration....982
§47-1134.4. Transporting cotton modules - License fees - Penalties....983
§47-1135. Manufactured homes - License fees....984
§47-1135.1. Special license plates – Political subdivisions – Tax exemption or nonprofit – Physical disability – Indian tribe – Hearing impaired – Antique vehicles – Honorary consul....984
§47-1135.2. Special license plates - Armed forces - Medals of honor - Police and sheriff - Legislators and officials - Volunteers - Victims and survivors - Amateur radio operators - Alumni....989
§47-1135.3. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation....1002
§47-1135.4. Personalized license plates....1013
§47-1135.5. Special license plates - Demonstration of support and financial assistance to specific causes....1014
§47-1135.6. National Association for Stock Car Auto Racing Driver (NASCAR) Theme License Plates. 1039

§47-1135.7. Authorization to design and issue special license plates.....1039
§47-1135.8. License Plate Special Program Assistance Revolving Fund.....1042
§47-1135.9. Authority to enter into contract with private vendor.....1042
§47-1136. Repealed by Laws 2004, c. 504, § 22, eff. July 1, 2004.....1044
§47-1136.1. Repealed by Laws 2004, c. 504, § 23, eff. July 1, 2004.....1063
§47-1136.2. Former military vehicles.....1064
§47-1137. Repealed by Laws 1990, c. 315, § 10, eff. July 1, 1990.....1065
§47-1137.1. Used dealer temporary license plate - Certificate of title - Tax stamp - Registration and title - Nonresident purchasers.....1065
§47-1137.2. Issuance of dealer license plates - Authority of Commission.....1068
§47-1137.3. Registration and licensing of new motor vehicle, trailer or commercial trailer - Temporary license plate - Unlawful acts and penalties.....1068
§47-1138. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.....1069
§47-1139. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.....1069
§47-1139.1. Lease agreements involving counties - Fee exemption.....1069
§47-1140. Qualifications and requirements of motor license agent - Appointment - Vacancies - Felonies - Collection of fees and taxes.....1069
§47-1140.1. Cameras for certain motor license agents.....1073
§47-1141. Falsely advertising as authorized motor license agent - Penalty.....1073
§47-1141.1. Retention of taxes and fees.....1074
§47-1142. Motor license agent accounts.....1076
§47-1142.1. Carrying on or compensating messenger, courier or pick up and delivery service - Penalty.....1079
§47-1143. Compensation of motor license agents - Mail order vehicle registration notification program - Apportionment of funds - Failure to receive registration notification - Bond.....1080
§47-1143.1. Oklahoma Motor License Agent Indemnity Fund.....1081
§47-1143.2. Additional duties and functions of motor license agents - Fees.....1083
§47-1144. Methods of payment of fees and taxes - Hours of operation of agent's office.....1084
§47-1145. Repealed by Laws 2001, c. 439, § 3, eff. July 1, 2001.....1085
§47-1146. Audit and review - Public inspection of records.....1085
§47-1146.1. Repealed by Laws 1993, c. 300, § 4, eff. Sept. 1, 1993.....1086
§47-1146.2. Instructions or advice to motor vehicle agents.....1086
§47-1147. Designating office of county treasurer as motor license agent.....1086
§47-1148. Local authorities - Powers.....1086
§47-1149. Tax Commission - Powers.....1087
§47-1150. Certain persons authorized to administer oaths.....1087
§47-1151. Offenses and penalties enumerated.....1087
§47-1151.1. Repealed by Laws 2004, c. 418, § 29, eff. July 1, 2004.....1092
§47-1151.2. Renumbered as § 1116.2 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.....1093
§47-1151.3. Mini-truck registration and operation.....1093
§47-1151.4. Medium-speed electric vehicles - Titling and registration - Operation on roadways.. 1093
§47-1152. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.....1094
§47-1153. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.....1094
§47-1154. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.....1094
§47-1155. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.....1094
§47-1161. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....1094
§47-1162. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....1094
§47-1163. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....1094
§47-1164. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....1094
§47-1165. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.....1094

§47-1166. Transfer of powers, duties and responsibilities of Motor Vehicle Enforcement Section to Corporation Commission - Records, property pending matters - Funds - Timing - Employees - Rules. 1094
§47-1167. Rules to establish fees, fines and penalties - Adjudication of enforcement actions - Apportionment of revenue - Revolving funds.....1096
§47-1168. Transfer of facilities and equipment to determine vehicle weight and funds to Department of Transportation - Agreement with Corporation Commission.....1097
§47-1169. Revocation, suspension, or denial of license, permit, registration or certificate - Interest or penalties - Presentation of altered or fraudulent credentials or documents.....1098
§47-1170. Confidentiality of reports - Disclosure of information.....1099
§47-1171. Repealed by Laws 2001, c. 355, § 21, emerg. eff. June 1, 2001.....1101
§47-1172. Repealed by Laws 1989, c. 218, § 6, emerg. eff. May 9, 1989.....1101
§47-1200. Oklahoma Weigh Station Act of 2012.....1101
§47-1201. Definitions.....1101
§47-1202. Maintenance and operations of fixed facilities - Enforcement.....1102
§47-1203. Citations for motor vehicle violations - Multiple violations in the same day prohibited. 1103
§47-1501. Short title.....1103
§47-1502. Definitions.....1103
§47-1503. Ownership and operation of chop shop - Alteration of vehicle identification number - Purchase or sale of parts from altered vehicle - Exceptions - Attempt - Conspiracy - Solicitation - Aiding and abetting - Accessory after fact - Penalties - Sentence - Restitution.....1104
§47-1504. Seizure without process of tool, implement, or instrumentality of offense - Disposition of seized property.....1107
§47-1505. Property subject to forfeiture - Determination of identity of rightful owner - Disposition of forfeited property - Issuance of new certificate of title or salvage certificate.....1108
§47-1506. Civil proceedings - Remedies - Treble damages - Estoppel - Limitations - Service of process. 1112
§47-1507. Repealed by Laws 1988, c. 201, § 15, eff. Nov. 1, 1988.....1114
§47-1508. Power of Attorney General or district attorney.....1114
§47-1601. Short title.....1114
§47-1602. Definitions.....1114
§47-1603. Participation in refueling service program.....1114
§47-1604. Repealed by Laws 2007, c. 62, § 39, emerg. eff. April 30, 2007.....1115
§47-1700. Short title - Oklahoma Driving Automation System Uniformity Act.....1115
§47-1701. Definitions.....1115
§47-1702. State law preempts county or municipality authority and supersedes county or municipality laws or ordinances.....1116

§47-1-101. Definition of words and phrases.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires or other definitions are provided. Section captions are a part of this chapter.

Added by Laws 1961, p. 315, § 1-101, eff. Sept. 1, 1961. Amended by Laws 1981, c. 295, § 1, emerg. eff. June 29, 1981.

§47-1-101.1. Ancient vehicle.

Ancient vehicle.

A motor vehicle owned by a resident of this state, which is thirty (30) years of age or older, based upon the date of manufacture thereof, and which travels on highways of this state primarily incidental to historical or exhibition purposes only.
Added by Laws 1985, c. 305, § 12, emerg. eff. July 24, 1985.

§47-1-102. Arterial street.

Any U.S. or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
Laws 1961, p. 315, § 1-102.

§47-1-103. Authorized emergency vehicles - Equipment.

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;

2. Ambulances or vehicles specified pursuant to subsection B of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed ambulance service providers;

3. State vehicles of law enforcement agencies;

4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the sheriff's office including privately owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies; provided the audible sirens and flashing red lights equipped on such privately owned vehicles are used only in a law enforcement capacity and in the course of duty;

5. Municipal vehicles of police departments;

6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;

7. Vehicles of Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or

8. Vehicles owned and operated by any local organization for emergency management as defined by Section 683.3 of Title 63 of the Oklahoma Statutes,

are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights as authorized by the provisions of Section 12-218 of this title.
Added by Laws 1961, p. 315, § 1-103, eff. Sept. 1, 1961. Amended by Laws 1976, c. 284, § 1, emerg. eff. June 17, 1976; Laws 1983, c. 220, § 1, eff. Nov. 1, 1983; Laws 1984, c. 29, § 1, eff. Nov. 1, 1984; Laws 1987, c. 74, § 1, eff. Nov. 1, 1987; Laws 1991, c. 167, § 1, eff. July 1, 1991; Laws 2003, c. 329, § 58, emerg. eff. May 29, 2003;

Laws 2005, c. 190, § 6, eff. Sept. 1, 2005; Laws 2007, c. 120, § 2, eff. Nov. 1, 2007.

§47-1-103.1. Automobile.

Automobile.

Every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation. This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and country, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

Added by Laws 1985, c. 305, § 13, emerg. eff. July 24, 1985.

§47-1-103.2. Autocycle

A. An autocycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Three wheels in contact with the ground, but excluding a tractor;

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Article II et seq. of Chapter 12 of this title, with respect to equipment on vehicles.

B. An autocycle shall be registered as a motor vehicle.

C. The operator of an autocycle shall not be required to have an "M" endorsement on the Class D License pursuant to Section 6-110.1 of this title.

Added by Laws 2015, c. 148, § 1, eff. Nov. 1, 2015. Amended by Laws 2016, c. 223, § 1, eff. Nov. 1, 2016.

§47-1-104. Bicycle, electric-assisted bicycle, and motorized bicycle.

A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

1. Two or three wheels; and

2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

a. "Class 1 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour,

b. "Class 2 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour, and

c. "Class 3 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and

3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

Added by Laws 1961, p. 315, § 1-104, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 1, eff. Nov. 1, 2003; Laws 2004, c. 521, § 1, eff. Nov. 1, 2004; Laws 2006, c. 173, § 1, eff. July 1, 2006; Laws 2007, c. 330, § 1; Laws 2012, c. 319, § 1, eff. Nov. 1, 2012; Laws 2019, c. 43, § 1, eff. Nov. 1, 2019.

§47-1-105. Bus.

"Bus" shall mean every motor vehicle designed for carrying more than eight passengers and used for the transportation of persons; and every motor vehicle designed and used for the transportation of persons for compensation. As used in this section, "Bus" shall not include a vehicle authorized for use pursuant to the Oklahoma

Transportation Network Company Services Act as defined in Section 1011 of this title.
Added by Laws 1961, p. 316, § 1-105. Amended by Laws 2017, c. 122, § 1, eff. Nov. 1, 2017.

§47-1-105.1. Church bus.

Church bus.

A "church bus" is any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities.
Added by Laws 2003, c. 411, § 2, eff. Nov. 1, 2003.

§47-1-106. Business district.

The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.
Laws 1961, p. 316, § 1-106.

§47-1-107. Cancellation of driver's license.

The annulment or termination by formal action of the Department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.
Laws 1961, p. 316, § 1-107.

§47-1-107.1. Class A commercial motor vehicle.

Class A Commercial Motor Vehicle.

Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds.
Added by laws 1990, c. 219, § 1, eff. Jan 1, 1991.

§47-1-107.2. Class B commercial motor vehicle.

Class B Commercial Motor Vehicle.

Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six

thousand one (26,001) or more pounds and designed to transport sixteen or more persons, including the driver.
Added by Laws 1990, c. 219, § 2, eff. Jan. 1, 1991.

§47-1-107.3. Class C commercial motor vehicle.
Class C Commercial Motor Vehicle.

Any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined in this title, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or

2. Designed by the manufacturer to transport sixteen or more persons, including the driver.

Added by Laws 1990, c. 219, § 3, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 1, eff. July 1, 1992.

§47-1-107.4. Class D motor vehicle.

CLASS D MOTOR VEHICLE

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:

a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or

b. is designed and used solely as a recreational vehicle;

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,

b. it is controlled and operated by a farmer, his or her family or employees,

c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,

d. it is not used in the operations of a common or contract motor carrier, and

e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or

b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

Added by Laws 1990, c. 219, § 4, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 1, emerg. eff. May 7, 1991; Laws 1991, c. 335, § 12, emerg. eff. June 15, 1991; Laws 1997, c. 193, § 5, eff. Nov. 1, 1997; Laws 2002, c. 397, § 3, eff. Nov. 1, 2002; Laws 2009, c. 388, § 1, eff. Nov. 1, 2009; Laws 2010, c. 228, § 1, eff. Nov. 1, 2010.

NOTE: Laws 1991, c. 63, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1-108. Commercial operator or driver.

Commercial Operator or Driver.

Every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title.

Added by Laws 1961, p. 316, § 1-108, eff. Sept. 1, 1961. Amended by Laws 1969, c. 123, § 1, emerg. eff. April 3, 1969; Laws 1995, c. 23, § 1, eff. Nov. 1, 1995.

§47-1-108.1. Tillerman.

"Tillerman" shall mean every person who is physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall possess the appropriate class of license for the vehicle being operated as required by Section 6-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2017, c. 65, § 1, eff. Nov. 1, 2017.

§47-1-108.2. Steerman.

"Steerman" shall mean every person who is not physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall be exempt from the requirement to possess a Class A, B or C

commercial driver license and shall only be required to possess a valid driver license.
Added by Laws 2017, c. 66, § 1, eff. Nov. 1, 2017.

§47-1-109. Commissioner.
The Commissioner of the Department of Public Safety of the State of Oklahoma.
Laws 1961, p. 316, § 1-109.

§47-1-110. Controlled - Access highway.
Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
Laws 1961, p. 316, § 1-110.

§47-1-111. Cross walk.
(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
Laws 1961, p. 316, § 1-111.

§47-1-112. Dealer.
Every person engaged in the business of buying, selling or exchanging vehicles of a type to be registered hereunder and who has an established place of business for such purpose in this state.
Laws 1961, p. 316, § 1-112.

§47-1-113. Department.
The Department of Public Safety of this state, acting directly or through its duly authorized officers and agents.
Laws 1961, p. 316, § 1-113.

§47-1-114. Driver and driver license.
A. "Driver" means any person who drives, operates or is in actual physical control of a vehicle.
B. "Driver license" means a document issued by the Department of Public Safety or the driver licensing agency of another state or country which grants to the person named thereon the privilege to drive, operate or be in actual physical control of a motor vehicle. The term shall include an intermediate Class D driver license, a learner permit and commercial learner permit.

Added by Laws 1961, p. 316, § 1-114. Amended by Laws 2013, c. 259, § 1, eff. Nov. 1, 2013.

§47-1-114A. Electric personal assistive mobility device.

Electric Personal Assistive Mobility Device.

"Electric personal assistive mobility device" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

Added by Laws 2002, c. 58, § 1, emerg. eff. April 11, 2002.

§47-1-115. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-116. Established place of business.

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

Laws 1961, p. 316, § 1-116.

§47-1-117. Explosives.

Explosives shall have the same meaning as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 316, § 1-117, eff. Sept. 1, 1961. Amended by Laws 1992, c. 192, § 5, emerg. eff. May 11, 1992; Laws 2004, c. 390, § 2, eff. July 1, 2004.

§47-1-118. Farm tractor.

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

Laws 1961, p. 317, § 1-118. d

§47-1-119. Flammable substance.

Flammable substance shall include any liquid, gas, or other material as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 317, § 1-119, eff. Sept. 1, 1961. Amended by Laws 2004, c. 390, § 3, eff. July 1, 2004.

§47-1-120. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-120.1. Gross combination weight rating (GCWR).

Gross Combination Weight Rating (GCWR).

The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value

specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon.
Added by Laws 1990, c. 219, § 5, eff. Jan. 1, 1991.

§47-1-121. Gross vehicle weight rating (GVWR).
Gross Vehicle Weight Rating (GVWR).
The gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.
Amended by Laws 1990, c. 219, § 6, eff. Jan. 1, 1991.

§47-1-122. Highway.
The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
Laws 1961, p. 317, § 1-122.

§47-1-123. Manufactured home.
"Manufactured home" means and includes every vehicle defined as a manufactured home in paragraph 14 of Section 1102 of this title.
Added by Laws 1961, p. 317, § 1-123, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 4; Laws 2005, c. 50, § 1, eff. Nov. 1, 2005.

§47-1-124. Identifying number.
The numbers, and letters if any, on a vehicle designated by the Oklahoma Tax Commission for the purpose of identifying the vehicle.
Laws 1961, p. 317, § 1-124.

§47-1-125. Implement of husbandry.
Implement of Husbandry. Every device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if operated upon the highways.
1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this title.
2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this

title. Provided, no truck or semitrailer with an axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways of this state shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title.

Added by Laws 1961, p. 317, § 1-125, eff. Sept. 1, 1961. Amended by Laws 1970, c. 163, § 1, emerg. eff. April 9, 1970; Laws 1993, c. 211, § 1, eff. Sept. 1, 1993; Laws 1995, c. 27, § 1, eff. July 1, 1995; Laws 2001, c. 112, § 1, emerg. eff. April 18, 2001.

§47-1-126. Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laws 1961, p. 317, § 1-126.

§47-1-127. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-128. License to operate a motor vehicle.

License to operate a motor vehicle.

A. Any valid driver license or permit to operate a motor vehicle issued under the laws of this state including any temporary license or instruction permit, the lawful possession of which by a resident of this state shall be evidence that the resident has been granted the privilege to operate a motor vehicle.

B. Any nonresident's operating privilege as defined in Section 1-138 of this title, which is evidenced by the lawful possession of a valid driver license or permit to operate a motor vehicle issued under the laws of another state.

Added by Laws 1961, p. 317, § 1-128, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 2, eff. Nov. 1, 1995.

§47-1-129. Lienholder.

A person holding a security interest in a vehicle.
Laws 1961, p. 318, § 1-129.

§47-1-130. Local authorities.
Every county, municipal and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of this state.
Laws 1961, p. 318, § 1-130.

§47-1-131. Mail.
To deposit in the United States mails properly addressed and with postage prepaid.
Laws 1961, p. 318, § 1-131.

§47-1-132. Manufacturer.
Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.
Laws 1961, p. 318, § 1-132.

§47-1-133. Metal tire.
Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
Laws 1961, p. 318, § 1-133.

§47-1-133.1. Repealed by Laws 2004, c. 521, § 20, eff. Nov. 1, 2004.

§47-1-133.2. Moped.
Moped.
A "moped" is any motor-driven cycle with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty-five (35) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters, and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
Added by Laws 2003, c. 411, § 4, eff. Nov. 1, 2003. Amended by Laws 2019, c. 315, § 1, eff. Nov. 1, 2019.

§47-1-133.3. Motorized scooter.
Motorized scooter.
A. A “motorized scooter” is any vehicle having:
1. Not more than three wheels in contact with the ground;
2. Handlebars and a foot support or seat for the use of the operator;

3. A power source that is capable of propelling the vehicle at a maximum design speed of not more than twenty-five (25) miles per hour on level ground, and:

a. if the power source is a combustion engine, has a piston or rotor displacement of thirty-five cubic centimeters (35 cu cm) or less regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of not more than one thousand (1,000) watts.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered under the laws of this state. The operator of a motorized scooter shall not be required to possess a driver license or to comply with the vehicle insurance or financial responsibility laws of this state.
Added by Laws 2003, c. 411, § 5, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 2, eff. Nov. 1, 2004.

§47-1-134. Motor vehicle.

Motor vehicle.

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or

2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title;

4. Vehicles moved solely by human or animal power; or

5. Electric-assisted bicycles as defined in Section 1-104 of this title.

Added by Laws 1961, p. 318, § 1-134, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 1; Laws 1981, c. 103, § 1; Laws 2002, c. 58, § 2, emerg. eff. April 11, 2002; Laws 2003, c. 411, § 6, eff. Nov. 1, 2003; Laws 2005, c. 50, § 2, eff. Nov. 1, 2005; Laws 2019, c. 43, § 2, eff. Nov. 1, 2019.

§47-1-134.1. Low-speed electrical vehicle.

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from

rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500.
Added by Laws 2001, c. 243, § 1, eff. Nov. 1, 2001.

§47-1-135. Motorcycle.

Motorcycle.

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Not more than three wheels in contact with the ground, but excluding a tractor; and

3. A combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater.

Added by Laws 1961, p. 318, § 1-135, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 2; Laws 2004, c. 521, § 3, eff. Nov. 1, 2004; Laws 2010, c. 228, § 2, eff. Nov. 1, 2010.

§47-1-136. Motor-driven cycle.

Motor-driven cycle.

A motor-driven cycle is any motor vehicle having:

1. A power source that:

a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cu cm) but less than one hundred fifty cubic centimeters (150 cu cm) regardless of the number of chambers in the power source,

b. if the power source is electric, has a power output of greater than one thousand (1,000) watts; and

2. A seat or saddle for the use of each rider; and

3. Not more than three wheels in contact with the ground.

Added by Laws 1961, p. 318, § 1-136, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 3; Laws 1981, c. 103, § 2; Laws 1985, c. 305, § 10, emerg. eff. July 24, 1985; Laws 2003, c. 411, § 7, eff. Nov. 1, 2003; Laws 2004, c. 521, § 4, eff. Nov. 1, 2004.

§47-1-136.1. Repealed by Laws 2005, c. 394, § 19, emerg. eff. June 6, 2005.

§47-1-136.2. Repealed by Laws 2004, c. 521, § 21, eff. Nov. 1, 2004.

§47-1-136.3. Motorized wheelchair.

Motorized wheelchair.

A motorized wheelchair is any self-propelled vehicle, designed for and used by a person with a disability, that is incapable of a speed in excess of eight (8) miles per hour.

Added by Laws 2003, c. 411, § 8, eff. Nov. 1, 2003.

§47-1-137. Nonresident.

Every person who is not a resident of this state.

Laws 1961, p. 318, § 1-137.

§47-1-138. Nonresident's operating privilege.

The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Laws 1961, p. 318, § 1-138.

§47-1-139. Official traffic - Control devices.

All signs, barricades, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Laws 1961, p. 318, § 1-139.

§47-1-140. Operator or driver.

Operator or Driver.

Every person, including a commercial operator or driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Added by Laws 1961, p. 318, § 1-140, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 3, eff. Nov. 1, 1995.

§47-1-140.1. "Other intoxicating substance" defined.

For purposes of this title, "other intoxicating substance" means any controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.

Added by Laws 1999, c. 106, § 1 emerg. eff. April 19, 1999.

§47-1-141. Owner.

A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such

conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.
Laws 1961, p. 318, § 1-141.

§47-1-142. Park, parking, and public parking lot.
(a) Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
(b) A public parking lot is any parking lot on right-of-way dedicated to public use or owned by the state or a political subdivision thereof.
Laws 1961, p. 318, § 1-142; Laws 1968, c. 148, § 1, emerg. eff. April 9, 1968.

§47-1-143. Pedestrian.
Any person afoot.
Laws 1961, p. 318, § 1-143.

§47-1-144. Person.
Every natural person, firm, copartnership, association or corporation.
Laws 1961, p. 318, § 1-144.

§47-1-145. Pneumatic tire.
Every tire in which compressed air is designed to support the load.
Laws 1961, p. 319, § 1-145.

§47-1-146. Pole trailer.
Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
Laws 1961, p. 319, § 1-146.

§47-1-147. Police officer.
Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of state traffic laws and municipal ordinances.
Laws 1961, p. 319, § 1-147.

§47-1-148. Private road or driveway.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
Laws 1961, p. 319, § 1-148.

§47-1-149. Railroad.
Railroad.
A carrier of persons or property upon cars operated upon stationary rails.
Added by Laws 1961, p. 319, § 1-149. Amended by Laws 2001, c. 131, § 1, eff. July 1, 2001.

§47-1-150. Railroad sign or signal.
Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
Laws 1961, p. 319, § 1-150.

§47-1-151. Railroad train.
Railroad train.
A steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails.
Added by Laws 1961, p. 319, § 1-151. Amended by Laws 2001, c. 131, § 2, eff. July 1, 2001.

§47-1-152. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-152.1. Recreational vehicle.
Recreational Vehicle.
For the sole purpose of the classification of vehicles as provided in Sections 1-107.1 through 1-107.4 of this title, a recreational vehicle shall be deemed to be a Class D motor vehicle, provided such vehicle is a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.
Added by Laws 1990, c. 219, § 7, eff. June 1, 1990. Amended by Laws 1995, c. 23, § 4, eff. Nov. 1, 1995.

§47-1-153. Registration.
The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.
Laws 1961, p. 319, § 1-153.

§47-1-154. Residence district.

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.
Laws 1961, p. 319, § 1-154.

§47-1-155. Revocation of driving privilege.
The termination by formal action of the Department of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.
Laws 1961, p. 319, § 1-155, eff. Sept. 1, 1961; Laws 1994, c. 218, § 1, eff. April 1, 1995.

§47-1-156. Right-of-way.
The privilege of the immediate use of the roadway.
Laws 1961, p. 319, § 1-156.

§47-1-157. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-158. Roadway and shoulder.
(a) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
(b) Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
Laws 1961, p. 319, § 1-158.

§47-1-159. Safety zone.
The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
Added by Laws 1961, p. 319, § 1-159, eff. Sept. 1, 1961.

§47-1-160. School bus.
Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, provided, however, that this definition of school bus shall not be extended to include buses normally used in city transit which may be used part time for

transportation of school children within such cities during some portion of the day.
Added by Laws 1961, p. 319, § 1-160, eff. Sept. 1, 1961.

§47-1-161. Security.
Cash, certificates of deposit issued by financial institutions located within the state, or corporate security bond deposited with the Commissioner of Public Safety to secure payment of a judgment or judgments arising out of a motor vehicle accident which occurred prior to the demand for posting of security.
Added by Laws 1961, p. 320, § 1-161, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 1, eff. July 1, 1998.

§47-1-162. Semitrailer.
Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
Laws 1961, p. 320, § 1-162.

§47-1-163. Sidewalk.
That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
Laws 1961, p. 320, § 1-163.

§47-1-164. Solid tire.
Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
Laws 1961, p. 320, § 1-164.

§47-1-165. Special mobilized machinery.
Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, which cannot be divided for all practical purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the motor vehicle license and registration.
Laws 1961, p. 320, § 1-165; Laws 1970, c. 61, § 1, emerg. eff. March 16, 1970.

§47-1-166. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-167. Stand or standing.

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Laws 1961, p. 320, § 1-167.

§47-1-168. State.

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Laws 1961, p. 320, § 1-168.

§47-1-169. Stop.

When required means complete cessation from movement.

Laws 1961, p. 320, § 1-169.

§47-1-170. Stop or stopping.

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control sign or signal.

Laws 1961, p. 320, § 1-170.

§47-1-171. Street.

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Laws 1961, p. 320, § 1-171.

§47-1-172. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-173. Suspension of driving privilege.

The temporary withdrawal by formal action of the Department of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.

Laws 1961, p. 320, § 1-173, eff. Sept. 1, 1961; Laws 1994, c. 218, § 2, eff. April 1, 1995.

§47-1-173.1. Tank vehicle.

Tank Vehicle.

Any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen (119) gallons and an

aggregate rated capacity of one thousand (1,000) or more gallons that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part 171; provided, a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle.
Added by Laws 1990, c. 219, § 8, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 2, eff. July 1, 1992; Laws 2012, c. 207, § 1, emerg. eff. May 8, 2012.

§47-1-174. Taxicab.

Taxicab shall mean and include any motor vehicle for hire, designed to carry eight (8) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. This classification shall not include:

1. Motor vehicles of eight-passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan";

3. Motor vehicles transporting students from the public school system when the motor vehicle is so transporting under contract with public, private or parochial school board or governing body, or

4. Motor vehicles operating pursuant to the Oklahoma Transportation Network Company Act as provided for in Section 1011 of this title.

Added by Laws 1961, p. 320, § 1-174, eff. Sept. 1, 1961. Amended by Laws 1993, c. 11, § 1, eff. Sept. 1, 1993; Laws 2017, c. 67, § 1, eff. Nov. 1, 2017.

§47-1-175. Through highway.

Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

Laws 1961, p. 321, § 1-175.

§47-1-176. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-177. Traffic.

Traffic.

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any highway for purposes of travel.

Added by Laws 1961, p. 321, § 1-177. Amended by Laws 2001, c. 131, § 3, eff. July 1, 2001.

§47-1-178. Traffic control signal.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Laws 1961, p. 321, § 1-178.

§47-1-179. Traffic lane.

The portion of the traveled way for the movement of a single line of vehicles.

Laws 1961, p. 321, § 1-179.

§47-1-180. Trailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, provided however, the definition of trailer herein shall not include implements of husbandry as defined in Section 1-125 of this chapter.

Laws 1961, p. 321, § 1-180.

§47-1-181. Transporter.

Transporter.

Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer or from the place of business of a dealer, sales agent or auto auction to a place of business of the same or another dealer, sales agent or auto auction.

Added by Laws 1961, p. 321, § 1-181. Amended by Laws 1999, c. 125, § 1, emerg. eff. April 26, 1999.

§47-1-181.1. Travel trailer.

Travel Trailer.

Any vehicular portable structure built on a chassis which is not propelled by its own power but is towed by another vehicle and is

used as a temporary dwelling for travel, recreational or vacational use. A travel trailer shall have a body width not exceeding eight (8) feet in travel mode and an overall length not exceeding forty (40) feet, including the hitch or coupling.
Added by Laws 1990, c. 219, § 9, eff. June 1, 1990.

§47-1-182. Truck.
Every motor vehicle designed, used or maintained primarily for the transportation of property.
Laws 1961, p. 321, § 1-182.

§47-1-183. Truck tractor.
(a) Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and
(b) For the purposes of paragraph 3 of subsection (c) of Section 14-103 of this title, the term truck-tractor shall also include oil field rig-up trucks when towing a trailer or semitrailer.
Amended by Laws 1985, c. 290, § 1, operative July 1, 1985.

§47-1-184. Turnpike and turnpike authority.
Turnpike and Turnpike Authority.
A. The words "Turnpike Authority", “Transportation Authority”, or "Authority" shall mean the Oklahoma Transportation Authority, created by Section 1703 of Title 69 of the Oklahoma Statutes, or, if the Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.
B. A turnpike is a limited access grade separated expressway financed and operated by the Oklahoma Transportation Authority upon which a toll is charged for the use thereof.
Added by Laws 1961, p. 321, § 1-184. Amended by Laws 2001, c. 131, § 4, eff. July 1, 2001.

§47-1-185. Urban district.
The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.
Laws 1961, p. 321, § 1-185.

§47-1-186. Vehicle.
Vehicle.
A. A vehicle is any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
B. As used in this title, the term "vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices, as defined in Section 1-114A of this title; or

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title.

Added by Laws 1961, p. 321, § 1-186, eff. Sept. 1, 1961. Amended by Laws 2002, c. 58, § 3, emerg. eff. April 11, 2002; Laws 2003, c. 411, § 9, eff. Nov. 1, 2003; Laws 2005, c. 50, § 3, eff. Nov. 1, 2005.

§47-2-101. Creation of Department of Public Safety and Office of Commissioner of Public Safety - Powers and authority - Chief officer - Services for Governor and Lieutenant Governor.

(a) A department of the government of this state to be known as the "Department of Public Safety" is hereby created, and offices for the Department shall be furnished by the Office of Management and Enterprise Services. The Department of Public Safety shall be under the control and supervision of the Commissioner of Public Safety, which office and position is hereby created.

The Commissioner shall have such powers and authority as may be granted by the provisions of the Uniform Vehicle Code or as may otherwise be provided by law.

(b) The Governor shall be the chief officer of the Department of Public Safety and the Commissioner of Public Safety shall execute the lawful orders of the Governor and shall be responsible to him for the operation and administration of said Department. The Commissioner of Public Safety shall provide personal security and protection, transportation, and communications capabilities for the Governor, the Governor's immediate family, and the Lieutenant Governor. The Commissioner is authorized to provide necessary communications equipment to said persons even if said persons are not on state property or in state vehicles. The Commissioner of Public Safety is hereby authorized to purchase or lease and equip motor vehicles for the use of the Governor and Lieutenant Governor. The purchase or lease price of any such motor vehicles and equipment shall be paid from any appropriation for motor vehicles made to the Department of Public Safety.

Added by Laws 1961, p. 322, § 2-101, eff. Sept. 1, 1961. Amended by Laws 1967, c. 35, § 1, emerge. eff. March 23, 1967; Laws 1983, c. 302, § 1, emerg. eff. June 23, 1983; Laws 1983, c. 304, § 20, eff. July 1, 1983; Laws 1986, c. 19, § 1, emerg. eff. March 17, 1986; Laws 2012, c. 304, § 159.

§47-2-102. Commissioner of Public Safety - Qualifications - Appointment - Vacancy - Expenses - Bond - Oath.

A. 1. The Department shall be under the control of an executive officer to be known as the "Commissioner of Public Safety", who shall

be appointed by the Governor with the advice and consent of the Senate.

2. The Commissioner of Public Safety shall be a professional law enforcement officer with ten (10) years' experience in the field of law enforcement or with five (5) years' experience in the field of law enforcement and a graduate of a four-year college with a degree in law enforcement administration, law, criminology or a related science.

3. Any vacancy in the office of the Commissioner shall be filled in the same manner as the original appointment is made.

4. The Commissioner shall be allowed the actual and necessary expenses incurred in the performance of official duties of the Commissioner while away from the office.

B. The Commissioner of Public Safety, after appointment and before entering upon the discharge of duties, shall take and subscribe to the oath of office required by the Constitution. Bonding of the Commissioner of Public Safety and other employees of the Department will be provided under the provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

C. The Commissioner of Public Safety shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

D. Any employee of the Department of Public Safety appointed to the position of Commissioner shall have the ability to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Commissioner, provided the employee is not otherwise disqualified due to disciplinary reasons, termination of employment or inability to effectively lead the agency.

Added by Laws 1961, p. 322, § 2-102, eff. Sept. 1, 1961. Amended by Laws 1967, c. 20, § 1, emerg. eff. Feb. 23, 1967; Laws 1970, c. 221, § 1, emerg. eff. April 15, 1970; Laws 1973, c. 224, § 1, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 1, operative July 1, 1974; Laws 1975, c. 321, § 1, operative July 1, 1975; Laws 1976, c. 242, § 1, operative July 1, 1976; Laws 1977, c. 249, § 1, operative July 1, 1977; Laws 1978, c. 209, § 1, eff. July 1, 1978; Laws 1978, c. 271, § 1, operative July 1, 1978; Laws 1979, c. 267, § 1, eff. July 1, 1979; Laws 1980, c. 350, § 1, eff. July 1, 1980; Laws 1981, c. 264, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 9, operative July 1, 1982; Laws 1983, c. 286, § 9, operative July 1, 1983; Laws 2002, c. 397, § 4, eff. Nov. 1, 2002; Laws 2003, c. 199, § 5, eff. Nov. 1, 2003; Laws 2005, c. 190, § 7, eff. Sept. 1, 2005; Laws 2018, c. 60, § 1, eff. Nov. 1, 2018.

§47-2-103. Organization of Department.

A. The Commissioner shall organize the Department of Public Safety as prescribed by law and in such manner as may be deemed necessary and proper to segregate and conduct the work of the Department. The Commissioner shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. Unless otherwise provided by law, salaries and traveling expenses of employees of the Department and the cost of equipment for the Department shall be paid from the appropriations made to the Department of Public Safety.

C. The Commissioner is authorized to purchase and maintain motor vehicles and other equipment for use by the employees of the Department.

Added by Laws 1961, p. 322, § 2-103, eff. Sept. 1, 1961. Amended by Laws 1965, c. 429, § 1, emerg. eff. July 8, 1965; Laws 1988, c. 98, § 1, operative July 1, 1988; Laws 1998, c. 32, § 1, emerg. eff. April 1, 1998; Laws 1998, c. 245, § 1, July 1, 1998.

§47-2-104. Commissioner to appoint subordinates - Salaries.

A. The Commissioner, subject to the Merit System laws, if applicable, shall appoint a Chief of Administration and such other deputies, subordinates, officers, investigators and other employees as may be necessary to implement the provisions of this title. Any employee of the Department of Public Safety appointed to the position of Chief of Administration who is otherwise statutorily eligible shall have a right to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Chief of Administration, provided the employee is not otherwise disqualified.

B. When traveling with the Governor or at his or her request:

1. Those personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, and shall receive, in addition to base salary, an additional One Hundred Seventy-five Dollars ($175.00) per month; and

2. Those personnel serving as noncommissioned pilots in the Department of Public Safety shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner.

C. Any person appointed to the position of Chief of Administration of the Department of Public Safety shall be eligible for retirement participation as a member of the Highway Patrol Division in the Oklahoma Law Enforcement Retirement System if such person at the time of appointment satisfies the age qualifications of an Oklahoma Highway Patrolman as provided in subsection B of Section 2-105 of this title, and is otherwise eligible to participate in the retirement program; otherwise, the Chief of Administration shall

participate in the Oklahoma Public Employees Retirement upon appointment. However, the Chief of Administration shall be eligible for participation in only one retirement system and shall elect in writing the system in which the Chief of Administration intends to participate.

D. The salaries of the employees of the Department of Public Safety shall be governed by and in accordance with the procedures established by the Office of Management and Enterprise Services, unless otherwise provided by law.

Added by Laws 1961, p. 323, § 2-104, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 1; Laws 1965, c. 429, § 2; Laws 1967, c. 349, § 1, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 1, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 1, eff. July 1, 1970; Laws 1971, c. 354, § 1, operative July 1, 1971; Laws 1972, c. 234, § 1, operative July 1, 1972; Laws 1973, c. 224, § 2, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 2, operative July 1, 1974; Laws 1975, c. 321, § 2, operative July 1, 1975; Laws 1976, c. 242, § 2, operative July 1, 1976; Laws 1977, c. 249, § 2, operative July 1, 1977; Laws 1978, c. 271, § 2, operative July 1, 1978; Laws 1979, c. 267, § 2, eff. July 1, 1979; Laws 1980, c. 350, § 2, eff. July 1, 1980; Laws 1981, c. 340, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 10, operative July 1, 1982; Laws 1983, c. 286, § 10, operative July 1, 1983; Laws 1986, c. 19, § 2, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 9, operative July 1, 1986; Laws 1987, c. 205, § 67, operative July 1, 1987; Laws 1989, c. 295, § 11, operative July 1, 1989; Laws 1990, c. 258, § 60, operative July 1, 1990; Laws 1998, c. 395, § 2, eff. Sept. 1, 1998; Laws 1999, c. 1, § 12, emerg. eff. Feb. 24, 1999; Laws 2002, c. 397, § 5, eff. Nov. 1, 2002; Laws 2012, c. 304, § 160; Laws 2019, c. 290, § 1, emerg. eff. May 2, 2019.

NOTE: Laws 1983, c. 302, § 2 repealed by Laws 1986, c. 19, § 7, emerg. eff. March 17, 1986. Laws 1998, c. 245, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-2-105. Personnel of Highway Patrol Division - Qualifications - Probationary period - Suspension or dismissal - Transfer - Grievances - Uniforms – Top-ranking officers - Training and expenses - Reinstatement.

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

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division, including Majors, Captains, Lieutenants, and Highway Patrolmen with the rank of Trooper, who shall comprise the Oklahoma Highway Patrol Division of the Department of Public Safety; provided, any officer appointed to a commissioned position prescribed in this paragraph which is

unclassified pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a right of return to the highest previously held classified commissioned position within the Highway Patrol Division of the Department of Public Safety without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

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

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

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

B. 1. The Commissioner, when appointing commissioned officers and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Director of the Office of Management and Enterprise Services, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner.

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

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

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

(2) shall have successfully completed thirty-two (32) semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions and have three (3) years

of honorable active military or reserve military service,

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

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

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

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

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

C. 1. Upon initial appointment to the position of Cadet Highway Patrolman or Probationary Communications Dispatcher, the appointed employee shall be required to serve an initial probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Management and Enterprise Services are notified in writing as to such action and the reasons thereof. During such probationary period, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

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

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

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

3. Commissioned officers of the Department of Public Safety are not entitled to appeal intra-agency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act unless transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma Statutes.

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

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

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

F. 1. The positions with the rank of Colonel and Lieutenant Colonel of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, years of

experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

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

a. one (1) year of experience in any combination:
   (1) as Commissioner of Public Safety,
   (2) as Assistant Commissioner of Public Safety, or
   (3) as Assistant Chief,

b. two (2) years of experience in any combination:
   (1) as Deputy Chief or higher rank, or
   (2) if the experience was prior to April 21, 2006, as Major or higher rank,

c. four (4) years of experience in any combination:
   (1) as Major or higher rank, or
   (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or

d. six (6) years of experience in any combination:
   (1) as Captain or higher rank, or
   (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

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

a. one (1) year of experience in any combination:
   (1) as Commissioner of Public Safety,
   (2) as Assistant Commissioner of Public Safety, or
   (3) as Colonel,

b. two (2) years of experience in any combination:
   (1) as Major or higher rank, or
   (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or

c. four (4) years of experience in any combination:
   (1) as Captain or higher rank, or
   (2) if the experience was prior to April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

G. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to schools such as Northwestern University Center for Public Safety, Southern Police Institute, the FBI National Academy, the Institute of Police Technology and Management, or to any other schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol Division and the Department of Public Safety. While an employee is attending a school, the Commissioner is authorized to permit the employee to use a state-owned vehicle and to use a fuel-purchasing card for any expenses related to the operation

of the vehicle. In addition, while an employee is attending the FBI National Academy, a one-time expense allowance of Two Thousand Dollars ($2,000.00) for uniforms, fees, travel, room and board, and other related expenses shall be paid to the employee by the Department; provided, the employee shall not be further compensated through the State Travel Reimbursement Act, and, if any other agency reimburses the employee for any expenses, the reimbursement shall be given to the Department. All purchases made by the employee with the expense allowance shall be considered property of the employee.

H. 1. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department or was not as a result of the retirement of that officer from the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches sixty-two (62) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner.

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

Added by Laws 1961, p. 323, § 2-105, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 2; Laws 1965, c. 108, § 1, emerg. eff. May 12, 1965; Laws 1965, c. 429, § 3, emerg. eff. July 8, 1965; Laws 1967, c. 199, §§ 1, 2; Laws 1967, c. 349, § 2, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 2, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 2, eff. July 1, 1970; Laws 1971, c. 354, § 2, operative July 1, 1971; Laws 1973, c. 224, § 6, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 3, operative July 1, 1974; Laws 1975, c. 321, § 3, operative July 1, 1975; Laws 1976, c. 242, § 3, operative July 1, 1976; Laws 1977, c. 249, § 3, operative July 1, 1977; Laws 1978, c. 271, § 3, operative July 1, 1978; Laws 1980, c. 357, § 1, eff. July 1, 1980; Laws 1981, c. 340, § 14, eff. July 1, 1981; Laws 1982, c. 352, § 11, operative July 1, 1982; Laws 1983, c. 302, § 3, emerg. eff. June 23, 1983; Laws 1984, c. 264, § 10, operative July 1, 1984; Laws 1986, c.

19, § 3, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 10, operative July 1, 1986; Laws 1989, c. 295, § 12, operative July 1, 1989; Laws 1990, c. 315, § 1, eff. July 1, 1990; Laws 1992, c. 2, § 1, emerg. eff. March 18, 1992; Laws 1994, c. 218, § 3, eff. July 1, 1994; Laws 1998, c. 245, § 3, eff. July 1, 1998; Laws 2000, c. 195, § 1, eff. July 1, 2000; Laws 2000, c. 378, § 1, eff. Jan. 1, 2001; Laws 2001, c. 435, § 1, eff. July 1, 2001; Laws 2003, c. 461, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 29, emerg. eff. March 1, 2004; Laws 2004, c. 418, § 3, eff. July 1, 2004; Laws 2006, c. 81, § 1, emerg. eff. April 21, 2006; Laws 2007, c. 62, § 6, emerg. eff. April 30, 2007; Laws 2009, c. 310, § 1, eff. July 1, 2009; Laws 2010, c. 60, § 1, eff. Nov. 1, 2010; Laws 2011, c. 104, § 1, eff. Nov. 1, 2011; Laws 2012, c. 304, § 161; Laws 2014, c. 228, § 1, eff. July 1, 2014; Laws 2017, c. 282, § 1, eff. Nov. 1, 2017.
NOTE: Laws 2003, c. 279, § 1 repealed by Laws 2004, c. 5, § 30, emerg. eff. March 1, 2004.

§47-2-105.1. Repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-2-105.2. Highway Patrol Academies.

The Department of Public Safety is authorized to conduct Highway Patrol Academies as may be required and within the funds available to the Department. Provided, however, that no such academy shall be commenced nor shall any funds be expended for an academy until:

1. The academy has been approved for implementation by the Contingency Review Board; or

2. The Legislature has authorized the academy.

Added by Laws 1981, c. 264, § 8, emerg. eff. June 25, 1981. Amended by Laws 2001, c. 89, § 1, eff. July 1, 2001; Laws 2003, c. 279, § 2, emerg. eff. May 26, 2003.

§47-2-105.3. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-105.3a. Executive security.

A. Upon receipt from the Oklahoma State Bureau of Investigation of an investigative report pursuant to paragraph 9 of Section 150.2 of Title 74 of the Oklahoma Statutes, the Commissioner of Public Safety or a designee shall determine what, if any, executive security will be provided to the official by the Department of Public Safety. Nothing in this subsection shall preclude the Commissioner from providing temporary executive security to an official of this state or of any political subdivision of the state, if essential, prior to the receipt of the investigative report from the Oklahoma State Bureau of Investigation.

B. The Commissioner of Public Safety may, upon the request of a state agency head, appoint and commission qualified individuals to

provide executive security for that agency. The Commissioner shall determine the qualifications of the individuals, the authority level and the time period for the appointment and commission.

C. The Commissioner of Public Safety shall, at the direction of the Governor, provide executive security for political candidates, foreign elected or appointed officials, visiting public officials, or any other person for whom executive security is deemed necessary by the Governor.

Added by Laws 1996, c. 281, § 2, emerg. eff. June 5, 1996. Amended by Laws 2003, c. 199, § 6, eff. Nov. 1, 2003.

§47-2-105.4. Salaries.

A. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title.

B. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers in the Highway Patrol Division of the Department of Public Safety.

C. Nothing in this section shall be construed to prohibit a reduction in pay or salary due to involuntary leave without pay as authorized in Section 840-2.27C of Title 74 of the Oklahoma Statutes.

Added by Laws 1988, c. 290, § 21, operative July 1, 1988. Amended by Laws 1989, c. 295, § 13, operative July 1, 1989; Laws 1990, c. 258, § 59, operative July 1, 1990; Laws 1992, c. 118, § 1, emerg. eff. April 23, 1992; Laws 1992, c. 367, § 20, eff. July 1, 1992; Laws 1993, c. 190, § 1, emerg. eff. May 24, 1993; Laws 1994, c. 239, § 1; Laws 1996, c. 57, § 3, eff. July 1, 1996; Laws 1996, c. 300, § 1, eff. July 1, 1996; Laws 1997, c. 201, § 1, eff. Nov. 1, 1997; Laws 1998, c. 245, § 4, eff. Jan. 1, 1999; Laws 1999, c. 120, § 1, emerg. eff. April 26, 1999; Laws 2000, c. 37, § 10, eff. Oct. 1, 2000; Laws 2001, c. 435, § 2, eff. July 1, 2001; Laws 2004, c. 161, § 1, eff. Jan. 1, 2005; Laws 2006, c. 81, § 2, eff. April 21, 2006; Laws 2006, 2nd Ex.Sess., c. 83, § 2, eff. Oct. 1, 2006; Laws 2011, c. 335, § 2; Laws 2014, c. 135, § 1, eff. July 1, 2014.

§47-2-105.4A. Size and Weight Enforcement Section of Oklahoma Highway Patrol Division created - Additional members of Highway Patrol - Purchase and maintenance of vehicles and equipment - Training.

There is hereby created within the Oklahoma Highway Patrol Division the Size and Weight Enforcement Section. The Commissioner of Public Safety shall employ a minimum of twenty-five additional members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants and shall assign the twenty-five members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants to the Size and Weight Enforcement Section. The Size and Weight Enforcement Section shall have the primary duty of the enforcement of the provisions of Section 14-101 et seq. of this title.

Said Commissioner shall purchase and maintain the necessary motor vehicle equipment, portable scales and other items of equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of Section 14-101 et seq. of this title.

Added by Laws 1949, p. 321, § 11, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 1, emerg. eff. June 5, 1957; Laws 1967, c. 369, § 3, emerg. eff. May 22, 1967; Laws 1971, c. 129, § 1, emerg. eff. May 5, 1971; Laws 1979, c. 267, § 4, eff. July 1, 1979; Laws 1982, c. 352, § 17, emerg. eff. June 2, 1982; Laws 1992, c. 195, § 1, eff. July 1, 1992. Renumbered from § 116.11 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001. Amended by Laws 2015, c. 99, § 1, eff. Nov. 1, 2015.

§47-2-105.4B. Bomb Squad Section.

A. There is hereby created within the Highway Patrol Division the Bomb Squad Section which shall consist of such employees the Commissioner of Public Safety deems necessary to carry out the provisions of Section 122.2 of Title 63 of the Oklahoma Statutes.

B. The Commissioner is authorized to purchase and maintain necessary equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of this section.

Added by Laws 2003, c. 168, § 4, eff. July 1, 2003.

§47-2-105.4C. Authorization to engage in part-time employment.

Any Highway Patrol officer or other law enforcement officer employed as a full-time-equivalent (FTE) of the Department of Public Safety and otherwise prohibited by law or Department policy from obtaining part-time employment as a law enforcement officer with any other law enforcement agency shall hereby be authorized to engage in such part-time employment for the duration of any furlough period imposed by the Commissioner of Public Safety or otherwise required by law. Any previous restriction on such officers relating to outside employment shall be reinstated no longer than two weeks following the end of any furlough status as determined by the Commissioner of Public Safety.

Added by Laws 2010, c. 72, § 1, emerg. eff. April 9, 2010.

§47-2-105.5. Controlled substance screenings of applicants.

All applicants, including reinstatements, for all commissioned officer positions within the Department of Public Safety shall, prior to initial appointment or reinstatement, be required to submit to and successfully pass a controlled substance screening conducted by a National Institute on Drug Abuse (NIDA) certified laboratory. The Commissioner of Public Safety shall establish the necessary procedures to implement this requirement; provided, the results of any such screening shall be considered exempt law enforcement records as prescribed in Section 24A.8 of Title 51 of the Oklahoma Statutes. The Commissioner of Public Safety is authorized to expend the funds necessary to accomplish these screenings.

Added by Laws 1990, c. 315, § 2, eff. July 1, 1990. Amended by Laws 1998, c. 245, § 5, eff. July 1, 1998; Laws 2004, c. 418, § 5, eff. July 1, 2004.

§47-2-105.6. Marine Enforcement Section - Powers, duties, responsibilities and authority - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Marine Enforcement Section which shall consist of such employees as may be necessary to enforce the provisions of Section 4001 et seq., Section 4101 et seq., and Section 4200 et seq. of Title 63 of the Oklahoma Statutes. All commissioned officers of the Marine Enforcement Section as designated by the Commissioner shall have the authority to stop and board any vessel subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes and make any necessary arrest for violations of Section 4001 et seq. of Title 63 of the Oklahoma Statutes or the rules promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority. Any statutory references to the Oklahoma Lake Patrol Division or the Lake Patrol Section of the Oklahoma Highway Patrol Division shall mean the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

B. All commissioned officers of the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner.

C. The annual salaries for the commissioned officers within the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with Section 2-105.4 of this title.

D. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the

Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.
Added by Laws 1998, c. 245, § 6, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 11, eff. Oct. 1, 2000; Laws 2000, c. 195, § 2, eff. July 1, 2000; Laws 2001, c. 435, § 3, eff. July 1, 2001; Laws 2004, c. 161, § 2, eff. Jan. 1, 2005; Laws 2005, c. 1, § 44, emerg. eff. March 15, 2005; Laws 2006, c. 81, § 3, eff. April 21, 2006; Laws 2006, 2nd Ex. Sess., c. 83, § 3, eff. Oct. 1, 2006; Laws 2011, c. 104, § 2, eff. Nov. 1, 2011; Laws 2015, c. 99, § 2, eff. Nov. 1, 2015.
NOTE: Laws 2004, c. 364, § 1 repealed by Laws 2005, c. 1, § 45, emerg. eff. March 15, 2005.

§47-2-105.6A. Repealed by Laws 2003, c. 461, § 20, eff. July 1, 2003.

§47-2-105.7. Capitol Patrol Section - Authority - Reclassification - Salaries - Application.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

B. A Patrolman shall not be promoted to the position of Capitol Patrol Sergeant.

C. Any officer of the Capitol Patrol Section of the Oklahoma Highway Patrol Division may request reclassification to the equivalent lateral position, rank, and salary within the Oklahoma Highway Patrol Division and shall be reclassified to the position if the officer:

1. Meets the requirements of paragraph 2 of subsection B of Section 2-105 of this title. Provided, the officer shall be exempt from the maximum age limitation;

2. Satisfactorily completes a course of training as prescribed by the Commissioner; and

3. Serves a twelve-month probationary period which shall commence upon entering the course of training required by paragraph 2 of this subsection.

Such reclassified officer shall be subject to reassignment as determined by the Chief of the Oklahoma Highway Patrol Division.

D. All commissioned officers of the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner of Public Safety in accordance with Section 2-117 of this title.

E. The Office of Management and Enterprise Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

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

G. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 7, eff. Jan. 1, 1999. Amended by Laws 2000, c. 37, § 12, eff. Oct. 1, 2000; Laws 2000, c. 378, § 2, eff. Jan. 1, 2001; Laws 2001, c. 435, § 4, eff. July 1, 2001; Laws 2004, c. 161, § 3, eff. Jan. 1, 2005; Laws 2004, c. 354, § 1, eff. July 1, 2004; Laws 2006, c. 81, § 4, emerg. eff. April 21, 2006; Laws 2006, 2nd Ex.Sess., c. 83, § 4, eff. Oct. 1, 2006; Laws 2012, c. 304, § 162; Laws 2014, c. 135, § 2, eff. July 1, 2014.

§47-2-105.8. Communications Section - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety, the Communications Section.

B. An employee may be promoted to the position of Communications Coordinator.

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

D. The provisions of this section shall supersede all existing laws covering the salaries for the positions in the Communications Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 8, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 13, eff. Oct. 1, 2000; Laws 2000, c. 195, § 3, eff. July 1, 2000; Laws 2004, c. 161, § 4, eff. Jan. 1, 2005; Laws 2006, 2nd Ex. Sess., c. 83, § 5, eff. Oct. 1, 2006; Laws 2014, c. 135, § 3, eff. July 1, 2014; Laws 2015, c. 99, § 3, eff. Nov. 1, 2015.

§47-2-105A. Repealed by Laws 2007, c. 62, § 33, emerg. eff. April 30, 2007.

§47-2-105B. Position of Chaplain.

Subject to the availability of funds, the Commissioner of Public Safety or the Chief of the Highway Patrol Division is authorized to employ a Chaplain within the Department of Public Safety for the purpose of providing counseling services to employees or immediate family members thereof when such counseling services are needed as a direct result of such employee's performance of official duties and to carry out any other duties and responsibilities assigned by the Commissioner or the Chief of the Oklahoma Highway Patrol. The position of Chaplain shall be an unclassified position with salary and benefits set by the Commissioner not to exceed the salary of a Highway Patrolmen at the rank of Trooper with fifteen (15) years of service to the Department of Public Safety. "Chaplain" means an ordained or authorized pastor, minister, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which such person belongs. Added by Laws 2003, c. 461, § 5, eff. July 1, 2003.

§47-2-106. Driver License Examining Division - Driver Compliance Division.

A. There is hereby established in the Department of Public Safety the Driver License Services Division and the Driver Compliance Division and such other divisions as the Commissioner of Public Safety may direct.

B. The Driver License Services Division shall consist of noncommissioned classified employees of the Department who may administer tests for the purpose of issuing driver licenses pursuant to Section 6-101 et seq. of this title.

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

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

a. be a citizen of the State of Oklahoma,

b. be of good moral character,

c. possess a high school diploma or General Educational Development equivalency certificate, and

d. meet physical and mental standards as the Commissioner may prescribe. The scope of the physical and mental examinations for persons appointed as a Driver License

Examiner or Senior Driver License Examiner shall be as prescribed by the Commissioner.

2. Any person appointed to the position of Driver License Examiner shall be required to complete satisfactorily a course of training as prescribed by the Commissioner.

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

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

Added by Laws 1961, p. 325, § 2-106, eff. Sept. 1, 1961. Amended by Laws 1961, p. 313, § 3, emerg. eff. Aug. 7, 1961; Laws 1965, c. 429, § 4, emerg. eff. July 8, 1965; Laws 1967, c. 199, § 3; Laws 1967, c. 349, §§ 3, 4, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 3, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 3, eff. July 1, 1970; Laws 1971, c. 354, § 3, operative July 1, 1971; Laws 1972, c. 234, § 2, operative July 1, 1972; Laws 1973, c. 224, § 3, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 4, operative July 1, 1974; Laws 1975, c. 321, § 4, operative July 1, 1975; Laws 1976, c. 242, § 4, operative July 1, 1976; Laws 1977, c. 249, § 4, operative July 1, 1977; Laws 1978, c. 271, § 4, operative July 1, 1978; Laws 1979, c. 267, § 3, eff. July 1, 1979; Laws 1980, c. 350, § 3, eff. July 1, 1980; Laws 1981, c. 340, § 15, eff. July 1, 1981; Laws 1982, c. 352, § 12, operative July 1, 1982; Laws 1987, c. 205, § 68, operative July 1, 1987; Laws 2002, c. 397, § 6, eff. Nov. 1, 2002; Laws 2006, 2nd Ex.Sess., c. 83, § 6, eff. Oct. 1, 2006; Laws 2007, c. 326, § 2, eff. Nov. 1, 2007; Laws 2014, c. 135, § 4, eff. July 1, 2014; Laws 2015, c. 99, § 4, eff. Nov. 1, 2015.

§47-2-106.1. Permit clerks and supervisor.

Subject to the Merit System laws, the Commissioner of Public Safety is hereby authorized to employ a supervisor of permit clerks, headquarters permit clerks and additional permit clerks, who shall have the duty to issue oversize and/or overweight permits in accordance with the terms of Chapter 14 of this title and to collect the fees therefor and to remit the same to the Oklahoma Tax Commission.

Laws 1949, p. 321, § 12; Laws 1957, p. 439, § 2; Laws 1971, c. 129, § 2, emerg. eff. May 5, 1971; Laws 1972, c. 234, § 3, operative July 1, 1972; Laws 1974, c. 291, § 7, operative July 1, 1974; Laws 1975, c. 321, § 7, operative July 1, 1975; Laws 1976, c. 242, § 7, operative July 1, 1976; Laws 1977, c. 249, § 7, operative July 1, 1977; Laws 1978, c. 271, § 5, operative July 1, 1978; Laws 1979, c. 267, § 5, eff. July 1, 1979; Laws 1980, c. 350, § 4, eff. July 1, 1980; Laws

1981, c. 340, § 16, eff. July 1, 1981. Renumbered from Section 116.12 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-2-106.2A. Transfer of powers and duties.

All the powers, duties, functions, records, employees, property, matters pending and funds of the Department of Highways, the Highway Safety Coordinating Committee and the Railroad Maintenance Authority are hereby transferred to the Department of Transportation.

Effective July 1, 1993, all powers, duties, functions, records, employees, matters pending and funds of the Department of Transportation that were transferred to the Department because of the abolishment of the Highway Safety Coordinating Committee shall be transferred to the Department of Public Safety, pursuant to Section 3 of this act. Except as specifically directed by the Legislature the State Department of Transportation shall not fund, directly or indirectly, any railroad, mass transit, public transportation, marine, waterways or aeronautics construction, operations or maintenance with dedicated gasoline taxes, appropriated highway construction or maintenance funds or other highway funds; provided, however, that nothing herein contained shall be construed to prevent the Department of Transportation from applying for, accepting, receiving, administering or expending monies appropriated for the specific purpose of matching federal grants now or hereafter made available for transportation planning or improvements in nonhighway transportation modes. The Department of Transportation shall not issue bonds which constitute an obligation or debt of the state or a pledge of the faith and credit of the state, except as specifically authorized by the Legislature. Any change of agency name/names on signs, equipment, vehicles or other property shall be accomplished as said signs, equipment, vehicles or other property are replaced in inventory or as required through normal wear and tear. An accurate, current inventory of all properties shall be maintained by the Department of Transportation.

Added by Laws 1976, c. 218, § 9. Amended by Laws 1977, c. 128, § 1, emerg. eff. June 3, 1977; Laws 1993, c. 81, § 2, eff. July 1, 1993. Renumbered from § 4009 of Title 69 by Laws 2007, c. 62, § 26, emerg. eff. April 30, 2007.

§47-2-106.2B. Transfer of powers and duties to Department of Public Safety.

All powers, duties, functions, records, employees, property, matters pending and funds of the Oklahoma Highway Safety Office of the Oklahoma Department of Transportation and the former Oklahoma Highway Safety Coordinating Committee are hereby transferred to the Oklahoma Department of Public Safety.

Added by Laws 1993, c. 81, § 3, eff. July 1, 1993. Renumbered from § 4009.1 of Title 69 by Laws 2007, c. 62, § 27, emerg. eff. April 30, 2007.

§47-2-106.2C. Traffic safety-related projects - Incentives.

Notwithstanding any other provision of law, the Oklahoma Highway Safety Office of the Department of Public Safety may provide incentives, as permitted by federal regulations, to the public and any law enforcement agencies of the state for the purpose of promoting increased participation in traffic safety-related projects. The incentives shall be purchased only with federal funds, if available.

Added by Laws 2003, c. 461, § 16, eff. July 1, 2003. Renumbered from § 4009.2 of Title 69 by Laws 2007, c. 62, § 28, emerg. eff. April 30, 2007.

§47-2-106.3. Fraudulent Documents Identification Unit.

Subject to the availability of funding, the Department of Public Safety shall establish a Fraudulent Documents Identification (FDI) Unit for the primary purpose of investigating and apprehending persons or entities that participate in the sale or distribution of fraudulent documents used for identification purposes. The unit shall additionally specialize in fraudulent identification documents created and prepared for persons who are unlawfully residing within the State of Oklahoma. The Department shall employ sufficient employees to investigate and implement an FDI Unit.

Added by Laws 2007, c. 112, § 12, eff. Nov. 1, 2007. Renumbered from Title 47, § 151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-2-107. Traveling expenses of assistants and other employees - Equipment.

In addition to the salaries or wages of assistants or other employees in the Department of Public Safety when deemed necessary in connection with the discharge of their duties respectively assigned or delegated to them, such assistants or employees shall be allowed and paid traveling expenses incurred in the discharge of their respective duties, in accordance with the provisions of the State Travel Reimbursement Act, Sections 500.1 through 500.19 of Title 74 of the Oklahoma Statutes, which shall be paid from the same fund and in the same manner as the payment of all other salaries and expenses of the Department; provided, however, when deemed necessary by the Commissioner of Public Safety, it shall be and he is hereby authorized and empowered to purchase motor vehicles and other equipment for use by said Department. The Commissioner of Public Safety shall prepare and deliver to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of

Representatives a current vehicle fleet management and replacement plan and a complete inventory of all vehicles in use by the Department on the first legislative day of each year. The provisions of this act are to supersede all existing law; provided only that all provisions of this section are subject to provisions of general law governing appropriation, expenditure and availability of funds.
Laws 1961, p. 326, § 2-107, eff. Sept. 1, 1961; Laws 1970, c. 96, § 1, emerg. eff. March 30, 1970; Laws 1971, c. 19, § 1, emerg. eff. March 16, 1971; Laws 1973, c. 220, § 5, emerg. eff. May 24, 1973; Laws 1975, c. 231, § 6, emerg. eff. May 30, 1975; Laws 1976, c. 241, § 7, emerg. eff. June 15, 1976; Laws 1979, c. 243, § 11, emerg. eff. June 1, 1979; Laws 1982, c. 352, § 13, emerg. eff. June 2, 1982; Laws 1993, c. 181, § 2, eff. Sept. 1, 1993.

§47-2-108. Powers and duties of commissioner.

A. The Commissioner is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this title and of all laws regulating the operation of vehicles or the use of the highways, the enforcement and administration of which are now or hereafter vested in the Department. The Commissioner may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of fulfilling any such duty or combination of duties.

B. The Commissioner is hereby authorized to adopt and enforce such rules as may be necessary to carry out the provisions of this act and any other laws the enforcement and administration of which are vested in the Department.

C. The Commissioner may adopt an official seal for the use of the Department.

D. The Commissioner may adopt an authorized facsimile signature of the Commissioner, and may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of affixing the authorized facsimile signature of the Commissioner to administrative letters, notices, and orders to enforce the provisions of the law. Provided, however, it shall be unlawful and shall constitute the crime of forgery to affix or endorse the facsimile signature of the Commissioner, as herein provided, to any instrument, voucher, check, claim, or draft for the payment of money due and owing to the State of Oklahoma. In lieu of the signature of the Commissioner or the authorized facsimile signature of the Commissioner, the Commissioner may direct and authorize any employee of the Department to affix the signature of the employee to administrative letters, notices, and orders to enforce the provisions of the law.
Added by Laws 1961, p. 327, § 2-108, eff. Sept. 1, 1961. Amended by Laws 2004, c. 130, § 6, emerg. eff. April 20, 2004.

§47-2-108.1. Interlocal agreements.

The Commissioner of Public Safety may enter into interlocal agreements with any other government agency or any state educational institution which is a member of The Oklahoma State System of Higher Education, as prescribed in Section 3201 of Title 70 of the Oklahoma Statutes, for the use of space for the purpose of providing governmental services as required by law of the Department of Public Safety. Such agreements shall be exempt from The Oklahoma Central Purchasing Act, and Sections 63, 94 and subsection C of Section 129.4 of Title 74 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 1, eff. Nov. 1, 2008. Amended by Laws 2011, c. 335, § 3; Laws 2012, c. 304, § 163.

§47-2-108.2. Contracts incident to real estate gifted to state – Construction of gun range.

The Commissioner of Public Safety shall have the exclusive rights to enter into all contracts incident to real estate gifted to the state for use by the Department of Public Safety in rural Pottawatomie County adjacent to the Wes Watkins Reservoir, hereafter referred to as "the premises", including any and all architectural, engineering, design consultant, construction manager, and construction contracts concerning construction of a gun range on the premises.

The Department shall have exclusive jurisdiction, custody, responsibility and control over all construction, repair, maintenance, management and operation of the premises and all fixtures thereon incident to the gun range.

In the construction, repair, maintenance, and operation of the gun range, the Department and the premises shall be exempt from any and all real estate construction requirements and provisions, to the extent they could be applicable to the acquisition of goods or services incident to the construction, repair, maintenance and operation, as set forth in the Oklahoma Statutes, including but not limited to Sections 101 through 138 and Sections 202 through 220 of Title 61 of the Oklahoma Statutes, and subsections B, C and E of Section 63 and Sections 85.1 through 85.45j of Title 74 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 2, eff. Nov. 1, 2008.

§47-2-108.3. Vehicle ownership and registration information.

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

B. In addition to the powers and duties prescribed by law, the Commissioner of Public Safety shall be authorized to direct the Department of Public Safety to develop a proposal for an intergovernmental cooperative agreement pursuant to paragraph 1 of subsection D of Section 1221 of Title 74 of the Oklahoma Statutes between the Department and all tribal governments that issue tribal license plates and maintain ownership and registration information. Added by Laws 2011, c. 188, § 1, eff. Nov. 1, 2011.

§47-2-108.4. Oklahoma Incident Management Team Advisory Committee

A. There is hereby created within the Oklahoma Department of Public Safety the Oklahoma Incident Management Team Advisory Committee. The purpose of the Committee shall be to:

1. Advise and assist the Commissioner in the development of setting of goals, objectives and priorities with respect to state-sponsored all-hazard emergency incident management team functions;

2. Advise and assist the Commissioner in establishing standards and credentialing guidelines for emergency incident management functions and responders within the Team Advisory Committee's scope of authority; and

3. Provide a forum for discussion of issues between the organizations within the Team Advisory Committee.

B. The Team Advisory Committee shall be composed of the following seven (7) members as follows:

1. The Commissioner of Health, or designee;

2. The Director of the Oklahoma Forestry Services, or designee;

3. The Commissioner of the Oklahoma Department of Public Safety, or designee;

4. The Director of the Oklahoma Office of Homeland Security, or designee;

5. The Director of the Office of Emergency Management, or designee;

6. One member appointed by the Oklahoma Fire Chiefs Association to represent a statewide association of fire chiefs in this state; and

7. The Director of the Oklahoma State University Fire Safety Training, or designee.

In addition to the seven (7) members, membership may be expanded by a majority vote of the Committee.

C. The members of the Team Advisory Committee shall receive no compensation or travel reimbursement.

D. A majority of the Team Advisory Committee shall constitute a quorum to transact official business.

E. The members of the Team Advisory Committee may elect from among its membership a chair and vice chair to preside at all meetings.

F. The Committee shall meet within ninety (90) days after the effective date of this act and shall meet at least twice a year or more frequently at the discretion of the chair.
Added by Laws 2016, c. 143, § 1, eff. Nov. 1, 2016.

§47-2-108.5. Oklahoma State Award Program Committee — Oklahoma Medal of Valor and Oklahoma Purple Heart.

A. 1. There is hereby created the Oklahoma State Award Program Committee. The purpose of the Committee is to create, establish eligibility requirements and make recommendation for awarding the Oklahoma Medal of Valor for meritorious service and the Oklahoma Purple Heart for serious line of duty injuries for law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

2. There is hereby established the Oklahoma Medal of Valor and the Oklahoma Purple Heart, along with authorized appurtenances, for award by the Governor, in the name of the state, to any person who has demonstrated meritorious achievement, or a distinct act of courage, or who has incurred injury or wounds, while performing or actively engaged in public service activities. The Oklahoma Purple Heart is limited to law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

3. The purpose of each award is to formally recognize extraordinary acts of valor by public safety members and citizens of Oklahoma who engage in extraordinary acts of bravery and valor and to formally recognize public safety members in Oklahoma who have been seriously injured in the line of duty.

B. The members of the Oklahoma State Award Program (OSAP) Committee shall have experience in the field of public safety and public service. The OSAP Committee shall be composed of nine (9) members as follows:

1. The Lieutenant Governor, who shall serve as chair;
2. The Adjutant General of the Oklahoma National Guard;
3. The Commissioner of the Department of Public Safety;
4. The Director of the Department of Corrections;
5. The Director of the Department of Transportation;
6. The President of the Oklahoma Sheriffs' Association;
7. The President of the Oklahoma Association of Chiefs of Police;
8. The President of the Oklahoma State Firefighters Association; and
9. The President of the Oklahoma Sheriffs and Peace Officers Association.

C. Except at any meeting to select recipients of the Oklahoma Medal of Valor and the Oklahoma Purple Heart, each member, other than the chair, may be represented by a designee; provided, the designee

must be an active member in good standing with the agency or association to which the appointed member belongs. The Chairman reserves the right to appoint an advisory board to collect, review and make initial award recommendations to the OSAP committee. The advisory board will be comprised of designees from the nine-member OSAP committee.

D. The Committee shall conduct its first meeting no later than ninety (90) calendar days after the appointment of the last member. The Committee shall meet at the direction of the chair, and shall normally meet not less than once each year and not more than three times each year.

E. A majority of the members shall constitute a quorum to conduct business.

F. The members of the Committee shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from Committee activities or business. Such expenses shall be paid by the respective agencies at which the member is employed at the time the expense is incurred.

G. No member of the OSAP Committee shall solicit, seek or request individuals to submit individuals for awards. OSAP Committee members may explain the program to interested individuals. The Committee may secure directly from any department or agency such information as the Committee deems necessary to carry out its duties.

H. The Commissioner of the Department of Public Safety shall promulgate rules to establish the following:

1. Design of the Oklahoma Medal of Valor and the Oklahoma Purple Heart and any authorized appurtenances proposed by the Adjutant General;

2. Criteria for eligibility for award of the Oklahoma Medal of Valor and the Oklahoma Purple Heart proposed by the Adjutant General;

3. Criteria for the proper wear of the Oklahoma Medal of Valor and the Oklahoma Purple Heart proposed by the Adjutant General;

4. Method of purchasing the Oklahoma Medal of Valor and the Oklahoma Purple Heart;

5. Order of precedence relating to other state awards; and

6. Other rules deemed necessary to carry out the provisions of this act.

I. The Committee shall consider candidates for award for the Oklahoma Medal of Valor and the Oklahoma Purple Heart only from the applications received. The OSAP Committee may go into executive session to deliberate and select recommended recipients. The Chair shall present to the Governor the names of recommendations as Medal recipients.

J. The Committee shall not disclose any information which may compromise an ongoing law enforcement investigation or information that is otherwise required by law to be kept confidential. Only the final recommendation for receipt of the Oklahoma Medal of Valor and

the Oklahoma Purple Heart shall be subject to the Oklahoma Open Records Act.

K. The Oklahoma Medal of Valor and the Oklahoma Purple Heart may not be awarded to any person who was not selected by the Committee.

L. The award of the Oklahoma Medal of Valor and the Oklahoma Purple Heart may be rescinded for suitable cause. The Chair, with the consent of the Committee, shall forward the recommendation for rescission to the Governor. The final decision to rescind must be approved by the Governor.

M. The Oklahoma Medal of Valor and the Oklahoma Purple Heart may be awarded posthumously and may be presented to such representative of the deceased's family as may be deemed appropriate by the Governor.

Added by Laws 2017, c. 17, § 1, eff. Nov. 1, 2017.

§47-2-109. Commissioner to prescribe forms.

The Commissioner shall prescribe and provide suitable forms of applications, driver licenses and all other forms requisite or deemed necessary to carry out the provisions of this title and any other laws the enforcement and administration of which are vested in the Department.

Added by Laws 1961, p. 327, § 2-109, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 5, eff. Nov. 1, 1995.

§47-2-109.1. Charging and collection of fees - Forms of payment.

A. The Commissioner of Public Safety shall charge and collect the fees required to be paid to the Department of Public Safety.

B. Payments for any fees required to be paid by any person to the Department of Public Safety, except as otherwise provided by law, may be made by:

1. The person’s personal or company check, as prescribed by rules of the Department;

2. Cash, if paid in person;

3. Money order or certified check; or

4. A nationally recognized credit card issued to the person. The Commissioner may add an amount equal to four percent (4%) of the amount of such payment as a convenience fee for credit card payments. Such convenience fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund. For purposes of this paragraph, “nationally recognized credit card” means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by more than one thousand merchants in this state. The Commissioner shall determine which nationally recognized credit cards will be

accepted; provided, however, the Commissioner must ensure that no loss of state revenue will occur by the use of such card.
Added by Laws 2001, c. 100, § 1, eff. Nov. 1, 2001. Amended by Laws 2002, c. 397, § 7, eff. Nov. 1, 2002.

§47-2-110. Authority to administer oaths and acknowledge signatures – Release of records – Confidentiality of certain information.

A. Officers and employees of the Department of Public Safety designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars ($3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

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

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

C. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

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

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

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

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

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

7. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986

and contracted by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services; or

8. Any state agency in this state.

D. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

E. The following records shall be provided by the Department to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, upon payment of the appropriate fees for the records:

1. A Motor Vehicle Report, as defined in Section 6-117 of this title; and

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

F. 1. The provisions of subsections B, D, and E of this section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Upon written request to the Commissioner of Public Safety by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Provided, the provisions of this subsection or any other provision of this title shall not be construed to keep audio or video recordings of the Department of Public Safety confidential beyond any exceptions provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, fingerprint image in computerized format, signature or signature in computerized format, social security number, residence address, mailing address, and medical or disability information. Added by Laws 1961, p. 327, § 2-110, eff. Sept. 1, 1961. Amended by Laws 1983, c. 286, § 11, operative July 1, 1983; Laws 1999, c. 80, § 1, eff. Nov. 1, 1999; Laws 2000, c. 342, § 1, eff. July 1, 2000; Laws 2001, c. 361, § 2, eff. July 1, 2001; Laws 2002, c. 86, § 2, emerg. eff. April 17, 2002; Laws 2004, c. 130, § 7, emerg. eff. April 20, 2004; Laws 2005, c. 199, § 1, eff. Nov. 1, 2005; Laws 2012, c. 242, § 3; Laws 2013, c. 15, § 24, emerg. eff. April 8, 2013; Laws 2014, c. 266, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2012, c. 255, § 1 repealed by Laws 2013, c. 15, § 25, emerg. eff. April 8, 2013.

§47-2-111. Records of Department.

A. All records of the Department, other than those declared by law to be confidential for the use of the Department, shall be open to public inspection during office hours.

B. The Commissioner shall supervise the maintaining of all records of the Department and shall adopt rules concerning the destruction and retention of records. Records of the Department shall not be subject to the provisions of:

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

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

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

The Commissioner may, pursuant to an adopted rule, order destruction of records deemed to be no longer of value to the Department in carrying out the powers and duties of the Department.

C. 1. The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.

2. The photostatic copy, photograph, microphotograph, photographic film or computerized image of the original records shall be deemed to be an original record for all purposes and shall be admissible as evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

3. The photostatic copies, photographs, microphotographs, reproductions on film, or computerized images shall be placed in conveniently accessible files and provisions made for preserving, examining, and using the copies, photographs, microphotographs, reproductions on film and computerized images. The Commissioner of Public Safety is empowered to authorize the disposal, archival storage, or destruction of the original records or papers.

Added by Laws 1961, p. 327, § 2-111, eff. Sept. 1, 1961. Amended by Laws 2000, c. 342, § 2, eff. July 1, 2000; Laws 2005, c. 199, § 2, eff. Nov. 1, 2005; Laws 2007, c. 62, § 7, emerg. eff. April 30, 2007; Laws 2007, c. 326, § 3, eff. Nov. 1, 2007.

§47-2-112. Authority to grant or refuse applications - Confiscation of documents.

The Department shall examine and determine the genuineness, regularity and legality of every application, driver license and any other application lawfully made to the Department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. If a person making application to the Department presents any document to the Department which the Department has reason to believe is false, fraudulent, or being used by a person not authorized to use such document, the Department shall confiscate the document until such time it is determined by the Department whether the document is false, fraudulent, or being used by a person not authorized to use such document.

Added by Laws 1961, p. 327, § 2-112, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 6, eff. Nov. 1, 1995; Laws 2003, c. 461, § 6, eff. July 1, 2003.

§47-2-113. Seizure of documents and plates.

The Department is hereby authorized to take possession of any certificate of title, registration card, permit, license or registration plate issued by the State of Oklahoma upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

Laws 1961, p. 328, § 2-113.

§47-2-114. Distribution of synopsis of laws.

The Department may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy thereof to any person.

Added by Laws 1961, p. 328, § 2-114, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 7, eff. Nov. 1, 1995.

§47-2-115. Department may summon witnesses and take testimony.

(a) The Commissioner and officers of the Department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the Department. Such summons may require the production of relevant books, papers and records.

(b) Every such summons shall be served at least five (5) days before the return date, either by personal service made by any person over eighteen (18) years of age or by registered mail, but return acknowledgement is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor. The fees for the attendance and travel of witnesses shall be the same as

for witnesses before the district court and shall be paid from the Public Safety Fund.

(c) The district court, where not otherwise provided, shall have jurisdiction, upon application by the Commissioner, to enforce all lawful orders of the Commissioner under this section.

Laws 1961, p. 328, § 2-115.

§47-2-116. Giving of notice.

Whenever the Department of Public Safety is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten (10) days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof. Failure of the person to receive notice because of failure to notify the Department of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

Added by Laws 1961, p. 328, § 2-116, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 11, operative July 1, 1986; Laws 2007, c. 326, § 4, eff. Nov. 1, 2007; Laws 2017, c. 392, § 3, eff. Nov. 1,2017; Laws 2019, c. 400, § 1, eff. Nov. 1, 2019.

§47-2-117. Police authority of Department - Traffic-related enforcement authority on National System of Interstate and Defense Highways - Special traffic-related enforcement in municipalities.

A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. In addition to the powers and authority prescribed in subsection A of this section, the officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, including, but not limited to, the Motor Carriers Act of this state, or any other laws of this state by the direction of the Governor;

2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to paragraph 3 of subsection A of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and

bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible thereof and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those portions of the federal-aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection "outskirts of a municipality" means and shall be determined by presence of the following factors:

a. low land use density,

b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and

c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are located within the boundaries of and on the outskirts of a municipality for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner.

E. 1. Any of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of and on the outskirts of the municipality:

a. the district attorney in whose jurisdiction the municipality is located,

b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,

c. the State Auditor and Inspector,
d. the State Attorney General, or
e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

a. within the boundaries of and on the outskirts of the municipality, and
b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of subsection D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of subsection D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or service contrary to the provisions of this title or any other laws of this state.
Added by Laws 1961, p. 328, § 2-117, eff. Sept. 1, 1961. Amended by Laws 1982, c. 16, § 1, emerg. eff. March 23, 1982; Laws 1987, c. 6, § 15, emerg. eff. March 16, 1987; Laws 1990, c. 259, § 4, eff. Sept. 1, 1990; Laws 1996, c. 324, § 4; Laws 2003, c. 404, § 1, eff. Nov. 1, 2003; Laws 2004, c. 418, § 6, eff. July 1, 2004; Laws 2005, c. 190, § 8, eff. Sept. 1, 2005; Laws 2007, c. 62, § 8, emerg. eff. April 30, 2007; Laws 2007, c. 348, § 1, eff. Nov. 1, 2007; Laws 2014, c. 228, § 2, eff. July 1, 2014.

§47-2-117.1. Investigation and report of violation of rules and regulations governing transportation of persons and property.

A. It shall be the duty of the Oklahoma Tax Commission to investigate and report to the Corporation Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire.

B. It shall be the duty of the Corporation Commission to investigate and report to the Oklahoma Tax Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire.
Added by Laws 1987, c. 6, § 16, emerg. eff. March 16, 1987.

§47-2-118. Administration of Division of Highway Patrol.

(a) The Commissioner shall require that the Division of Highway Patrol properly patrol the highways of this state and cooperate with sheriffs and police officers in enforcing the laws regulating the operation of vehicles and the use of highways.

(b) The Commissioner may establish a school for the training and education of the members of said Division in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways.

(c) All members of said Division when on duty shall be dressed in distinctive uniform and display a badge of office.
Laws 1961, p. 330, § 2-118.

§47-2-119. Badge of authority - Penalties.

The Commissioner shall issue to each member of the Division of Highway Patrol a badge of authority with the seal of this state in the center thereof, with the words "Oklahoma Highway Patrol" encircling said seal and below the designation of the position held

by the member to whom issued. Every such badge shall be numbered or each number shall otherwise display a distinctive serial number.

1. Neither the Commissioner nor any other person shall issue any such badge to any person who is not a duly appointed and acting member of said Division.

2. Any person who without authority wears the badge of a member of said Division, or a badge of similar design which would tend to deceive anyone, is guilty of a misdemeanor.

3. Any person who impersonates a member of said Division or other officer or employee of the Department with intent to deceive anyone, or who without authority wears a uniform likely to be confused with the official uniform of any such officer, is guilty of a misdemeanor.

Laws 1961, p. 330, § 2-119.

§47-2-120. Transportation for Attorney General.

The Department of Public Safety is authorized to provide radio-equipped transportation for the Attorney General of the State of Oklahoma.

Laws 1971, c. 227, § 4, emerg. eff. June 12, 1971.

§47-2-121. Legal division.

The Department of Public Safety shall establish or provide for a Legal Division and the Commissioner may employ attorneys as needed, which may be on full-time or part-time basis, which attorneys, in addition to advising the Commissioner, Highway Patrol and other Department personnel on legal matters, may appear for and represent the Commissioner, Highway Patrol and Department in administrative hearings and other legal actions and proceedings. Provided, that it shall continue to be the duty of the Attorney General to give his official opinion to the Commissioner and to prosecute and defend actions therefor, if requested to do so.

Laws 1971, c. 354, § 7, operative July 1, 1971.

§47-2-122. Receipt of funds - Law enforcement training centers - Drug Abuse Resistance Education Program - Petty cash fund.

A. The Commissioner of Public Safety is authorized to receive funds from gifts, federal and state agency sources, state and local agency employees, and tuition and fees for room and meals from users of the Robert R. Lester Training Center and other training facilities of the Department of Public Safety. All amounts collected shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund.

B. The Commissioner or designee is authorized to receive contributions, gifts and donations for the sole benefit and operation of the education programs of the Department including, but not limited to, the Drug Abuse Resistance Education (D.A.R.E.) Program.

All monies received by the Commissioner or designee pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund and shall be expended by the Department solely for the purposes of the operation of the education programs of the Department. All other property received by the Commissioner or designee pursuant to this subsection shall be held by the Department in trust under the terms and conditions imposed by the donors, and title to any and all property acquired, granted or donated to the Department shall be taken in the name of the state to be held for the use and benefit of such education programs of the Department under the conditions of the grants or donations. Provided, however, no real property shall be accepted by the Commissioner or designee for the purposes of this subsection.

C. There is hereby created a petty cash fund for the Department of Public Safety. Said fund shall be used by the Department to operate cash drawers as necessary. The amount of the petty cash fund shall be determined by the Director of the Office of Management and Enterprise Services and the Commissioner of Public Safety. Purchases from the petty cash fund shall be prohibited. The Director of the Office of Management and Enterprise Services shall be authorized to prescribe forms, systems and procedures for the administration of the petty cash fund.

Added by Laws 1972, c. 84, § 4, emerg. eff. March 28, 1972. Amended by Laws 1983, c. 286, § 12, operative July 1, 1983; Laws 1987, c. 5, § 148, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 11, operative July 1, 1988; Laws 1990, c. 258, § 62, operative July 1, 1990; Laws 1994, c. 218, § 4, eff. July 1, 1994; Laws 1997, c. 211, § 1, eff. Nov. 1, 1997; Laws 2002, c. 397, § 8, eff. Nov. 1, 2002; Laws 2011, c. 335, § 4; Laws 2012, c. 283, § 2, eff. July 1, 2012; Laws 2012, c. 304, § 164.

§47-2-122.1. Acquisition of federal funds.

All funds appropriated to the Department of Public Safety may be used and expended in conjunction or cooperation with any federal agency or instrumentality under such terms and conditions considered appropriate or necessary by the Commissioner of Public Safety to obtain grants or federal aid assistance in accordance with state law. The Department of Public Safety is hereby authorized to collect, receive and use any and all grants, reimbursements, or court-ordered forfeitures made available through any agency or instrumentality of the federal government, provided, however, such funds shall be deposited in the State Treasury and disbursed in accordance with the agreement between the Department of Public Safety and the applicable federal agency or instrumentality.

Added by Laws 1988, c. 290, § 23, operative July 1, 1988.

§47-2-122.2. Employee performance program – Recognition awards.

A. The Commissioner of Public Safety is authorized to establish an employee performance recognition program that encourages outstanding job performance and productivity within the Department of Public Safety. The Commissioner is authorized to expend funds for:

1. The purchase of recognition awards to be presented to work units or individual employees having exceptional job performance records or other significant contributions to the operation of the Department; and

2. A formal ceremony or banquet where the awards may be presented.

B. Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars ($150.00) per award to recognize the achievement of the work unit or individual employee. In addition to recognition awards, the Commissioner may establish an employee benefit program not exceeding Twenty-five Thousand Dollars ($25,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by Department employees.

Added by Laws 2000, c. 146, § 1, eff. Nov. 1, 2000.

§47-2-122.3. Ownership, training and use of canines.

A. The Legislature finds and declares that it is in the public interest:

1. For the Department of Public Safety to acquire, house and train canines to assist in explosives detection, to seek out and discover controlled dangerous substances, to perform drug interdiction, to perform patrol activities, to perform article searches, to provide officer protection, and to engage in tracking in order to assist in the apprehension and arrest of criminals or those reasonably believed to be criminals or engaged in a criminal activity; and

2. To kennel each canine with its full-time trainer-handler, who shall be the primary caregiver of the canine.

B. The Commissioner of Public Safety is hereby authorized, and it is hereby deemed to be a public function of the Department of Public Safety:

1. To own, train and use canines for the purposes described in subsection A of this section;

2. To house each canine of the Department with the particular trainer-handler of the canine; and

3. To pay from any monies available to the Department for the construction and repair expenses of a kennel for each canine of the Department on the private property of the trainer-handler of the canine.

C. Construction and repair expenses of a kennel shall include, but not be limited to, minor improvements to the real property of the

trainer-handler, such as a necessary concrete slab for the kennel floor, kennel water line and spigot, kennel fencing, and shelter, all of which may be affixed to the real property of the trainer-handler. Fixtures to real property approved herein may also include a drainage and septic system for sanitary purposes, but only in the case which is the result of numerous canines, such as those used for tracking, kenneled at a particular location.

D. Any kennel facilities authorized by this section shall only be used for the kenneling of, caring for, and training of state-owned canines and shall be reasonable in both size and cost.

E. Any expenditure made under the provisions of this section shall be overseen and approved by the Commissioner, or his or her designee, prior to being incurred, unless the Commissioner specifically provides an exception; provided, under all circumstances the Commissioner shall retain complete control over the expenditures and shall establish internal procedures and guidelines for the expenditures and the eligibility of anyone to receive such expenditures.

Added by Laws 2008, c. 297, § 1, emerg. eff. June 2, 2008.

§47-2-123. Sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

A. The Department of Public Safety is hereby authorized to make available for sale used vehicles and used emergency vehicle equipment to any federal, state, county or municipal agency, public school district, or any reserve deputy, reserve officer, or firefighter who furnishes their own vehicle for the performance of their duty.

B. The Department of Public Safety is hereby authorized to make available for sale at public auction any used vehicles, used emergency vehicle equipment, and any property forfeited to the Department.

C. The Department of Public Safety shall promulgate rules for the sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

Added by Laws 1974, c. 283, § 5, emerg. eff. May 29, 1974. Amended by Laws 1979, c. 45, § 1, eff. Oct. 1, 1979; Laws 1983, c. 304, § 21, eff. July 1, 1983; Laws 1995, c. 47, § 1, eff. Nov. 1, 1995; Laws 2001, c. 90, § 1, eff. July 1, 2001; Laws 2009, c. 216, § 1, eff. Nov. 1, 2009.

§47-2-124. Law Enforcement Telecommunications Systems Division - Creation.

A. There is hereby created within the Department of Public Safety an Oklahoma Law Enforcement Telecommunication Systems Division.

B. The Division shall:

1. Operate and maintain an on-line, realtime computer system and a statewide law enforcement data communication network;

2. Utilize and distribute information on vehicle registration, driver records, criminals and the commission of crimes;

3. Be responsible for the coordination of user agencies with the National Crime Information Center in Washington, D.C., and the National Law Enforcement Telecommunication System, or its successor;

4. Be the central access and control point for Oklahoma's input, retrieval and exchange of law enforcement information in the National Crime Information Center and the National Law Enforcement Telecommunication System; and

5. Provide user agencies a data communication network, in order to exchange and distribute law enforcement data rapidly, and training in the use of the Oklahoma Law Enforcement Telecommunication Systems.

C. The statewide law enforcement data communications network shall be a part of the Oklahoma Government Telecommunications Network (OGTN) created in Section 34.23 of Title 62 of the Oklahoma Statutes; provided, however, the Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement communications network to the Office of Management and Enterprise Services for review and approval. The Department of Public Safety shall participate with the Office of Management and Enterprise Services in joint efforts to provide services for the OGTN.

D. All criminal justice agencies disseminating criminal history information derived from the National Crime Information Center's criminal history file shall maintain a record of dissemination in accordance with federal law as well as rules promulgated by the National Crime Information Center and the Commissioner of Public Safety.

E. The Oklahoma Law Enforcement Telecommunication Systems Division shall have the authority to audit state and local law enforcement and criminal justice agencies to ensure compliance with federal laws as well as rules of the Department of Public Safety which pertain to the Oklahoma Law Enforcement Telecommunication Systems.

Added by Laws 1975, c. 324, § 1, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 3, eff. Sept. 1, 1992; Laws 2002, c. 397, § 9, eff. Nov. 1, 2002; Laws 2012, c. 304, § 165.

§47-2-124.1. Arrest warrant identification information - Dissemination.

A. The Office of the Administrative Director of the Courts shall provide to the Department of Public Safety current computerized

arrest warrant identification information for dissemination to the users of the Oklahoma Law Enforcement Telecommunication Systems.

B. The Commissioner of the Department of Public Safety shall have the authority to audit state and local law enforcement agencies to ensure compliance with applicable state and federal laws pertaining to the dissemination of arrest warrant identification information.

C. No cause of action shall arise, nor shall any liability be imposed against any personnel within the Office of the Administrative Director of the Courts, the district courts, the offices of the district court clerks or any personnel of the Department of Public Safety for communicating or delivering information or data pursuant to the provisions of this section, if such communication or delivery was performed in good faith and without fraudulent intent and in accordance with the established standards and guidelines.

Added by Laws 1994, c. 181, § 1, eff. Sept. 1, 1994.

§47-2-125. Deposit and expenditure of funds.

The Commissioner of Public Safety shall assess and collect costs and fees from subscribers to the Oklahoma Law Enforcement Telecommunication System (OLETS), to be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund. Such costs and fees expended from the fund shall be for personnel, recurring user fees, necessary hardware and accessories, installation of equipment, maintenance and operational expenses for OLETS. If a county sheriff offers hosting services of end users that allows for a connection to OLETS, the sheriff may assess and collect fees for the itemized actual costs of providing personnel, reoccurring user fees, necessary hardware and accessories, installation of equipment, maintenance, training and operational expenses for the utilization of the hosting data system and shall provide the terms and itemized costs in an inter-local agreement between both parties. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved. Fees generated through this section shall be deposited in the Sheriff's Service Fee Account for the sole use of the purposes outlined in this section.

Added by Laws 1975, c. 324, § 2, emerg. eff. June 12, 1975. Amended by Laws 1976, c. 241, § 9, emerg. eff. June 15, 1976; Laws 1983, c. 286, § 13, operative July 1, 1983; Laws 1987, c. 5, § 149, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 12, operative July 1, 1988; Laws 2012, c. 283, § 3, eff. July 1, 2012; Laws 2017, c. 265, § 1, eff. Nov. 1, 2017; Laws 2019, c. 344, § 1, eff. Nov. 1, 2019.

§47-2-126. Rules.

The Commissioner of Public Safety may promulgate rules as may be necessary to carry out the provisions of Sections 2-124 through 2-129 of this title.
Added by Laws 1975, c. 324, § 3, emerg. eff. June 12, 1975. Amended by Laws 2002, c. 397, § 10, eff. Nov. 1, 2002.

§47-2-127. Repealed by Laws 1983, c. 304, § 182, eff. July 1, 1983.

§47-2-128. Transfer of personnel and assets.
All personnel employed by the Commission on Criminal and Traffic Law Enforcement System and all funds, records, equipment, furniture, fixtures, files and supplies of whatsoever kind and character now under the jurisdiction and control of the Commission are hereby transferred to the Department of Public Safety. All employees so transferred shall be in the classified service of the Merit System of Personnel Administration and shall be transferred at present salaries with all accrued annual and sick leave.
Laws 1975, c. 324, § 5, emerg. eff. June 12, 1975.

§47-2-129. Custody and dissemination of confidential and privileged information.
A. Any person charged with the custody and dissemination of confidential and privileged information or in receipt of such information from the statewide law enforcement data communications network provided for in Section 2-124 of this title shall neither divulge nor disclose any such information except to federal, state, county or city law enforcement or criminal justice agencies.
B. Any person charged with the custody and dissemination of confidential and privileged information shall not without authorization utilize the Oklahoma Law Enforcement Telecommunication System for any reason.
C. Any person violating the provisions of this section upon conviction shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year.
Added by Laws 1975, c. 324, § 6, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 4, eff. Sept. 1, 1992; Laws 1993, c. 25, § 1, eff. Sept. 1, 1993.

§47-2-130. Expense allowance for certain employees.
A. An expense allowance of One Hundred Fifty Dollars ($150.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other related expenses shall be paid to all commissioned law enforcement officers of the Department of Public Safety.
B. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms, continuing law

enforcement education, purchase of practice ammunition, and other related expenses shall be paid to each of the following employees:

1. Cadets while members of a patrol academy or during employment while on provisional or probationary status; and

2. Law enforcement personnel on provisional or probationary status.

C. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to all other uniformed employees of the Department of Public Safety.

Laws 1978, c. 270, § 5, emerg. eff. May 10, 1978; Laws 1980, c. 350, § 6, eff. July 1, 1980; Laws 1982, c. 352, § 14, operative July 1, 1982; Laws 1983, c. 286, § 14, operative July 1, 1983; Laws 1988, c. 290, § 13, operative July 1, 1988; Laws 1992, c. 302, § 2, eff. July 1, 1992.

§47-2-130.1. Additional compensation for irregular shift hours and twenty-four-hour call employees.

Subject to the availability of funds, the Commissioner of Public Safety is authorized to pay up to an additional Fifty Dollars ($50.00) per month to any employee of the Department who works irregular shift hours or who is subject to twenty-four-hour call.

Added by Laws 1983, c. 286, § 15, operative July 1, 1983.

§47-2-131. Repealed by Laws 1995, c. 294, § 4, eff. July 1, 1995.

§47-2-132. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-2-133. Psychological Services Division - Director - Internship program.

A. There is hereby established in the Department of Public Safety a Division to be known as the Psychological Services Division. The Commissioner of Public Safety is authorized to appoint a Director of Psychological Services and to employ such clerical, support personnel and interns on a full-time or part-time basis as may be necessary to perform the duties imposed upon the Division.

B. The Director of Psychological Services shall possess a doctorate in psychology, shall be licensed by the State Board of Examiners of Psychologists and shall have not less than five (5) years' experience in law enforcement.

C. Prior to the establishment of any psychology internship program, the Director of Psychological Services shall submit a plan for such program to the State Board of Examiners of Psychologists for approval. Such program shall meet all requirements of the rules and regulations of the Board.

Added by Laws 1985, c. 305, § 16, emerg. eff. July 24, 1985.

§47-2-134. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-135. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-136. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-140. Repealed by Laws 1998, c. 245, § 11, eff. Jan. 1, 1999.

§47-2-140.1. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.2. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.3. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.4. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.5. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.6. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.7. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.8. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.9. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.10. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.11. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-141. Repealed by Laws 1998, c. 245, § 12, eff. Jan. 1, 1999.

§47-2-142. Computer Imaging System Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Computer

Imaging System Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering, and maintaining the computer imaging system of the Department of Public Safety. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2001, c. 361, § 8, eff. July 1, 2001. Amended by Laws 2012, c. 304, § 166.

§47-2-143. Department of Public Safety Patrol Vehicle Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Vehicle Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Department for the purpose of purchasing, equipping, and maintaining of patrol vehicles and patrol aircraft and for any other purpose related to the duties and responsibilities of the Transportation Division of the Department, as well as any other operational expenses of the Oklahoma Highway Patrol. No monies shall be expended from this fund without expressed authorization by the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1997, c. 179, § 3, emerg. eff. May 12, 1997. Renumbered from § 854.1 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001. Amended by Laws 2003, c. 461, § 7, eff. July 1, 2003; Laws 2011, c. 226, §2; Laws 2011, c. 335, § 5; Laws 2012, c. 304, § 167.
NOTE: Editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-2-144.1. Department of Public Safety Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from:

1. Sale of surplus property;

2. Insurance and other reimbursements for damaged, lost or stolen property;

3. Reimbursement for services of Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department;

4. Reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law;

5. Fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems;

6. Refund of federal gasoline tax;

7. Reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes;

8. Fees from users of the Robert R. Lester Training Center or other Department of Public Safety training facilities;

9. Federal funds, unless otherwise provided by federal law or regulation; and

10. Any other funds received pursuant to law and designated for deposit into the fund.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department.

C. The Director of the Office of the Office of Management and Enterprise Services shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the revolving fund.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2002, c. 397, § 14, eff. Nov. 1, 2002. Amended by Laws 2005, c. 361, § 2, eff. Nov. 1, 2005; Laws 2011, c. 335, § 6; Laws 2012, c. 283, § 4, eff. July 1, 2012; Laws 2012, c. 304, § 168.

§47-2-145. Department of Public Safety Restricted Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Restricted Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the restricted purposes of the monies as prescribed by law. Expenditures from said funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Any statutory references to the Department of Public Safety Revolving Fund shall mean the Department of Public Safety Restricted Revolving Fund, as provided for in this section, whenever the expenditure of the monies is restricted by law.

C. The Department of Public Safety shall transfer all funds, for which expenditure is restricted by law, from the Department of Public Safety Revolving Fund to the Department of Public Safety Restricted Revolving Fund.

Added by Laws 2011, c. 308, § 1, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 169.

§47-2-146. Department of Public Safety Patrol Academy Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Academy Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the exclusive purpose of Oklahoma Highway Patrol Trooper Academies. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2011, c. 308, § 2, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 170.

§47-2-147. State Public Safety Fund.

A. There is hereby created in the State Treasury a fund to be designated as the "State Public Safety Fund". The fund shall be subject to legislative appropriation and shall consist of revenues deposited to such fund by Section 1113.2 of Title 47 of the Oklahoma Statutes and of such other revenues as may be provided by law.

B. The State Public Safety Fund shall be utilized by the Legislature through appropriations to support public safety in Oklahoma.

Added by Laws 2016, c. 359, § 2.

§47-2-150. Weapons, badges and official license plates - Retention after retirement.

A. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive upon retirement, by reason of length of service or physical disability, the continued custody and possession of the sidearm and badge carried by the retired officer immediately prior to retirement. In addition to the sidearm carried by the retired officer immediately prior to retirement, the retired officer may purchase the rifle or

shotgun, or both, issued to the retired officer immediately prior to retirement. The cost to the retired officer of purchasing the weapon or weapons shall be the price the Department paid at the time of purchase, and upon payment of that price, the retired officer shall be entitled to ownership of the weapon or weapons. Any records regarding the ownership of each weapon transferred shall be modified to reflect the transfer to the retired officer. Proceeds from the purchase of the weapon or weapons shall be deposited in the Department of Public Safety Revolving Fund.

B. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive, upon retirement, the continued custody and possession of the official license plate issued for the vehicle that was assigned to the retired officer immediately prior to retirement, provided the license plate shall not be placed on any motor vehicle. The provisions of this subsection shall apply to any officer retiring on or after April 1, 1993, if the official license plate is available.

C. Custody and possession of the sidearm, one complete uniform, badge and official license plate of a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety who dies during his or her appointment may be awarded by the Commissioner to the spouse or next of kin of the deceased officer, provided the license plate shall not be placed on any motor vehicle. Added by Laws 1967, c. 2, § 1, emerg. eff. Feb. 1, 1967. Amended by Laws 1980, c. 357, § 22, eff. July 1, 1980; Laws 1986, c. 279, § 12, operative July 1, 1986; Laws 1988, c. 267, § 27, operative July 1, 1988; Laws 1993, c. 277, § 3, eff. July 1, 1993; Laws 1994, c. 194, § 2, eff. Sept. 1, 1994; Laws 1995, c. 16, § 1, eff. Nov. 1, 1995; Laws 1996, c. 181, § 1, eff. Nov. 1, 1996; Laws 2000, c. 378, § 4, eff. Jan. 1, 2001. Renumbered from § 2-313 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001. Amended by Laws 2007, c. 62, § 9, emerg. eff. April 30, 2007; Laws 2011, c. 104, § 3, eff. Nov. 1, 2011; Laws 2015, c. 292, § 1, eff. Nov. 1, 2015.

§47-2-201. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-2-300. Definitions.

As used in Section 2-300 et seq. of this title:

1. "System" means the Oklahoma Law Enforcement Retirement System;

2. "Act" means Section 2-300 et seq. of this title;

3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;

4. "Executive Director" means the managing officer of the System employed by the Board;

5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

6. a. "Member" means:

(1) all commissioned law enforcement officers of the Oklahoma Highway Patrol Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, and all cadets of a Patrol Academy of the Department of Public Safety,

(2) law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation,

(3) law enforcement officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,

(4) law enforcement officers of the Oklahoma Alcoholic Beverage Laws Enforcement Commission designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,

(5) employees of the Communications Section of the Oklahoma Highway Patrol Division, radio technicians, and tower technicians of the Department of Public Safety, who are employed in any such capacity as of June 30, 2008, and who remain employed on or after July 1, 2008, until a termination of service, or until a termination of service with an election of a vested benefit from the System, or until retirement. Effective July 1, 2008, a person employed for the first time as an employee of the Department of Public Safety in the Communications Division as an information systems telecommunication technician of the Department of Public Safety shall not be a member of the System,

(6) park rangers of the Oklahoma Tourism and Recreation Department and any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System, and

(7) inspectors of the Board of Pharmacy.

b. Effective July 1, 1987, a member does not include a "leased employee" as defined under Section 414(n)(2) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1999, any individual who agrees with the participating employer that the individual's services are to be performed as a leased employee or an

independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction.

c. All persons who shall be offered a position of a commissioned law enforcement officer as an employee of one of the agencies described in subparagraph a of this paragraph shall participate in the System upon the person meeting the requisite post-offer-pre-employment physical examination standards which shall be subject to the following requirements:

(1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,

(2) the physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,

(3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,

(4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and

(5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

7. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

a. completes twenty (20) years of vesting service, or

b. attains sixty-two (62) years of age with ten (10) years of vesting service, or

c. attains sixty-two (62) years of age, if:

(1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981, and

(2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System.

With respect to distributions under the System made for calendar years beginning on or after January 1, 2005, the System shall apply the minimum distribution incidental benefit requirements, incidental benefit requirements, and minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the final regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were issued in April 2002 and June 2004, notwithstanding any provision of the System to the contrary. With respect to distributions under the System made for calendar years beginning on or after January 1, 2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of: (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or (2) the actual retirement date of the member. The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

Effective September 8, 2009, notwithstanding anything to the contrary of the System, the System, which as a governmental plan (within the meaning of Section 414(d) of the Internal Revenue Code of 1986, as amended), is treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the System if the System complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to

this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

8. "Actual paid base salary" means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

9. "Final average salary" means the average of the highest thirty (30) consecutive complete months of actual paid gross salary. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1992, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, gross salary shall include any amount of elective salary reduction not includable in the gross income of the member under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, for purposes of determining a member's compensation, any contribution by the member to reduce his or her regular cash remuneration under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be treated as if the member did not make such an election. Only salary on which required contributions have been made may be used in computing the final average salary. Gross salary shall not include severance pay.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 2002, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") annual salary limit. The EGTRRA annual salary limit is Two Hundred Thousand Dollars ($200,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the EGTRRA salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 2002, any reference in the System to the annual salary limit under Section 401(a)(17) of

the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA salary limit set forth in this provision.

Effective January 1, 2008, gross salary for a plan year shall also include gross salary, as described above, for services, but paid by the later of two and one-half (2 1/2) months after a member's severance from employment or the end of the calendar year that includes the date the member terminated employment, if it is a payment that, absent a severance from employment, would have been paid to the member while the member continued in employment with the employer.

Effective January 1, 2008, any payments not described above shall not be considered gross salary if paid after severance from employment, even if they are paid by the later of two and one-half (2 1/2) months after the date of severance from employment or the end of the calendar year that includes the date of severance from employment, except payments to an individual who does not currently perform services for the employer by reason of qualified military service within the meaning of Section 414(u)(5) of the Internal Revenue Code of 1986, as amended, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

Effective January 1, 2008, back pay, within the meaning of Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be treated as gross salary for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included in this definition.

Effective for years beginning after December 31, 2008, gross salary shall also include differential wage payments under Section 414(u)(12) of the Internal Revenue Code of 1986, as amended;

10. "Credited service" means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement System as of June 30, 1981, and for law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission who became members of

the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the Oklahoma State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to subsection C of Section 2-309.6 of this title and any service purchased pursuant to subsection B of Section 2-307.2 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

13. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the criminal law is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the member is assigned, or for which the member is compensated, by the agency the member serves;

14. "Personal injury" or "injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, but not occupational diseases;

15. "Catastrophic nature" means consequences of an injury that permanently prevent an individual from performing any gainful work;

16. "Traumatic injury" means a wound or a condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain; and

17. "Beneficiary" means the individual designated by the member on a beneficiary designation form supplied by the Oklahoma Law Enforcement Retirement System, or if there is no designated beneficiary or if the designated beneficiary predeceases the member, the estate of the member. If the member's spouse is not designated as the sole primary beneficiary, the member's spouse must sign a consent.

Added by Laws 1980, c. 357, § 4, eff. July 1, 1980. Amended by Laws 1981, c. 227, § 1, operative July 1, 1981; Laws 1982, c. 328, § 1, operative July 1, 1982; Laws 1985, c. 296, § 1, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 1, operative July 1, 1986; Laws 1987, c. 236, § 160, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 20, operative July 1, 1988; Laws 1989, c. 209, § 1, eff. July 1, 1989; Laws 1990, c. 337, § 8; Laws 1991, c. 323, § 4, emerg. eff. June 12, 1991; Laws 1992, c. 390, § 5, emerg. eff. June 9, 1992; Laws 1993, c. 277, § 1, eff. July 1, 1993; Laws 1994, c. 44, § 1, eff. July 1, 1994; Laws 1995, c. 1, § 15, emerg. eff. March 2, 1995; Laws 1995, c. 294, § 1, eff. July 1, 1995; Laws 1996, c. 60, § 1, eff. July 1, 1996; Laws 1999, c. 257, § 22, eff. July 1, 1999; Laws 2000, c. 377, § 5, eff. July 1, 2000; Laws 2001, c. 5, § 14, emerg. eff. March 21, 2001; Laws 2002, c. 399, § 1, eff. July 1, 2002; Laws 2003, c. 3, § 27, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 31, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 1, eff. July 1, 2004; Laws 2005, c. 142, § 1, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex.Sess., c. 46, § 18, eff. July 1, 2006; Laws 2007, c. 62, § 10, emerg. eff. April 30, 2007; Laws 2008, c. 177, § 7, eff. July 1, 2008; Laws 2009, c. 169, § 7, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 8, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 1, emerg. eff. April 29, 2011; Laws 2011, c. 262, § 9, eff. July 1, 2011; Laws 2015, c. 383, § 1, emerg. eff. June 4, 2015.

NOTE: Laws 1987, c. 231, § 6 repealed by Laws 1989, c. 136, § 3, eff. Jan. 1, 1990, and by Laws 1990, c. 337, § 26. Laws 1989, c. 136, § 1 repealed by Laws 1990, c. 337, § 26. Laws 1993, c. 157, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 2, § 13 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2000, c. 287, § 13 repealed by Laws 2001, c. 5, § 15, emerg. eff. March 21, 2001. Laws 2002, c. 238, § 1 repealed by Laws 2003, c. 3, § 28, emerg. eff. March 19, 2003. Laws 2003, c. 456, § 1 repealed by Laws 2004, c. 5, § 32, emerg. eff. March 1, 2004.

§47-2-301. Establishment - Law Enforcement Retirement Fund - Retirement Medical Benefit Fund - Right to benefits.

There is hereby established a System for the payment of retirement benefits and certain medical and hospital expenses of members of the Oklahoma Law Enforcement Retirement System. Effective July 1, 2014, the System intends to satisfy Section 401(a) of the Internal Revenue Code of 1986, as amended from time to time, by meeting the requirements of Section 414(d) of the Internal Revenue Code of 1986, as amended from time to time. Such System shall constitute an amendment and continuation of the Retirement and Pension Plan of the Department of Public Safety and members in the Retirement and Pension Plan on June 30, 1980, shall continue as members of the Oklahoma Law Enforcement Retirement System. There is established in the State Treasury a special fund designated as the "Oklahoma Law Enforcement Retirement Fund" for the benefit of members of the System and certain dependents of deceased members of the System. Such fund shall be a continuation, under a new name, of the Retirement and Pension Fund of the Department of Public Safety.

There is hereby created the Retirement Medical Benefit Fund. The fund shall be maintained as a subaccount of the Oklahoma Law Enforcement Retirement Fund. The Retirement Medical Benefit Fund is composed of all assets which may be contributed to this subaccount to pay the retirement system's portion of the monthly retiree health insurance premium benefit described by Section 1316.2 of Title 74 of the Oklahoma Statutes. Such monthly retiree health insurance premium benefit is in addition to, and subordinate to, the retirement benefits provided by this System. All such allocated assets and any earnings thereon in the Retirement Medical Benefit Fund shall be held for the exclusive purpose of providing retiree medical benefits. The Retirement Medical Benefit Fund is to be administered in accordance with the requirements of Section 401(h) of the Internal Revenue Code of 1986, as amended from time to time. It shall be impossible, at any time prior to the satisfaction of all liabilities for these benefits, for any part of this subaccount to be used for or diverted to, any purpose other than the providing of the retiree health insurance premium benefit and the payment of necessary and appropriate related expenses. Notwithstanding the provisions of Section 401(a)(2) of the Internal Revenue Code of 1986, as amended from time to time, effective July 1, 2014, upon the satisfaction of all liabilities under the Oklahoma Law Enforcement Retirement System to provide Section 401(h) medical benefits, any amount remaining in such separate subaccount must be returned to the employer. Effective July 1, 2014, in the event an individual's interest in the medical benefits subaccount is forfeited prior to the termination of the Oklahoma Law Enforcement Retirement System, an amount equal to the amount of the forfeiture must be applied as soon as possible to reduce employer contributions to fund the medical benefits described

in Section 401(h). The Board of Trustees may promulgate such rules as are necessary to implement the funding and administration of the fund pursuant to the provisions of this subsection. All contributions to fund the retiree health insurance benefit shall be made on the basis of a generally accepted actuarial method. Notwithstanding anything contained herein to the contrary, the aggregate of contributions to provide retiree health insurance benefits and life insurance, if any, shall not exceed twenty-five percent (25%) of the aggregate contributions made to fund all benefits under this System, other than contributions to fund past service costs. For this purpose, "life insurance" means, as to any member, the in-service death benefit that would be payable upon the member's death, but only to the extent that the lump-sum value of such death benefit would exceed the lump-sum value of the member's accrued benefit at the date of the member's death.

Appointment to any position within a covered agency which comes under this System shall not jeopardize the rights of any person who has previously qualified for membership under this System, provided that the individual contributions are continued, and such person remains a member of this System. Any person who has previously qualified for membership under the System who voluntarily seeks and accepts appointment to any position within a covered agency which is not a covered position excludes the member from further participation in this System; provided, this provision shall not apply to any person who is a member of the System and who, on or before June 30, 2002, has already accepted appointment to a position which is not a covered position of the System nor shall it apply if that person seeks and accepts any other position within a covered agency which is not a covered position of the System.

Added by Laws 1961, p. 330, § 2-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 56, § 1, emerg. eff. April 14, 1967; Laws 1980, c. 357, § 3, eff. July 1, 1980; Laws 1981, c. 227, § 2, operative July 1, 1981; Laws 1982, c. 328, § 2, operative July 1, 1982; Laws 1988, c. 267, § 21, operative July 1, 1988; Laws 1992, c. 376, § 4, eff. July 1, 1992; Laws 1996, c. 55, § 2, eff. July 1, 1996; Laws 2002, c. 399, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 29, emerg. eff. March 19, 2003; Laws 2015, c. 171, § 1, emerg. eff. April 27, 2015.

NOTE: Laws 2002, c. 238, § 2 repealed by Laws 2003, c. 3, § 30, emerg. eff. March 19, 2003.

§47-2-301.1. Termination or partial termination of System.

(1) In the event the System is terminated or partially terminated the right of all participants or in the event of partial termination the rights of the affected participants, whether retired or otherwise, shall become fully vested.

(2) In the event of termination of the System, the Board shall distribute the net assets of the fund, allowing a period of not less

than six (6) nor more than nine (9) months for dissolution of disability claims, as follows:

(a) First, accumulated contributions shall be allocated to each respective participant, former participant, retired member joint annuitant or beneficiary then receiving payments. If these assets are insufficient for this purpose, they shall be allocated to each such person in the proportion which his accumulated contributions bear to the total of all such participants' accumulated contributions. For purposes of this section, contribution means payment into the System by an employer or employee for the benefit of an individual employee.

(b) The balance of such assets, if any, remaining after making the allocations provided in subparagraph (a) of this section shall be disposed of by allocating to each person then having an interest in the fund the excess of his retirement income under the System less the retirement income which is equal to the actuarial equivalent of the amount allocated to him under subparagraph (a) of this section. Such allocation shall be made with the full amount of the remaining assets to be allocated to the persons in each group in the following order of precedence:

(i) those retired members, joint annuitants or beneficiaries receiving benefits,

(ii) those members eligible to retire,

(iii) those members eligible for early retirement,

(iv) former participants electing to receive a vested benefit, and

(v) all other members.

In the event the balance of the fund remaining after all allocations have been made with respect to all retirement income in a preceding group is insufficient to allocate the full actuarial equivalent of such retirement income to all persons in the group for which it is then being applied, such balance of the fund shall be allocated to each person in such group in the proportion which the actuarial equivalent of the retirement income allocable to him pursuant to such group bears to the total actuarial equivalent of the retirement income so allocable to all persons in such group.

Provided no discrimination in value results, the Board shall distribute the amounts so allocated in one of the following manners as the Board in their discretion may determine:

(i) by continuing payment of benefits as they become due, or

(ii) by paying, in cash, the amount allocated to any such person.

Laws 1978, c. 310, § 1, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 5, eff. July 1, 1980.

§47-2-302. Application for membership - Assistant Commissioner as member of System - Make-up contributions by certain employees.

A. Any person eligible to become a member of the System shall file a written application therefor with the Board, and shall continue thereafter as a member of the System so long as the employee meets membership requirements. For the purposes of computing contributions, employee contributions, pensions and annuities, the Assistant Commissioner of the Department of Public Safety shall be classified and categorized as a member of the System.

B. The Board may, after a hearing held for such purpose, allow employees of the Department of Public Safety who were hired by the Department after September 30, 1939, and prior to July 1, 1981, to pay to the System an amount equal to what the employee would have paid to the System if the employee had been enrolled in the System from the time of first employment. The Board shall determine any interest due on the amount paid pursuant to this subsection. Any payments allowed pursuant to this subsection shall be made prior to January 1, 1982.

Laws 1961, p. 331, § 2-302; Laws 1975, c. 365, § 1, operative July 1, 1975; Laws 1980, c. 357, § 6, eff. July 1, 1980; Laws 1981, c. 227, § 3, operative July 1, 1981.

§47-2-303. Law Enforcement Retirement Board.

A. There shall be an "Oklahoma Law Enforcement Retirement Board" to administer the fund of the System. The Board shall be composed of the Commissioner of Public Safety or his designee, the Director of the Office of Management and Enterprise Services or his designee, three members to be appointed by the Governor one of whom shall be a retired member of the System, one member to be appointed by the Speaker of the House of Representatives, one member to be appointed by the President Pro Tempore of the Senate, two members of the Highway Patrol Division and one member of the Communication Division of the Department of Public Safety, one member of the Oklahoma State Bureau of Investigation, one member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and one member of the Alcoholic Beverage Laws Enforcement Commission, elected by and from the membership of the System. The terms of elected members of the Board now serving shall expire on June 30, 1980. The present Board shall conduct an election for the selection of elected members of the Board, prior to the operative date of this act. One member of the Oklahoma Highway Patrol and the member of the Oklahoma State Bureau of Investigation, initially elected, shall serve through June 30, 1982, the member of the Oklahoma Alcoholic Beverage Control Board, initially elected, shall serve through June 30, 1984, and the remaining elected members shall serve through June 30, 1983. Members subsequently elected shall serve for terms of three (3) years.

B. 1. The initial term of office of the member appointed to the Board by the Speaker of the House of Representatives and the member appointed to the Board by the President Pro Tempore of the Senate shall expire on January 3, 1989. The members thereafter appointed by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall serve terms of office of four (4) years.

2. The member appointed by the Governor serving on the Board on the operative date of this act shall serve the remainder of the unexpired term of the member. The member appointed by the Governor to fill that position after the expiration of the term of office of the member serving on the operative date of this act shall serve through January 13, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

3. The initial term of office of the two additional appointments to the Board by the Governor shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve terms of office of four (4) years which are coterminous with the term of office of the office of the appointing authority.

4. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment was made.

C. The members appointed to the Board by the Speaker of the House of Representatives, by the President Pro Tempore of the Senate and by the Governor or a member who is a designee of an ex officio member of the Board shall:

1. Have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

2. Have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management; or

3. Be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

4. Be licensed by the Oklahoma Accountancy Board to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs 1 through 4 of this subsection.

D. No member of the Board shall be a lobbyist registered in this state as provided by law.

E. Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the Board on the operative date of this act shall be eligible for reappointment when the term of office of the member expires.

F. Every two (2) years, one of the members of the Board shall be selected by the Board as president and another member as secretary of the Board.

G. Any member of the Board elected by the membership of the System may be recalled for cause at a special election held for that purpose by the members of the System. Such an election shall be called and held by the president and secretary of the Board upon a written request therefor signed by not less than one-third (1/3) of the members of the System and shall be held pursuant to notice given to all members of the System stating the date for such election which shall not be less than ten (10) days from the date of the issuance of such notice. All members of the System shall be entitled to vote by secret ballot and, if two-thirds (2/3) or more of the membership of the System vote for his recall, the elected member of the Board designated in such request, notice and secret ballot shall cease to be a member of the Board and the president and secretary of the Board shall call and hold a special election by the members of the System to fill the remainder of the term of the member so recalled.

H. The Oklahoma Law Enforcement Retirement System shall retain an Executive Director and shall establish the Executive Director's compensation. The Executive Director shall be the managing and administrative officer of the System and as such shall have charge of the office, records and supervision and direction of the employees of the System. The Executive Director shall be responsible for the overall operations and to perform duties specified in Section 2-300 of this title and as specified by the Board. The Executive Director shall be subject to the policy directions of the Board and may employ such persons as are deemed necessary to administer the System.
Added by Laws 1961, p. 331, § 2-303, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 2, operative July 1, 1975; Laws 1979, c. 241, § 4, operative July 1, 1979; Laws 1980, c. 357, § 7, eff. July 1, 1980; Laws 1982, c. 328, § 3, operative July 1, 1982; Laws 1986, c. 11, § 1, eff. July 1, 1986; Laws 1987, c. 236, § 161, emerg. eff. July 20, 1987; Laws 1988, c. 321, § 20, operative July 1, 1988; Laws 1995, c. 294, § 2, eff. July 1, 1995; Laws 2009, c. 169, § 8, emerg. eff. May 11, 2009; Laws 2012, c. 304, § 171.

§47-2-303.1. Duties of board - Investments - Liability insurance - Investment managers - Custodial services - Reports - Legal services - Confidentiality.

A. The Oklahoma Law Enforcement Retirement Board shall discharge its duties with respect to the System solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:
    a. providing benefits to participants and their beneficiaries, and

b. defraying reasonable expenses of administering the System;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the System so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the System.

B. The Board may procure insurance indemnifying the members of the Board from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Board.

C. The Board may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the Board appointed by the president of the Board. The committee shall make recommendations to the full Board on all matters related to the choice of custodians and managers of the assets of the System, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the Board in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the Board nor take effect without the approval of the Board as provided by law.

D. The Board shall retain qualified investment managers to provide for the investment of the monies of the System. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. Subject to the overall investment guidelines set by the Board, the investment managers shall have full discretion in the management of those monies of the System allocated to the investment managers. The Board shall manage those monies not specifically allocated to the investment managers. The monies of the System allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. All assets of the System shall be held in trust for the exclusive purpose of providing benefits for the members and beneficiaries of the System, including defraying reasonable expenses of administering the System, and shall not be encumbered for or diverted to any other purposes. Funds and revenues for investment by the investment managers or the Board shall be placed with a custodian

selected by the Board. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services, and any related custodial agreement or trust agreement is incorporated herein by reference. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. In compliance with the investment policy guidelines of the Board, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the System are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the System as to the investment of the monies of the System in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the Board for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles. Any assets of the System may be invested in a collective investment fund or in a group trust provided the investment in such collective investment fund or group trust is in compliance with the provisions of Rev. Rul. 81-100, as further amended by Rev. Rul. 2004-67, Rev. Rul. 2008-40, and Rev. Rul. 2011-1, or any successor ruling, regulation, or similar pronouncement. Each such collective investment fund or group trust is adopted with respect to any monies invested therein, as part of the System, its trust and custodial agreement, and the provisions of such trust agreement or such declaration of trust and related adoption, participation, investment management, subtrust or other agreements, as amended from time to time, with respect to any monies invested therein, are incorporated by reference into the System, its trust agreement(s) or custodial agreement(s), upon approval by the Board.

F. Prior to August 1 of each year, the Board shall develop a written investment plan for the System.

G. The Board shall compile a quarterly financial report of all the funds of the System on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Board shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Board. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

H. After July 1 and before October 31 of each year, the Board shall publish widely an annual report presented in simple and easily understood language pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Oklahoma State Pension Commission and the members of the System. The annual report shall cover the operation of the System during the past fiscal year, including income, disbursements, and the financial condition of the System at the end of the fiscal year. The annual report shall also contain the information issued in the quarterly reports required pursuant to subsection G of this section as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over funded status, contributions and any other information deemed relevant by the Board. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the System for the fiscal year. The annual financial statements must be audited and filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

I. The Board may retain an attorney licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as set by the Board. The Attorney General shall furnish such legal services as may be requested by the Board.

J. All information, documents and copies thereof contained in a member's retirement file shall be given confidential treatment and shall not be made public by the System without the prior written consent of the member to which it pertains, but shall be subject only to court order. Provided, the System, its employees or attorneys, may use such records in defense of any action brought against the System.

K. Effective July 1, 1999, the Board is hereby authorized to do all acts and things necessary and proper to carry out the purpose of the System and to make the least costly amendments and changes, if any, as may be necessary to qualify the System under the applicable sections of the Internal Revenue Code of 1986, as amended.

L. The Executive Director and such employees of the System as the Executive Director may designate are hereby authorized to prepare certified copies of records of the System and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

M. On or after July 1, 2011, the Board may permit, effective for applicable notices, elections and consents provided or made for a member, beneficiary, alternate payee or individual entitled to benefits under the System, the use of electronic media to provide

applicable notices and make such elections and consents as described in Section 1.401(a)-21 of the Income Tax Regulations.

N. The Board shall develop such procedures and may require such information from the distributing plan as it deems necessary to reasonably conclude that a potential rollover contribution is a valid rollover contribution under Section 1.401(a)(31)-1, Q&A-14(b)(2), of the Income Tax Regulations.

Added by Laws 1988, c. 321, § 21, operative July 1, 1988. Amended by Laws 1992, c. 354, § 3; Laws 1995, c. 81, § 5, eff. July 1, 1995; Laws 1996, c. 290, § 4, eff. July 1, 1996; Laws 2000, c. 377, § 6, eff. July 1, 2000; Laws 2001, c. 5, § 16, emerg. eff. March 21, 2001; Laws 2002, c. 391, § 6, eff. July 1, 2002; Laws 2003, c. 3, § 31, emerg. eff. March 19, 2003; Laws 2004, c. 536, § 14, eff. July 1, 2004; Laws 2005, c. 142, § 2, emerg. eff. May 5, 2005; Laws 2011, c. 379, § 5, eff. Sept. 1, 2011; Laws 2012, c. 52, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 119, § 1, eff. Nov. 1, 2013; Laws 2015, c. 171, § 2, emerg. eff. April 27, 2015.

NOTE: Laws 2000, c. 287, § 14 repealed by Laws 2001, c. 5, § 17, emerg. eff. March 21, 2001. Laws 2002, c. 399, § 3 repealed by Laws 2003, c. 3, § 32, emerg. eff. March 19, 2003.

§47-2-303.2. Duties of fiduciaries.

A. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not cause the System to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. sale or exchange, or leasing of any property from the System to a party in interest for less than adequate consideration or from a party in interest to the System for more than adequate consideration;

2. lending of money or other extension of credit from the System to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to the System with provision of excessive security or an unreasonably high rate of interest;

3. furnishing of goods, services or facilities from the System to a party in interest for less than adequate consideration, or from a party in interest to the System for more than adequate consideration; or

4. transfer to, or use by or for the benefit of, a party in interest of any assets of the System for less than adequate consideration.

B. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not:

1. deal with the assets of the System in the fiduciary's own interest or for the fiduciary's own account;

2. in the fiduciary's individual or any other capacity act in any transaction involving the System on behalf of a party whose

interests are adverse to the interests of the System or the interests of its participants or beneficiaries; or

3. receive any consideration for the fiduciary's own personal account from any party dealing with the System in connection with a transaction involving the assets of the System.

C. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System may:

1. invest all or part of the assets of the System in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the Oklahoma Law Enforcement Retirement System to the extent that the person or the financial institution:

1. exercises any discretionary authority or discretionary control respecting management of the Oklahoma Law Enforcement Retirement System or exercises any authority or controlrespecting management or disposition of the assets of the System;

2. renders investment advice for a fee or other compensation, direct or indirect, with respect to any monies or other property of the System, or has any authority or responsibility to do so; or

3. has any discretionary authority or discretionary responsibility in the administration of the System.

Added by Laws 1988, c. 321, § 22, operative July 1, 1988.

§47-2-303.3. Certain benefits exempt from legal process.

A. Except as otherwise provided by this section, any annuity, benefits, fund, property, or rights created by or accruing to any person pursuant to the provisions of Sections 2-300 through 2-313 of this title shall not be subject to execution, garnishment or attachment, and shall be unassignable, except as specifically provided by Sections 2-300 through 2-313 of this title. Notwithstanding the foregoing, effective August 5, 1997, the Board may approve any offset of a member’s benefit to pay a judgment or settlement against the member for a crime involving the System or for a breach of the member’s fiduciary duty to the System, provided such offset is in accordance with the requirements of Section 401(a)(13) of the Internal Revenue Code of 1986, as amended.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term “qualified domestic order” means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital

property rights to a spouse or former spouse of a member or provision of support for a minor child or children and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,

b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,

c. the number of payments or period to which such order applies,

d. the characterization of the benefit as to marital property rights or child support, and

e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,

b. does not require the System to provide increased benefits, and

c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date of the related member.

8. The alternate payee shall have a right to receive benefits payable to a member of the System under the Oklahoma Law Enforcement Deferred Option Plan provided for pursuant to Section 2-305.2 of this title, but only to the extent such benefits have been credited or paid into the member’s Oklahoma Law Enforcement Deferred Option Plan account during the term of the marriage.

9. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

10. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

11. The Oklahoma Law Enforcement Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

12. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board pursuant to this subsection in order to continue receiving his or her benefit.

Added by Laws 1985, c. 296, § 2, emerg. eff. July 24, 1985. Amended by Laws 1989, c. 249, § 42, eff. Jan. 1, 1989; Laws 1993, c. 322, § 12, emerg. eff. June 7, 1993; Laws 1998, c. 198, § 7, eff. Nov. 1, 1998; Laws 1999, c. 257, § 23, eff. July 1, 1999; Laws 2000, c. 287, § 15, eff. July 1, 2000; Laws 2008, c. 177, § 8, eff. July 1, 2008.

§47-2-303.4. Deposits of contributions and dedicated revenues - Warrants and vouchers.

A. All employee and employer contributions and dedicated revenues shall be deposited in the Oklahoma Law Enforcement Retirement Fund in the State Treasury. The Board shallhave the responsibility for the management of the Oklahoma Law Enforcement Retirement Fund, and may transfer monies used for investment purposes by the Oklahoma Law Enforcement Retirement System from the Oklahoma Law Enforcement Retirement Fund in the State Treasury to the custodian bank or trust company of the System.

B. All benefits payable pursuant to the provisions of the Oklahoma Law Enforcement Retirement System, refunds of contribution and overpayments, and all administrative expenses in connection with the System shall be paid from the Oklahoma Law Enforcement Retirement Fund upon warrants or vouchers signed by two persons designated by the Board. The Board may transfer monies from the custodian bank or trust company of the System to the Oklahoma Law Enforcement Retirement Fund in the State Treasury for the purposes specified in this subsection.

Added by Laws 1988, c. 321, § 23, operative July 1, 1988.

§47-2-303.5. Acceptance of gifts or gratuities.

The members of the Oklahoma Law Enforcement Retirement Board, the chief administrative officer and the employees of the System shall not accept gifts or gratuities from an individual organization with a value in excesss of Fifty Dollars ($50.00) per year. The provisions

of this section shall not be construed to prevent the members of the Board, the chief administrative officer or the employees of the System from attending educational seminars, conferences, meetings or similar functions which are paid for, directly or indirectly, by more than one organization.
Added by Laws 1988, c. 321, § 24, operative July 1, 1988.

§47-2-304. Contributions to fund - Amount - Deduction by employer - Pick-up of member contributions.

A. The Department of Public Safety, the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Control Board, the Oklahoma Tourism and Recreation Department and the State Board of Pharmacy shall make contributions to the fund as follows:

The Department of Public Safety, Oklahoma State Bureau of Investigation, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Control Board, the Oklahoma Tourism and Recreation Department and the State Board of Pharmacy shall contribute to the fund an amount equal to eleven percent (11%) of the actual paid base salary of each member.

B. Each member of the System shall make contributions to the fund in an amount equal to eight percent (8%) of the actual paid base salary of the member.

Member contributions shall be deducted by each participating employer for such benefits as the Board is by law authorized to administer and shall be remitted monthly, or as the Board may otherwise provide, for deposit in the fund.

C. Each employer shall pick up under the provisions of Section 414(h)(2) of the Internal Revenue Code of 1986 and pay the contribution which the member is required by law to make to the System for all compensation earned after December 31, 1989. Although the contributions so picked up are designated as member contributions, such contributions shall be treated as contributions being paid by the employer in lieu of contributions by the member in determining tax treatment under the Internal Revenue Code of 1986 and such picked up contributions shall not be includable in the gross income of the member until such amounts are distributed or made available to the member or the beneficiary of the member. The member, by the terms of this System, shall not have any option to choose to receive the contributions so picked up directly and the picked up contributions must be paid by the employer to the System.

Member contributions which are picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date on which member contributions were picked up by the participating employer. Member contributions so picked up shall be included in gross salary for purposes of determining benefits and contributions under the System.

The employer shall pay the member contributions from the same source of funds used in paying salary to the member, by effecting an equal cash reduction in gross salary of the member.
Added by Laws 1961, p. 331, § 2-304, eff. Sept. 1, 1961. Amended by Laws 1972, c. 57, § 1, operative July 1, 1972; Laws 1975, c. 365, § 3, operative July 1, 1975; Laws 1980, c. 357, § 8, eff. July 1, 1980; Laws 1982, c. 328, § 4, operative July 1, 1982; Laws 1986, c. 253, § 2, operative July 1, 1986; Laws 1988, c. 321, § 25, operative July 1, 1988; Laws 1989, c. 136, § 2, eff. Jan. 1, 1990; Laws 2012, c. 307, § 1, eff. Nov. 1, 2012.

§47-2-304.1. Mobilization for state or national emergencies - Reduction of employer contribution prohibited.

Members of the Oklahoma Law Enforcement Retirement System responding to mobilization for state or national emergencies may not have the employer contribution reduced during their period of service in the Oklahoma National Guard or Reserve.
Added by Laws 2002, c. 332, § 1, eff. July 1, 2002.

§47-2-305. Retirement and retirement pay - Reemployment - Disability benefits.

A. Except as otherwise provided in this title, at any time after attaining normal retirement date, any member of the Oklahoma Law Enforcement Retirement System upon application for unreduced retirement benefits made and approved, may retire, and, during the remainder of the member's lifetime, receive annual retirement pay, payable in equal monthly payments, equal to two and one-half percent (2 1/2%) of the final average salary times years of credited service. If such retired member is reemployed by a state agency in a position which is not covered by the System, such retired member shall continue to receive in-service distributions from the System. Prior to September 19, 2002, if such retired member was reemployed by a state agency in a position which is covered by the System, such member shall continue to receive in-service distributions from the System and shall not accrue any further credited service. If such a member is reemployed by a state agency in a position which is covered by the System on or after September 19, 2002, such member's monthly retirement payments shall be suspended until such member retires and is not reemployed by a state agency in a position which is covered by the System.

B. Beginning July 1, 1994, members who retired or were eligible to retire prior to July 1, 1980, or their surviving spouses shall receive annual retirement pay, payable in equal monthly payments, equal to the greater of their current retirement pay, or two and one-half percent (2 1/2%) of the actual paid gross salary being currently paid to a highway patrol officer, at the time each such monthly

retirement payment is made, multiplied by the retired member's years of credited service.

C. Except as otherwise provided by this subsection, members of the System whose salary is set by statute who have retired after completion of the mandatory twenty (20) years of service, and those members with statutory salaries who retire after reaching the mandatory twenty-year retirement, or those members that had to retire due to a service-connected disability and were unable to complete the mandatory twenty-year retirement pursuant to subsection E of this section, shall receive an annual retirement pay, payable in equal monthly installments, based upon the greater of either:

1. The top base salary currently paid to the highest nonsupervisory position in the participating agency, at the time each such monthly retirement payment is made, multiplied by two and one-half percent (2 1/2%) multiplied by the number of years of credited service and fraction thereof for the following positions:

a. Oklahoma Highway Patrolman,
b. Communications Dispatcher,
c. Capitol Patrolman,
d. Lake Patrolman, and
e. Oklahoma State Bureau of Investigation - Special Agent or Criminalist; or

2. The member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), and multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after November 1, 2012.

D. Other members of the System whose retirement benefit is not otherwise prescribed by this section who have retired after completion of the mandatory twenty (20) years of service, and those members who retire after reaching the mandatory twenty-year retirement, or those members that had to retire due to a service-connected disability and were unable to complete the mandatory twenty-year retirement pursuant to subsection E of this section, shall receive an annual retirement pay, payable in equal monthly payments, based upon the greater of either:

1. The actual average salary currently paid to the highest nonsupervisory position in the participating agency, at the time each such monthly payment is made, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof for the following positions:

a. Alcoholic Beverage Laws Enforcement Commission - ABLE Commission Agent III,
b. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Narcotics Agent III,
c. Oklahoma Tourism and Recreation Department - Park Ranger II,
d. State Board of Pharmacy - Pharmacy Inspector,
e. University of Oklahoma - Police Officer, and
f. Oklahoma State University - Police Officer; or

2. The other member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002. The participating employer must certify to the System in writing the actual average gross salary currently paid to the highest nonsupervisory position. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this section.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after May 24, 2013.

E. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties as an officer shall receive a monthly benefit equal to the greater of fifty percent (50%) of final average salary or two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service. If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, then such member's disability pension provided pursuant to this subsection shall be reduced to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

F. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title and whose disability is by means of personal and traumatic injury of a catastrophic nature and in the line of duty, shall receive a monthly benefit equal to:

1. Two and one-half percent (2 1/2%);
2. Multiplied by:
   a. twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of disability, if the member had performed less than twenty (20) years of service, or

b. the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service;

3. Multiplied by a final average salary equal to:

a. the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of the disability for twenty (20) years of service prior to disability. The final average salary for a member who performed less than twenty (20) years of service prior to disability shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's disability based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's disability, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's disability, whichever final average salary amount would be greater, or

b. the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to disability.

If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, such member's disability pension provided pursuant to this subsection shall be adjusted as provided in Section 2-305.2 of this title to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

G. A member who meets the definition of disability as defined in Section 2-300 of this title and whose disability occurred prior to the member's normal retirement date but after completing three (3) years of vesting service and not by reason of the performance of the member's duties or as a result of the member's willful negligence shall receive a monthly benefit equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service.

H. Payment of a disability pension shall commence as of the first day of the month coinciding or next following the date of retirement and shall continue as long as the member meets the definition of total and permanent disability provided in this section.

I. For the purpose of determining the member's disability under subsection E, F or G of this section, the member shall be required by the Board to be examined by a minimum of two recognized physicians selected by the Board to determine the extent of the member's injury or illness. The examining physicians shall furnish the Board a detailed written report of the injury or illness of the examined member establishing the extent of disability and the possibilities of the disabled member being returned to his or her regular duties or an alternate occupation or service covered by the System after a normal recuperation period. The Board shall require all retired disabled members who have not attained their normal retirement date to submit to a physical examination once each year for a minimum of three (3) years following retirement. The Board shall select a minimum of two physicians to examine the retired members and pay for their services from the fund. Any retired disabled member found no longer disabled by the examining physicians to perform the occupation of the member or an alternate occupation or service covered by the System shall be required to return to duty and complete twenty (20) years of service as provided in subsection A of this section, or forfeit all his or her rights and claims under Section 2-300 et seq. of this title.

J. The disability benefit under this section shall be for the lifetime of the member unless such member is found no longer disabled pursuant to subsection I of this section. Such member shall not be entitled to the retirement benefit pursuant to subsection A of this section unless such member returns to active duty and is eligible for a retirement benefit as provided in subsection A of this section.

K. At the postoffer, preemployment physical examination required under paragraph 6 of Section 2-300 of this title, the physician selected by the Board shall determine the extent to which a new member is disabled. If a member is determined to be partially disabled, the physician shall assign a percentage of disability to such partial disability. If such member then becomes entitled to a disability benefit under either subsection E or subsection G of this section, the benefit payable shall be reduced by the percentage which such member was determined to be disabled at the postoffer, preemployment physical unless the Board makes a determination that the initially determined percentage of disability at the preemployment physical examination is unrelated to the reason for the disability currently sought pursuant to subsection E or subsection G of this section. Upon employment, the member shall disclose to the Board any disability payments received from any source. The amount of disability to be paid to any member cannot exceed one hundred percent (100%) disability from all sources. The provisions of this subsection shall apply only to members whose effective date of membership is on or after July 1, 2000.

L. In addition to the pension provided for under subsection F of this section, if said member has one or more children under the age

of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars ($400.00) a month shall be paid from said Fund for the support of each surviving child to the member or person having the care and custody of such children until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education.

M. Notwithstanding any other provisions in Section 2-300 through 2-315 of this title, in order to be eligible to receive disability benefits, a member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title shall file the member's completed application for disability benefits with the System before such member's date of termination from service and provide such additional information that the System's rules require within six (6) months of the System's receipt of such application. If the member's completed application for disability benefits is not filed with the System before the member's date of termination from service or such additional information as is required under the System's rules is not provided within six (6) months of the System's receipt of such application, such member shall be eligible only for such other benefits as are available to members of the System and shall not be eligible to receive any disability benefits. For good cause shown, the Board of Trustees may waive the requirement that the disability application be filed before the member's date of termination from service. In no event shall a member be eligible to receive any disability benefit if the member's completed application is filed more than six (6) months after the member's date of termination from service.

N. If the requirements of Section 2-305.1C of this title are satisfied, a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer may elect to have payment made directly to the provider for qualified health insurance premiums by deduction from his or her monthly disability benefit or monthly retirement payment, after December 31, 2006, in accordance with Section 402(1) of the Internal Revenue Code of 1986, as amended.

Added by Laws 1961, p. 332, § 2-305, eff. Sept. 1, 1961. Amended by Laws 1967, c. 199, § 4; Laws 1975, c. 365, § 4, operative July 1, 1975; Laws 1980, c. 357, § 9, eff. July 1, 1980; Laws 1981, c. 227, § 4, operative July 1, 1981; Laws 1982, c. 328, § 5, operative July 1, 1982; Laws 1985, c. 296, § 3, emerg. eff. July 24, 1985; Laws 1988, c. 267, § 22, operative July 1, 1988; Laws 1994, c. 351, § 5, eff. July 1, 1994; Laws 1996, c. 315, § 1, eff. July 1, 1996; Laws 2000,

c. 377, § 7, eff. July 1, 2000; Laws 2002, c. 399, § 4, eff. July 1, 2002; Laws 2003, c. 3, § 33, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 4, eff. July 1, 2003; Laws 2004, c. 542, § 2, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 19, eff. July 1, 2006; Laws 2007, c. 152, § 7, eff. July 1, 2007; Laws 2009, c. 169, § 9, emerg. eff. May 11, 2009; Laws 2010, c. 438, § 10, emerg. eff. June 9, 2010; Laws 2012, c. 307, § 2, eff. Nov. 1, 2012; Laws 2013, c. 119, § 2, eff. Nov. 1, 2013; Laws 2013, c. 318, § 1, emerg. eff. May 24, 2013; Laws 2017, c. 49, § 1, emerg. eff. April 24, 2017; Laws 2018, c. 44, § 3, eff. Nov. 1, 2018.
NOTE: Laws 2002, c. 332, § 2 repealed by Laws 2003, c. 3, § 34, emerg. eff. March 19, 2003.

§47-2-305.1. Computation of benefits - Increase in benefits.

A. On July 1, 1988, a member who retired prior to July 1, 1985, or the surviving spouse of such a member or the surviving spouse of a member who became deceased prior to July 1, 1985, shall receive retirement benefits computed in accordance with the provisions of Section 2-305 of Title 47 of the Oklahoma Statutes. For the purpose of the computation, the final average salary shall be Two Thousand Two Hundred Seventeen Dollars ($2,217.00).

B. Except for those persons specified in subsection A of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1988, shall receive a three percent (3%) increase in said benefits on July 1, 1988.
Added by Laws 1985, c. 296, § 4, emerg. eff. July 24, 1985. Amended by Laws 1988, c. 267, § 23, operative July 1, 1988.

§47-2-305.1A. Direct rollover of distribution - Definitions - Notice - Election.

A. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the System to the contrary that would otherwise limit a Distributee's election hereunder, a Distributee, including a nonspouse designated beneficiary, to the extent permitted under paragraph 3 of subsection B of this section, may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

B. As used in this section:

1. "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or life expectancies) of the Distributee and the Distributee's designated

beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and the portion of any distribution that is not includable in gross income. A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax member contributions which are not includable in gross income. However, such portion may be transferred only:

a. from January 1, 2002, through December 31, 2006:
   (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
   (2) in a direct trustee-to-trustee transfer, to a qualified trust which is part of a defined contribution plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable, and

b. on or after January 1, 2007:
   (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
   (2) in a direct trustee-to-trustee transfer to a qualified trust or an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

Effective for distributions after December 31, 2007, such after-tax portion may also be directly transferred to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended, ("Roth IRA"), subject to any limitations described in Section 408A(c) of the Internal Revenue Code of 1986, as amended;

2. "Eligible Retirement Plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, an annuity plan described in Section 403(a) of the Internal Revenue Code of 1986, as amended, or a qualified trust described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that accepts the

Distributee's Eligible Rollover Distribution. Effective January 1, 2002, an Eligible Retirement Plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and an eligible plan under Section 457(b) of the Internal Revenue Code of 1986, as amended, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the System. Effective for distributions after December 31, 2007, an Eligible Retirement Plan includes a Roth IRA, subject to any limitations under Section 408A(c) of the Internal Revenue Code of 1986, as amended. Effective for distributions after December 18, 2015, an Eligible Retirement Plan includes a SIMPLE IRA in accordance with Section 408(p)(1)(B) of the Internal Revenue Code of 1986, as amended, for purposes of a rollover contribution to such SIMPLE IRA, but only if such rollover contribution is made after December 18, 2015, and only if such rollover contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended;

3. "Distributee" means an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic order, as defined in subsection B of Section 2-303.3 of this title, are Distributees with regard to the interest of the spouse or the former spouse. A Distributee also includes the member's nonspouse designated beneficiary (and certain trusts described in Section 402(c)(11)(B) of the Internal Revenue Code of 1986, as amended), pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, who may elect any portion of a payment to be made in a Direct Rollover only to an individual retirement account or annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, ("IRA") (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Code Section 72(t)(6) and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth IRA, that is established on behalf of such nonspouse designated beneficiary for the purpose of receiving the distribution and that will be treated as an inherited IRA pursuant to the provisions of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. Also, in this case, the determination of any required minimum distribution under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, that is ineligible for rollover shall be made in accordance with Notice 2007-7, Q&A 17 and 18, 2007-5 Internal Revenue Bulletin 395. The required minimum distribution rules of Section 401(a)(9)(B) (other than clause

iv thereof) of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA; and

4. "Direct Rollover" means a payment by the System to the Eligible Retirement Plan specified by the Distributee.

C. At least thirty (30) days before and, effective for years beginning after December 31, 2006, not more than one hundred eighty (180) days before the date of distribution, the Distributee (other than a nonspouse designated beneficiary prior to July 1, 2010) must be provided with a notice of rights which satisfies Section 402(f) of the Internal Revenue Code of 1986, as amended, as to rollover options and tax effects. Such distribution may commence less than thirty (30) days after the notice is given, provided that:

1. The Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

2. The Distributee, after receiving the notice, affirmatively elects a distribution.

D. For distributions made after December 31, 2006, but prior to July 1, 2010, a distribution with respect to a nonspouse designated beneficiary shall be made in accordance with Notice 2007-7, Q&A 15, 2007-5 Internal Revenue Bulletin 395. Effective for plan years beginning after December 31, 2009, a distribution with respect to a nonspouse designated beneficiary shall be subject to Sections 401(a)(31), 402(f) and 3405(c) of the Internal Revenue Code of 1986, as amended.

E. Effective for distributions after December 31, 2014, for purposes of determining the portion of a disbursement of benefits from the System to a Distributee that is not includable in gross income under Section 72 of the Internal Revenue Code of 1986, as amended, the guidance under I.R.S. Notice 2014-54 shall be followed. Added by Laws 1999, c. 257, § 25, eff. July 1, 1999. Amended by Laws 2000, c. 287, § 16, eff. July 1, 2000; Laws 2003, c. 406, § 5, eff. July 1, 2003; Laws 2007, c. 152, § 8, eff. July 1, 2007; Laws 2008, c. 177, § 9, eff. July 1, 2008; Laws 2010, c. 437, § 9, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 2, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 2, emerg. eff. April 16, 2012; Laws 2015, c. 171, § 3, emerg. eff. April 27, 2015; Laws 2017, c. 113, § 1, emerg. eff. April 26, 2017.

§47-2-305.1B. Trustee-to-trustee transfer - Treatment of trust - Rules.

A. An individual who has been designated, pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, as the beneficiary of a deceased member and who is not the surviving spouse of the member, may elect, in accordance with Section 402(c)(11) of the Internal Revenue Code of 1986, as amended, to have a direct

trustee-to-trustee transfer of any portion of such beneficiary's distribution from the Oklahoma Law Enforcement Retirement System made only to an individual retirement account or individual retirement annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended (IRA) (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended, and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended (Roth IRA), that is established on behalf of such designated individual for the purpose of receiving the distribution. If such transfer is made, then:

1. For distributions made after December 31, 2006, but prior to July 1, 2010, the transfer is treated as an eligible rollover distribution for purposes of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. For plan years beginning after December 31, 2009, the transfer is treated as an eligible rollover distribution;

2. The transferee IRA is treated as an inherited individual retirement account or an inherited individual retirement annuity (within the meaning of Section 408(d)(3)(C) of the Internal Revenue Code of 1986, as amended), and must be titled in the name of the deceased member, for the benefit of the beneficiary; and

3. The required minimum distribution rules of Section 401(a)(9)(B), other than clause iv thereof, of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA.

B. A trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a designated beneficiary.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2007, c. 152, § 9, eff. July 1, 2007. Amended by Laws 2009, c. 169, § 10, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 10, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 3, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 3, emerg. eff. April 16, 2012; Laws 2017, c. 113, § 2, emerg. eff. April 26, 2017.

§47-2-305.1C. Direct payments for qualified health insurance premiums - Definitions - Rules.

A. A member who is an eligible retired public safety officer and who wishes to have direct payments made toward the member's qualified health insurance premiums from the member's monthly disability benefit or monthly retirement payment must make a written election in accordance with Section 402(1) of the Internal Revenue Code of 1986,

as amended, on the form provided by the Oklahoma Law Enforcement Retirement System, as follows:

1. The election must be made after the member separates from service as a public safety officer with the member's participating employer;

2. The election shall only apply to distributions from the System after December 31, 2006, and to amounts not yet distributed to the eligible retired public safety officer;

3. Direct payments for an eligible retired public safety officer's qualified health insurance premiums can only be made from the member's monthly disability benefit or monthly retirement payment from the System and cannot be made from the Oklahoma Law Enforcement Deferred Option Plan; and

4. The aggregate amount of the exclusion from an eligible retired public safety officer's gross income is Three Thousand Dollars ($3,000.00) per calendar year.

B. As used in this section:

1. "Eligible retired public safety officer" is a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer;

2. "Public safety officer" means a member serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, chaplain, or a member of a rescue squad or ambulance crew; and

3. "Qualified health insurance premiums" means premiums for coverage for the eligible retired public safety officer, the eligible retired public safety officer's spouse, and dependents, as defined in Section 152 of the Internal Revenue Code of 1986, as amended, by an accident or health plan or a qualified long-term care insurance contract, as defined in Section 7702B(b) of the Internal Revenue Code of 1986, as amended. The health plan does not have to be sponsored by the eligible retired public safety officer's former participating employer.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2007, c. 152, § 10, eff. July 1, 2007. Amended by Laws 2013, c. 16, § 1; Laws 2014, c. 37, § 1, emerg. eff. April 9, 2014.

§47-2-305.2. Deferred option plans.

A. In lieu of terminating employment and accepting a service retirement pension pursuant to Section 2-305 of this title, any member of the Oklahoma Law Enforcement Retirement System who has not less than twenty (20) years of participating service and who is eligible to receive a service retirement pension may make an irrevocable election to participate in the Oklahoma Law Enforcement

Deferred Option Plan and defer the receipts of benefits in accordance with the provisions of this section.

B. For purposes of this section, participating service shall include service credit recognized pursuant to paragraphs (c) and (d) of Section 2-307, subsection B of Section 2-307.2, and Sections 2-309.1, 2-309.2, 2-309.3, 2-309.4, 2-309.5 and 2-309.6 of this title but for eligibility purposes only.

C. The duration of participation in the Oklahoma Law Enforcement Deferred Option Plan for a member shall not exceed five (5) years. Participation in the Oklahoma Law Enforcement Deferred Option Plan must begin the first day of a month and end on the last day of the month. At the conclusion of a member's participation in the Oklahoma Law Enforcement Deferred Option Plan, the member shall terminate employment as a member of the Oklahoma Law Enforcement Retirement System, and shall start receiving the member's accrued monthly retirement benefit from the System. Such a member may continue to receive in-service distributions of such member's accrued monthly retirement benefit from the System if the member is reemployed by a state agency only if such reemployment is in a position not covered under the System.

D. When a member begins participation in the Oklahoma Law Enforcement Deferred Option Plan, the contribution of the member shall cease. The employer contributions shall continue to be paid in accordance with Section 2-304 of this title. Employer contributions for members who elect the Oklahoma Law Enforcement Deferred Option Plan shall be credited equally to the Oklahoma Law Enforcement Retirement System and to the member's Oklahoma Law Enforcement Deferred Option Plan account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a service retirement shall be paid into the member's Oklahoma Law Enforcement Deferred Option Plan account.

E. 1. A member who participates in this plan shall be eligible to receive cost of living increases.

2. A member who participates in this plan shall earn interest at a rate of two percentage points below the rate of return of the investment portfolio of the System, but no less than the actuarial assumed interest rate as certified by the actuary in the yearly evaluation report of the actuary. The actuarial assumed interest rate shall be seven and five-tenths percent (7.5%) until the Board amends the actuarial assumed interest rate prospectively by resolution. The interest shall be credited to the individual account balance of the member on an annual basis.

F. A member in the Oklahoma Law Enforcement Deferred Option Plan shall receive, at the option of the member:

1. A lump-sum payment from the account equal to the option account balance of the member, payable to the member;

2. A lump-sum payment from the account equal to the option account balance of the member, payable to the annuity provider which shall be selected by the member as a result of the research and investigation of the member; or

3. Any other method of payment if approved by the Board.

Notwithstanding any other provision contained herein to the contrary, commencement of distributions under the Oklahoma Law Enforcement Deferred Option Plan shall be no later than the time as set forth in paragraph 7 of Section 2-300 of this title.

If a member meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties, the payment from the account shall be an in-line-of-duty disability payment.

G. If the member dies during the period of participation in the Oklahoma Law Enforcement Deferred Option Plan, a lump-sum payment equal to the account balance of the member shall be paid to the designated beneficiary as defined in paragraph 17 of Section 2-300 of this title, or if there is no designated beneficiary or the designated beneficiary predeceases the member, to the estate of the member. If such member was receiving, or eligible to receive, an in-line-of-duty disability pension pursuant to subsection E or F of Section 2-305 of this title at the time of death, payment of the account balance shall be an in-line-of-duty disability payment.

H. In lieu of participating in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section, a member may make an irrevocable election to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection as follows:

1. For purposes of this subsection, the following definitions shall apply:

a. "back drop date" means the date selected by the member which is up to five (5) years before the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan, but not before the date at which the member completes twenty (20) years of participating service,

b. "termination date" means the date the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection and the date the member terminates employment and starts receiving the member's accrued monthly retirement benefit from the System. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System,

c. "earlier attained participating service" means the participating service earned by a member as of the back drop date. Earlier attained participating service

cannot be reduced to less than twenty (20) years of participating service, and

d. "deferred benefit balance" means all retirement benefits that would have been paid from the back drop date to the termination date, and one-half (1/2) of the employer contributions from the back drop date to the termination date, with interest based on how the benefit would have accumulated on a compound annual basis as if the member had participated in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D and E of this section from the back drop date to the termination date;

2. At the termination date, a member's monthly pension benefit shall be determined based on the earlier attained participating service and on the final average salary as of the back drop date. The member's individual deferred option account shall be credited with an amount equal to the deferred benefit balance; the member shall terminate employment and shall start receiving the member's accrued monthly retirement benefit from the System. The member shall, upon application filed with the Board, be refunded from the fund an amount equal to the accumulated contributions the member made to the fund from the back drop date to the termination date, but excluding any interest. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection; and

3. A member may participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection even if the member has elected to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section. Such a member may select a back drop date which is up to five (5) years prior to the termination date, but not before the date at which the member completes twenty (20) years of participating service. Such a member's participation in the Oklahoma Law Enforcement Deferred Option Plan may not exceed five (5) years when combined with such a member's prior period of participation in the Oklahoma Law Enforcement Deferred Option Plan. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection.

Added by Laws 1990, c. 247, § 2, eff. Oct. 1, 1990. Amended by Laws 1990, c. 334, § 3, operative July 1, 1990; Laws 1993, c. 157, § 2, eff. July 1, 1993; Laws 2003, c. 343, § 2, eff. July 1, 2003; Laws 2004, c. 5, § 33, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 3, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 20, eff. July 1, 2006; Laws 2010, c. 437, § 11, emerg. eff. June 9, 2010; Laws 2015, c. 171, § 4, emerg. eff. April 27, 2015.

NOTE: Laws 2003, c. 406, § 6 repealed by Laws 2004, c. 5, § 34, emerg. eff. March 1, 2004. Laws 2003, c. 456, § 2 repealed by Laws 2004, c. 5, § 35, emerg. eff. March 1, 2004.

§47-2-305.3. Increase in benefits.

Any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1993, shall receive a two and one-half percent (2 1/2%) increase in said benefits on July 1, 1994. Added by Laws 1990, c. 340, § 21, eff. July 1, 1990. Amended by Laws 1994, c. 383, § 6, eff. July 1, 1994.

§47-2-305.4. Limitations on benefits and contributions under qualified plans of the Internal Revenue Code of 1986.

A. For limitation years prior to July 1, 2007, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, shall be computed in accordance with the applicable provisions of the System in effect at that time and, to the extent applicable, Revenue Ruling 98-1 and Revenue Ruling 2001-51, except as provided herein. Notwithstanding any other provision contained herein to the contrary, the benefits payable to a member from the Oklahoma Law Enforcement Retirement System provided by employer contributions (including contributions picked up by the employer under Section 414(h) of the Internal Revenue Code of 1986, as amended), shall be subject to the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, in accordance with the provisions of this section and subsequent guidance. The limitations of this section shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided herein.

B. Except as provided herein, effective for limitation years ending after December 31, 2001, any accrued retirement benefit payable to a member as an annual benefit as described herein shall not exceed One Hundred Sixty Thousand Dollars ($160,000.00), automatically adjusted under Section 415(d) of the Internal Revenue Code of 1986, as amended, for increases in the cost of living, as prescribed by the Secretary of the Treasury or the Secretary's delegate, effective January 1 of each calendar year and applicable to the limitation year ending with or within such calendar year. The automatic annual adjustment of the dollar limitation in this subsection under Section 415(d) of the Internal Revenue Code of 1986, as amended, shall apply to a member who has had a severance from employment.

1. The member's annual benefit is a benefit that is payable annually in the form of a straight life annuity. Except as provided herein, where a benefit is payable in a form other than a straight life annuity, the benefit shall be adjusted to an actuarially equivalent straight life annuity that begins at the same time as such other form of benefit and is payable on the first day of each month,

before applying the limitations of this section. For a member who has or will have distributions commencing at more than one annuity starting date, the annual benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to Section 1.401(a)-20, Q&A 10(d), and with regard to Section 1.415(b)-1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.

2. No actuarial adjustment to the benefit shall be made for:

a. survivor benefits payable to a surviving spouse under a qualified joint and survivor annuity to the extent such benefits would not be payable if the member's benefit were paid in another form,

b. benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits) and postretirement medical benefits, or

c. the inclusion in the form of benefit of an automatic benefit increase feature, provided, the form of benefit is not subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, and would otherwise satisfy the limitations of this section, and the System provides that the amount payable under the form of benefit in any limitation year shall not exceed the limits of this section applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended. For this purpose, an automatic benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

3. The determination of the annual benefit shall take into account Social Security supplements described in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended, and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant to Section 1.411(d)-4, Q&A-3(c), of the Income Tax Regulations, but shall disregard benefits attributable to employee contributions or rollover contributions.

4. Effective for distributions in plan years beginning after December 31, 2003, the determination of actuarial equivalence of forms of benefit other than a straight life annuity shall be made in accordance with paragraph 5 or paragraph 6 of this subsection.

5. Benefit Forms Not Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall

be determined under this paragraph 5 if the form of the member's benefit is either:

a. a nondecreasing annuity (other than a straight life annuity) payable for a period of not less than the life of the member (or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse), or

b. an annuity that decreases during the life of the member merely because of:

(1) the death of the survivor annuitant (but only if the reduction is not below fifty percent (50%) of the benefit payable before the death of the survivor annuitant), or

(2) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended).

c. Limitation Years Beginning Before July 1, 2007. For limitation years beginning before July 1, 2007, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:

(1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and

(2) a five percent (5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.

d. Limitation Year Beginning On January 1, 2008. For the limitation year beginning on January 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:

(1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and

(2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the

applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.

e. Limitation Years Beginning On or After July 1, 2008. For limitation years beginning on or after July 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:

(1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and

(2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) for that annuity starting date.

6. Benefit Forms Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph if the form of the member's benefit is other than a benefit form described in paragraph 5 of this subsection. In this case, the actuarially equivalent straight life annuity shall be determined as follows:

a. Annuity Starting Date on or after January 1, 2009. If the annuity starting date of the member's form of benefit is in the period beginning on January 1, 2009 through June 30, 2009, or in a plan year beginning after June 30, 2009, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3):

(1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other tabular factor, each as set forth in the most recent actuarial valuation referenced in subsection H of Section 2-303.1 of this title prior to September 1, 2011, and effective September 1, 2011, in subsection L of this section, for adjusting benefits in the same form,

(2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance), and

(3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:

(a) the applicable interest rate under Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, (and subsequent guidance), for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and

(b) the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance),

divided by one and five one-hundredths (1.05).

b. Annuity Starting Date in the Period Beginning on July 1, 2008 through December 31, 2008. If the annuity starting date of the member's form of benefit is in the period beginning on July 1, 2008, through December 31, 2008, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:

(1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other

tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,

(2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and

(3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:

(a) the adjusted first, second, and third segment rates under Section 417(e)(3)(C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h)(2)(C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and

(b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),

and divided by one and five one-hundredths (1.05).

c. Annuity Starting Date in Plan Years Beginning in 2006 or 2007. If the annuity starting date of the member's form of benefit is in a Plan Year beginning in 2006 or 2007, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:

(1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the

interest rate and the mortality table (or other tabular factor) each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,

(2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and

(3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:

(a) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and

(b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),

divided by one and five one-hundredths (1.05).

d. Annuity Starting Date in Plan Years Beginning in 2004 or 2005.

(1) If the annuity starting date of the member's form of benefit is in a plan year beginning in 2004 or 2005, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greater annual amount:

(a) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and

(b) a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

(2) If the annuity starting date of the member's benefit is on or after the first day of the first plan year beginning in 2004 and before December 31, 2004, the application of this subparagraph shall not cause the amount payable under the member's form of benefit to be less than the benefit calculated under the System, taking into account the limitations of this section, except that the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greatest annual amount:

(a) the interest rate and mortality table or other tabular factor, each as set forth in subsection H of Section 2-203.1 of this title for adjusting benefits in the same form,

(b) i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and

ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and

(c) i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the

stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant (as in effect on the last day of the last plan year beginning before January 1, 2004, under provisions of the System then adopted and in effect), and

ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

C. If a member has less than ten (10) years of participation in the System and all predecessor pension and retirement systems, the dollar limitation otherwise applicable under subsection B of this section shall be multiplied by a fraction, the numerator of which is the number of the years of participation or part thereof, in the System of the member, but never less than one (1), and the denominator of which is ten (10).

D. Adjustment of Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age or After Sixty-five (65) Years of Age: Effective for benefits commencing in limitation years ending after December 31, 2001, the dollar limitation under subsection B of this section shall be adjusted if the annuity starting date of the member's benefit is before sixty-two (62) years of age or after sixty-five (65) years of age. If the annuity starting date is before sixty-two (62) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 1 of this subsection, as modified by paragraph 3 of this subsection, but subject to paragraph 4 of this subsection. If the annuity starting date is after sixty-five (65) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 2 of this subsection, as modified by paragraph 3 of this subsection.

1. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age:

a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial

equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

(1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or

(2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

b. Limitation Years Beginning On or After July 1, 2007.

(1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement.

(a) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in the limitation year beginning on or after January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

(b) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning

on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as the annuity starting date).

(2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the System at sixty-two (62) years of age, both determined without applying the limitations of this section.

(3) Effective for limitation years commencing on or after January 1, 2014, notwithstanding any other provision of paragraph 1 of this subsection, the age-adjusted dollar limit applicable to a member shall not decrease on account of an increase in age or the performance of additional services.

2. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement After Sixty-five (65) Years of Age:

a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

(1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or

(2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

b. Limitation Years Beginning On or After July 1, 2007.

(1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and the Age of Benefit Commencement.

(a) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in the limitation year beginning on January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under

subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

(b) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).

(2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and Age of Benefit Commencement. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at the

member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age, both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date is the annual amount of such annuity payable to the member, computed disregarding the member's accruals after sixty-five (65) years of age but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age is the annual amount of such annuity that would be payable under the System to a hypothetical member who is sixty-five (65) years of age and has the same accrued benefit as the member.

3. Notwithstanding the other requirements of this subsection, no adjustment shall be made to the dollar limitation under subsection B of this section to reflect the probability of a member's death between the annuity starting date and sixty-two (62) years of age, or between sixty-five (65) years of age and the annuity starting date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity starting date. To the extent benefits are forfeited upon death before the annuity starting date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the System does not charge members for providing a qualified preretirement survivor annuity, as defined in Section 417(c) of the Internal Revenue Code of 1986, as amended, upon the member's death.

4. Notwithstanding any other provision to the contrary, for limitation years beginning on or after January 1, 1997, if payment begins before the member reached sixty-two (62) years of age, the reductions in the limitations in this subsection shall not apply to a

member who is a "qualified participant" as defined in Section 415(b)(2)(H) of the Internal Revenue Code of 1986, as amended.

E. Minimum Benefit Permitted: Notwithstanding anything else in this section to the contrary, the benefit otherwise accrued or payable to a member under this System shall be deemed not to exceed the maximum permissible benefit if:

1. The retirement benefits payable for a limitation year under any form of benefit with respect to such member under this System and under all other defined benefit plans (without regard to whether a plan has been terminated) ever maintained by a participating employer do not exceed Ten Thousand Dollars ($10,000.00) multiplied by a fraction:

a. the numerator of which is the member's number of credited years (or part thereof, but not less than one (1) year) of service, not to exceed ten (10), with the participating employer, and

b. the denominator of which is ten (10); and

2. The participating employer (or a predecessor employer) has not at any time maintained a defined contribution plan in which the member participated (for this purpose, mandatory employee contributions under a defined benefit plan, individual medical accounts under Section 401(h) of the Internal Revenue Code of 1986, as amended, and accounts for postretirement medical benefits established under Section 419A(d)(1) of the Internal Revenue Code of 1986, as amended, are not considered a separate defined contribution plan).

F. In no event shall the maximum annual accrued retirement benefit of a member allowable under this section be less than the annual amount of such accrued retirement benefit, including early pension and qualified joint and survivor annuity amounts, duly accrued by the member as of the last day of the limitation year beginning in 1982, or as of the last day of the limitation year beginning in 1986, whichever is greater, disregarding any plan changes or cost-of-living adjustments occurring after July 1, 1982, as to the 1982 accrued amount, and May 5, 1986, as to the 1986 accrued amount.

G. If a member purchases service credit under this title from the System, which qualifies as "permissive service credit" pursuant to Section 415(n) of the Internal Revenue Code of 1986, as amended, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, may be met by either:

1. Treating the accrued benefit derived from such contributions as an annual benefit under subsection B of this section; or

2. Treating all such contributions as annual additions for purposes of Section 415(c) of the Internal Revenue Code of 1986, as amended.

H. If a member repays to the System any amounts received or refunded from the System because of the member's prior termination pursuant to paragraph 3 of subsection (b) of Section 2-307 of this title or any other amount which qualifies as a repayment under Section 415(k)(3) of the Internal Revenue Code of 1986, as amended, such repayment shall not be taken into account for purposes of Section 415 of the Internal Revenue Code of 1986, as amended, pursuant to Section 415(k)(3) of the Internal Revenue Code of 1986, as amended.

I. For limitation years beginning on or after January 1, 1995, subsection C of this section, paragraph 1 of subsection D of this section, and the proration provided under subparagraphs a and b of paragraph 1 of subsection E of this section, shall not apply to a benefit paid under the System as a result of the member becoming disabled by reason of personal injuries or sickness, or amounts received by the beneficiaries, survivors or estate of the member as the result of the death of the member.

J. For distributions made in limitation years beginning on or after January 1, 2000, the combined limit of repealed Section 415(e) of the Internal Revenue Code of 1986, as amended, shall not apply.

K. The Board is hereby authorized to revoke the special election previously made under Section 415(b)(10) of the Internal Revenue Code of 1986, as amended.

L. Effective September 1, 2011, the interest rate and mortality assumptions for the System used to determine the actuarial equivalence of a member's form of benefit shall be set by the State Board in a manner that precludes employer discretion, shall be based upon recommendations from independent professional advisors, and shall be published annually in the actuarial valuation.

M. All benefits payable from the Oklahoma Law Enforcement Retirement System including payments from the deferred option plans under Section 2-305.2 of this title shall be paid from the general assets of the Fund pursuant to subsection B of Section 2-303.4 of this title.

Added by Laws 1991, c. 323, § 5, emerg. eff. June 12, 1991. Amended by Laws 1999, c. 257, § 24, eff. July 1, 1999; Laws 2000, c. 287, § 17, eff. July 1, 2000; Laws 2003, c. 406, § 7, eff. July 1, 2003; Laws 2005, c. 142, § 3, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex.Sess., c. 46, § 21, eff. July 1, 2006; Laws 2008, c. 177, § 10, eff. July 1, 2008; Laws 2009, c. 169, § 11, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 12, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 4, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 4, emerg. eff. April 16, 2012; Laws 2012, c. 364, § 11; Laws 2013, c. 16, § 2; Laws 2014, c. 37, § 2, emerg. eff. April 9, 2014; Laws 2018, c. 22, § 1, eff. Nov. 1, 2018.

§47-2-305.5. Additional retirement benefit.

A. Except as provided by subsection B of this section, the Oklahoma Law Enforcement Retirement System shall pay to its retirees, who retire not later than June 30, 1997, or their beneficiaries, from assets of the retirement system, an additional amount, for the fiscal year ending June 30, 1998, based upon the number of years of credited service upon which the retirement benefit of the member was computed as follows:

1. One Hundred Fifty Dollars ($150.00) for at least ten (10), but no more than fourteen (14) years of service;

2. Three Hundred Dollars ($300.00) for at least fifteen (15), but no more than nineteen (19) years of service;

3. Four Hundred Fifty Dollars ($450.00) for at least twenty (20), but no more than twenty-four (24) years of service; and

4. Six Hundred Dollars ($600.00) for twenty-five (25) or more years of service.

B. The Oklahoma Law Enforcement Retirement System shall pay to retirees, who retire not later than June 30, 1997, with a disability retirement benefit and having less than ten (10) years of service, the sum of One Hundred Fifty Dollars ($150.00).

C. For purposes of subsection A or B of this section, months of credited service in excess of a whole number of years shall be disregarded for purposes of determining the applicable payment amount.

D. The payment authorized by this section shall be distributed not later than August 1, 1997.

E. The payment authorized by this section shall not be a recurring benefit and shall only be made for the fiscal year ending June 30, 1998, and for no other fiscal year.

F. If a retiree has multiple beneficiaries, the amount prescribed by subsection A of this section shall be divided equally among the beneficiaries on a per capita basis.

Added by Laws 1997, c. 384, § 21, eff. July 1, 1997.

§47-2-305.6. Benefit adjustment - Restoration of Initial COLA Benefit.

A. For purposes of this section the following definitions shall apply:

1. "Initial COLA Benefit Date" means the later of the member's date of benefit commencement or January 1, 1981. This date is used in the definition of Initial COLA Benefit and Target COLA Benefit;

2. "Initial COLA Benefit" means the accrued retirement benefit which will be used as the base benefit for determining the Target COLA Benefit. The Initial COLA Benefit equals the benefit in payment status as of the Initial COLA Benefit Date. Furthermore, this benefit will reflect adjustment for military service credits, if any, granted after the Initial COLA Benefit Date;

3. "CPI-U" means the Consumer Price Index for all urban consumers for all goods and services, as published by the Bureau of Labor Statistics, U.S. Department of Labor. This is used as a measure of price inflation for the development of the Target COLA Benefit defined below; and

4. "Target COLA Benefit" is the Initial COLA Benefit adjusted to reflect price inflation as measured by CPI-U. The Target COLA Benefit is calculated for each eligible member to equal the member's Initial COLA Benefit multiplied by a ratio of (A) divided by (B) as follows:

(A) is the CPI-U as of July 1, 1997.

(B) is the CPI-U as of July 1 of the calendar year of the Initial COLA Benefit Date.

B. The Board shall, effective July 1, 1998, implement a benefit adjustment, to increase, if necessary, the retirement benefit for any person receiving benefits from the System as of June 30, 1997. This benefit adjustment is intended to restore one hundred percent (100%) of the loss of the Initial COLA Benefit, if any, due to price inflation, as measured by CPI-U. The benefit adjustment shall be one hundred percent (100%) of the amount by which the Target COLA Benefit is in excess, if any, of the June 1998 retirement benefit. Persons who retired after December 31, 1996 and before July 1, 1997, shall receive a benefit increase based on one-half (1/2) of the CPI-U change for the period beginning January 1, 1997 and before July 1, 1997.

C. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 1998, c. 317, § 4, eff. July 1, 1998.

§47-2-305.7. Benefit increase - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1999, who continues to receive benefits on or after July 1, 2000, shall receive a three percent (3%) increase in said benefits on July 1, 2000.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2000, c. 377, § 8, eff. July 1, 2000.

§47-2-305.8. Increase in benefits – Amount - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2001, who continues to receive

benefits on or after July 1, 2002, shall receive a five percent (5%) increase in said benefits on July 1, 2002.

B. Any increase in benefits a person is eligible to receive pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2002, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2002, c. 394, § 4, eff. July 1, 2002.

§47-2-305.9. Law Enforcement Retirement System - Increase in benefits.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2003, who continues to receive benefits on or after July 1, 2004, shall receive a four-percent increase in said benefits beginning in July 2004.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2004, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2004, c. 536, § 15, eff. July 1, 2004.

§47-2-305.10. Increase in benefits - July 1, 2006.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2005, who continues to receive benefits on or after July 1, 2006, shall receive a four-percent increase in said benefits beginning in July 2006.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2006, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 8, eff. July 1, 2006.

§47-2-305.11. Increase in benefits - July 1, 2008 - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2007, who continues to receive benefits on or after July 1, 2008, shall receive a four-percent increase in said benefits beginning in July 2008.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2008, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2008, c. 415, § 4, eff. July 1, 2008.

§47-2-306. Payments in case of death.

A. Upon the death of a retired member or upon the death of any member prior to retirement or other termination of covered employment, a monthly pension shall be paid which shall be in an amount as provided below:

1. If the member was not retired and death occurred as the direct result of the performance of the member's duties as an officer, an amount:

a. equal to two and one-half percent (2 1/2%),

b. multiplied by:

(1) twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of death if the member had performed less than twenty (20) years of service, or

(2) the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service,

c. multiplied by a final average salary equal to:

(1) the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of death for twenty (20) years of service if the member did not actually perform twenty (20) years of service prior to death. The final average salary for a member who performed less than twenty (20) years of service prior to death shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's death based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's death, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's death, whichever final average salary amount would be greater, or

(2) the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to death; or

2. If the member was not retired and death occurred other than as the direct result of the performance of the member's duties as an officer, an amount equal to the monthly payments which would have

been received by the member under subsection E of Section 2-305 of this title had the member been totally disabled; or

3. If said member was retired for length of service, an amount equal to the member's monthly payments; or

4. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection E or F of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection E or F of Section 2-305 of this title; or

5. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection G of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection G of Section 2-305 of this title; or

6. If said member was retired for partial disability, an amount equal to the monthly payments which would have been received by said member had the member been totally disabled.

B. The pension provided for in subsection A of this section shall be paid:

1. Except as provided in paragraph 4 of this subsection, to the surviving spouse, provided the surviving spouse was married to the member at the time of the member's death, and continuously for the thirty (30) months immediately preceding the member's death, provided a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, shall not be subject to the thirty-month marriage requirement for survivor benefits; or

2. If there is no surviving spouse or upon the death of a spouse:

a. to the person having the care and custody of any surviving child or children of said member for such time as such child or children are under the age of eighteen (18) years, or

b. to the surviving child or children between the age of eighteen (18) and twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education;

3. If there is no surviving spouse or children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, to the dependent parent or parents of said member, for life; or

4. In the event a surviving spouse remarried prior to June 7, 1993, and was a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, the surviving spouse shall be eligible to receive the pension benefits provided for in subsection A of this section.

To receive the pension benefits provided for in subsection A of this section the surviving spouse falling within this paragraph shall submit a written request for such benefits to the Oklahoma Law Enforcement Retirement System. The Oklahoma Law Enforcement Retirement System shall approve requests by surviving spouses meeting the requirements of this paragraph. Upon approval by the Oklahoma Law Enforcement Retirement System, the surviving spouse shall be entitled to the pension benefits provided for in subsection A of this section beginning from the date of approval forward. Pension benefits provided to surviving spouses falling within this paragraph shall not apply to alter any amount of pension benefits paid or due prior to the Oklahoma Law Enforcement Retirement System's approval of the remarried surviving spouse's written request for benefits.

No surviving spouse shall receive benefits from this section, Section 49-113 of Title 11 of the Oklahoma Statutes, or Section 50-117 of Title 11 of the Oklahoma Statutes as the surviving spouse of more than one member of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, or the Oklahoma Law Enforcement Retirement System. The surviving spouse of more than one member shall elect which member's benefits he or she will receive.

C. In addition to the pension above provided for, if said member leaves a surviving spouse and one or more children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars ($400.00) a month shall be paid from said Fund for the support of each surviving child to the person having the care and custody of such children during such time as said spouse remains alive and until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education.

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

Added by Laws 1961, p. 333, § 2-306, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 5, operative July 1, 1975; Laws 1980, c. 357, § 10, eff. July 1, 1980; Laws 1985, c. 296, § 5, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 3, operative July 1, 1986; Laws 1990, c. 340, § 22, eff. July 1, 1990; Laws 1993, c. 157, § 3, eff. July 1, 1993; Laws 1993, c. 322, § 14, emerg. eff. June 7, 1993; Laws 1994, c. 84, § 5, eff. July 1, 1994; Laws 1994, c. 351, § 6, eff. July 1, 1994; Laws 1995, c. 100, § 1, emerg. eff. April 13, 1995; Laws 1996,

c. 333, § 2, eff. July 1, 1996; Laws 1998, c. 419, § 7, eff. July 1, 1998; Laws 2000, c. 377, § 9, eff. July 1, 2000; Laws 2002, c. 399, § 5, eff. July 1, 2002; Laws 2004, c. 542, § 4, eff. July 1, 2004. NOTE: Laws 1993, c. 126, § 7 repealed by Laws 1993, c. 322, § 31, emerg. eff. June 7, 1993. Laws 2000, c. 287, § 18 repealed by Laws 2001, c. 5, § 18, emerg. eff. March 21, 2001.

§47-2-306.1. Repealed by Laws 1985, c. 296, § 8, emerg. eff. July 24, 1985.

§47-2-306.2. Unpaid accumulated contributions - Payment to beneficiary or next of kin.

In the event the total retirement payments made to the member and his joint annuitant, if any, are less than the member's accumulated contributions, the difference shall be paid to the member's designated beneficiary or if no designated beneficiary survives, then to the member's nearest surviving next of kin as determined by law. Laws 1980, c. 357, § 12, eff. July 1, 1980.

§47-2-306.3. Death benefit.

Upon the death of an active or retired member, the Oklahoma Law Enforcement Retirement System shall pay to the designated beneficiary of the member as defined in paragraph 17 of Section 2-300 of this title or if there is no such designated beneficiary or if such designated beneficiary predeceases the member, to the estate of the member, the sum of Four Thousand Dollars ($4,000.00) as a death benefit for those active or retired members who died prior to July 1, 1999. For those active or retired members who die on or after July 1, 1999, the sum shall be Five Thousand Dollars ($5,000.00). Added by Laws 1987, c. 236, § 162, emerg. eff. July 20, 1987. Amended by Laws 1999, c. 167, § 5, eff. July 1, 1999; Laws 2002, c. 352, § 4, eff. July 1, 2002; Laws 2004, c. 542, § 5, eff. July 1, 2004; Laws 2014, c. 37, § 3, emerg. eff. April 9, 2014.

§47-2-307. Leaves of absence - Termination of employment - Reinstatement - Service in Armed Forces - Involuntary furloughs.

(a) In the event a member of the System obtains a leave of absence, of not to exceed ninety (90) days at any one time, because of injury or illness or for any personal reason other than the acceptance of other employment, the member's membership in the System shall not terminate and the period of such leave shall be counted toward retirement for length of service if, during such leave of absence or at the end thereof, the member shall pay to the Fund an amount equal to the contributions which would have been deducted from the member's salary during such period if such leave of absence had not been obtained, but if such contributions are not paid during such leave or made up within thirty (30) days after the end of such leave,

or if such leave of absence extends for more than ninety (90) days at any one time, the period of such leave shall not be counted toward length of service for retirement nor in computing the amount of any pension or any retirement pay or any other benefits hereunder.

(b) In the event a member of the System obtains a leave of absence for the purpose of accepting other employment, or if a member resigns and during such resignation accepts other employment, the member's membership in the System shall terminate as of the date of the beginning of such leave. Provided, that if the membership of a member of the System shall have been terminated either by such leave of absence or by termination of employment, and such former member is reemployed, the Board, upon application therefor made in the same manner as an original application for membership in the System, may reinstate such membership. Such reinstated member shall be allowed full credit toward retirement for all service credit accrued up to the time of termination of membership if, but only if:

1. Such application for reinstatement is made within three (3) years from the date of such termination of such membership;

2. Such reinstated member remains a member of the System for a period of five (5) consecutive years after reinstatement of membership;

3. Such reinstated member reimburses the Fund, at the time application for reinstatement is made, with the amount of any portion of the membership contribution which has been refunded to the member under the provisions of Section 2-308 of this title; and

4. A lump-sum payment for repayment of any amount received because of a member's prior termination may be repaid by:

a. a cash lump-sum payment,

b. a trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,

c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or

d. any combination of the above methods of payment.

The provisions of this subsection shall not apply to absences caused by such military service as may be considered as service for retirement for length of service under the provisions of subsection (c) of this section.

(c) In determining the eligibility of a member for retirement based upon length of service, any service in the Armed Forces of the United States or any component thereof between the 16th day of September, 1940, and the 30th day of June, 1954, and any service in the Armed Forces of the United States or any component thereof upon call of the President of the United States or of the Governor of the State of Oklahoma, together with such prior service, as would have been otherwise considered as service for retirement for length of service, shall be considered as service for length of service, provided that the member returns and files application for reinstatement as a member of the System within ninety (90) days after the member's release, or opportunity for release, from such Armed Forces or component thereof. The member's employing agency that is making contributions to the System on behalf of the member shall continue payment of contributions into the pension fund, to the same force and effect as though the member was in the actual employment of such agency at the same salary for a period not to exceed five (5) years. If such member shall have been refunded any portion of the membership contributions as provided in Section 2-308 of this title, the member shall be required to reimburse the Fund with the same amount at the time of the member's application for reinstatement in the System, before the reinstated member is given credit for accrued prior service. Provided, that in no event shall a member of the System who has entered such Armed Forces or component thereof prior to retirement be or become eligible for retirement for length of service unless the member shall thereafter have been reinstated as a member of the System as provided for herein, and thereafter remained a member for at least one (1) year after such reinstatement.

(d) Time spent on involuntary furlough by members pursuant to the rules of the Office of Management and Enterprise Services shall be credited.

(e) Notwithstanding any provisions herein to the contrary:

1. Contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended, which is in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994, as amended (USERRA). The employer's contributions to the System for a member covered by USERRA are due when such a member makes up his or her contributions that were missed due to his or her qualified military service; and

2. Effective January 1, 2007, if any member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended), the survivors of

the member are entitled to any additional benefits other than benefit accruals relating to the period of qualified military service provided under the System had the member resumed and then terminated employment on account of death.
Added by Laws 1961, p. 333, § 2-307, eff. Sept. 1, 1961. Amended by Laws 1980, c. 357, § 13, eff. July 1, 1980; Laws 1986, c. 253, § 4, operative July 1, 1986; Laws 1999, c. 257, § 26, eff. July 1, 1999; Laws 2003, c. 406, § 8, eff. July 1, 2003; Laws 2005, c. 142, § 4, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 22, eff. July 1, 2006; Laws 2008, c. 177, § 11, eff. July 1, 2008; Laws 2009, c. 169, § 12, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 13, emerg. eff. June 9, 2010; Laws 2012, c. 304, § 172; Laws 2016, c. 8, § 1, emerg. eff. April 5, 2016.

§47-2-307.1. Service credit for membership in Public Employees Retirement System - Time of application.

A. A member may receive service credit for not to exceed five (5) years of participating service accumulated by the member while an employee of a state agency if the member is not receiving or eligible to receive retirement benefits or credit for said service from the Oklahoma Public Employees Retirement System. To receive credit for said service prior to January 1, 1991, the employee and employer contributions for those years of service and interest of not to exceed five percent (5%) as determined by the Board shall be paid to the Board. Effective January 1, 1991, to receive credit for said service, the member shall pay the amount determined by the Board of Trustees pursuant to Section 19 of Enrolled Senate Bill No. 810 of the 2nd Session of the 42nd Oklahoma Legislature. Such service credit shall not be used in determining the eligibility of the member for retirement based upon length of service.

B. To receive credit for such service:

1. A member who became a member of the system prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the system after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the system.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is

maintained by an eligible employer described in Code Section 457(3)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1986, c. 253, § 5, operative July 1, 1986. Amended by Laws 1987, c. 236, § 163, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 24, operative July 1, 1988; Laws 1990, c. 334, § 4, operative July 1, 1990; Laws 2003, c. 406, § 9, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 23, eff. July 1, 2006; Laws 2016, c. 8, § 2, emerg. eff. April 5, 2016.

§47-2-307.2. Service credit for unused sick leave - Prorated service credit for sick or temporary disability time - Option to purchase service credit.

A. The total service credit of a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed one hundred thirty (130) days of unused sick leave accumulated while a member of the System. Effective July 1, 2008, a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed two hundred forty (240) days of unused sick leave accumulated while a member of the System. Such credit shall be added in terms of whole months. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of service credit. If unused sick leave entitles a member to an additional year or fraction thereof of service credit, the member's employer shall reimburse the System for the cost of funding the additional reserve by paying the amount determined by the Board pursuant to Section 25 of this act. Each employer shall provide the System with adequate and timely information necessary to determine additional benefits and its cost under this section. This section shall apply to members retiring or vesting on or after July 1, 1985, and shall not be retroactive. The amount of accrued sick leave available for determination of a member's monthly benefit for purposes of the deferred option election shall be limited to the accrued sick leave available as of the effective date of the deferred option election, but not to exceed two hundred forty (240) days. The member's monthly benefit determined as of the effective date of the deferred option election shall not be adjusted for additional accrued sick leave earned by the member after the deferred option election.

B. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member, is receiving a temporary total disability benefit under Section 1 et seq. of Title

85A of the Oklahoma Statutes, and does not purchase service credit as described below, such member shall only receive prorated service credit based on the contributions made by the member and the member's employer while the member is receiving a temporary total disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member and is receiving a temporary disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes, such member shall have the option to purchase service credit for the time related to such leave of absence for such sickness or temporary disability.

1. The payment for such purchase must be completed no later than three (3) years from the date the member commenced receipt of a temporary total disability benefit.

2. The purchase price shall be:
   a. the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability, multiplied by,
   b. the following percent:
      (1) eighteen percent (18%) for members who are suspended without pay, or
      (2) eight percent (8%) for members who are not suspended without pay.

If such member has not been suspended without pay, the employer shall contribute, within three (3) months of the completion of the member's purchase of service credit, ten percent (10%) of the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability.

3. The member may purchase such service credit through:
   a. a cash lump-sum payment,
   b. a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,
   c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section

408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or

d. any combination of the above methods of payment.

Added by Laws 1985, c. 296, § 6, emerg. eff. July 24, 1985. Amended by Laws 1990, c. 340, § 23, eff. July 1, 1990; Laws 2006, 2nd Ex.Sess., c. 46, § 24, eff. July 1, 2006; Laws 2008, c. 177, § 12, eff. July 1, 2008; Laws 2016, c. 8, § 3, emerg. eff. April 5, 2016.

§47-2-307.3. Prior law enforcement service credit - Time of application.

A. Prior to January 1, 1991, upon payment to the Oklahoma Law Enforcement Retirement System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Effective January 1, 1991, to receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, the member shall pay the amount determined by the Board pursuant to Section 2-307.5 of this title. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the System after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the System.

B. Upon payment to the Oklahoma Law Enforcement Retirement System of a sum equal to the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest prior to January 1, 1991, or effective January 1, 1991, upon payment to the System of the amount determined by the Board pursuant to Section 2-307.5 of this title, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in another state or with a federal law enforcement agency, either as a commissioned law enforcement officer or in a scientific or technical

field, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1990, shall make application to the Board for such service prior to January 1, 1991; and

2. A member who became a member of the System after June 30, 1990, shall make application to the Board for such services within two (2) years of the date the member became a member of the System.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A) and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1987, c. 236, § 164, emerg. eff. July 20, 1987. Amended by Laws 1988, c. 267, § 25, operative July 1, 1988; Laws 1990, c. 340, § 24, eff. July 1, 1990; Laws 1990, c. 334, § 5, operative July 1, 1990; Laws 2003, c. 406, § 10, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 25, eff. July 1, 2006; Laws 2016, c. 8, § 4, emerg. eff. April 5, 2016.

§47-2-307.4. Military service credit.

A. Any member of the Oklahoma Law Enforcement Retirement System shall be entitled to prior service credit, not to exceed five (5) years, for those periods of military service on active duty prior to membership in the Oklahoma Law Enforcement Retirement System. Any active member of the Oklahoma Law Enforcement Retirement System whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior military service credit as otherwise provided in this section, only upon payment of the amount determined by the Board in the manner as provided in Section 2-307.5

of this title. For members of the System hired on or after July 1, 2003, if the military service credit authorized by this subsection is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires.

B. For purposes of this section, "military service" means service in the Armed Forces of the United States by honorably discharged persons during the following time periods, as reflected on such person's Defense Department Form 214, as follows:

1. During the following periods, including the beginning and ending dates, and only for the periods served, from:

a. April 6, 1917, to November 11, 1918, commonly referred to as World War I,

b. September 16, 1940, to December 7, 1941, as a member of the 45th Division,

c. December 7, 1941, to December 31, 1946, commonly referred to as World War II,

d. June 27, 1950, to January 31, 1955, commonly referred to as the Korean Conflict or the Korean War,

e. February 28, 1961, to May 7, 1975, commonly referred to as the Vietnam era, except that:

(1) for the period from February 28, 1961, to August 4, 1964, military service shall only include service in the Republic of Vietnam during that period, and

(2) for purposes of determining eligibility for education and training benefits, such period shall end on December 31, 1976, or

f. August 1, 1990, to December 31, 1991, commonly referred to as the Gulf War, the Persian Gulf War, or Operation Desert Storm, but excluding any person who served on active duty for training only, unless discharged from such active duty for a service-connected disability;

2. During a period of war or combat military operation other than a conflict, war or era listed in paragraph 1 of this subsection, beginning on the date of Congressional authorization, Congressional resolution, or Executive Order of the President of the United States, for the use of the Armed Forces of the United States in a war or combat military operation, if such war or combat military operation lasted for a period of ninety (90) days or more, for a person who served, and only for the period served, in the area of responsibility of the war or combat military operation, but excluding a person who served on active duty for training only, unless discharged from such active duty for a service-connected disability, and provided that the

burden of proof of military service during this period shall be with the member, who must present appropriate documentation establishing such service.

C. An eligible member under subsection B of this section shall include only those persons who shall have served during the times or in the areas prescribed in subsection B of this section, and only if such person provides appropriate documentation in such time and manner as required by the System to establish such military service prescribed in this section, or for service pursuant to division (1) of subparagraph e of paragraph 1 of subsection B of this section, those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict for service prior to August 5, 1964.

D. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

E. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1987, c. 236, § 165, emerg. eff. July 20, 1987. Amended by Laws 1990, c. 334, § 6, operative July 1, 1990; Laws 1998, c. 192, § 3, eff. July 1, 1998; Laws 2000, c. 311, § 2, eff. July 1, 2000; Laws 2003, c. 406, § 11, eff. July 1, 2003; Laws 2004, c. 302, § 3, emerg. eff. May 13, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 26, eff. July 1, 2006; Laws 2016, c. 8, § 5, emerg. eff. April 5, 2016.

§47-2-307.5. Transferred credited service - Computation of purchase price.

A. The Board shall adopt rules for computation of the purchase price for transferred credited service. These rules shall base the purchase price for each year purchased on the actuarial cost of the

incremental projected benefits to be purchased. The purchase price shall represent the present value of the incremental projected benefits discounted according to the member's age at the time of purchase. Incremental projected benefits shall be the difference between the projected benefit said member would receive without purchasing the transferred credited service and the projected benefit after purchase of the transferred credited service computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board for purposes of preparing the annual actuarial evaluation.

B. In the event that the member is unable to pay the purchase price provided for in this section by the due date, the Board shall permit the members to amortize the purchase price over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance. Notwithstanding anything herein to the contrary, lump-sum payments for a transferred credited service purchase may be made by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan; a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service.

A member making installment payments shall have the option of making a lump-sum payment for the balance of the actuarial purchase

price with interest due through the date of payment by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan; a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service. The Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

Added by Laws 1990, c. 340, § 25, eff. July 1, 1990. Amended by Laws 1993, c. 322, § 13, emerg. eff. June 7, 1993; Laws 2003, c. 406, § 12, eff. July 1, 2003; Laws 2004, c. 542, § 6, eff. July 1, 2004; Laws 2005, c. 142, § 5, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 27, eff. July 1, 2006; Laws 2016, c. 8, § 6, emerg. eff. April 5, 2016.

§47-2-307.6. Repealed by Laws 1998, c. 256, § 11, eff. July 1, 1998.

§47-2-307.7. Reduction-in-force termination credit.

A. A member of the Oklahoma Law Enforcement Retirement System who has ten (10) or more years of full-time-equivalent employment with a participating employer, and who is terminated by a state agency or other state governmental entity because the member's position is eliminated through a reduction-in-force after July 1, 1998, and is within three (3) years of a normal retirement date as defined in paragraph 7 of Section 2-300 of this title may purchase termination credit of a period not to exceed the lesser of three (3) years or the number of years or months or both years and months required in order for the member to reach normal retirement date in the same period of time and with the same service credit which would have otherwise accrued if the termination had not occurred.

B. In order to receive the termination credit authorized by this section, the member shall be required to file an election with the System indicating an intent to purchase the credit. The member shall have a period of six (6) months from the date the member is terminated as described in subsection A of this section within which to file the election.

C. To purchase the termination credit, the member shall be required to make payment to the System of an amount equal to both the

employer and employee contributions which would have been paid to the System based upon the actual paid base salary as defined in paragraph 8 of Section 2-300 of this title, which was received by the member in the last full month that the member was employed by the state agency or other state governmental entity multiplied by the number of months required in order for the combination of the participating service and member's age to equal the amount required for the member to reach normal retirement date with an unreduced benefit as if the member had not been terminated.

D. The member must make full payment to the System of all required contribution amounts within sixty (60) days of filing the election to purchase the credit. The member must vest his or her benefits with a declared future retirement date as of the first month the member is eligible for normal retirement. Failure to make the full payment to the System of the required contribution amounts, for any reason, within the time prescribed, shall result in cancellation of the election provided pursuant to this section, and return of the purchase amount tendered, without interest. Notwithstanding anything herein to the contrary, termination credit purchases may be made by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

E. Purchased termination credit may only be used as service credit to qualify the member for normal retirement.

F. If the member chooses to retire at any time prior to the member's normal retirement date or returns to employment with a participating employer of the System at any time prior to retirement, the purchase of termination credit pursuant to this section shall be void and the System will return the purchase amount tendered, without interest.

G. In the event of the death of the member prior to retirement, the member's spouse, if otherwise eligible for benefits pursuant to Section 2-306 of this title, may elect to receive benefits which include the termination credit on the member's declared future retirement date, or may elect to receive a return of the purchase amount tendered, without interest.

Added by Laws 1998, c. 256, § 8, eff. July 1, 1998. Amended by Laws 2003, c. 406, § 13, eff. July 1, 2003; Laws 2004, c. 542, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 28, eff. July 1, 2006; Laws 2016, c. 8, § 7, emerg. eff. April 5, 2016.

§47-2-308. Payments on termination of membership - Reemployment.

A. A member who terminates his service before normal retirement date, other than by death or disability, shall, upon application filed with the Board, be entitled to be refunded from the fund an amount equal to the accumulated contributions the member has made to the fund, but excluding any interest or any amount contributed by the state. If such member has completed ten (10) years of credited service at the date of termination, the member may elect a vested benefit in lieu of receiving his accumulated contributions.

If the member who has completed ten (10) or more years of credited service elects the vested benefit, the member shall be entitled to a monthly retirement annuity commencing on the member's normal retirement date to be determined as if the member's employment continued uninterrupted. The annual amount of such retirement annuity shall be equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of credited service. The death benefits provided for under Section 2-306 of this title shall apply to any member retiring under the provisions of this subsection.

B. A member who terminated service before the normal retirement date of such member and elected a vested benefit in lieu of receiving accumulated contributions may upon reemployment be allowed full credit toward retirement for all credited service accrued for the vested benefit. This subsection shall apply to employees of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety and the Oklahoma Alcoholic Beverage Control Board whose benefits had vested in the Oklahoma Public Employees Retirement System prior to the establishment of the Oklahoma Law Enforcement Retirement System. Upon reemployment of said employee by an agency whose employees are now members of the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all funds contributed by the individual member being reemployed and all funds contributed by the state for such member.

Added by Laws 1961, p. 335, § 2-308, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 6, operative July 1, 1975; Laws 1978, c. 310, § 2, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 14, eff. July 1, 1980; Laws 1982, c. 328, § 6, operative July 1, 1982; Laws 2002, c. 399, § 6, eff. July 1, 2002.

§47-2-308.1. Election to defer commencement of retirement benefits.

Any member retiring under the provisions of the System shall have the opportunity to elect to defer the commencement of retirement benefits by one-year periods by an election in writing submitted to the Board not later than thirty (30) days prior to the member's normal retirement date or the member's actual retirement date, whichever is later. Such elections may be made successively but may not be deferred later than age sixty-five (65). Retirement benefits payable to members electing to defer the commencement of payments shall be increased by five percent (5%) of the amount that would otherwise be paid for each year payments are deferred.
Laws 1978, c. 310, § 3, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 15, eff. July 1, 1980.

§47-2-308.2. Actuarial investigation - Establishment of tables and rates - Actuarial valuation of assets and liabilities – Determination of employer contributions.

(1) At least once each five (5) years the actuary shall make an actuarial investigation of the experience of the System, including the mortality, service and compensation experience of members and beneficiaries. Based on the results of such investigation the actuary shall recommend for adoption by the Board such tables and rates as are required for the operation of the System and for the preparation of annual actuarial valuations.

(2) On the basis of such tables and rates as the Board shall adopt, the actuary shall prepare an annual actuarial valuation of the assets and liabilities of the System and certify the rates of contribution payable by the state under the provisions of law concerning the System.

(3) Subject to the funds available to the System, the employer contributions to the System shall be determined on the basis of the most recent actuarial valuation, which amount shall be calculated as the sum of the normal cost for the fiscal year plus the payment required to amortize the unfunded accrued liability by level dollar payments over fifteen (15) years from July 1, 2014.
Added by Laws 1978, c. 310, § 4, emerg. eff. May 11, 1978. Amended by Laws 1980, c. 357, § 16, eff. July 1, 1980; Laws 2014, c. 116, § 1, eff. July 1, 2014.

§47-2-309. Proceedings on claims - Appeal to district court.

Claims for pensions, retirement pay, medical expenses, hospital expenses, and any other allowances or benefits provided for under the System shall be allowed and paid only upon application therefor signed and verified by the affidavit of the person claiming to be entitled thereto, filed with the Board. All such claims shall be presented at the first regular meeting of the Board, or a special meeting called for that purpose by the President and Secretary of the Board, and no claim shall be approved or allowed except by vote of a

majority of the Board. The Board shall have full power and authority to determine all questions of eligibility for membership in the System, eligibility for retirement, eligibility to continue membership, injury, illness, disability, the extent of disability, the percentage of disability, ability or inability to perform the duties connected with any employment, age, length of service, credits for service, and, in connection with determining any such question, may secure and pay for the services of a minimum of two physicians or surgeons to make an examination of the member or applicant and report upon such matter. The proceedings of the Board shall be kept by the Secretary of the Board and reduced to writing in books kept for that purpose and shall include all claims filed, allowed or rejected and a copy of each resolution, action or order of the Board. Any objection to the allowance or disallowance of any claim presented to the Board shall be presented to the Board within thirty (30) days after notification of such allowance or disallowance, and, the Board shall set a date for hearing thereon and shall cause written notice of such hearing to be mailed to the claimant and to the contestant, if the contestant be one other than a member of the Board, not less than ten (10) days prior to such hearing, at which hearing evidence bearing upon the propriety and correctness of the claim may be introduced. Any and all evidence introduced upon such a hearing shall be taken and transcribed by, or under the supervision of, the Secretary of the Board, and a copy thereof, together with a copy of the order or decision of the Board, shall be kept as a part of the official record of the Board. Any person aggrieved by any action of the Board may appeal to the district court of Oklahoma County, Oklahoma, by filing in the office of the court clerk of said county, within thirty (30) days after the signing and filing of the Board's written decision or order in the matter, a petition setting forth such order or decision and the grounds upon which such appeal is taken, together with a true and complete transcript of the proceedings before the Board, and causing summons to be issued and served, as in civil actions, upon the President of the Board. Said district court is hereby vested with final appellate jurisdiction in such matters, shall try the same wholly upon the transcript of the proceedings before the Board, and shall act solely as an appellate court in such proceedings.
Added by Laws 1961, p. 335, § 2-309, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 7, operative July 1, 1975; Laws 1980, c. 357, § 17, eff. July 1, 1980; Laws 1996, c. 315, § 2, eff. July 1, 1996.

§47-2-309.1. Officers of State Bureau of Investigation and Bureau of Narcotics and Dangerous Drugs Control - Transfer to System.

Officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who become members of the System on July 1, 1980, shall cease accruing benefits in the Oklahoma Public Employees Retirement System as of

that date and shall commence accruing benefits under this System. The Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement System all funds contributed by the individual members being transferred and all funds contributed by the state for such members, no later than October 1980. Also, the Oklahoma Public Employees Retirement System shall give to the Oklahoma Law Enforcement System a certified statement of credited service accrued by such transferred members. Service accrued by officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System.
Laws 1980, c. 357, § 18, eff. July 1, 1980.

§47-2-309.2. Employees of Communications Division and Waterways Patrol Division of Department of Public Safety - Transfer to System.

Employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1981. On January 1, 1982, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each Communications Division and Waterways Patrol Division employee transferring to the Oklahoma Law Enforcement RetirementSystem and the retirement records of those transferring employees. Service accrued by employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided, however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Department of Public Safety.
Laws 1981, c. 227, § 6, operative July 1, 1981.

§47-2-309.3. Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board - Transfer to System.

Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1982. On January 1, 1983, the Oklahoma Public Employees

Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each law enforcement officer of the Oklahoma Alcoholic Beverage Control Board transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said law enforcement officers of the Oklahoma Alcoholic Beverage Control Board under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Alcoholic Beverage Control Board.
Added by Laws 1982, c. 328, § 7, operative July 1, 1982.

§47-2-309.4. Park rangers - Transfer to System.

Park rangers of the Oklahoma Tourism and Recreation Department who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1985. On January 1, 1986, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each park ranger of the Oklahoma Tourism and Recreation Department transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said park rangers of the Oklahoma Tourism and Recreation Department under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department.
Added by Laws 1985, c. 296, § 7, emerg. eff. July 24, 1985.

§47-2-309.5. Pharmacy board inspectors - Transfer to System.

Inspectors of the Oklahoma State Board of Pharmacy who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement

Retirement System on July 1, 1986. On January 1, 1987, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each inspector of the Oklahoma State Board of Pharmacy transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said inspectors of the Oklahoma State Board of Pharmacy under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma State Board of Pharmacy.
Added by Laws 1986, c. 253, § 6, operative July 1, 1986.

§47-2-309.6. Capitol patrol members and park managers and supervisors - Transfer to Oklahoma Law Enforcement Retirement System from Oklahoma Public Employees Retirement System.

A. For purposes of this section, "capitol patrol members" means law enforcement officers of the State Capitol Division of the Department of Public Safety employed on July 1, 1993, who, pursuant to the provisions of this act, transfer membership from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System.

B. Capitol patrol members are hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1993, capitol patrol members who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1994, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System from time to time by the capitol patrol members while members of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each capitol patrol member to the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring capitol patrol members;

3. Service credit accrued by a capitol patrol member while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring capitol patrol member in the Oklahoma Law Enforcement Retirement System if the

capitol patrol member is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service said employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Department of Public Safety. Provided further, that only transferred credited service related to actual law enforcement service with the State Capitol Patrol Division of the Department of Public Safety will be included in the determination of a capitol patrol member's normal retirement date or vesting date; and

4. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Law Enforcement Retirement System shall be canceled.

C. Any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System is hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1996, park managers and park supervisors who are members of the Oklahoma Public Employees Retirement System and who elect on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1997, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the park manager or park supervisor while he or she was a member of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each park manager or park supervisor who elects to become a member of the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring park manager or park supervisor;

3. To receive service credit accrued by such park manager or park supervisor prior to July 1, 1996, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the member shall pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this

subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of this title. The park manager or park supervisor shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Such an election shall be made in writing, filed with the System prior to receiving the credit provided for in paragraph 10 of Section 2-300 of this title, and shall be irrevocable. Payments made by park managers or park supervisors pursuant to this paragraph shall be made on or before January 1, 1997;

4. Service credit accrued by a park manager or park supervisor while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring park managers or park supervisors in the Oklahoma Law Enforcement Retirement System if the park manager or park supervisor is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of this title. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service the employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department. Provided further, that only transferred credited service related to park ranger, park manager or park supervisor service with the Oklahoma Tourism and Recreation Department will be included in the determination of a park manager or park supervisor's normal retirement date or vesting date; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

Added by Laws 1993, c. 277, § 2, eff. July 1, 1993. Amended by Laws 1996, c. 60, § 2, eff. July 1, 1996.

§47-2-309.7. Repealed by Laws 2007, c. 62, § 34, emerg. eff. April 30, 2007.

§47-2-309.8. Service credit.

A. Any state employee who is employed in a commissioned officer position of the Oklahoma Highway Patrol Division, the Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, a Parks Ranger of the Tourism and Recreation Department, and a Pharmacy Inspector of the Pharmacy Board shall be eligible for service credit for employment prior to July 1, 1993, if the employee was in a commissioned officer position in the former Oklahoma Capitol

Patrol Division, the former Mansion Security, and the former Training Center Security of the Department of Public Safety and the employee was a full-time, active employee eligible for all state employee benefits.

B. An eligible member of the System shall receive credit for all prior service as provided in subsection A of this section, provided the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the years of service for retirement and vesting purposes.

C. To receive credit for such service, an eligible member, as provided in this section, who became a member of the System prior to July 1, 1993, shall make application to the Board in writing for such service prior to July 1, 2002.

Added by Laws 2000, c. 378, § 3, eff. July 1, 2000. Renumbered from § 309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001. Amended by Laws 2001, c. 435, § 5, eff. July 1, 2001; Laws 2008, c. 177, § 13, eff. July 1, 2008.

§47-2-310. Repealed by Laws 2004, c. 542, § 8, eff. July 1, 2004.

§47-2-310.1. Injury in the line of duty - Injury Review Board - Paid leave - Accrual of leave and service credit, deductions.

A. Whenever any member currently working in a position identified by paragraph 6 of Section 2-300 of this title or Section 2-314 of this title and enrolled in the Oklahoma Law Enforcement Retirement System is injured in the line of duty, an Injury Review Board consisting of one member to be appointed by the member's employer, one member to be appointed by the Director of the Office of Management and Enterprise Services and one member to be appointed by the Governor shall convene to determine if the injured member was actually injured in the line of duty and whether the injured member should be granted leave because of the injury. The Injury Review Board may, in its discretion, grant the injured member leave when necessary, not to exceed one hundred sixty-five (165) working days for the illness or injury.

B. For the purpose of this section, "illness or injury" shall include any serious illness or serious injury caused by or contracted during the performance of the member's duty. Every state agency which employs persons eligible for membership in the Oklahoma Law Enforcement Retirement System shall participate in the joint promulgation of a rule which shall set out mutually agreeable guidelines for the categorization of an illness or injury as serious. Upon promulgation of the rule, each of the state agencies shall individually adopt the rule. The wording of the rule, as adopted and as amended by the agencies from time to time, shall remain in conformity for each of the state agencies.

C. The three-member Injury Review Board shall be convened following a written request submitted by the injured member to the injured member's employer. The employer shall forward the request to the Director of the Office of Management and Enterprise Services. The employer may submit the request on behalf of an injured member. The Director's appointee shall then convene and chair the Injury Review Board. The Injury Review Board may request the injured member to submit to an examination by a physician selected by the Board at the employer's expense to assist the Board in making a decision. A decision to grant or deny such paid leave shall be determined by concurrence in writing of not less than two Injury Review Board members. If granted, said leave shall be paid by the employing agency.

D. While such leave is being paid, the employee shall continue to accrue leave and service credit at the same rate as before the illness or injury. The employee's portion of health, dental, life and disability insurance premiums and the employee's contribution to the Oklahoma Law Enforcement Retirement System shall be deducted by the employing agency from the paid leave and remitted to the appropriate agencies, in the same manner as before the illness or injury.

Added by Laws 1988, c. 267, § 26, operative July 1, 1988. Amended by Laws 1995, c. 294, § 3, eff. July 1, 1995; Laws 2002, c. 399, § 7, eff. July 1, 2002; Laws 2003, c. 486, § 2, eff. July 1, 2003; Laws 2004, c. 418, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 29, eff. July 1, 2006; Laws 2012, c. 304, § 173.

§47-2-310.2. Law Enforcement Retirement System members - Inability to perform duties - Administrative leave with pay - Transfer of temporary disability benefits.

Whenever any member of the Oklahoma Law Enforcement Retirement System currently working in a position identified by paragraph 6 of Section 2-300 of Title 47 of the Oklahoma Statutes who is enrolled in the Oklahoma Law Enforcement Retirement System is unable to perform the member’s duties because of sickness or temporary disability caused or sustained while in the discharge of the member’s duty as such member, notwithstanding the provisions of Section 840-2.21 of Title 74 of the Oklahoma Statutes or the provisions of Sections 11 and 12 of Title 85 of the Oklahoma Statutes, the member may be placed on administrative leave with pay by the employing agency for a period of ninety (90) days with the employing agency having the option of extending the leave period for up to an additional ninety (90) days, not to exceed a total of one hundred eighty (180) days. The member’s salary and benefits shall continue to be paid by the employing agency without any decrease or disruption of said salary and benefits. If the recovery period is longer than one hundred eighty (180) days, the member shall use sick leave, annual leave or other authorized leave.

Should a member receiving a salary under this section be eligible to receive and should the salary of the member under this section exceed any temporary disability benefit paid to the member under Section 1 et seq. of Title 85 of the Oklahoma Statutes, the member shall transfer such temporary disability benefits under Section 1 et seq. of Title 85 of the Oklahoma Statutes to the employing agency while the member is sick or temporarily disabled.
Added by Laws 2006, 2nd Ex. Sess., c. 46, § 30, eff. July 1, 2006. Renumbered from § 840-2.21A of Title 74 by Laws 2007, c. 62, § 29, emerg. eff. April 30, 2007.

§47-2-311. Repealed by Laws 1988, c. 321, § 45, operative July 1, 1988.

§47-2-312. Fraud - Penalties.

(a) No person shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the System, in any attempt to defraud such System.

(b) Should any such change in records fraudulently made, or any mistake in records inadvertently made, result in any member or beneficiary of said System receiving or paying more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the Board shall correct such error and shall adjust payments which he should have paid or received.

(c) Any person violating any provisions of subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.
Laws 1961, p. 336, § 2-312; Laws 1980, c. 357, § 21, eff. July 1, 1980.

§47-2-313. Renumbered as § 2-150 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001.

§47-2-314. Election for limited participation by certain universities.

A. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges may make an irrevocable written election for the University of Oklahoma and/or Oklahoma State University to become participating employers in the Oklahoma Law Enforcement Retirement System for police officers who are CLEET certified and employed by the University of Oklahoma and/or Oklahoma State University. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall send

written notice of the election to the Oklahoma Law Enforcement Retirement System.

B. Beginning the following month after the System receives the written notice, the University of Oklahoma and/or Oklahoma State University and all active police officers who are CLEET certified and hired on or after the date of the election shall participate in and make contributions to the System as other participating employers and members of the System.

C. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police employed prior to the date of the election and who were participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Teachers' Retirement System of Oklahoma and the Oklahoma Law Enforcement Retirement System. Such police officers who make the election to transfer shall be transferred to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Upon the date of election of the police officer, the police officer shall cease accruing benefits in the Teachers' Retirement System of Oklahoma and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the police officers' election by Teachers' Retirement System of Oklahoma, the Teachers' Retirement System of Oklahoma shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions plus accrued interest. The Teachers' Retirement System of Oklahoma shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring police officer;

3. To receive service credit accrued by such police officer prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Teachers' Retirement System of Oklahoma, whichever date occurs last, the member shall pay the difference between the amount transferred by the Teachers' Retirement System of Oklahoma to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes. The police officer shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Teachers' Retirement System of Oklahoma pursuant to this subsection. Payments made by electing police officers pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit accrued by a police officer while a member of the Teachers' Retirement System of Oklahoma shall be treated as

credited service for such transferring police officer in the Teachers' Retirement System of Oklahoma if the police officer is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to police service with the University of Oklahoma or Oklahoma State University shall be included in the determination of a police officer's normal retirement date or vesting date; and

5. All service credit with the Teachers' Retirement System of Oklahoma which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

D. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police officers employed prior to the date of the election and who were not participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Oklahoma Law Enforcement Retirement System. Beginning the following month after the System for such police officers receives the police officer's written election, the University of Oklahoma and/or Oklahoma State University and the electing police officer shall participate and make contributions to the System as other participating employers and members of the System.

Added by Laws 2001, c. 193, § 1, eff. July 1, 2001.

§47-2-315. Certain employees of Grand River Dam Authority - Election to participate

A. Members of the Oklahoma Public Employees Retirement System who are active Lake Patrolmen or Dispatchers of the Grand River Dam Authority on June 30, 2003, may make an irrevocable written election on or before January 1, 2004, to participate in the Oklahoma Law Enforcement Retirement System. Such patrolmen and dispatchers who make the election as provided by this section shall be subject to the following:

1. Upon the date the patrolman or dispatcher makes the election pursuant to this section, he or she shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the patrolman's or dispatcher's election by the Oklahoma Public Employees Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions including any amounts received by the Oklahoma Public Employees Retirement System

on behalf of a transferring member related to a purchase or transfer of credited service to the Oklahoma Public Employees Retirement System. The Oklahoma Public Employees Retirement System shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring member;

3. To receive service credit accrued by such transferring member prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the member shall make an irrevocable written election. The election shall be to either pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes to receive full eligible credit for the years sought to be transferred or receive eligible prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Payments made by such transferring members pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit shall only be transferable pursuant to this section if the transferring member is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to Lake Patrol service as a patrolman or dispatcher with the Grand River Dam Authority and any other law enforcement related service, including service with the Department of Corrections as a correctional officer or probation and parole officer or any credited service that was purchased or transferred to the Oklahoma Public Employees Retirement System from the Oklahoma Law Enforcement Retirement System or the Oklahoma Police Pension and Retirement System, shall be included in the determination of an officer’s normal retirement date or vesting date in the Oklahoma Law Enforcement Retirement System; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

B. The Grand River Dam Authority shall be a participating employer in the Oklahoma Law Enforcement Retirement System for all Grand River Dam Lake Patrolmen and Dispatchers who participate in the Oklahoma Law Enforcement Retirement System pursuant to the provisions of this section.

Added by Laws 2003, c. 459, § 8. Amended by Laws 2016, c. 297, § 23, eff. July 1, 2016.

§47-2-316. Oklahoma Blue Alert Act.

A. This act shall be known and may be cited as the "Oklahoma Blue Alert Act".

B. As used in this act, "law enforcement officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his or her responsibilities including reserve force deputies, reserve municipal police officers and tribal law enforcement officers who are commissioned pursuant to an agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes.

C. The Department of Public Safety shall develop and implement a statewide blue alert system. The statewide blue alert system shall be designed to rapidly disseminate useful information in a predetermined manner to statewide media outlets.

D. The Commissioner of Public Safety shall be the statewide coordinator of the blue alert system. The Commissioner shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. An Oklahoma Blue Alert shall be activated only in accordance with policies established by the Department of Public Safety and if all of the following conditions apply:

1. A law enforcement officer has been killed or seriously injured and the law enforcement agency investigating the incident has information identifying an individual as a suspect connected to the incident;

2. The law enforcement agency that is investigating the suspect determines that the suspect poses a serious risk or threat to the public and other law enforcement personnel;

3. The law enforcement agency investigating the suspect has obtained either:

a. the name of the suspect,

b. a detailed physical description of the suspect, or

c. a description of the vehicle of the suspect, vehicle registration plate numbers or letters or partial vehicle registration plate numbers or letters; and

4. The law enforcement agency investigating the suspect recommends that the Department of Public Safety activate the Blue Alert.

E. The Commissioner may notify authorities and entities outside the State of Oklahoma upon verification that the criteria established under this section have been met.

F. The Commissioner shall annually review the function of the blue alert system and revise its criteria and procedures to provide for efficient and effective statewide public notification.

Added by Laws 2016, c. 200, § 1, eff. Nov. 1, 2016.

§47-4-101. Exceptions from provisions of this chapter.

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

1. A vehicle moved solely by animal power;

2. An implement of husbandry, except as provided in Section 4-102 and 4-104 of this title;

3. Special mobilized machinery;

4. A self-propelled invalid wheel chair or tricycle.

Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987. Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987.

§47-4-102. Unauthorized use of vehicle - Punishment.

A. A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. A person not entitled to possession of an implement of husbandry who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the implement of husbandry or its possession, takes, uses or drives the implement of husbandry shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-102, eff. Sept. 1, 1961. Amended by Laws 1987, c. 224, § 13, eff. Nov. 1, 1987; Laws 1997, c. 133, § 471, eff. July 1, 1999; Laws 2018, c. 116, § 16, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 471 from July 1, 1998, to July 1, 1999.

§47-4-103. Unauthorized use of a vehicle known to be stolen - Punishment.

A. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing the vehicle to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. A person not entitled to the possession of an implement of husbandry who receives, possesses, conceals, sells or disposes of it, knowing the implement of husbandry to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a felony punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-103, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 472, eff. July 1, 1999; Laws 2009, c. 373, § 3, eff. Nov. 1, 2009; Laws 2018, c. 116, § 17, eff. Nov. 1, 2018.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 472 from July 1, 1998, to July 1, 1999.

§47-4-104. Damaging or tampering with vehicle or implement of husbandry.

(a) A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of a misdemeanor.

(b) A person, who, without right to do so and with intent to commit a crime, climbs into or upon a vehicle or implement of husbandry whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle or implement of husbandry while the same is at rest and unattended, or sets in motion any vehicle or implement of husbandry while the same is at rest and unattended is guilty of a misdemeanor.

(c) This section shall not apply as stated in Section 11-1002 of this title.

Amended by Laws 1987, c. 224, § 14, eff. Nov. 1, 1987.

§47-4-105. Stolen, converted, recovered and unclaimed vehicles.

A. It shall be the duty of every sheriff, chief of police or peace officer to make immediate report to the Department of Public Safety of all vehicles reported to their respective jurisdictions as being stolen or recovered. Such report shall be made as prescribed by the Department.

B. An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

C. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within five (5) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle left by its owner whose name and address are known to the operator or employee of the operator is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance

with this subsection forfeits all claims and liens for its garaging, parking or storing and is guilty of a misdemeanor punishable by a fine or not more than Twenty-five Dollars ($25.00) for each day the failure to report continues.

D. The Department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

E. Any peace officer who has reason to believe or upon receiving information that a motor vehicle has been stolen shall have and is hereby vested with authority to confiscate and hold such vehicle until satisfactory proof of ownership is established. Provided, any vehicle that is towed by a licensed wrecker operator pursuant to the provisions of Section 954A of this title shall be returned to the licensed wrecker operator prior to any other claim or assertion of ownership.

Added by Laws 1961, p. 337, § 4-105, eff. Sept. 1, 1961. Amended by Laws 2003, c. 279, § 3, emerg. eff. May 26, 2003; Laws 2012, c. 197, § 1, eff. Nov. 1, 2012.

§47-4-106. False report of theft or conversion.

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

Laws 1961, p. 337, § 4-106.

§47-4-107. Removed, falsified or unauthorized identification.

(a) Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in this state, without first giving notice of such act to the Oklahoma Tax Commission, upon such form as the Commission may prescribe, or any person who shall give a wrong description in any application for the registration of any vehicle in this state for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

(b) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

(c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or

falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a felony.

(d) A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor.

(e) As used in this section:

1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;

2. "Remove" includes deface, cover and destroy;

3. "Falsify" includes alter and forge.

(f) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Oklahoma Tax Commission without violating this section; an identification number so placed or restored is not falsified.

Added by Laws 1961, p. 337, § 4-107, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 5; Laws 1984, c. 253, § 1, operative July 1, 1984; Laws 1997, c. 133, § 473, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 341, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 473 from July 1, 1998, to July 1, 1999.

§47-4-107a. Offenses in connection with trim tag plates - Exceptions - Penalties - Civil remedies - Definitions.

A. It shall be unlawful for any person to:

1. Knowingly and intentionally destroy, remove, cover, alter or deface, or cause to be destroyed, covered, removed, altered or defaced the trim tag plate of a motor vehicle manufactured from 1953 to 1977;

2. Knowingly affix a counterfeit trim tag plate to a motor vehicle;

3. Manufacture, offer for sale, sell, introduce, import or deliver for sale or use in this state a counterfeit trim tag plate; or

4. Offer for sale, sell, introduce, import or deliver for sale or use in this state a trim tag plate that was affixed to a motor vehicle at the time of manufacture but has since been removed or become dislodged.

B. Paragraph 1 of subsection A of this section shall not apply to:

1. Any person who engages in repair of a motor vehicle, provided that removal of the vehicle's trim tag plate is reasonably necessary

for repair of a part of the vehicle to which the trim tag plate is affixed, and provided that such trim tag plate is not intentionally destroyed, altered or defaced; or

2. Removal of a trim tag from a motor vehicle which is being junked or otherwise destroyed, if the removal is being done for historical documentation purposes by a person actively involved in judging events or for historical documentation of classic motor vehicles and reasonable precaution is taken to ensure that the tag is not sold or affixed to another motor vehicle.

C. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor. Any person convicted of violating the provisions of this act a second or subsequent time shall be guilty of a felony.

D. In addition to any other civil remedy available, a person defrauded as a result of a violation of this act may bring a civil action against any person who knowingly violated this act regardless of whether that person has been convicted of a violation of this act. A person defrauded as a result of a violation of this act may recover treble their actual compensatory damages. In any action brought pursuant to this subsection, the court may award reasonable costs, including costs of expert witnesses, and attorney fees to the prevailing party.

E. As used in this section:

1. "Trim tag plate" means a plate or tag affixed to a motor vehicle by the manufacturer which displays numbers, symbols, or codes that identify characteristics of the vehicle including, but not limited to, date of manufacture, body style, paint color, engine option, transmission option, trim option, general option, interior option, and interior color;

2. "Counterfeit trim tag plate" means:

a. any trim tag plate manufactured by a person or entity other than the original manufacturer of a motor vehicle upon which the trim tag plate is designed to be affixed, unless the trim tag has been permanently stamped, in the same manner as other information on the trim tag, with the words “REPLACEMENT TAG” in letters measuring at least one-eighth (1/8) of an inch in height, or

b. any trim tag plate which has been altered from its original manufactured condition so as to change any of its numbers, symbols, or codes; and

3. "Motor vehicle" means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

Added by Laws 2007, c. 96, § 1, eff. Nov. 1, 2007.

§47-4-108. False statements of material facts - Punishment.

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a motor vehicle.
Added by Laws 1961, p. 338, § 4-108, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 474, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 342, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 474 from July 1, 1998, to July 1, 1999.

§47-4-109. Altering or forging certificate of title - Punishment.

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Commission, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not less than Fifty Dollars ($50.00), nor more than Five Thousand Dollars ($5,000.00), or to imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court.
Added by Laws 1961, p. 338, § 4-109, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 475, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 343, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 475 from July 1, 1998, to July 1, 1999.

§47-4-110. Offenses in connection with certificates of title.

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued

to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of this state or any other state;

3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses;

4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to the purchaser at the time of sale.

Anyone violating any of the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

B. Except as otherwise authorized by law, no person shall:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. Any violation of any portion of this section for which a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

Added by Laws 1961, p. 338, § 4-110, eff. Sept. 1, 1961. Amended by Laws 1980, c. 85, § 1, eff. Jan. 1, 1981; Laws 1981, c. 118, § 6; Laws 1984, c. 253, § 2, operative July 1, 1984; Laws 1997, c. 133, § 476, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 476 from July 1, 1998, to July 1, 1999.

§47-4-111. Inspection of public garage or repair shop or place where vehicles are held for sale or wrecking for purpose of locating stolen vehicles and investigating title and registration thereof.

Any peace officer of the state may inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

Added by Laws 1993, c. 113, § 2, eff. Sept. 1, 1993.

§47-5-101. Repealed by Laws 1963, c. 138, § 3, eff. June 4, 1963.

§47-6-101. See the following versions:

OS 47-6-101v1 (SB 259, Laws 2019, c. 314, § 1, effective **until** Nov. 1, 2020).

OS 47-6-101v2 (SB 259, Laws 2019, c. 314, § 2, effective **beginning** Nov. 1, 2020).

§47-6-101.1. Licenses for persons under twenty-one years of age.

A. Any license issued pursuant to Sections 6-101, 6-105 or 6-114 of this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.

B. When a person who has been issued a license designated to be the license of a person under twenty-one (21) years of age attains the age of twenty-one (21) years, said person may obtain a replacement license without said designation upon payment of the fee required for a duplicate license and by furnishing proof satisfactory to the Department of Public Safety or the motor license agent that said person has attained the age of twenty-one (21) years.

Added by Laws 1985, c. 338, § 1, eff. Jan. 1, 1986. Amended by Laws 1992, c. 217, § 4, eff. July 1, 1992; Laws 1993, c. 97, § 2, eff. Sept. 1, 1993.

§47-6-101.2. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.3. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.4. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.5. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101v1. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 47-6-101v2.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or

b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety, and a certified state-approved motorcycle basic rider course approved by the Department if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department, and a certified state-approved motorcycle basic rider course approved by the Department if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a

commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one hundred eighty (180) days, which may be renewed one time for an additional one hundred eighty (180) days; provided, such commercial learner permit may be suspended, revoked, canceled, denied or disqualified at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by the Department as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be

eligible for and the Department shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

6. Enrollment in or successful completion of a commercial driver training school shall not be required for any commercial learner permit applicant who requests a skills examination for a Class A, B or C license, nor shall any student enrolled in a commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.

G. 1. For purposes of this title:

a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and

b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to the Department of Public Safety.

b. Department of Public Safety employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID

Noncompliant Driver License or Identification Card application.

c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a motor license agent to receive a temporary driver license or identification card.

d. The motor license agent shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:

a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent, provided such motor license agent is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards; and further provided, no motor license agent shall process an application for a Class A, B or C commercial license.

b. Department of Public Safety employees or authorized motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or an authorized motor license agent.

d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.

e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent; provided, no motor license agent shall process an application for a Class A, B or C commercial license.

b. Department of Public Safety employees or motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or a motor license agent.

d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	$25.00
Class A Commercial License	$25.00
Class B Commercial Learner Permit	$15.00
Class B Commercial License	$15.00
Class C Commercial Learner Permit	$15.00
Class C Commercial License	$15.00
Class D License	$ 4.00
Motorcycle Endorsement	$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars ($4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

Class A Commercial Learner Permit	$56.50
Class A Commercial License	$56.50
Class B Commercial Learner Permit	$56.50
Class B Commercial License	$56.50
Class C Commercial License	$46.50
Class D License	$38.50

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

REAL ID Compliant Class A Commercial Learner Permit	$56.50
REAL ID Compliant Class A Commercial License	$56.50
REAL ID Compliant Class B Commercial Learner Permit	$56.50
REAL ID Compliant Class B Commercial License	$56.50
REAL ID Compliant Class C Commercial License	$46.50
REAL ID Compliant Class D License	$38.50

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents ($6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars ($10.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses;

4. Three Dollars ($3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars ($2.00) of the fee provided for in subsection J of this section related to the issuance or renewal of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses and Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	$21.25
Age 63	$17.50
Age 64	$13.75
Age 65	-0-

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be charged a fee for the issuance or renewal of an Oklahoma driver license.

Q. In accordance with the provisions of subsection G of this section, the Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of

Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Four Dollars ($4.00) to be deducted from the total collected for each license or renewal application accepted; in addition to such amount, each motor license agent that processes approved applications or renewals for REAL ID Compliant Driver Licenses shall receive Two Dollars ($2.00) to be deducted from the total fee collected under the provisions of subsections J and K of this section for each license or renewal application accepted. The fees received by the motor license agent, authorized by this subsection, shall be used for operating expenses.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars ($60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars ($500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars ($560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. The Department of Public Safety shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. The Department shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws

2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2019, c. 314, § 1.
NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-101v2. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.
THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 47-6-101v1.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial

license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or

b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety, and a certified state-approved motorcycle basic rider course approved by the Department if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department, and a certified state-

approved motorcycle basic rider course approved by the Department if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one hundred eighty (180) days, which may be renewed one time for an additional one hundred eighty (180) days; provided, such commercial learner permit may be suspended, revoked, canceled, denied or disqualified at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit

and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by the Department as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and the Department shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

6. Enrollment in or successful completion of a commercial driver training school shall not be required for any commercial learner permit applicant who requests a skills examination for a Class A, B or C license, nor shall any student enrolled in a commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.

G. 1. For purposes of this title:

a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and

b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that

it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:
   a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to the Department of Public Safety.
   b. Department of Public Safety employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application.
   c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a motor license agent to receive a temporary driver license or identification card.
   d. The motor license agent shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:
   a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent, provided such motor license agent is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards; and further provided, no motor license agent shall process an application for a Class A, B or C commercial license.
   b. Department of Public Safety employees or authorized motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver

License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or an authorized motor license agent.

d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.

e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent; provided, no motor license agent shall process an application for a Class A, B or C commercial license.

b. Department of Public Safety employees or motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application; provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary

driver license or identification card from the Department of Public Safety or a motor license agent.

d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	$25.00
Class A Commercial License	$25.00
Class B Commercial Learner Permit	$15.00
Class B Commercial License	$15.00
Class C Commercial Learner Permit	$15.00
Class C Commercial License	$15.00
Class D License	$ 4.00
Motorcycle Endorsement	$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars ($4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

Class A Commercial Learner Permit	$56.50
Class A Commercial License	$56.50
Class B Commercial Learner Permit	$56.50
Class B Commercial License	$56.50
Class C Commercial License	$46.50
Class D License	$38.50

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

REAL ID Compliant Class A Commercial Learner Permit	$56.50
REAL ID Compliant Class A Commercial License	$56.50
REAL ID Compliant Class B Commercial Learner Permit	$56.50
REAL ID Compliant Class B Commercial License	$56.50
REAL ID Compliant Class C Commercial License	$46.50
REAL ID Compliant Class D License	$38.50

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents ($6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars ($10.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses;

4. Three Dollars ($3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars ($2.00) of the fee provided for in subsection J of this section related to the issuance or renewal of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses and Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	$21.25
Age 63	$17.50
Age 64	$13.75
Age 65	-0-

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, the Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Four Dollars ($4.00) to be deducted from the total collected for each license or renewal application accepted; in addition to such amount, each motor license agent that processes approved applications or renewals for REAL ID Compliant Driver Licenses shall receive Two Dollars ($2.00) to be deducted from the total fee collected under the provisions of subsections J and K of this section for each license or renewal application accepted. The fees received by the motor license agent, authorized by this subsection, shall be used for operating expenses.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars ($60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars ($500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department

of Public Safety Restricted Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars ($560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. The Department of Public Safety shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. The Department shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c.

82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020.
NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-102. Persons exempt – Reciprocity agreements with foreign countries.

A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

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

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

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

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department.

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

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

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

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

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

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

D. The Commissioner of Public Safety is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

Added by Laws 1961, p. 341, § 6-102, eff. Sept. 1, 1961. Amended by Laws 1975, c. 200, § 1; Laws 1990, c. 219, § 11, eff. Jan. 1, 1991; Laws 1991, c. 162, § 4, emerg. eff. May 7, 1991; Laws 1992, c. 217, § 5, eff. July 1, 1992; Laws 1998, c. 345, § 1, eff. Nov. 1, 1998; Laws 2001, c. 131, § 6, eff. July 1, 2001; Laws 2002, c. 86, § 3, emerg. eff. April 17, 2002; Laws 2004, c. 418, § 8, eff. July 1, 2004; Laws 2005, c. 457, § 1, eff. Nov. 1, 2005; Laws 2006, c. 311, § 6, emerg. eff. June 8, 2006.

§47-6-102.1. Operation by persons with an agricultural exemption permit.

Any person that possesses an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, while in the course of an agricultural or ranching operation owned by the person and while conducting business within the state, may operate a Class A, B or C commercial motor vehicle if the person

possesses any class of valid Oklahoma driver license. Provided, the provisions of this section shall not apply to the operation of any vehicle used for the transportation of any property for hire.
Added by Laws 2013, c. 104, § 2, eff. Nov. 1, 2013.

§47-6-103. Persons not to be licensed - Appeal.

A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial legal parent or legal guardian does not approve the issuance of a license as required by Section 6-110.2 of this title or objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

4. Any person who is classified as an excessive user of alcohol, any other intoxicating substance, or a combination of alcohol and any other intoxicating substance, and inimical to public safety, in accordance with rules promulgated by the Department, until all requirements granting or reinstating driving privileges are met, including, but not limited to, abstinence from the use of alcohol, any other intoxicating substance, or any combination of alcohol and any other intoxicating substance for a minimum of either twelve (12) months or eighteen (18) months, as determined by OAC 595:10-5, immediately preceding application for or application for reinstatement of driving privileges;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 341, § 6-103, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 2, eff. Jan. 1, 1986; Laws 1985, c. 338, § 2, eff. Jan. 1, 1986; Laws 1990, c. 219, § 12, eff. Jan. 1, 1991; Laws 1992, c. 217, § 6, eff. July 1, 1992; Laws 1996, c. 254, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 5, emerg. eff. Feb. 26, 1997; Laws 1997, c. 201, § 2, eff. Nov. 1, 1997; Laws 1999, c. 161, § 1, eff. Aug. 15, 2000; Laws 2000, c. 277, § 3, eff. Nov. 1, 2000; Laws 2002, c. 114, § 1, eff. Nov. 1, 2002; Laws 2003, c. 392, § 3, eff. July 1, 2003; Laws 2006, c. 311, § 7, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 5, eff. Nov. 1, 2007.

NOTE: Laws 1996, c. 247, § 38 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-6-103.1. Parental objection to licensing of unemancipated child.

A. Any legal custodial parent or legal guardian may prohibit the licensing of or cause the cancellation of a license previously issued to his or her unemancipated child by filing an objection with the Department of Public Safety on a form prescribed by the Department. The Department shall refuse to issue or shall cancel a license when an objection has been properly filed by a legal custodial parent or legal guardian. A license may not be issued and a previous license shall remain canceled until the objection is withdrawn by the legal custodial parent or legal guardian or until the child attains eighteen (18) years of age. A license canceled because a legal custodial parent or legal guardian has filed an objection may be reinstated only after a period of three (3) months. No fee shall be assessed by the Department for reinstatement of a license pursuant to the provisions of this act.

B. No legal custodial parent or legal guardian shall be found liable for negligent entrustment of an unemancipated child for failure to file an objection pursuant to the provisions of this section.

Added by Laws 1996, c. 254, § 3, eff. Nov. 1, 1996. Amended by Laws 2006, c. 311, § 8, emerg. eff. June 8, 2006.

§47-6-104. Repealed by Laws 1990, c. 219, § 47, eff. Jan. 1, 1991.

§47-6-105. Graduated Class D licenses — Motorcycle-only licenses — Farm vehicle special permits

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,

b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,

c. a commercial driver training course, as defined by Sections 801 through 808 of this title,

d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or

e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the

permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and

b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:

(1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or

(2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching

operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and

b. shall not operate a motor vehicle with more than one passenger unless:

(1) all passengers live in the same household as the custodial legal parent or legal guardian, or

(2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction.

After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department, and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;

2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department.

I. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video,

or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving.

Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2; Laws 2016, c. 86, § 2; Laws 2017, c. 42, § 14.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-105.1. Repealed by Laws 2007, c. 62, § 36, emerg. eff. April 30, 2007.

§47-6-105.2. Instructor permit.

1The Department of Public Safety may issue an instructor permit to any qualified secondary school driver education instructor as defined by the State Board of Education Rules and Regulations for Oklahoma High School Driver and Traffic Safety Education or any driver education instructor, certified by the Department of Public Safety, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education or a commercial driver training course instructor, as provided for in Sections 801 through 808 of Title 47 of the Oklahoma Statutes. The Department shall promulgate rules for the issuance of the permits. Any instructor as defined in this subsection who has been issued a permit may instruct any person who is at least fifteen and one-half (15 1/2) years of age or who is at least fifteen (15) years of age and of secondary school or higher educational standing while regularly enrolled and certified by the instructor as a student taking a prescribed course of secondary school driver education or a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school or a commercial driver training course, as defined by Sections 801 through 808 of Title 47 of the Oklahoma Statutes, to operate a motor vehicle while accompanied by and receiving instruction from the instructor who is actually occupying a seat beside the driver.

Added by Laws 2005, c. 457, § 3, eff. Nov. 1, 2005.

§47-6-105.3. Issuance of identification card – Fees.

A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant

Identification Card, as defined in subsection G of Section 6-101 of this title. The Department shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

C. The fee charged for the issuance, renewal, or replacement of a REAL ID Compliant Identification Card shall be Twenty-five Dollars ($25.00). The fee charged for the issuance, renewal or replacement of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars ($25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars ($7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars ($3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars ($10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars ($3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. a. Two Dollars ($2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title, or

   b. Two Dollars ($2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the motor license agent.

D. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar ($1.00) for

each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

E. When a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007.

§47-6-105v1. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits.

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,

b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,

c. a commercial driver training course, as defined by Sections 801 through 808 of this title,

d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or

e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and

b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an

intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:

(1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or

(2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and

b. shall not operate a motor vehicle with more than one passenger unless:

(1) all passengers live in the same household as the custodial legal parent or legal guardian, or

(2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be

recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;

2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement may be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

I. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws

2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 86, § 2, eff. Nov. 1, 2016.
NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."
NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-105v2. Graduated Class D licenses - Motorcycle-only licenses - Farm vehicle special permits.

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c and d of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,

b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,

c. a commercial driver training course, as defined by Sections 801 through 808 of this title,

d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or

e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by the Department of Public Safety upon verification that the person has successfully completed driver education.

D. 1. Any person:

a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and

b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department; provided, the written examination, if it has not previously been administered or waived, may be waived by the Department upon verification that the person has successfully completed driver education or the driving examination may be waived by the Department upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of

conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:

(1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or

(2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and

b. shall not operate a motor vehicle with more than one passenger unless:

(1) all passengers live in the same household as the custodial legal parent or legal guardian, or

(2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the

Department for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department, and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;

2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department.

I. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the

special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001.

§47-6-106. Application for license.

A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Except as provided for in subsections G and H of this section, every applicant for a driver license or identification card shall provide to the Department at the time of application a document showing proof of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall provide the following information:

1. Full name;

2. Date of birth;

3. Sex;

4. Address of principal residence and county of such residence which shall be referenced on the REAL ID Compliant Driver License or Identification Card; proof of principal residency, as prescribed by rules promulgated by the Department, documenting provided address;

5. Current and complete mailing address to be maintained by the Department for the purpose of giving notice, if necessary, as required by Section 2-116 of this title;

6. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

7. Whether the applicant is deaf or hard-of-hearing;

8. A brief description of the applicant, as determined by the Department;

9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal;

10. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title;

11. Whether the applicant has:

a. previously been licensed and, if so, when and by what state or country, and

b. held more than one license at the same time during the immediately preceding ten (10) years; and

12. Social Security number.

No person shall request the Department to use the Social Security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the Social Security number of the licensee. If the driver license number is the Social Security number, the Department or the motor license agent shall change the driver license number to a computer-generated alphanumeric identification.

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license who is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every person who, upon or after May 8, 2012, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not apply for a renewal or replacement license prior to January 30, 2014, shall submit to the Department and maintain with the Department a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with the Department a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by the Department.

2. If the applicant is applying for an original commercial driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, the Department shall review the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has already been performed by the Department. As a result of the review, if it is determined by the Department that the applicant is subject

to a period of disqualification as prescribed by Section 6-205.2 of this title which has not yet been imposed, the Department shall impose the period of disqualification and the applicant shall serve the period of disqualification before a commercial driver license is issued to the applicant; provided, nothing in this paragraph shall be construed to prevent the issuance of a Class D driver license to the applicant.

3. If the applicant has or is applying for a hazardous material endorsement, the applicant shall submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for the endorsement pursuant to federal law and regulation.

4. The Department of Public Safety shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the application for issuance of a driver license or identification card or renewal pursuant to Section 6-115 of this title to provide an emergency contact person. The emergency contact information requested may include full name, address, and phone number. The emergency contact information shall be maintained by the Department and shall be used by the Department and law enforcement for emergency purposes only. A person listed as an emergency contact may request to be removed at any time. Any update to a change of name, address, or phone number may be made by the applicant listing the emergency contact person or by the person listed as the emergency contact.

E. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

F. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

G. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Driver License or Identification Card pursuant to the provisions of Section 6-101 of this title. A valid and unexpired Oklahoma driver license shall serve as both primary and secondary proofs of identity whenever

application for a REAL ID Noncompliant Identification Card is submitted to the Department. The provisions of subsection B of Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply when issuing an identification card pursuant to the provisions of this subsection. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

H. A valid and unexpired U.S. passport shall serve as both primary and secondary proofs of identity whenever application for a driver license or identification card is submitted to the Department. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

Added by Laws 1961, p. 343, § 6-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 4, eff. Jan. 1, 1986; Laws 1989, c. 82, § 3, eff. Nov. 1, 1989; Laws 1990, c. 219, § 14, eff. Jan. 1, 1991; Laws 1992, c. 177, § 1, eff. Sept. 1, 1992; Laws 1997, c. 325, § 1, eff. July 1, 1997; Laws 1998, c. 323, § 14, eff. Oct. 1, 1998; Laws 1999, c. 1, § 13, emerg. eff. Feb. 24, 1999; Laws 2000, c. 189, § 1, eff. July 1, 2000; Laws 2000, c. 342, § 4, eff. July 1, 2000; Laws 2001, c. 5, § 21, emerg. eff. March 21, 2001; Laws 2001, c. 361, § 5, eff. July 1, 2001; Laws 2002, c. 114, § 2, eff. Nov. 1, 2002; Laws 2003, c. 392, § 5, eff. July 1, 2003; Laws 2004, c. 149, § 1, eff. Nov. 1, 2004; Laws 2004, c. 390, § 4, eff. July 1, 2004; Laws 2005, c. 394, § 1, emerg. eff. June 6, 2005; Laws 2006, c. 16, § 26, emerg. eff. March 29, 2006; Laws 2007, c. 326, § 6, eff. Nov. 1, 2007; Laws 2010, c. 154, § 1, eff. Nov. 1, 2010; Laws 2010, c. 277, § 1, eff. Nov. 1, 2010; Laws 2012, c. 207, § 2, emerg. eff. May 8, 2012; Laws 2014, c. 242, § 1, eff. Nov. 1, 2014; Laws 2016, c. 170, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 3, emerg. eff. March 2, 2017; Laws 2019, c. 302, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, c. 246, § 19 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2000, c. 277, § 5 repealed by Laws 2001, c. 5, § 22, emerg. eff. March 21, 2001. Laws 2003, c. 234, § 2 repealed by Laws 2004, c. 5, § 37, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 36 repealed by Laws 2004, c. 390, § 20, eff. July 1, 2004. Laws 2005, c. 36, § 1 repealed by Laws 2006, c. 16, § 27, emerg. eff. March 29, 2006.

§47-6-106.1. Renumbered as § 11-906.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.2. Renumbered as § 11-906.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.3. Renumbered as § 11-906.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.4. Renumbered as § 11-906.4 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-107. Restricted licenses for unemancipated persons under 18 - Signature of legal parent or guardian - Liability - Financial responsibility - Cancellation or suspension.

A. In addition to the requirements of Section 6-106 of this title, the application of any unemancipated person under the age of eighteen (18) years for a restricted license shall be signed and verified by the legal custodial parent or legal guardian of the applicant, either in person before a person authorized to administer oaths, electronically if completing an online application, or by a notarized affidavit signed by a custodial legal parent or legal guardian and submitted with the application by the person under the age of eighteen (18) years before a person authorized to administer oaths. The signature of the legal custodial parent or legal guardian shall be evidence that the legal custodial parent or legal guardian is willing to assume the obligation imposed under Section 1-101 et seq. of this title upon a person signing the application of a person under the age of eighteen (18) years. Provided, however, any unemancipated person under the age of eighteen (18) years who is in the permanent custody of the Department of Human Services, upon proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, shall not be required to have his or her application for restricted license signed or verified by another person.

B. Any negligence or willful misconduct of a person under the age of eighteen (18) years when driving a motor vehicle upon a highway with the knowledge and consent of the person who signed the application or notarized affidavit for the restricted license shall be imputed to the person who has signed the application or notarized affidavit. Such person shall be jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection C of this section.

C. In the event a person under the age of eighteen (18) years deposits, or there is deposited upon his or her behalf, proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the Department may accept the application of such person when signed by the legal custodial parent or the legal guardian of such person, and while such proof is

maintained the legal custodial parent or legal guardian shall not be subject to the liability imposed under subsection B of this section.

D. The Department may, at its discretion, cancel or suspend the license of any person under the age of eighteen (18) years for any unlawful act, negligence or misconduct while driving a motor vehicle.

E. As provided in Section 6-103.1 of this title, any legal custodial parent or legal guardian who has signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license may thereafter file with the Department of Public Safety a verified written request that the license of that person so granted be canceled. The Department shall then cancel the license of the person and the legal custodial parent or legal guardian who signed the application or notarized affidavit of the person shall be relieved from the liability imposed under Section 1-101 et seq. of this title by reason of having signed the application on account of any subsequent negligence or willful misconduct of the person in operating a motor vehicle.

F. The Department of Public Safety upon receipt of satisfactory evidence of the death of the legal custodial parent or legal guardian who signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the person has attained the age of eighteen (18) years.

Added by Laws 1961, p. 343, § 6-107, eff. Sept. 1, 1961. Amended by Laws 1975, c. 343, § 1, emerg. eff. June 12, 1975; Laws 1978, c. 304, § 5; Laws 1979, c. 284, § 1, eff. July 1, 1979; Laws 1985, c. 45, § 5, eff. Jan. 1, 1986; Laws 1990, c. 219, § 15, eff. Jan. 1, 1991; Laws 2002, c. 397, § 16, eff. Nov. 1, 2002; Laws 2006, c. 311, § 11, emerg. eff. June 8, 2006; Laws 2008, c. 1, § 3; Laws 2015, c. 266, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 27, emerg. eff. April 26, 2016.

NOTE: Laws 2015, c. 96, § 1 repealed by Laws 2016, c. 210, § 28, emerg. eff. April 26, 2016.

§47-6-107.1. Recommendation of cancellation or denial of driving privileges of persons 20 or younger for certain alcohol or substance abuse offenses – Notification of Department.

A. When any district court, municipal court of record or any municipal court in a city or town in which the judge is an attorney licensed to practice law in this state has determined that a person under the age of eighteen (18) years has committed any offense described in subsection C of this section, or that a person eighteen (18), nineteen (19), or twenty (20) years of age has committed an offense described in Section 11-906.4 of this title, the court shall

notify the Department of Public Safety on a form prescribed by the Department as provided in Section 6-107.2 of this title.

B. The notice shall include the name, date of birth, physical description and, if known, the driver license number of the person. The notice shall contain an order to the Department to cancel or deny driving privileges for a specified period of time, except as otherwise provided by law, as follows:

1. For a period of six (6) months for a first offense;

2. For a period of one (1) year for a second offense;

3. For a period of two (2) years for a third or subsequent offense; or

4. In the discretion of the court, until the person attains twenty-one (21) years of age, if that period of time would be longer than the period of time provided in paragraph 1, 2 or 3 of this subsection.

Provided, however, if the person is less than sixteen (16) years of age at the time of the determination, and the person will be less than sixteen (16) years of age at the end of the period of cancellation or denial, the Department shall extend the period of cancellation or denial to the date the person attains sixteen (16) years of age.

The court shall send a copy of the notice to the person first class, postage prepaid.

C. In addition to the administrative revocation of driving privileges pursuant to Section 754 of this title, and the mandatory revocation of driving privileges pursuant to Section 6-205.1 of this title, this section applies to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, or consumption of beer, alcohol, or any beverage containing alcohol and to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, trafficking, cultivation, consumption, ingestion, inhalation, injection, or absorption of any controlled dangerous substance as defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma Statutes or any substance which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor functions.

Added by Laws 1988, c. 237, § 1, eff. Nov. 1, 1988. Amended by Laws 1989, c. 314, § 1, eff. Nov. 1, 1989; Laws 1993, c. 238, § 1, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 4, eff. Nov. 1, 1996; Laws 2006, c. 61, § 12, eff. July 1, 2006; Laws 2010, c. 345, § 1, eff. Nov. 1, 2010.

§47-6-107.2. Department to cancel or deny driving privileges pursuant to recommendation under Section 6-107.1 of this title - Petition for relief - Hearing - Modification or reinstatement of driving privileges.

A. The Department of Public Safety shall prepare and distribute a Notification form to be used by the courts, as provided in Section 6-107.1 of this title. In addition to any other authority to cancel or deny driving privileges, the Department of Public Safety shall, upon receipt of such completed Notification form from a court, cancel or deny all driving privileges of the person named in the Notification form without hearing, for a period of time recommended by the court.

B. Upon receipt of a second or subsequent Notification from a court relating to the same person, the Department shall cancel or deny driving privileges of the person for a period of two (2) years or until the person attains eighteen (18) years of age, whichever is longer.

C. Any person whose driving privileges are canceled or denied pursuant to this section may file a petition for relief based upon error or hardship.

1. The petition shall be filed in the district court which notified the Department pursuant to Section 6-107.1 of this title or, if the Notification originated in a municipal court, the petition shall be filed in the district court of the county in which the court is located. A copy of the Notification and a copy of the Department's action canceling or denying driving privileges pursuant to this section, shall be attached to the petition.

2. The district court shall conduct a hearing on the petition and may determine the matter de novo, without notice to the Department, and if applicable, without notice to the municipal court; provided, the district court shall not consider a collateral attack upon the merits of any conviction or determination which has become final.

3. The district court may deny the petition, or in its discretion, issue a written Order to the Department to increase or decrease the period of cancellation or denial to any period or issue a written Order to vacate the Department's action taken pursuant to this section, in its entirety. The content of the Order shall not grant or purport to grant any driving privileges to the person, however such order may direct the Department of Public Safety to do so if the person is otherwise eligible therefor.

D. Upon receipt of a written Order from the appropriate court, the Department shall modify or reinstate any driving privileges as provided in the Order.

Added by Laws 1988, c. 237, § 2, eff. Nov. 1, 1988. Amended by Laws 1989, c.314, § 2, eff. Nov. 1, 1989; Laws 1994, c. 387, § 2, eff. July 1, 1995.

§47-6-107.3. Licenses or permits for persons under 18 - Enrollment in school required - Reading proficiency testing.

A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any technology center school, of this state or any other state,

   b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,

   c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,

   d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person, or

   e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education, pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes, demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, a person under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from and signed by the legal custodial parent or legal guardian of the person to the Department of Public Safety stating that the person completed the immediately previous school year and is enrolled or intends to enroll for the immediately subsequent school year.

B. 1. A person under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of paragraph 1 of subsection A of this section by providing a written statement from and signed by the legal custodial parent or legal guardian of the

person to the Department of Public Safety stating that the person is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A person under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

a. the person is employed at least twenty-four (24) hours per week, and

b. the employer of the person verifies the employment on a form prescribed by the Department of Public Safety.

2. Any person who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars ($50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any person under eighteen (18) years of age who is properly enrolled in a school for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a person over fourteen (14) years of age and under eighteen (18) years of age, who has a driver license or permit issued by the Department of Public Safety, withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the person, by first class, postage prepaid mail, that the license of the person will be canceled thirty (30) days following the date the notice to the person was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the person.

E. When the withdrawal from school of a person under eighteen (18) years of age is:

1. Due to circumstances beyond the control of the person;

2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by the legal custodial parent or legal guardian of the person,
no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the person is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the person with documentation to present to the Department of Public Safety to excuse the person from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading proficiency for any person under eighteen (18) years of age enrolled in such school district by certifying passage of a reading examination pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

G. As used in Sections 6-107.3 through 6-107.6 of this title:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning the eligibility of a person under eighteen (18) years of age to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school authorized by subsection B of Section 1210.515 of Title 70 of the Oklahoma Statutes to certify the eligibility of a person under eighteen (18) years of age to apply for a license or permit based on passage of a reading proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section 1210.515 of Title 70 of the Oklahoma Statutes. Such documentation shall not include any information which is considered an education record

pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any person under eighteen (18) years of age upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

Added by Laws 1996, c. 247, § 34, eff. July 1, 1996. Amended by Laws 1997, c. 64, § 1, eff. Nov. 1, 1997; Laws 1997, c. 392, § 3, eff. July 1, 1997; Laws 1998, c. 5, § 14, emerg. eff. March 4, 1998; Laws 1998, c. 190, § 1, eff. July 1, 1998; Laws 2001, c. 33, § 37, eff. July 1, 2001; Laws 2006, c. 311, § 12, emerg. eff. June 8, 2006.

NOTE: Laws 1997, c. 322, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§47-6-107.4. Licenses or permits for persons under 18 - Period of cancellation or denial under § 6-107.3.

A. Whenever a license or instruction permit and driving privileges are denied pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege shall remain denied until the person becomes eligible. After becoming eligible, the person may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance of the license or permit, as applicable.

B. Whenever a license or instruction permit and the driving privilege of a person are canceled pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege shall remain canceled for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest; provided, after becoming eligible, the person may at any time apply for reinstatement of driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for replacement of the license or permit, if applicable. Upon reinstatement after cancellation, the Department shall remove the record of cancellation from the driving record of the person.

Added by Laws 1996, c. 247, § 35, eff. July 1, 1996. Amended by Laws 1997, c. 392, § 4, eff. July 1, 1997; Laws 1998, c. 190, § 2, eff.

July 1, 1998; Laws 1999, c. 119, § 1, eff. Nov. 1, 1999; Laws 2006, c. 311, § 13, emerg. eff. June 8, 2006.

§47-6-107.5. Licenses or permits for persons under 18 - Cancellation or denial under § 6-107.3 - Hearings and appeals.

Any person aggrieved by a denial or cancellation of driving privileges pursuant to Section 6-107.3 of this title may submit, within thirty (30) days of the denial or of the receipt of notice of cancellation, a written request to the Department of Public Safety for a hearing before the Department. The hearing shall be held within ten (10) days of the receipt by the Department of the request, to determine whether the person is entitled to a license or is subject to cancellation of a license under the provisions of Sections 6-103, 6-107.3 through 6-107.6, and 6-105 of this title. Appeal from the decision of the Department may be taken to any court of competent jurisdiction as provided for in Section 6-211 of this title.
Added by Laws 1996, c. 247, § 36, eff. July 1, 1996. Amended by Laws 2006, c. 311, § 14, emerg. eff. June 8, 2006.

§47-6-107.6. Licenses or permits for persons under 18 - False information relating to school attendance or enrollment - Misdemeanor.

Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment of a person in a school or a program of education pursuant to Section 34 of this act, knowing that such information is false, or any person who knowingly aids or abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.
Added by Laws 1996, c. 247, § 37, eff. July 1, 1996.

§47-6-107.7. Renumbered as § 608 of Title 37 by Laws 2007, c. 62, § 23, emerg. eff. April 30, 2007.

§47-6-108. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-109. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-110. Examination of applicants.

A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. The examination shall include a test of the applicant's:

a. eyesight,

b. ability to read and understand highway signs regulating, warning and directing traffic,
c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and
d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrenders either of the following:

a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
b. an expired driver license that:
(1) is not expired more than six (6) months past the expiration date listed on the driver license, and
(2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. The Department shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall

be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to the Department federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has been received by the Department, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of the Department of Public Safety for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of the Department of Public Safety.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars ($1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars ($500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver

education program, the certification fee may be waived by the Department. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee of no more than Twenty-five Dollars ($25.00) for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. The Department shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.

6. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of the Commissioner of the Department of Public Safety, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license in the State of Oklahoma shall be authorized to hire or employ designated examiners approved by the Department of Public Safety to be third-party examiners of the Class A, B or C driving skills portion of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

3. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party examiner and a complete nationwide criminal history background check on each third-party examiner applicant. The fees for the background check shall be borne by the third-party examiner or third-party examiner applicant.

F. The Department of Public Safety shall promulgate rules no later than December 15, 2019, to:

1. Implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 49 of the Code of Federal Regulations;

2. Establish a process to inform any school or examiner, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school or examiner denied; and

4. If the initial application for approval was denied, limit the number of times an individual school or individual examiner applicant may reapply in a calendar year to two reapplications.

Added by Laws 1961, p. 344, § 6-110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 6; Laws 1985, c. 45, § 6, eff. Jan. 1, 1986; Laws 1990, c. 219, § 16, eff. Jan 1, 1991; Laws 1992, c. 206, § 1, eff. Sept. 1, 1992; Laws 1994, c. 196, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 9, eff. Nov. 1, 1995; Laws 1996, c. 203, § 3, emerg. eff. May 21, 1996; Laws 1998, c. 425, § 6, eff. July 1, 1998; Laws 1999, c. 229, § 1, eff. Nov. 1, 1999; Laws 2002, c. 386, § 1, eff. Nov. 1, 2002; Laws 2004, c. 149, § 2, eff. Nov. 1, 2004; Laws 2004, c. 418, § 9, eff. July 1, 2004; Laws 2005, c. 1, § 46, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 310, § 2, eff. Nov. 1, 2009; Laws 2011, c. 25, § 1, eff. Nov. 1, 2011; Laws 2012, c. 280, § 3, eff. Nov. 1, 2012; Laws 2013, c. 259, § 4, eff. Nov. 1, 2013; Laws 2014, c. 199, § 2, eff. July 1, 2014; Laws 2015, c. 266, § 3, eff. Nov. 1, 2015; Laws 2016, c. 210, § 29, emerg. eff. April 26, 2016; Laws 2019, c. 395, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 390, § 5 repealed by Laws 2005, c. 1, § 47, emerg. eff. March 15, 2005. Laws 2015, c. 97, § 2 repealed by Laws 2016, c. 210, § 30, emerg. eff. April 26, 2016.

§47-6-110.1. Endorsements.

A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by the Department of Public Safety.

Endorsement	Authorizes the operation of:
"H"	A non-tank-type vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F;
"M"	A motorcycle;
"N"	A tank vehicle as defined in Section 1-173.1 of this title;
"P"	A vehicle designed by the manufacturer to transport sixteen or more passengers, including the driver;
"S"	A school bus;
"T"	A vehicle with double or triple trailers;
"X"	A tank vehicle used to transport hazardous materials in placardable

amounts pursuant to 49 C.F.R., Part 172, subpart F.

B. The Department may also provide for additional endorsements as may be needed or as otherwise provided for by law.

C. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles. However, the requirement for a hazardous materials endorsement is not required for the operation of farm vehicles used to transport pesticides, fertilizers, or other products integral to farming, but which are defined as hazardous materials. If, after obtaining a hazardous material endorsement, a person becomes ineligible for the hazardous material endorsement pursuant to state or federal law, or both, or any regulation, the Department of Public Safety shall provide notice as provided in Section 2-116 of this title. A person will have thirty (30) days from the date of the notice to appear at a designated testing facility to apply and be issued a commercial driver license without the endorsement. Failure to comply within the required time shall be grounds for the Department of Public Safety to disqualify the commercial driver license of the person until compliance has been met.

Added by Laws 1990, c. 219, § 17, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 3, emerg. eff. May 7, 1991; Laws 2003, c. 392, § 6, eff. July 1, 2003; Laws 2004, c. 149, § 3, eff. Nov. 1, 2004.

§47-6-110.2. Computerized finger imaging system.

A. The Department of Public Safety shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device and shall require every applicant for an original, renewal or replacement driver license or identification card to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant. If the finger image of a person over sixty-five (65) years of age cannot be scanned and the issuing agent can personally verify the individual's identity with alternative identification, the finger imaging shall be overridden. Means must be provided to trace to the agent who authorized the override.

B. No unemancipated person under eighteen (18) years of age shall be issued a driver license or identification card by the Department unless an authorization form, prescribed and furnished by the Department, or notarized affidavit authorizing the finger imaging of the person and signed by the legal custodial parent, legal guardian, or legal custodian of the person, is in the possession of the Department.

C. No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent

jurisdiction; provided, however, the Oklahoma State Bureau of Investigation shall have access to such imaging for the purpose of identifying a person who is deceased, missing or endangered. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed or is about to commit a particular violation of law.

D. The Commissioner of Public Safety shall adopt rules as may be necessary to carry out the provisions of this section.

Added by Laws 2001, c. 361, § 1, eff. July 1, 2001. Amended by Laws 2003, c. 219, § 1, eff. July 1, 2004; Laws 2006, c. 311, § 15, emerg. eff. June 8, 2006; Laws 2008, c. 159, § 6, emerg. eff. May 12, 2008; Laws 2010, c. 272, § 1, eff. Feb. 1, 2011; Laws 2015, c. 96, § 2, eff. Nov. 1, 2015; Laws 2019, c. 402, § 1, eff. Nov. 1, 2019.

§47-6-110.3. Prohibition of implementation of federal REAL ID Act - Legislative findings - Retrieval and deletion of biometric data.

A. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is an action that individual Oklahomans should have an option to refuse under the principles of federalism contained in the Tenth Amendment to the United States Constitution.

B. The State of Oklahoma shall offer its citizens the option of choosing a Compliant Driver License or Identification Card or a Noncompliant Driver License or Identification Card.

C. In carrying out the provisions of this Act, the State of Oklahoma shall not share with the federal government any personal information or biometric data obtained from an applicant for an Oklahoma REAL ID compliant or noncompliant driver license or identification card except as required by the REAL ID Act of 2005, Public Law Number 109-13. Provided, this subsection shall not prevent the sharing of such information between agencies, boards, commissions or political subdivisions of this state or as otherwise permitted by law.

D. For purposes of this section, "biometric data" includes, but is not limited to:

1. Facial feature pattern characteristics;

2. Voice data used for comparing live speech with a previously created speech model of a person's voice;

3. Iris recognition data containing color or texture patterns or codes;

4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;

5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

6. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;

7. Keystroke dynamics, measuring pressure applied to key pads;

8. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three (3) dimensions; and

9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA). Added by Laws 2007, c. 159, § 1, eff. Nov. 1, 2007. Amended by Laws 2017, c. 1, § 4, emerg. eff. March 2, 2017; Laws 2017, c. 376, § 1, emerg. eff. June 6, 2017.

§47-6-110.4. Pilot program for certified third-party examiners for commercial truck driver instructors.

A. The Department of Public Safety is directed to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses engaged in interstate or intrastate commerce licensed in the state of Oklahoma to be certified third-party examiners for the Department of Public Safety. The pilot program shall have a maximum of ten businesses and shall begin no later than July 1, 2016, for a period of two (2) years.

B. Any certified commercial truck driver training instructor who is currently an operator or an employee of a business engaged in interstate or intrastate commerce licensed in this state shall be eligible to apply to be a third-party tester of the Department of Public Safety for the purpose of administering the Class A, B or C driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

C. No business shall be established for the education and training of persons, and no person shall act as an instructor or third-party tester unless such business or person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

D. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a third-party tester. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

E. Each business engaged in interstate or intrastate commerce licensed in this state with an employee or person applying to be an instructor or third-party tester shall be required to pay an initial fee of Five Thousand Dollars ($5,000.00) and an annual renewal fee of Five Thousand Dollars ($5,000.00). Each person applying to be an instructor or third-party tester shall be required to pay an initial certification fee of Two Thousand Five Hundred Dollars ($2,500.00). Upon successful completion of training prescribed by subsection D of this section, the person shall be required to pay an annual third-party tester certification fee of Two Thousand Five Hundred Dollars

($2,500.00). The third-party tester certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this section. The Department shall not be required to operate this program unless adequate funds are provided. No third-party tester certification fee shall be refunded to the business or person in the event that certification is denied, suspended or revoked.

F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

Added by Laws 2015, c.154, § 1, eff. Nov. 1, 2015.

§47-6-110.5. Training and education for compliance with the REAL ID Act.

A. The Department of Public Safety shall offer or make available training and education for motor license agents and motor license agency employees, so that such agents and employees shall be able to achieve and maintain compliance with the requirements of the REAL ID Act of 2005, Public Law No. 109-13, related to such motor license agents' and motor license agency employees' ability to be authorized participants in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process.

B. The training and education required by subsection A of this section shall be offered or made available:

1. At reasonable cost to motor license agents and motor license agency employees seeking authorization to participate in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process; and

2. On a regular basis as the Department of Public Safety determines necessary and compliant in accordance with the Department of Homeland Security:

a. at on-site locations located or rotating throughout the state, which shall not exceed four (4) hours in duration and shall cost no more than Fifty Dollars ($50.00) to the motor license agents and motor license agent employees, and

b. through an American Association of Motor Vehicle Administrators (AAMVA) on-line resource that is approved by the Department of Homeland Security.

C. Every motor license agent seeking authorization to process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be furnished all equipment required for such processing by the Department of Public Safety without charge to the motor license agent.

D. The Department of Public Safety shall promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2017, c. 1, § 8, emerg. eff. March 2, 2017.

§47-6-111. Issuance of license or identification card - Temporary permit - Restricted commercial driver license - "Sex Offender" license or card – Original, renewal or replacement of modified driving privileges

A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full legal name, signature or computerized signature, date of birth, residence address, unless specified as an exception in the Code of Federal Regulations per 6 C.F.R., Section 37.17, sex, a computerized color image of the licensee or cardholder taken in accordance with Department rules and security features as determined by the Department. The image shall depict a full front unobstructed view of the entire face of the licensee or cardholder; provided, a commercial learner permit shall not bear the image of the licensee. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

2. A driver license or identification card issued by the Department on or after March 1, 2004, shall bear thereon the county of residence of the licensee or cardholder.

3. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

4. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The

law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

6. The Department of Public Safety may develop by rule a procedure which complies with the provisions of subsection G of Section 6-101 of this title whereby a person may apply for a renewal or replacement Oklahoma Class D license or Oklahoma identification card.

B. 1. The Department may issue or authorize the issuance of a temporary permit or license to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license, or while a permanent driver license is being produced and delivered to the applicant. Such permit or license must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's permanent driver license has been issued and delivered or for good cause has been refused.

2. The Department may issue or authorize the issuance of a temporary identification card to an applicant, permitting the holder the privileges otherwise granted by identification cards, while a permanent driver license is being provided and delivered to the applicant. Such card shall be invalid when the applicant's permanent identification card has been issued and delivered, or for good cause has been refused.

C. 1. The Department may issue a restricted commercial driver license to drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

a. farm retail outlets and suppliers,
b. agri-chemical businesses,
c. custom harvesters, and
d. livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

2. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

a. diesel fuel in quantities of one thousand (1,000) gallons or less,

b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and

c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. The Department may issue a non-domiciled commercial learner permit or a non-domiciled commercial driver license to:

1. An H2A-Temporary Agricultural worker lawfully present in the United States as indicated on an original, valid and unexpired I-94 immigration status document issued by the United States Customs and Immigration Service; and

2. A J-1 Exchange Visitor Program participant lawfully present in the United States as indicated on a valid and unexpired J-1 Visitor Visa issued by the United States Customs and Immigration Service and who is enrolled in an agricultural education training program.

A person applying for such permit or license must comply with all testing and licensing requirements in accordance with applicable federal regulations, state laws and Department rules. The issued license shall be valid until the expiration of the visa for the non-domiciled worker. The Department may promulgate rules for the implementation of the process to carry out the provisions of this section.

E. 1. The Department shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

2. The Department shall notify every person subject to registration under the provisions of Section 1-101 et seq. of this title who holds a current Class A, B, C or D driver license or identification card that such person is required to surrender the license or card to the Department within one hundred eighty (180) days from the date of the notice.

3. Upon surrendering the license or card for the reason set forth in this subsection, application may be made with the Department for a replacement license or card bearing the words "Sex Offender".

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with the Department for a new license or card bearing the words "Sex Offender". Continued use of a

canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

F. Nothing in subsection E of this section shall be deemed to impose any liability upon or give rise to a cause of action against any employee, agent or official of the Department of Corrections for failing to designate a sex offender as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes.

G. A person subject to an order for the installation of an ignition interlock device shall be required by the Department to submit their driver license for a replacement. The replacement driver license shall bear the words "Interlock Required" and such designation shall remain on the driver license for the duration of the order requiring the ignition interlock device. The replacement license shall be subject to the same expiration and renewal procedures provided by law. Upon completion of the requirements for the interlock device, a person may apply for a replacement driver license.

H. The Department shall develop a procedure whereby a person applying for an original, renewal or replacement Class D driver license who has been granted modified driving privileges under this title shall be issued a Class D driver license which identifies the license as a modified license.

Added by Laws 1961, p. 345, § 6-111, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 2, eff. Jan. 1, 1977; Laws 1985, c. 45, § 7, eff. Jan. 1, 1986; Laws 1990, c. 219, § 18, eff. Jan. 1, 1991; Laws 1992, c. 217, § 7, eff. July 1, 1992; Laws 1992, c. 373, § 7, eff. July 1, 1992; Laws 1993, c. 97, § 3, eff. Sept. 1, 1993; Laws 1997, c. 193, § 3, eff. Nov. 1, 1997; Laws 1998, c. 246, § 20, eff. Nov. 1, 1998; Laws 2000, c. 153, § 1, eff. Nov. 1, 2000; Laws 2000, c. 342, § 5, eff. July 1, 2000; Laws 2001, c. 27, § 1, eff. Nov. 1, 2001; Laws 2003, c. 392, § 7, eff. July 1, 2003; Laws 2004, c. 149, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 48, emerg. eff. March 15, 2005; Laws 2005, c. 36, § 2, eff. Jan. 1, 2007; Laws 2006, c. 311, § 16, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 2, eff. Nov. 1, 2007; Laws 2008, c. 3, § 24, emerg. eff. Feb. 28, 2008; Laws 2009, c. 388, § 2, eff. Nov. 1, 2009; Laws 2011, c. 373, § 2, eff. Nov. 1, 2011; Laws 2013, c. 259, § 5, eff. Nov. 1, 2013; Laws 2015, c. 266, § 4, eff. Nov. 1, 2015; Laws 2016, c. 214, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 5, emerg. eff. March 2, 2017.

NOTE: Laws 1992, c. 177, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 2003, c. 234, § 3 repealed by Laws 2004, c. 5, § 39, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 38 repealed by Laws 2005, c. 1, § 49, emerg. eff. March 15, 2005. Laws 2007, c. 326, § 7 repealed by Laws 2008, c. 3, § 25, emerg. eff. Feb. 28, 2008. Laws 2008, c. 1, § 1 repealed by Laws 2009, c. 2, § 10, emerg. eff. March 12, 2009.

§47-6-112. License to be carried and exhibited on demand.

A. Every licensee shall have his or her driver license in his or her immediate possession at all times when operating a motor vehicle. Upon demand of a peace officer, the licensee shall produce and provide physical possession of the driver license to the peace officer. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

B. Any person charged with violating this section who produces in court, on or before the court date, a driver license issued to him or her and valid at the time of his or her arrest shall be entitled to dismissal of such charge without payment of court costs and fine.

Added by Laws 1961, p. 345, § 6-112, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 19, eff. Jan. 1, 1991; Laws 2007, c. 326, § 8, eff. Nov. 1, 2007; Laws 2017, c. 125, § 1, eff. Nov. 1, 2017.

§47-6-113. Restricted licenses.

A. The Department of Public Safety upon issuing a driver's license shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

B. The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

C. The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

D. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Amended by Laws 1990, c. 219, § 20, eff. Jan. 1, 1991.

§47-6-114. Replacement license – Proof of identity - Removal of endorsements or restrictions.

A. 1. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof pursuant to the provisions of subsection G of Section 6-101 of this title, and upon payment of the required fee. If the person is an alien, the person shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

a. the expiration date of the license being replaced, or

b. the expiration date on the valid documentation authorizing the presence of the person in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

2. The cost of a replacement license shall be Twenty-five Dollars ($25.00), of which:

a. Two Dollars ($2.00) shall be apportioned as provided in Section 1104 of this title,

b. Three Dollars ($3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund,

c. Five Dollars ($5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department,

d. Ten Dollars ($10.00) shall be credited to the Revolving Fund of the Department of Public Safety,

e. Three Dollars ($3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title, and

f. (1) Two Dollars ($2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be deposited, in addition to the amount authorized by subparagraph e of this paragraph, to the State Public Safety Fund created in Section 2-147 of this title, or

(2) Two Dollars ($2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a motor license agent that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the motor license agent.

3. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license; provided, however, a valid and unexpired U.S. passport shall be acceptable as both primary and secondary identification.

B. Any person desiring to add or remove an endorsement or endorsements or a restriction or restrictions to any existing driver license, when authorized by the Department of Public Safety, shall obtain a replacement license with the endorsement or endorsements or the restriction or restrictions change thereon and shall be charged the fee for a replacement license as provided in subsection A of this section.

Added by Laws 1961, p. 345, § 6-114, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 4, eff. Jan. 1, 1977; Laws 1976, c. 257, § 1, eff. Jan. 1, 1977; Laws 1983, c. 286, § 19, operative July 1, 1983; Laws 1985, c. 179, § 61, operative July 1, 1985; Laws 1987, c. 205, § 69, operative July 1, 1987; Laws 1990, c. 219, § 21, eff. Jan. 1, 1991; Laws 1993, c. 97, § 4, eff. Sept. 1, 1993; Laws 2000, c. 277, § 6, eff. Nov. 1, 2000; Laws 2001, c. 361, § 6, eff. July 1, 2001; Laws 2003, c. 392, § 8, eff. July 1, 2003; Laws 2004, c. 390, § 6, eff. July 1, 2004; Laws 2013, c. 259, § 6, eff. Nov. 1, 2013; Laws 2016, c. 170, § 2, eff. Nov. 1, 2016; Laws 2017, c. 1, § 6, emerg. eff. March 2, 2017.

§47-6-115. Expiration and renewal of driver licenses.

A. Except as otherwise provided in this section, every driver license shall be issued for a period of no more than four (4) years; provided, if the applicant or licensee is an alien, the license shall be issued for a period which does not exceed the lesser of:

1. Four (4) years; or

2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

B. Except as otherwise provided in this section, the expiration date of an initial license shall be no more than four (4) years from the last day of the month of issuance or no more than four (4) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant.

C. Except as otherwise provided in this section, the expiration date of a renewal license shall be:

1. For a renewal during the month of expiration, four (4) years from the last day of the month of expiration of the expiring license or four (4) years from the last day of the birth month of the licensee immediately preceding the expiration date of the expiring license, if requested by the licensee; or

2. For a renewal prior to the month of expiration, as provided by rule of the Department, four (4) years from the last day of the month of expiration of the current license; provided, no license shall be issued with an expiration date of more than five (5) years from the date of renewal.

D. Notwithstanding the provisions of subsection E of Section 1550.42 of Title 21 of the Oklahoma Statutes, any Oklahoma driver license that is not more than one (1) year past the date of expiration provided on the driver license shall be presumed to be a valid form of identification for the purposes of renewing an Oklahoma driver license.

E. Except as otherwise provided in this section, every driver license shall be renewable by the licensee upon application to either the Department of Public Safety or a motor license agent, furnishing both primary and secondary proofs of identity, the current mailing address of the person and payment of the required fee, if the person is otherwise eligible for renewal. If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a renewal driver license for a period which does not exceed the lesser of:

1. Four (4) years; or

2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

F. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety.

G. When a person makes application for a driver license, or makes application to renew a driver license, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the driver license shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is registered on the Sex Offender Registry. The cost for such license shall be the same as for other driver licenses and renewals.

H. The Department of Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license; provided, however, a valid and unexpired U.S. passport shall be acceptable as both primary and secondary identification.

Added by Laws 1961, p. 345, § 6-115, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 8, eff. Jan. 1, 1986; Laws 1985, c. 338, § 4, eff. Jan. 1, 1986; Laws 1986, c. 73, § 1, emerg. eff. April 2, 1986; Laws 1989, c. 82, § 4, eff. Nov. 1, 1989; Laws 1990, c. 219, § 22,

eff. Jan. 1, 1991; Laws 1991, c. 342, § 2, emerg. eff. June 15, 1991; Laws 2000, c. 342, § 6, eff. July 1, 2000; Laws 2001, c. 27, § 2, eff. Nov. 1, 2001; Laws 2001, c. 414, § 4, eff. Nov. 1, 2001; Laws 2003, c. 392, § 9, eff. July 1, 2003; Laws 2004, c. 5, § 40, emerg. eff. March 1, 2004; Laws 2006, c. 294, § 3, eff. July 1, 2006; Laws 2009, c. 37, § 1, emerg. eff. May 26, 2009; Laws 2009, c. 81, § 2, eff. Nov. 1, 2009; Laws 2013, c. 75, § 1, eff. Nov. 1, 2013; Laws 2016, c. 170, § 3, eff. Nov. 1, 2016.
NOTE: Laws 2000, c. 277, § 7 repealed by Laws 2001, c. 5, § 24, emerg. eff. March 21, 2001. Laws 2001, c. 5, § 23 repealed by Laws 2001, c. 414, § 16, eff. Nov. 1, 2001. Laws 2003, c. 108, § 1 repealed by Laws 2004, c. 5, § 41, emerg. eff. March 1, 2004.
NOTE: Original eff. date of Nov. 1, 2009, for Laws 2009, c. 37, § 1 was repealed by Laws 2009, c. 310, § 5 and replaced with emerg. eff. date by Laws 2009, c. 310, § 8.

§47-6-115.1. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-115.2. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-116. Notice of change of address or name.

A. Whenever any person, after applying for or receiving a driver license or identification card, shall:

1. Change the mailing address named in such application;

2. Change the residence address displayed on the license or card issued to the person;

3. Move from the person's previous county; or

4. Change the name of a licensee by marriage or otherwise, such person shall notify the Department of Public Safety as provided in subsection B of this section.

B. Within ten (10) days such person shall notify the Department of Public Safety in writing of the number of any driver license and identification card then held by the person and, as applicable:

1. Both the old and new mailing addresses;

2. Both the old and new residence addresses;

3. Both the old and new counties of residence; or

4. Both the former and new names.

C. The Department of Public Safety shall not:

1. Change a county of residence unless the person specifically notifies the Department of such change; and

2. Presume that a new mailing address which is a different county than the old mailing address means that the person has changed his or her county of residence, and shall not change the county of residence unless specifically notified of such change.

Added by Laws 1961, p. 345, § 6-116, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 23, eff. Jan. 1, 1991; Laws 2003, c. 234, § 4,

eff. Nov. 1, 2003; Laws 2007, c. 326, § 9, eff. Nov. 1, 2007; Laws 2008, c. 1, § 2.

§47-6-117. Records to be kept by Department.

A. The Department of Public Safety shall file every application for a driver license or identification card received by the Department and shall maintain suitable indexes containing:

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

2. All applications granted;

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

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

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

B. The Department shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of the records and reports or make suitable notations in order that an individual record of a person showing the convictions of the person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records involving a collision in which the person was not issued a citation or if a citation is issued and the person was not convicted.

C. 1. The Commissioner and the officers of the Department as the Commissioner may designate are hereby authorized to prepare under

the seal of the Department and deliver upon request a copy of any collision report on file with the Department, charging a fee of:

a. beginning on July 1, 2011, through June 30, 2013, Fifteen Dollars ($15.00), of which Eight Dollars ($8.00) shall be deposited by the Commissioner to the credit of the Department of Public Safety Revolving Fund and, in addition to other purposes authorized by law, the expenditures from that fund of monies derived from the Eight Dollars ($8.00) pursuant to this subparagraph shall be used to fund any Oklahoma Highway Patrol Trooper Academy provided by the Department. Any remaining funds shall be deposited in an account to be utilized exclusively for future expenses directly related to the operation of an Oklahoma Highway Patrol Academy, and

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

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

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

D. The Department of Public Safety or any motor license agent upon request shall prepare and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of the motor vehicle laws of this state. However, the Department shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of the driving record of the person and shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. The Motor Vehicle Report, to include any record or information associated with the Motor Vehicle Report, shall not be deemed a "public civil record" as defined in Section 18 of Title 22 of the Oklahoma Statutes, and shall not be subject to expungement. The Department shall not be required to release to any person, in whole or in part and in any format, a

driving index, as described in subsection A of this section, except as otherwise provided for by law. For each Motor Vehicle Report furnished by the Department of Public Safety, the Department shall collect the sum of Twenty-five Dollars ($25.00), Twenty Dollars ($20.00) of which shall be deposited in the General Revenue Fund and Five Dollars ($5.00) shall be deposited in the Department of Public Safety Revolving Fund. For each Motor Vehicle Report furnished by a motor license agent, the agent shall collect the sum of Twenty-five Dollars ($25.00), Eighteen Dollars ($18.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury, Five Dollars ($5.00) shall be deposited in the Department of Public Safety Revolving Fund and Two Dollars ($2.00) of which shall be retained by the motor license agent. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or a motor license agent. For purposes of this subsection, a Motor Vehicle Report shall include a report which indicates that no driving record is on file with the Department of Public Safety for the information received by the Department in the request for the Motor Vehicle Report.

E. The Department of Public Safety may develop procedures whereby an acting agent of an employer or an employer of a person:

1. Who has a Class A, B, C or D driver license; and

2. Who operates a commercial, company-owned or personal motor vehicle during the course of business in the course of his or her employment with the employer, may automatically be notified, pursuant to a fee schedule established by the Department, should the driving record of a person reflect a traffic conviction in any court or an administrative action by the Department which alters the status of the commercial driving privileges of the person, or any other change to the driving status. The notification system shall include electronic delivery of a Motor Vehicle Report at least annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., Section 391.25, or who operates a company-owned or personal motor vehicle during the course of business. All monies received by the Commissioner of Public Safety and the officers and employees of the Department pursuant to this subsection shall be deposited in the Department of Public Safety Restricted Revolving Fund. For each Motor Vehicle Report furnished by the Department, through the electronic notification system, the Department shall collect the sum of Twenty-five Dollars ($25.00), Eighteen Dollars ($18.00) of which shall be deposited in the General Revenue Fund in the State Treasury. Five Dollars ($5.00) shall be deposited in the Department of Public Safety Revolving Fund. Two Dollars ($2.00) shall be retained by the Department or its authorized agent for the purpose of development and maintenance of the electronic notification system.

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

G. All monies received by the Commissioner of Public Safety and the officers and employees of the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided for by law.

Added by Laws 1961, p. 346, § 6-117, eff. Sept. 1, 1961. Amended by Laws 1971, c. 101, § 1, emerg. eff. April 24, 1971; Laws 1975, c. 231, § 8, emerg. eff. May 30, 1975; Laws 1983, c. 286, § 20, operative July 1, 1983; Laws 1986, c. 279, § 13, operative July 1, 1986; Laws 1987, c. 5, § 151, emerg. eff. March 11, 1987; Laws 1988, c. 27, § 3, eff. Nov. 1, 1988; Laws 1988, c. 290, § 14, operative July 1, 1988; Laws 1989, c. 349, § 4, emerg. eff. June 3, 1989; Laws 1991, c. 342, § 3, eff. July 1, 1992; Laws 1992, c. 61, § 1, eff. Sept. 1, 1992; Laws 1993, c. 243, § 53, eff. Sept. 1, 1993; Laws 1994, c. 218, § 7, eff. July 1, 1994; Laws 1995, c. 208, § 1, eff. July 1, 1995; Laws 1996, c. 184, § 1, eff. Nov. 1, 1996; Laws 1997, c. 322, § 2, emerg. eff. May 29, 1997; Laws 1999, c. 80, § 2, eff. Nov. 1, 1999; Laws 2000, c. 342, § 7, eff. July 1, 2000; Laws 2002, c. 397, § 17, eff. Nov. 1, 2002; Laws 2003, c. 234, § 5, eff. Nov. 1, 2003; Laws 2004, c. 5, § 42, emerg. eff. March 1, 2004; Laws 2005, c. 199, c. § 3, eff. Nov. 1, 2005; Laws 2006, c. 204, § 6, eff. Nov. 1, 2006; Laws 2007, c. 39, § 1, eff. Nov. 1, 2007; Laws 2007, c. 326, § 10, eff. Nov. 1, 2007; Laws 2010, c. 426, § 1, eff. July 1, 2010; Laws 2011, c. 227, § 1; Laws 2012, c. 249, § 1, eff. July 1, 2012; Laws 2017, c. 150, § 1, eff. Nov. 1, 2017; Laws 2018, c. 47, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1991, c. 309, § 1 repealed by Laws 1992, c. 61, § 2, eff. Sept. 1, 1992. Laws 2003, c. 233, § 2 repealed by Laws 2004, c. 5, § 43, emerg. eff. March 1, 2004.

§47-6-118. Driver's License Medical Advisory Committee.

A. There is hereby created a Driver License Medical Advisory Committee whose membership shall be composed of two members appointed by the State Commissioner of Health, two members appointed by the Commissioner of Public Safety, one member appointed by the Governor,

one member appointed by the President Pro Tempore of the Senate, and one member appointed by the Speaker of the House of Representatives. One member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety and the member appointed by the Governor shall each serve two (2) years and one member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety, the member appointed by the President Pro Tempore of the Senate and the member appointed by the Speaker of the House of Representatives shall each serve three (3) years. The terms of the seven (7) members of the committee shall expire on the first day of January of the year in which the term of each member expires. The personnel of the Board shall include, but not be limited to, an internist, vision specialist, orthopedic surgeon, neurologist, and psychiatrist. Members of the Committee shall serve in the interest of public health, safety and welfare, without compensation for their services. The Committee shall meet from time to time as its duties may require, or when called by the Commissioner of Public Safety. The Commissioner is authorized to use appropriated funds for meal expenses related to such meetings. The Committee may use additional medical doctors, psychologists or medical support specialists and delegate the authority to act and recommend action on behalf of the Committee when such delegation is approved by the Commissioner of Public Safety.

B. The Committee shall recommend standards for determining the physical, emotional and mental capacity of applicants for driver licenses and holders of driver licenses, and submit the recommended standards to the Commissioner of Public Safety for adoption. The Commissioner shall also solicit input on the recommended standards from select medical professional organizations including, but not limited to, the American Diabetes Association and the American Heart Association before adopting such standards. In cases of ailment or disability not specifically covered by the adopted standards, the Committee may consider each case or delegate consideration of the case to its selected representative and may consider the individual's own compensating abilities in making its recommendations to the Department of Public Safety.

C. The Commissioner of Public Safety shall give due consideration to the findings and recommendations of the Committee, which may be used, together with other available information, in determining the applicant's or licensee's ability to operate a motor vehicle with a reasonable degree of safety and in accordance with established standards of the Department of Public Safety. The Department may require physical, psychological, vision, written or driving tests when necessary to make a determination pursuant to this section. Such findings and recommendations shall be considered with other evidence in determining whether the license should be canceled or denied.

D. Any person whose driver license is canceled or who is denied a driver license under the provisions of this section shall have the right to an appeal as provided for in Section 6-211 of this title. The findings and recommendations of the Committee or its selected representative, in written or oral form shall be admissible as evidence and shall be considered by the court in determining whether the action of the Department was justified.

E. Members of the Driver License Medical Advisory Committee or its selected representative shall not be held liable for their requested standards, opinions and recommendations presented in good faith, for consideration by the Department of Public Safety or consideration by the court.

Added by Laws 1967, c. 351, § 1, emerg. eff. May 18, 1967. Amended by Laws 1990, c. 222, § 1, eff. Sept. 1, 1990; Laws 2003, c. 392, § 10, eff. July 1, 2003.

§47-6-119. Physical or mental conditions hazardous to public safety - Physical and/or psychological examination - Renewal - Retesting.

A. When the Department of Public Safety has good cause to believe that a licensee or applicant for license to drive a motor vehicle may be afflicted with any physical or mental ailment or condition including diabetes which may cause loss of control or partial control or may otherwise be incapable of properly controlling a motor vehicle, or when a licensee's or applicant's accident or violation record indicates the licensee or applicant may be a hazard to public safety, the Department of Public Safety is hereby authorized to require the licensee or applicant to submit to a physical and/or psychological examination as prescribed by the Commissioner based upon recommendations of the State Driver's License Medical Advisory Committee or its selected representative, and/or complete a driver improvement school, and/or be examined again as provided by Section 6-110 of this title. All physical and/or mental examinations shall be conducted in the county of the residence of the applicant or licensee or in the nearest county to the applicant or licensee where the examination can be completed. Any driver improvement school or examination as provided by Section 6-110 of this title shall be completed in the same location as other applicants or licensees living in the same county as the applicant or licensee who is required to complete the school or examination. Unless the Department receives a verified written report as provided for in subsection B of this section specifying the need for an examination of the applicant or licensee, persons afflicted by diabetes shall not be required to submit to any additional requirements beyond those requirements for a person not affected by diabetes before receiving a license or a renewal of a license to operate a motor vehicle.

B. Every license issued to a person specified in subsection A of this section shall be renewable upon payment of the required fee; provided, the Department of Public Safety has not received a report from a law enforcement officer stating that the person is a hazard to the public safety and should be evaluated pursuant to the provisions of subsection A of this section or a verified medical report from a licensed physician stating that the person is incapable of properly controlling a motor vehicle. If any report indicates that the physical or mental ailment or condition has failed to remain stable or that the condition is progressive to a degree that the person is deemed to be a hazard to the public safety or is incapable of properly controlling a motor vehicle, the Department of Public Safety shall evaluate the person to determine if additional verified medical reports shall be required before issuing or renewing any drivers license or during the period a license is valid.

C. The Department may require any person specified in subsection A of this section to be retested any time prior to such person's application for renewal of a license if the Department receives a written report from any law enforcement officer, a verified report from a licensed physician, or a verified report from such other person authorized by the Department indicating the person's physical or mental ailment or condition has contributed to an accident or has deteriorated since issuance of the license to such a degree the person could lose control or partial control or may otherwise cause such person to be incapable of properly controlling a motor vehicle. Added by Laws 1968, c. 120, § 1, eff. Jan. 1, 1969. Amended by Laws 1990, c. 219, § 25, eff. June 1, 1990; Laws 1990, c. 337, § 9; Laws 1994, c. 387, § 3, eff. July 1, 1995.
NOTE: Laws 1990, c. 222, § 2 repealed by Laws 1990, c. 337, § 26.

§47-6-119A. Bioptic driving - Restricted license.

A. Within six (6) months of the effective date of this act, the Commissioner of Public Safety, shall, in conjunction with the Driver License Medical Advisory Committee, promulgate rules that shall provide for a restricted driver license for bioptic driving in this state.

B. As used in this section, "bioptic driving" shall mean a method of driving that utilizes both the person's general vision in combination with intermittent spotting through a small telescopic system that improves the sharpness of the person's far vision. Added by Laws 2012, c. 98, § 2, eff. Nov. 1, 2012.

§47-6-120. Cancellation, denial, or disqualification.

A. The Department is hereby authorized to cancel, deny, or disqualify the driver license, driving privilege or application of any individual who:

1. Fails to comply with any of the requirements of Section 6-119 of this title within thirty (30) days after being notified by the Department;

2. Is unable to demonstrate the ability to operate a motor vehicle as provided by this title or whose driving constitutes a danger to the welfare and safety of persons using the streets and highways of the State of Oklahoma; or

3. Fails to pass an examination pursuant to Sections 6-110, 6-115 or 6-119 of this title.

B. If a person is required to be examined pursuant to Sections 6-110, 6-115 or 6-119 of this title, the Department shall impose the appropriate restriction or restrictions on the license that are necessary to ensure the safe operation of a motor vehicle as provided under Section 6-113 of this title.

C. Any person whose driver license or driving privilege is canceled, denied, or disqualified under the provisions of this section shall have the right to an appeal as provided in Section 6-211 of this title.

D. Any person whose Class A, B, or C driver license or driving privilege is disqualified under the provisions of this section shall relinquish to the Department the Class A, B, or C driver license and may replace it with a Class D driver license, if the person is otherwise qualified for a Class D driver license.

Added by Laws 1968, c. 120, § 2, eff. Jan. 1, 1969. Amended by Laws 1969, c. 88, § 2, emerg. eff. March 24, 1969; Laws 1990, c. 219, § 26, eff. June 1, 1990; Laws 2000, c. 124, § 1, eff. Nov. 1, 2000.

§47-6-121. Extension of driver license during service in Armed Forces or while employed as civilian contractor with Armed Forces.

Any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States,

living outside of Oklahoma and having a valid driver license issued by the State of Oklahoma for the operation of motor vehicles upon the highways of this state shall not be considered to have an expired driver license for the duration of such service or employment and for a period of sixty (60) days from and after the return of the person or the spouse or dependent of the person to Oklahoma from such service or employment. This law shall not be construed to confer driving privileges in any jurisdiction other than Oklahoma.

Added by Laws 1969, c. 253, § 1, emerg. eff. April 24, 1969. Amended by Laws 1990, c. 219, § 27, eff. Jan. 1, 1991; Laws 1998, c. 84, § 1, eff. Nov. 1, 1998; Laws 2004, c. 418, § 10, eff. July 1, 2004; Laws 2009, c. 81, § 3, eff. Nov. 1, 2009.

§47-6-122. Renewal by mail

The Department of Public Safety may develop procedures whereby driver licenses issued under the provisions of Section 6-101 et seq. of this title may be renewed or replaced by the applicant by mail or online except for licenses to be renewed or replaced by aliens as prescribed by subsection E of Section 6-115 of this title. Any license issued pursuant to this section shall be valid for a period as prescribed in Section 6-115 of this title. The Department shall not renew or replace a license by mail or online unless the immediately preceding issuance, renewal or replacement was done in person by the applicant.

Provided, any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States,

living outside of Oklahoma and having a valid class D driver license issued by the State of Oklahoma, requiring no material change, may apply for no more than three consecutive renewals or replacement of such license by mail or online, in accordance with Department rules. A fourth consecutive renewal or replacement must be done in person. Added by Laws 1975, c. 359, § 3, eff. Jan. 1, 1977. Amended by Laws 1992, c. 217, § 8, eff. July 1, 1992; Laws 2003, c. 392, § 11, eff. July 1, 2003; Laws 2012, c. 280, § 4, eff. Nov. 1, 2012; Laws 2015, c. 266, § 5, eff. Nov. 1, 2015; Laws 2016, c. 141, § 1, eff. Nov. 1, 2016.

§47-6-123. Repealed by Laws 1983, c. 173, § 4, eff. Jan. 1, 1984.

§47-6-124. See the following versions:

OS 47-6-124v1 (HB 2592, Laws 2014, c. 113, § 1, effective **until** Nov. 1, 2020).

OS 47-6-124v2 (HB 1198, Laws 2017, c. 229, § 9, effective Nov. 1, 2020).

§47-6-124v1. Issuance of license or identification card - Veteran designation.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 47-6-124v2.

As a way to honor and recognize the veterans who have served our country, the Department of Public Safety shall make space available in the upper left hand corner of the front of the driver license and the identification card for a flag emblem and the word "veteran" to be designed by the Department that will serve as a notation of veteran status. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by the Department, persons requesting the flag

emblem shall show proof of present or past military service by presenting:

1. A valid Uniformed Services Identity Card;

2. A United States Department of Defense Form (DD)214, (DD)215 or a World War II discharge document WD AGO Form or NavPers Form that shows a discharge status of "honorable" or "general under honorable conditions";

3. An Oklahoma Army or Air National Guard NGB Form 22;

4. A United States Department of Veterans Affairs photo identification card; or

5. A United States Uniformed Services DD Form 2 (Retired or Reserve Retired) Identification Card.

Added by Laws 2012, c. 330, § 1, eff. Nov. 1, 2012. Amended by Laws 2013, c. 39, § 1, eff. Nov. 1, 2013; Laws 2014, c. 113, § 1, eff. Nov. 1, 2014.

§47-6-124v2. Issuance of license or identification card - Veteran designation.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 47-6-124v1.

A. As a way to honor and recognize the veterans who have served our country, the Department of Public Safety shall make space available in the upper left-hand corner of the front of the driver license and the identification card for a flag emblem and the word "veteran" to be designed by the Department that will serve as a notation of veteran status.

B. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by the Department, persons requesting the flag emblem shall be registered with the veterans registry created by the Oklahoma Department of Veterans Affairs. Provided, that if the person requesting the flag emblem has previously received a flag emblem pursuant to this subsection, no registration with the veterans registry shall be required to receive the flag emblem. The Department of Public Safety shall promulgate any rule necessary to implement the provisions of this section.

Added by Laws 2012, c. 330, § 1, eff. Nov. 1, 2012. Amended by Laws 2013, c. 39, § 1, eff. Nov. 1, 2013; Laws 2014, c. 113, § 1, eff. Nov. 1, 2014; Laws 2017, c. 229, § 9, eff. Nov. 1, 2020.

§47-6-201. Authority to cancel or deny driving privilege – Appeal – Release for driving privilege reinstatement.

A. The Department of Public Safety is hereby authorized to cancel or deny any person’s driving privilege upon determining that the person:

1. Is not entitled to a driver license or identification card issued to the person; or

2. Failed to give the required or correct information in the application.

Upon such cancellation or denial, the person to whom the license or card was issued shall surrender the license or card so canceled to the Department. The person may apply for a valid driver license or identification card, if the person is otherwise eligible. Any person whose driving privilege is canceled or denied under the provisions of this subsection shall have the right to an appeal as provided in Section 6-211 of this title.

B. Upon determination by the Department that any person:

1. Used fraudulent information to apply for or obtain a driver license or identification card;

2. Committed or aided another person in the commission of any act provided in subparagraph b, c, e, g, or h of paragraph 1 of Section 6-301 of this title; or

3. Committed or aided another person in the commission of any act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of Section 6-301 of this title,

the Department shall revoke the person's driving privilege for a period of sixty (60) days for a first determination. For a second or subsequent determination by the Department under paragraph 1, 2 or 3 of this subsection, the person's driving privilege shall be revoked for a period of six (6) months. Such periods shall not be subject to modification. Upon such revocation, the person to whom the license or card was issued shall surrender the license or card to the Department. The person may apply for a valid identification card, if the person is otherwise eligible.

C. A determination, as provided for in subsection B of this section, shall include:

1. A conviction in any court, when the conviction becomes final; or

2. The findings of an investigation by the Identity Verification Unit, the Oklahoma Highway Patrol Division, or a designee of the Commissioner of Public Safety.

D. Any person whose driving privilege is revoked under the provisions of subsection B of this section may be required to obtain a release from the Identity Verification Unit of the Department, the Oklahoma Highway Patrol Division, or a designee of the Commissioner of Public Safety before being considered for reinstatement of driving privileges.

E. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 347, § 6-201, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 28, eff. Jan. 1, 1991; Laws 1991, c. 309, § 2, eff. July 1, 1991; Laws 1999, c. 139, § 2, eff. Nov. 1, 1999; Laws 2000, c. 277, § 8, eff. Nov. 1, 2000; Laws 2001, c. 216, § 1, eff.

Nov. 1, 2001; Laws 2002, c. 397, § 18, eff. Nov. 1, 2002; Laws 2003, c. 392, § 12, eff. July 1, 2003; Laws 2004, c. 149, § 5, eff. Nov. 1, 2004; Laws 2011, c. 104, § 4, eff. Nov. 1, 2011.

§47-6-201.1. Revocation of driving privilege for noncompliance with child support order - Notice - Release.

A. In addition to other qualifications and conditions established by law, the driving privilege of an individual is subject to the requirements of this section.

B. Upon receipt of an order from a court or from the Department of Human Services, Office of Administrative Hearings: Child Support, hereinafter referred to as "OAH", that a person obligated to pay child support who owns or operates a motor vehicle is not in compliance with an order for support, the Commissioner of Public Safety shall revoke the person's driving privilege.

C. 1. Whenever a court or the OAH finds that a person is not in compliance with an order of child support, the court or the OAH, as applicable, shall require the person to surrender to it the driver license held by the person and shall forward to the Department of Public Safety an order to revoke the driving privilege of the person, together with any driver license surrendered to the court or OAH. The Department of Public Safety shall prescribe, prepare and distribute a Notification of Revocation form to be used by the courts and the OAH when an order has been entered revoking a person's driving privileges for noncompliance with an order for support.

2. In addition to the Department of Public Safety, the court or the OAH, as applicable, shall send a copy of the Notification of Revocation to the person obligated to pay child support by first class, postage prepaid mail. The Notification shall:

a. include the name, address, date of birth, physical description and, if known, the driver license number of the person,

b. require the Department to revoke the driving privilege of the person required to pay child support,

c. require the Department to not reinstate the person's driving privilege until:

(1) the court or the OAH issues a release that states such person is in compliance with the order of support or until a court or the OAH otherwise authorizes reinstatement of the person's driving privilege, and

(2) the person has paid to the Department the fees required by Section 6-212 of this title and has met all other statutory requirements for reinstatement of the person's driving privilege;

d. specify the reason and statutory ground for the revocation and the effective date of the revocation;

e. inform the person that in order to apply for reinstatement of the person's driving privilege, the person must obtain a release from the OAH or the court, as applicable; and

f. inform the person that final orders of the OAH may be appealed to the district court pursuant to Section 240.3 of Title 56 of the Oklahoma Statutes and final orders of the district court may be appealed to the Supreme Court of Oklahoma pursuant to Section 990A of Title 12 of the Oklahoma Statutes.

D. Upon receipt of the Notification of Revocation from a court or the OAH, as applicable, that a person obligated to pay child support is not in compliance with an order of support, the Department shall, in addition to any other authority to withdraw driving privileges, revoke the driving privilege of the person named in the Notification without hearing.

E. 1. The court or the OAH shall furnish a release to the Department whenever a person, whose driving privilege has been revoked pursuant to this section, has established and is complying with a payment plan, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title;

2. Should the person default on the payment plan, the court or OAH may resubmit the notice of noncompliance as provided for in this section. The court or the OAH shall furnish a release to the Department whenever the person is once again complying with the payment plan, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title; and

3. A person whose driving privilege has been revoked for noncompliance due to defaulting on a payment plan, pursuant to paragraph 2 of this subsection, shall be required to meet all statutory requirements for reinstatement of driving privileges, including, but not limited to, the payment of processing and reinstatement fees, as provided for in Section 6-212 of this title.

F. If the court or the OAH, as applicable, is unable to secure the surrender to it of the driver license held by the person found to be in noncompliance with an order of support, the Department, upon revoking the driving privilege of the person, shall require that the driver license held by the person be surrendered to the Department. Upon reinstatement of the person's driving privileges, as provided for by law, the person's valid and lawful driver license shall be returned to the person by the Department if the person is otherwise eligible.

Added by Laws 1995, c. 354, § 11, eff. Nov. 1, 1995. Amended by Laws 1999, c. 229, § 2, eff. Nov. 1, 1999; Laws 2003, c. 392, § 13, eff. July 1, 2003; Laws 2004, c. 124, § 2, eff. Nov. 1, 2004.

§47-6-202. Suspending privileges of nonresidents and reporting convictions.

A. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as any Oklahoma driver's license issued hereunder may be suspended or revoked. Any person who does not possess a valid driver's license in this state or any foreign state may have his or her privilege to operate a motor vehicle in this state suspended or revoked in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

Persons whose driving privileges have been suspended because of failure to furnish proof of insurance shall be required to furnish proof of financial responsibility as required by the provisions of the Financial Responsibility Act.

B. The Department of Public Safety is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Amended by Laws 1990, c. 219, § 29, eff. Jan. 1, 1991.

§47-6-202.1. Diplomatic immunity – Verification – Records to be submitted to United States Department of State – Severability.

A. If any vehicle operator who displays to a law enforcement officer a driver license issued by the United States Department of State or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the violation of Article 27, Section 388, 388a, or 388b of the Code by the individual, or a moving violation under the vehicle laws or regulations of this state or any local authority, when the operator is stopped by a law enforcement officer who has probable cause to believe that the operator has committed a violation, the officer shall:

1. As soon as practicable contact the United States Department of State office in order to verify the status and immunity of the driver, if any;

2. Record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and

3. Within five (5) working days after the date of the stop, forward the following to the Department of Public Safety:

a. a vehicle collision report, if the driver was involved in a vehicle collision,
b. if a citation was issued to the driver, a copy of the citation, and,
c. if a citation was not issued to the driver, a written report of the incident.

B. The Department of Public Safety shall:

1. File and keep convenient records of each document and record described in paragraph 3 of subsection A of this section; and

2. Send a copy of each document and record described in paragraph 3 of subsection A of this section to the Bureau of Diplomatic Security, Office of Foreign Missions, United States Department of State.

C. The provisions of this section do not prohibit or limit the application of any law regarding a criminal or motor vehicle violation by any person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

D. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.
Added by Laws 2001, c. 27, § 3, eff. Nov. 1, 2001.

§47-6-203. Suspension of resident's license or driving privilege upon conviction in another state.

The Department shall suspend or revoke the license or driving privilege of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of offenses therein which, if committed in this state, would be grounds for the suspension or revocation of the individual's driving privilege. An appeal may be had from such order of suspension, as provided in Section 6-211 of this title.
Amended by Laws 1990, c. 219, § 30, eff. Jan. 1, 1991.

§47-6-204. Order by court to surrender license to Department - Report of conviction.

A. Whenever any person is convicted of any offense for which this title makes mandatory the revocation of the driving privilege of such person by the Department as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all driver licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the Department.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other law

of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in such court for a violation of any such laws other than regulations governing standing or parking, and may recommend the suspension of the driving privileges of the person so convicted.

C. For the purposes of Section 6-101 et seq. of this title, the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

Added by Laws 1961, p. 347, § 6-204, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 31, eff. Jan. 1, 1991; Laws 1992, c. 217, § 9, eff. July 1, 1992; Laws 1997, c. 193, § 1, eff. Nov. 1, 1997; Laws 2017, c. 392, § 4, eff. Nov. 1, 2017; Laws 2019, c. 400, § 2, eff. Nov. 1, 2019.

§47-6-205. Mandatory revocation of driving privilege.

A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction, in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the driving privilege of the person has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing, trafficking, cultivating, selling, transferring, attempting or conspiring to possess,

distribute, dispense, manufacture, traffic, sell, or transfer of a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while using a motor vehicle;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes;

8. A misdemeanor conviction for a violation of Section 1465 of Title 21 of the Oklahoma Statutes;

9. A misdemeanor conviction for a violation of Section 1-229.34 of Title 63 of the Oklahoma Statutes;

10. Failure to obey a traffic control device as provided in Section 11-202 of this title or a stop sign when such failure results in great bodily injury to any other person; or

11. Failure to stop or to remain stopped for school bus loading or unloading of children pursuant to Section 11-705 or 11-705.1 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 6, 7 or 11 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, or 7 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the records of the Department. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

F. The first license revocation under paragraph 11 of subsection A of this section shall be for a period of one (1) year. Such period may be modified. Any appeal of the revocation of driving privilege under paragraph 11 of subsection A of this section shall be governed by Section 6-211 of this title; provided, any modification under this subsection shall apply to Class D motor vehicles only.

G. As used in this section, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1961, p. 348, § 6-205, eff. Sept. 1, 1961. Amended by Laws 1982, c. 273, § 1, operative Oct. 1, 1982; Laws 1982, c. 294, § 1, operative July 1, 1982; Laws 1988, c. 242, § 1, eff. Nov. 1, 1988; Laws 1990, c. 219, § 32, eff. Jan. 1, 1991; Laws 1990, c. 286, § 1,

eff. Sept. 1, 1990; Laws 1991, c. 309, § 3, eff. July 1, 1991; Laws 1992, c. 217, § 10, eff. July 1, 1992; Laws 1993, c. 238, § 2, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 4, eff. July 1, 1995; Laws 1995, c. 1, § 16, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 5, eff. Nov. 1, 1996; Laws 1997, c. 148, § 3, eff. Nov. 1, 1997; Laws 1998, c. 293, § 1, eff. July 1, 1998; Laws 2000, 1st Ex. Sess., c. 8, § 17, eff. July 1, 2000; Laws 2003, c. 392, § 14, eff. July 1, 2003; Laws 2004, c. 149, § 6, eff. Nov. 1, 2004; Laws 2005, c. 1, § 50, emerg. eff. March 15, 2005; Laws 2006, c. 311, § 17, emerg. eff. June 8, 2006; Laws 2010, c. 233, § 1, eff. Nov. 1, 2010; Laws 2010, c. 333, § 2, eff. Nov. 1, 2010; Laws 2011, c. 299, § 2, eff. Nov. 1, 2011; Laws 2013, c. 279, § 1, eff. Nov. 1, 2013; Laws 2017, c. 392, § 5, eff. Nov. 1, 2017; Laws 2019, c. 400, § 3, eff. Nov. 1, 2019.
NOTE: Laws 1994, c. 243, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2004, c. 49, § 2 repealed by Laws 2005, c. 1, § 51, emerg. eff. March 15, 2005.

§47-6-205.1. Periods of revocation - Denial of driving privileges.

A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, unless the person has successfully completed, or is currently participating in, the Impaired Driver Accountability Program, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of one hundred eighty (180) days, or longer if driving privileges are modified pursuant to the provisions of this paragraph, which shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than one hundred eighty (180) days;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of one (1) year, or longer if driving privileges are modified pursuant to the provisions of this paragraph, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title,

Section 753 or 754 of this title, or completion of the Impaired Driver Accountability Program, or

b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such one-year period of revocation may be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than one (1) year; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of three (3) years, or longer if driving privileges are modified pursuant to the provisions of this paragraph, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,

b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,

c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or

d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a, b and c of this paragraph.

Such three-year period of revocation shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation and the period of interlock installation shall run concurrently and each shall be for no less than three (3) years.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which shall be modified upon request; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993; provided further, any modification under this paragraph shall apply to Class D driver licenses only;

2. A revocation shall be for a period of one (1) year if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,

b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program, or

c. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:

a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,

b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,

c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or

d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privileges if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, shall be modified upon request as provided for in Section 754.1 of this title or Section 11 of this act; provided, any modification under this paragraph shall apply to Class D driver licenses only.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

Added by Laws 1988, c. 242, § 2, eff. Nov. 1, 1988. Amended by Laws 1992, c. 217, § 11, eff. July 1, 1992; Laws 1993, c. 314, § 2, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 15, emerg. eff. March 2, 1994; Laws 1994, c. 243, § 4, eff. Sept. 1, 1994; Laws 1996, c. 309, § 6, eff. Nov. 1, 1996; Laws 1999, c. 106, § 3, emerg. eff. April 19, 1999; Laws 2000, 1st Ex. Sess., c. 8, § 18, eff. July 1, 2000; Laws 2002, c. 86, § 4, emerg. eff. April 17, 2002; Laws 2003, c. 108, § 2, eff. Nov. 1, 2003; Laws 2004, c. 390, § 7, eff. July 1, 2004; Laws 2006, c. 311, § 18, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 11, eff. Nov. 1, 2007; Laws 2009, c. 388, § 3, eff. Nov. 1, 2009; Laws 2010, c. 345, § 2, eff. Nov. 1, 2010; Laws 2011, c. 373, § 3, eff. Nov. 1, 2011; Laws 2013, c. 393, § 1, eff. Oct. 1, 2013; Laws 2017, c. 392, § 6, eff. Nov. 1, 2017; Laws 2019, c. 400, § 4, eff. Nov. 1, 2019.

NOTE: Laws 1993, c. 238, § 3 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§47-6-205.2. Disqualification from driving privileges for certain convictions or acts - Driving while disqualified.

A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;

2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination;

3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

4. A plea of guilty or nolo contendere accepted by the court;

5. The payment of any fine or court costs; or

6. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when the conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly leaving the scene of a collision which occurs while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the

manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified;

7. Manslaughter homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

8. Fraud related to examination for or issuance of a commercial learner permit or a Class A, B or C driver license; or

9. Failure to submit to skills or knowledge reexamination, or both, for the purpose of issuance of a commercial learner permit or a Class A, B or C driver license within thirty (30) days of receipt of notification from the Department.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when the conviction has become final.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when the conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate

transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license;
8. Failure to have:
    a. the proper class of commercial driver license for the class of vehicle being operated,
    b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or
    c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph;
9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication; or
10. Operating a commercial motor vehicle while using a hand-held mobile telephone.

For the purposes of paragraphs 9 and 10 of this subsection, operating a commercial motor vehicle and using an electronic communication device or a hand-held mobile telephone is permissible by the operator when necessary to communicate with law enforcement officials or other emergency services. Further, for the purposes of paragraphs 9 and 10 of this subsection, "operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final the Department shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:
   a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for one-hundred eighty (180) days, or
   b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;
2. For a second conviction within ten (10) years for violating an out-of-service order:
   a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for two (2) years, or
   b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and
3. For a third or subsequent conviction within ten (10) years for violating an out-of-service order, the period of disqualification shall be for three (3) years.

H. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the

Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

K. The Department, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

L. The periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1990, c. 219, § 33, eff. April 1, 1992. Amended by Laws 1991, c. 309, § 4, eff. April 1, 1992; Laws 1992, c. 217, § 12, eff. July 1, 1992; Laws 1993, c. 238, § 4, emerg. eff. May 26, 1993; Laws 1997, c. 193, § 2, eff. Nov. 1, 1997; Laws 1999, c. 229, § 3, eff. Nov. 1, 1999; Laws 2000, c. 277, § 9, eff. Nov. 1, 2000; Laws 2001, c. 309, § 1, eff. Nov. 1, 2001; Laws 2002, c. 169, § 1, eff. Oct. 1, 2002; Laws 2003, c. 392, § 15, eff. July 1, 2003; Laws 2004, c. 149, § 7, eff. Sept. 30, 2005; Laws 2004, c. 390, § 8, eff. July 1, 2004; Laws 2005, c. 394, § 3, emerg. eff. June 6, 2005; Laws 2006, c. 311, § 19, emerg. eff. June 8, 2006; Laws 2012, c. 207, § 3, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 7, eff. Nov. 1, 2013; Laws 2015, c. 214, § 1, eff. Nov. 1, 2015.

§47-6-206. Authority of Department to suspend license or privilege.

A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the

Department of Public Safety setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driving privilege of the named person after giving notice as provided in Section 2-116 of this title. A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to the Department of Public Safety;

2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and

3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of extreme and unusual hardship, as determined by the court, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan. In such case, the Department shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes. A court within this state may order the Department to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional license provided under Section 6-212 of this title.

D. Upon the receipt of a record of conviction for eluding or attempting to elude a peace officer, the Department of Public Safety shall suspend the driving privilege of the person:

1. For the first conviction as indicated on the driving record of the person, for a period of six (6) months;

2. For the second conviction as indicated on the driving record of the person, for a period of one (1) year. Such period shall not be modified; and

3. For the third or subsequent conviction as indicated on the driving record of the person, for a period of three (3) years. Such period shall not be modified.

E. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1961, p. 348, § 6-206, eff. Sept. 1, 1961. Amended by Laws 1984, c. 254, § 1, eff. Nov. 1, 1984; Laws 1988, c. 242, § 3, eff. Nov. 1, 1988; Laws 1990, c. 259, § 5, eff. Sept. 1, 1990; Laws 1991, c. 335, § 14, emerg. eff. June 15, 1991; Laws 1999, c. 291, § 1, emerg. eff. May 27, 1999; Laws 2003, c. 392, § 16, eff. July 1, 2003; Laws 2006, c. 311, § 20, emerg. eff. June 8, 2006; Laws 2016, c. 189, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1990, c. 219, § 34 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-6-206.1. Driver improvement or defensive driving course.

A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;

2. Adequate equipment, in good working order, and instructional materials for such courses;

3. Qualified instructors who shall:

a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, or is a peace officer certified by the Council on Law Enforcement Education and Training (CLEET),

b. have no alcohol or drug-related convictions or revocations in the past five (5) years,

c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,

d. have a valid Oklahoma driver license, and

e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:

a. driver personality traits - behavioral attitudes,
b. driver qualifications and limitations,
c. effects of alcohol and other drugs, and
d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least six (6) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens' complaints;

3. Falsifying or misrepresenting any document or information to the Department or student;

4. Failure of organization or instructor to meet statutory requirements;

5. Conflict of interest by the organization or institution and/or its personnel; or

6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty students with an enrollment fee of Fifty Dollars ($50.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the person's full name, address, date of birth and driver license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

Added by Laws 1991, c. 309, § 5, eff. July 1, 1991. Amended by Laws 1992, c. 217, § 13, eff. July 1, 1992; Laws 1992, c. 373, § 8, eff. July 1, 1992; Laws 1998, c. 345, § 2, eff. Nov. 1, 1998; Laws 2002, c. 49, § 2, eff. Nov. 1, 2002; Laws 2004, c. 15, § 1, emerg. eff. March 23, 2004.

§47-6-207. Authority of department to deny application for or cancel license for certain ailments; appeal.

Whenever the Department of Public Safety is furnished with information or, from the records on file in the Department, it is established that the holder of a driver's license is afflicted with a physical disease with a history of seizures, or mental disease, or momentary lapses of consciousness or any other ailment which may result in temporary loss of control or partial control of a motor vehicle, the Department may, in its discretion, execute an order of cancellation of any driver's license issued to such individual, or, should such information be available at the time of application for a driver's license, the Department may execute an order denying the issuance of said license to any such individual and shall cause any such license that may have been issued to be picked up or to be delivered to the Department of Public Safety as specified for other such orders. Every physician or surgeon, including doctors of medicine and osteopathy, examining, attending or treating an individual for any illness or injury that would impair the ability of the individual in any manner as to affect the performance of the person to operate a motor vehicle, may make a written report of the diagnosis to the State Department of Public Safety. The Department

may, in its discretion, suspend or cancel the license of such person for such period of time as in its judgment is justified.

In addition thereto, any person or physician or any medical personnel participating in good faith and without negligence or malicious intent in making of a report pursuant to this act shall have the immunity from civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Provided further that, in any proceeding resulting from a report made pursuant to this act or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto, or the condition of the individual who is the subject of the report shall only be admitted in evidence in actions regarding the revocation, suspension, cancellation or denial of the subject's driver's license and shall not be considered to be a public record provided that the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Any person whose license has been canceled or denied under the provisions of this section shall have the right of appeal from said order, as provided under Section 6-211 of this title.
Amended by Laws 1990, c. 219, § 35, eff. June 1, 1990.

§47-6-208. Period of suspensions - Renewal or restoration of license.

The Department of Public Safety shall not suspend a driver's license or privilege to drive a motor vehicle on the public roads, streets, highways, turnpikes or other public place for a period of more than one (1) year, except as otherwise provided by law.
Amended by Laws 1982, c. 273, § 2, operative Oct. 1, 1982; Laws 1984, c. 254, § 2, eff. Nov. 1, 1984; Laws 1988, c. 242, § 4, eff. Nov. 1, 1988.

§47-6-208.1. Authority of Department to decline to process certain requests for suspension or revocation of license.

If action by the Department of Public Safety to suspend, revoke, cancel or deny the driver's license of any person is based in whole or in part upon the receipt of a record of conviction, report, affidavit or other written instrument from any court, court clerk, law enforcement officer, public agency, public officer or public employee and such documentation is not received by the Department within six (6) months from the date which in the judgment of the Department it should have been received, then the Department may decline to process such documentation and may decline to take action

to suspend, revoke, cancel or deny the driver's license of such person, notwithstanding any other provision of law.
Added by Laws 1986, c. 250, § 12, operative July 1, 1987.

§47-6-208.3. Repealed by Laws 1999, c. 229, § 4, eff. Nov. 1, 1999.

§47-6-209. Surrender and return of license - Seizure of license.

A. The Department upon canceling or denying the driver license of a person or upon suspending or revoking the driving privilege of a person shall require that the driver license of the person be surrendered to the Department. When the statutory requirements for reinstatement are met in accordance with Oklahoma Statutes, the person shall apply for a new driver license from the Department; provided the Department has determined that the licensee is a person not prohibited from holding a driver license under Section 6-103 of this title, and has successfully completed the customary written, physical and driving tests, if such tests are required. Identification of the person shall be verified through the driver license digital file of the Department.

B. The Department, upon entering an order canceling or denying a driver license or suspending or revoking the driving privilege of a person, shall forward a copy of the order to the licensee pursuant to the provisions of Section 2-116 of this title and request the immediate return of the driver license to the Department of Public Safety, Oklahoma City, Oklahoma, or the order may be served upon the licensee by an authorized member of the Department. Failure to comply with the order of the Department shall constitute a misdemeanor and, upon conviction, the person shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00).

C. Any peace officer of this state may seize the license of any person who, according to Department records, is under suspension, cancellation, revocation or denial under the provisions of this title. The officer shall immediately forward the license to the Department of Public Safety, Oklahoma City, Oklahoma.

D. No person shall have a property interest in the physical driver license issued pursuant to the laws of this state. It shall be the duty of every person whose driving privilege has been suspended, canceled or revoked to immediately surrender his or her driver license upon the request of any peace officer or representative of the Department.
Added by Laws 1961, p. 349, § 6-209, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 14, operative July 1, 1986; Laws 1987, c. 226, § 4, operative July 1, 1987; Laws 1990, c. 219, § 36, eff. June 1, 1990; Laws 1992, c. 217, § 14, eff. July 1, 1992; Laws 1993, c. 238, § 5, emerg. eff. May 26, 1993; Laws 1994, c. 218, § 5, eff. April 1, 1995; Laws 2013, c. 75, § 2, eff. Nov. 1, 2013.

§47-6-210. No operation under foreign license during suspension or revocation in this state.

Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been denied, canceled, suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

Amended by Laws 1990, c. 219, § 37, eff. Jan. 1, 1991; Laws 1991, c. 309, § 6, eff. July 1, 1991.

§47-6-211. Right of appeal to district court.

A. Any person denied driving privileges, or whose driving privilege has been canceled, denied, suspended or revoked by the Department, except where such cancellation, denial, suspension or revocation is mandatory, under the provisions of Section 6-205 of this title, or disqualified by the Department, under the provisions of Section 6-205.2 or 761 of this title, shall have the right of appeal to the district court as hereinafter provided. Proceedings before the district court shall be exempt from the provisions of the Oklahoma Pleading and Discovery codes, except that the appeal shall be by petition, without responsive pleadings. The district court is hereby vested with original jurisdiction to hear the petition.

B. A person whose driving privilege is denied, canceled, revoked or suspended due to inability to meet standards prescribed by law, or due to an out-of-state conviction or violation, or due to an excessive point accumulation on the traffic record, or for an unlawful license issued, may appeal in the county in which the person resides.

C. Any person whose driving privilege is canceled, denied, suspended or revoked may appeal to the district court in the county in which the offense was committed upon which the Department based its order.

D. A person whose driving privilege is subject to revocation pursuant to Section 753 or 754 of this title may appeal to the district court in the county in which the arrest occurred relating to the test refusal or test result, as shown by the records of the Department.

E. The petition shall be filed within thirty (30) days after the notice of revocation, pursuant to Section 753 or 754 of this title, has been served upon the person. It shall be the duty of the district court to enter an order setting the matter for hearing not less than fifteen (15) days and not more than thirty (30) days from the date the petition is filed. A certified copy of petition and order for hearing shall be served forthwith by the clerk of the court

upon the Commissioner of Public Safety by certified mail at the Department of Public Safety, Oklahoma City, Oklahoma.

F. Upon a hearing relating to a revocation or disqualification pursuant to a conviction for an offense enumerated in Section 6-205, 6-205.2 or 761 of this title, the court shall not consider the propriety or merits of the revocation or disqualification action, except to correct the identity of the person convicted as shown by records of the Department.

G. A petition for modification may be included with the appeal or separately filed at any time, and the district court may, in its discretion, modify the revocation as provided for in Section 755 of this title; provided, any modification under this subsection shall apply to Class D driver licenses only.

H. The court shall take testimony and examine the facts and circumstances, including all of the records on file in the office of the Department of Public Safety relative to the offense committed and the driving record of the person, and determine from the facts, circumstances, and records whether or not the petitioner is entitled to driving privileges or shall be subject to the order of denial, cancellation, suspension or revocation issued by the Department. In case the court finds that the order was not justified, the court may sustain the appeal, vacate the order of the Department and direct that driving privileges be restored to the petitioner, if otherwise eligible.

I. The testimony of any hearing pursuant to this section shall be taken by the court stenographer and preserved for the purpose of appeal and, in case the Department files notice of appeal from the order of the court as provided herein, the court shall order and direct the court clerk to prepare and furnish a complete transcript of all pleadings and proceedings, together with a complete transcript taken at the hearing at no cost to the Department, except the cost of transcribing.

J. An appeal may be taken by the person or by the Department from the order or judgment of the district court to the Supreme Court of the State of Oklahoma as otherwise provided by law.

Added by Laws 1961, p. 349, § 6-211, eff. Sept. 1, 1961. Amended by Laws 1969, c. 88, § 1, emerg. eff. March 24, 1969; Laws 1988, c. 242, § 5, eff. Nov. 1, 1988; Laws 1990, c. 219, § 38, eff. Jan. 1, 1991; Laws 1994, c. 243, § 5, eff. Sept. 1, 1994; Laws 1997, c. 420, § 3, emerg. eff. June 13, 1997; Laws 1999, c. 139, § 3, eff. Nov. 1, 1999; Laws 2000, 1st Ex. Sess., c. 8, § 19, eff. July 1, 2000; Laws 2003, c. 392, § 17, eff. July 1, 2003; Laws 2006, c. 311, § 21, emerg. eff. June 8, 2006; Laws 2011, c. 373, § 4, eff. Nov. 1, 2011; Laws 2019, c. 400, § 5, eff. Nov. 1, 2019.

§47-6-212. Reinstatement fees - Conditions for reinstatement - Provisional license.

A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars ($25.00) for each such suspension or revocation as shown by the Department's records, or

b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars ($75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars ($200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of the Department, and

(2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest on or after November 1, 2008, under the provisions of paragraph 2 or 6 of subsection A of Section 6-205 of this title or of Section 753, 754 or 761 of this title, a fee of Fifteen Dollars ($15.00), which shall be apportioned pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes; and

3. The person has paid to the Department a single reinstatement fee of, beginning on July 1, 2013, and any year thereafter, Twenty-five Dollars ($25.00).

D. The Department of Public Safety is hereby authorized to enter into agreements with persons whose license to operate a motor vehicle or commercial motor vehicle has been suspended or revoked, for issuance of a provisional license that would allow such persons to drive:

1. Between their place of residence and their place of employment or potential employment;

2. During the scope and course of their employment;

3. Between their place of residence and a college, university or technology center;

4. Between their place of residence and their child's school or day care provider;

5. Between their place of residence and a place of worship; or

6. Between their place of residence and any court-ordered treatment program,

with the condition that such persons pay a minimum of Twenty-five Dollars ($25.00) per month toward the satisfaction of all outstanding driver license or commercial driver license reinstatement fees. The Department shall develop rules and procedures to establish such a provisional driver license program and such rules and procedures shall include, but not be limited to, eligibility criteria, proof of insurance, proof of enrollment or employment, and any provisional license fees. Any violation of law by the person holding the provisional license that would result in the suspension or revocation of a driver license shall result in the revocation of the provisional license and such person shall be ineligible for future application for a provisional driver license.

E. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars ($250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars

($250,000.00) each month shall be deposited in the General Revenue Fund.
Added by Laws 1982, c. 276, § 1, emerg. eff. May 18, 1982. Amended by Laws 1983, c. 286, § 21, operative July 1, 1983; Laws 1984, c. 264, § 11, operative July 1, 1984; Laws 1986, c. 279, § 15, operative July 1, 1986; Laws 1987, c. 5, § 152, emerg. eff. March 11, 1987; Laws 1987, c. 226, § 5, operative July 1, 1987; Laws 1990, c. 219, § 39, eff. Jan. 1, 1991; Laws 1994, c. 218, § 6, eff. April 1, 1995; Laws 2001, c. 361, § 7, eff. July 1, 2001; Laws 2002, c. 474, § 5, emerg. eff. June 6, 2002; Laws 2004, c. 396, § 1, eff. Nov. 1, 2004; Laws 2004, c. 530, § 1, eff. Sept. 1, 2004; Laws 2007, c. 326, § 12, eff. Nov. 1, 2007; Laws 2008, c. 401, § 18, eff. Nov. 1, 2008; Laws 2011, c. 226, § 1; Laws 2013, c. 274, § 1, eff. Nov. 1, 2013; Laws 2015, c. 97, § 3, eff. Nov. 1, 2015; Laws 2017, c. 392, § 7, eff. Nov. 1, 2017; Laws 2019, c. 400, § 6, eff. Nov. 1, 2019.

§47-6-212.1. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-6-212.2. Required completion of alcohol and drug assessment and evaluation.

A. Whenever the records of the Department of Public Safety reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driving privileges of that person pursuant to the provisions of paragraph 2 or 6 of subsection A of Section 6-205 or to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. As determined by the assessment, the person shall enroll in, attend and successfully complete the appropriate alcohol and drug substance abuse course certified by the Department of Mental Health and Substance Abuse Services or an alcohol or other drug treatment program or both. The alcohol and drug substance abuse course shall consist of either ten (10) hours or twenty-four (24) hours of instruction and shall conform with the provisions of Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen shall be compelled to travel more than seventy (70) miles from the citizen's place of residence to attend a course or evaluation program required herein. For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by an assessment agency or assessment personnel certified for that purpose, all recommendations identified by the evaluation are satisfied by the person, and a report of such

evaluation and completion is presented to the court prior to sentencing and to the Department.

B. If the assessment agency or assessment personnel in subsection A of this section determine that the person would likely benefit from a United-States-Food-and-Drug-Administration-approved medication-assisted treatment that is indicated for alcohol dependence or opioid dependence, the assessment agency or assessment personnel shall refer the defendant to a licensed physician for further evaluation. Only a licensed physician may recommend that a defendant take medication-assisted treatment, and the defendant shall maintain the right to refuse the medication.

C. The requirements of subsection A of this section shall be a condition for reinstatement of driving privileges, in addition to other conditions for driving privilege reinstatement provided by law. Added by Laws 1985, c. 204, § 1, eff. Nov. 1, 1985. Amended by Laws 1988, c. 242, § 7, eff. Nov. 1, 1988; Laws 1990, c. 265, § 64, eff. Sept. 1, 1990; Laws 1993, c. 339, § 3, eff. Sept. 1, 1993; Laws 1996, c. 162, § 2, eff. Nov. 1, 1996; Laws 2000, c. 189, § 2, eff. July 1, 2000; Laws 2001, c. 27, § 4, eff. Nov. 1, 2001; Laws 2003, c. 178, § 2, eff. July 1, 2003; Laws 2019, c. 400, § 7, eff. Nov. 1, 2019.

§47-6-212.3. Ignition interlock device - Duration - Violations.

A. Whenever the installation of an ignition interlock device is allowed or required by law, the Department shall require the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the person, except when the employer requests the ignition interlock device not be installed. The request shall be in writing and notarized on the official letterhead of the employer and provided by the employer to the Department; provided, a request shall not be accepted by the Department under the following circumstances:

1. When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle;

2. When the person is employed by a relative who is within the first degree of consanguinity or who resides in the same household; or

3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title.

The person shall comply with all provisions of law and rule regarding ignition interlock devices.

B. 1. Upon request and eligibility, the Department shall issue a restricted driver license to the person, upon payment of a restricted driver license fee of Fifty Dollars ($50.00) and all other appropriate fees by the person. The restricted driver license and the driving record of the person shall indicate by an appropriate

restriction that the person is only authorized to operate a vehicle upon which an approved and properly functioning ignition interlock device is installed. If the person is operating a motor vehicle owned or leased by an employer who has not given permission for an ignition interlock device to be installed, the employer shall provide the person with a letter, on official letterhead of the employer, which the person shall carry in his or her immediate possession at all times when operating a motor vehicle and shall display for examination and inspection upon demand of a peace officer.

2. The restricted driver license fee authorized by this section shall be remitted to the State Treasurer to be credited to the Department of Public Safety Restricted Revolving Fund. All monies accruing to the credit of the Department of Public Safety Restricted Revolving Fund from the restricted driver license fees shall be budgeted and expended solely for the purpose of administering the provisions of this section.

3. The installation of an ignition interlock device, as required by this section, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

C. Installation of an ignition interlock device shall run concurrently with a court order, if any, for installation of an ignition interlock device pursuant to the same conviction.

D. Installation of an ignition interlock device pursuant to any court order, Impaired Driver Accountability Program or other diversionary program shall be credited towards any requirement for the installation of an ignition interlock device pursuant to any court order, Impaired Driver Accountability Program or other diversionary program arising out of the same incident.

E. The person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at his or her own expense, and comply with all provisions of law regarding ignition interlock devices.

F. The ignition interlock device manufacturer shall report violations, if any, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence for each ignition interlock device installed pursuant to this section and Section 6-205.1 of this title.

G. Pursuant to Section 6-205.1 of this title, the Department shall extend the period of ignition interlock of the person for a report from the Board of Tests for Alcohol and Drug Influence of a reportable violation by the person as defined in the rules of the Board of Tests for Alcohol and Drug Influence. A restriction imposed under this section or Section 6-205.1 of this title shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one hundred eighty (180) consecutive days prior to

the date of release. The Department shall send notice in accordance with Section 2-116 of this title prior to extending the period of ignition interlock. Upon request, made within fifteen (15) days of completion of the notice, the person shall have the right to an informal hearing before the Department prior to any extension of the period of ignition interlock. The hearing shall be limited to the issues of the validity of the ignition interlock violation and the identity of the person committing the violation. Should the release date of the person occur after the Department has received the informal hearing request but before the informal hearing, the period of ignition interlock of the person shall be extended pending the final judgment of the Department.

H. The Department shall promulgate rules necessary to implement and administer the provisions of this section.

Added by Laws 2005, c. 167, § 1, eff. Nov. 1, 2005. Amended by Laws 2005, c. 394, § 18, eff. Sept. 1, 2005; Laws 2011, c. 373, § 5, eff. Nov. 1, 2011; Laws 2012, c. 283, § 6, eff. July 1, 2012; Laws 2013, c. 393, § 2, eff. Oct. 1, 2013; Laws 2017, c. 392, § 8, eff. Nov. 1, 2017; Laws 2019, c. 400, § 8, eff. Nov. 1, 2019.

§47-6-212.4. Revocation, suspension, cancellation or denial of driving privileges.

All revocation, suspension, cancellation and/or denial periods of time of driving privileges as provided in this chapter shall be considered served upon successful graduation from an Oklahoma Drug Court Program created and administered pursuant to the Oklahoma Drug Court Act and the Oklahoma Department of Mental Health and Substance Abuse Services, unless evidence of drug and/or alcohol use occurring post-graduation is acquired by the Department of Public Safety. This waiver of time applies only to Class D driving privileges. Notwithstanding the foregoing, this section does not require the Department of Public Safety to grant driving privileges to an individual not otherwise eligible. Electronic notification of graduation from an Oklahoma Drug Court Program shall be provided to the Department of Public Safety by the court clerk in the county where said program is situated. Such electronic notification shall be consistent with the provisions of Section 18-101 of Title 47 of the Oklahoma Statutes or by any other method approved by the Department of Public Safety.

Added by Laws 2012, c. 168, § 1, eff. Nov. 1, 2012.

§47-6-212.5. Impaired Driver Accountability Program.

A. The Department of Public Safety shall establish the Impaired Driver Accountability Program (IDAP) at the Department of Public Safety. Fees collected by the Department for admission into the program shall be deposited in the Department of Public Safety

Restricted Revolving Fund for support of the program. The Department shall promulgate rules necessary to administer the program.

B. The Department may enter into an IDAP agreement with the person if:

1. The Department receives the request for IDAP participation within thirty (30) calendar days from the date that notice was given pursuant to Section 10 of this act;

2. The Department receives payment of the program administration fee of Two Hundred Dollars ($200.00) within forty-five (45) days of the date notice was given pursuant to Section 10 of this act;

3. The Department receives an ignition interlock device installation verification issued in accordance with the rules of the Board of Tests for Alcohol and Drug Influence within forty-five (45) days from the date notice was given pursuant to Section 10 of this act; and

4. The person is not otherwise ineligible for driving privileges in Oklahoma on the date the person enters into the IDAP agreement.

C. Upon successful completion of the program, the records of the Department will be updated to indicate completion of the program by the person without revocation. No reinstatement fee will be charged to the person.

D. The program length shall be:

1. A minimum of six (6) months for a person subject to revocation pursuant to paragraph 1 of subsection A of Section 6-205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the sixty (60) consecutive days prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of sixty (60) days;

2. A minimum of twelve (12) months for a person subject to revocation pursuant to paragraph 2 of subsection A of Section 6-205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one hundred twenty (120) consecutive days prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of one hundred twenty (120) days; or

3. A minimum of thirty-six (36) months for a person subject to revocation pursuant to paragraph 3 of subsection A of Section 6-205.1

of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one (1) year prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of one (1) year.

E. Prior to an extension of the program period, the Department shall send notice of the extension in accordance with Section 2-116 of Title 47 of the Oklahoma Statutes. Upon request, which shall be made within fifteen (15) days of receipt of the notice, the person shall have the right to an informal hearing before the Department prior to any extension of the program. The hearing shall be limited to the issues of the validity of the ignition interlock reportable violation and the identity of the person committing the violation. Should the release date of the person occur after the Department has received the informal hearing request but before the informal hearing, the period of ignition interlock of the person shall be extended pending the final judgment of the Department.

F. Effective July 1, 2020, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars ($250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars ($250,000.00) each month shall be deposited in the General Revenue Fund.

Added by Laws 2019, c. 400, § 9, eff. Nov. 1, 2019.

§47-6-212.6. Notice of Impaired Driver Accountability Program to persons subject to revocation of driving privileges.

Any person subject to revocation of driving privileges pursuant to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be given a dated notice advising the person of the availability of the Impaired Driver Accountability Program on a form prescribed by the Department of Public Safety. The notice shall be given together with the notice of revocation by the officer as required by Section 753 or 754 of Title 47 of the Oklahoma Statutes, or by the Department in accordance with Section 2-116 of Title 47 of the Oklahoma Statutes.

Added by Laws 2019, c. 400, § 10, eff. Nov. 1, 2019.

§47-6-301. Unlawful use of license or identification card.

It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an

Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:
   a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,
   b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
   c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,
   d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled,
   e. to permit any unlawful use of a license or identification card issued to oneself,
   f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section,
   g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section, or
   h. to add to, delete from, alter, or deface the required information on a driver license or identification card.
2. It is a felony for any person:
   a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device, card, laminate, digital image or file, or software for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,
   b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,

c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
e. to display or represent as one's own, any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties, or
f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue or approve the issuance of licenses or identification cards under this title to knowingly issue or attempt to issue a license or identification card or to knowingly give approval for, cause, or attempt to cause a license or identification card to be issued:

a. to a person not entitled thereto,
b. bearing erroneous information thereon, or
c. bearing the photograph of a person other than the person named thereon.

Such conduct shall be grounds for termination of employment of the employee.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00); the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance to and display, and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such investigation or operation or upon request

of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.
Added by Laws 1961, p. 351, § 6-301, eff. Sept. 1, 1961. Amended by Laws 1980, c. 131, § 1, emerg. eff. April 14, 1980; Laws 1985, c. 45, § 9, eff. Jan. 1, 1986; Laws 1990, c. 219, § 41, eff. Jan. 1, 1991; Laws 1997, c. 133, § 477, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 344, eff. July 1, 1999; Laws 2001, c. 216, § 2, eff. Nov. 1, 2001; Laws 2001, 1st Ex. Sess., c. 2, § 2, emerg. eff. Oct. 8, 2001; Laws 2002, c. 86, § 5, emerg. eff. April 17, 2002; Laws 2003, c. 392, § 18, eff. July 1, 2003; Laws 2004, c. 149, § 8, eff. Nov. 1, 2004.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 477 from July 1, 1998, to July 1, 1999.

§47-6-302. Making false affidavit perjury.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.
Laws 1961, p. 351, § 6-302.

§47-6-303. Driving without license or while license is canceled, denied, suspended, or revoked - Penalties

A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having a valid driver license for the class of vehicle being operated from the Department of Public Safety, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Any person charged with violating this section who produces in court, on or before the court date, a renewal or replacement driver license issued to him or her shall be entitled to dismissal of such charge without payment of court costs and fine.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00);

2. For a second conviction, of not less than Two Hundred Dollars ($200.00) and not more than Seven Hundred Fifty Dollars ($750.00);

3. For a third and subsequent conviction, of not less than Three Hundred Dollars ($300.00) and not more than One Thousand Dollars ($1,000.00);

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00);

2. For a second conviction, of not less than One Thousand Dollars ($1,000.00) and not more than Two Thousand Dollars ($2,000.00);

3. For a third and subsequent conviction, of not less than Two Thousand Dollars ($2,000.00) and not more than Five Thousand Dollars ($5,000.00);

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. The Department, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation, shall extend the period of such suspension or revocation for an additional three-month period of time. The additional orders of suspension or revocation shall be dated and become effective the day following the date terminating the prior order of suspension or revocation.

E. The Department, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation for an additional four-month period of time. The additional orders of revocation shall be dated and become effective the day following the date terminating the prior order of revocation.

F. The Department, upon receiving a record of conviction for a person convicted of an offense specified in Section 11-905 of this title, shall extend the period of such suspension, revocation or denial of driving privilege for an additional twelve-month period of time. The additional orders of suspension, revocation or denial of driving privilege shall be dated and become effective the day

following the date terminating the prior order of suspension, revocation or denial of driving privilege.

G. It shall be a misdemeanor punishable by imprisonment for not less than seven (7) days nor more than six (6) months, or by a fine of not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment, for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

H. Any fine collected pursuant to a second or subsequent conviction, as provided in subsections B and C of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

I. Any person who drives a motorcycle or motor-driven cycle, as defined in this title, on public roads, streets, highways, turnpikes or other public place of this state without the proper endorsement on a current state-issued license shall be guilty of a misdemeanor. Any person charged with violating this section may request a six-month deferral for the purpose of obtaining the following:

1. Proof of successful completion of a Motorcycle Safety Foundation rider course approved by the Department; and

2. Proper motorcycle endorsement on the person's valid driver license.

Upon presenting the court with proof of satisfaction of both requirements within the deferral period, the offender shall be entitled to dismissal of the charge, and may be subject to a reduced payment of court costs and fine.

Added by Laws 1961, p. 351, § 6-303, eff. Sept. 1, 1961. Amended by Laws 1967, c. 229, § 1, emerg. eff. May 2, 1967; Laws 1968, c. 176, § 1, emerg. eff. April 15, 1968; Laws 1982, c. 273, § 3, operative Oct. 1, 1982; Laws 1984, c. 254, § 3, eff. Nov. 1, 1984; Laws 1988, c. 242, § 8, eff. Nov. 1, 1988; Laws 1990, c. 219, § 42, eff. Jan. 1, 1991; Laws 1993, c. 97, § 5, eff. Sept. 1, 1993; Laws 2001, c. 337, § 1, eff. Nov. 1, 2001; Laws 2002, c. 86, § 6, emerg. eff. April 17, 2002; Laws 2004, c. 387, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 52, emerg. eff. March 15, 2005; Laws 2007, c. 326, § 13, eff. Nov. 1, 2007; Laws 2009, c. 155, § 2, eff. July 1, 2009; Laws 2015, c. 382, § 1, eff. Jan. 1, 2016; Laws 2016, c. 141, § 2, eff. Nov. 1, 2016.

NOTE: Laws 2004, c. 390, § 9 repealed by Laws 2005, c. 1, § 53, emerg. eff. March 15, 2005.

§47-6-304. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of sixteen years to drive a motor vehicle upon any highway

when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.
Laws 1961, p. 352, § 6-304.

§47-6-305. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.
Laws 1961, p. 352, § 6-305.

§47-6-306. Employer permitting unlicensed or improperly licensed person to drive.

No employer shall permit a person to operate a motor vehicle under his control unless the person has a valid license for the class of vehicle being operated.
Amended by Laws 1990, c. 219, § 43, eff. Jan. 1, 1991.

§47-6-307. Liability for knowingly permitting the operation by a person not qualified.

Any person as herein defined, who is the owner of any motor vehicle and knowingly permits such motor vehicle to be operated by any person who is not qualified to operate a motor vehicle under the provisions of this act, shall be held civilly liable as a joint tortfeasor for any unlawful act committed by such operator.
Laws 1961, p. 352, § 6-307.

§47-6-308. Penalty for misdemeanor.

A. It is a misdemeanor for any person to violate any of the provisions of Section 6-101 et seq. of this title unless such violation is by Section 6-101 et seq. of this title or other law of this state declared to be a felony.

B. Unless another penalty is in Section 6-101 et seq. of this title or by laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of Section 6-101 et seq. of this title shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

C. The Department of Public Safety may, in addition to the penalty above, suspend for a period not exceeding thirty (30) days the registration certificate of a motor vehicle owned by any person who permits said vehicle to be used in violation of Section 6-304, 6-305 or 6-306 of this title. The Department may suspend, for a period of not to exceed six (6) months, the registration certificate of any motor vehicle, when the owner permits said vehicle to be operated by an individual whose driving privilege is under denial, cancellation, suspension or revocation.

Laws 1961, p. 352, § 6-308, eff. Sept. 1, 1961; Laws 1992, c. 217, § 15, eff. July 1, 1992.

§47-6-309. Operation of Class D motor vehicle under Class A, B or C commercial license.

Notwithstanding any other provision of law, any person who lawfully possesses a valid Oklahoma Class A, B or C commercial license shall be entitled to operate a Class D motor vehicle or motorcycle or motor-driven cycle in accordance with the driver license granted and the endorsements thereon until the expiration of said license, except for any period of time in which the license has been canceled, suspended or revoked.

Added by Laws 1990, c. 219, § 45, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 16, eff. July 1, 1992; Laws 1993, c. 97, § 6, eff. Sept. 1, 1993; Laws 1995, c. 23, § 10, eff. Nov. 1, 1995; Laws 2004, c. 521, § 6, eff. Nov. 1, 2004.

§47-7-101. Commissioner of public safety to administer chapter.

(a) The Commissioner of Public Safety shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(b) The Commissioner shall provide for hearings upon request of persons aggrieved by orders or acts of the Commissioner under the provisions of this act.

(c) The Commissioner shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

Laws 1961, p. 352, § 7-101.

§47-7-102. Court review.

Any order or act of the Department of Public Safety under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the district court as provided for in Section 6-211 of this title.

Added by Laws 1961, p. 353, § 7-102, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 3, eff. July 1, 2000.

§47-7-103. Definitions.

The following words and phrases when used in Title 47 of the Oklahoma Statutes shall have the meanings respectively ascribed to them in this section:

1. "Judgment" means any judgment which shall have become final by expiration without appeal in the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle subject to registration under the laws of this state, for damages, including damages for care and loss of services,

because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for the damages;

2. "Minimum liability insurance limits" means:

a. for vehicle liability policies issued or renewed before April 1, 2005:

(1) a limit of not less than Ten Thousand Dollars ($10,000.00) because of bodily injury to or death of one person in any one accident,

(2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Twenty Thousand Dollars ($20,000.00) because of bodily injury to or death of two or more persons in any one accident, and

(3) if the accident has resulted in injury to or destruction of property, a limit of not less than Ten Thousand Dollars ($10,000.00) because of injury to or destruction of property of others in any one accident, or

b. for vehicle liability policies issued or renewed on or after April 1, 2005:

(1) a limit of not less than Twenty-five Thousand Dollars ($25,000.000) because of bodily injury to or death of one person in any one accident,

(2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Fifty Thousand Dollars ($50,000.00) because of bodily injury to or death of two or more persons in any one accident, and

(3) if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty-five Thousand Dollars ($25,000.00) because of injury to or destruction of property of others in any one accident;

3. "Motor vehicle liability policy" means an owner's policy or operator's policy of liability, as defined in this chapter, issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. With respect to a policy which grants coverage in excess of or in addition to minimum liability insurance limits, the term motor vehicle liability policy shall apply only to that part of the coverage which is required by minimum liability insurance limits; and

4. "Proof of financial responsibility" means proof of ability to respond in damages for liability at the minimum liability insurance limits:

a. resulting from accidents occurring subsequent to the effective date of the proof,
b. arising out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state.

Added by Laws 2009, c. 62, § 1, eff. Nov. 1, 2009.

§47-7-116. Damage limitation - Compulsory Insurance Law.

A. Except as provided in subsection B of this section, in any civil action to recover damages arising out of an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability insurance coverage of another party, the maximum amount that a plaintiff or claimant may receive, if the plaintiff or claimant is not in compliance with the Compulsory Insurance Law, shall be limited to the amount of medical costs, property damage, and lost income and shall not include any award for pain and suffering.

B. The limitations provided for in subsection A of this section shall not apply:

1. If the plaintiff or claimant was injured by a motorist who at the time of the accident was operating or using a motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol, and that motorist:
a. was convicted of, or pled guilty or nolo contendere to, the offense, or
b. dies as a result of the accident if it is proven by a preponderance of the evidence that the motorist was operating or using the motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol;

2. If the plaintiff or claimant was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle;

3. If the plaintiff or claimant was not in any motor vehicle involved in the accident;

4. To wrongful death claims;

5. If the motorist who caused the accident:
a. intentionally caused the accident,
b. left the scene of the accident, or
c. at the time of the accident, was acting in furtherance of the commission of a felony;

6. If, at the time of the accident, the plaintiff or claimant was claimed as a dependent on the federal income tax return of one or both parents of the plaintiff or claimant and the parent or parents were not in compliance with the Compulsory Insurance Law; or

7. If, at the time of the accident, the plaintiff or claimant previously had been covered by an insurance policy meeting the requirements of the Compulsory Insurance Law that was terminated or nonrenewed for failure to pay the premium, unless at least thirty (30) days prior to the accident notice of termination was sent to the last-known mailing address of the policyholder.

C. Each person who is involved in the accident which is the basis for the action or claim by the plaintiff or claimant and who is found liable for damages to the plaintiff or claimant may assert the limitation of recovery provided for in subsection A of this section, unless the provisions of subsection B of this section apply. The motor vehicle liability insurer of the person asserting the limitation of recovery also may assert the limitation.

Added by Laws 2011, c. 366, § 1, eff. Nov. 1, 2011.

§47-7-201. Application of Article II.

The provisions of this chapter, requiring deposit of security, filing of proof of financial responsibility, and suspensions for failure to deposit security or file proof of financial responsibility, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident upon the highways and elsewhere throughout the state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of Three Hundred Dollars ($300.00).

Laws 1961, p. 353, § 7-201; Laws 1965, c. 187, § 1, emerg. eff. June 8, 1965; Laws 1972, c. 160, § 1; Laws 1980, c. 100, § 1, eff. Oct. 1, 1980; Laws 1980, c. 235, § 1, eff. Jan. 1, 1981.

§47-7-202. Department to determine amount of security required - Notices.

A. The Department of Public Safety, not less than twenty (20) days after receipt of a report of an accident, as described in Section 7-201 of this title, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from the accident, based on the reports or other information submitted to the Department, as may be recovered against each driver or owner. The determination shall not be made with respect to drivers or owners who are exempt under Section 7-203 of this title from the requirements as to security and suspension.

B. The Department, not less than fifty (50) days after receipt of report of an accident as described in Section 7-201 of this title and upon determining the amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident shall give written notice pursuant

to the provisions of Section 2-116 of this title to every person of the amount of security required to be deposited by him or her and that an order of suspension will be made to become effective upon the expiration of ten (10) days after the sending of the notice unless within that time security be deposited as required by the notice. Added by Laws 1961, p. 354, § 7-202, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 17, operative July 1, 1986; Laws 2009, c. 62, § 2, eff. Nov. 1, 2009.

§47-7-203. Exceptions to requirement of security.

The provisions in this chapter requiring security, proof of financial responsibility, and suspension in this article shall not apply:

1. To the driver or owner if the owner had in effect at the time of the accident a motor vehicle liability policy with respect to the vehicle involved in the accident; provided, a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the permission, express or implied, of the owner;

2. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident a motor vehicle liability policy with respect to the operation of vehicles not owned by the driver;

3. To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Department, covered by any other form of motor vehicle liability insurance policy;

4. To any person qualifying as a self-insurer under Section 7-503 of this title or to any person operating a vehicle for the self-insurer;

5. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner, unless the vehicle is being operated without the permission of the owner, express or implied;

6. To the driver or owner of a vehicle which at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

7. To the owner of a vehicle if at the time of the accident the vehicle was being operated without the permission of the owner, express or implied, or was parked by a person who had been operating the vehicle without permission of the owner, express or implied;

8. To the owner of a vehicle involved in an accident if at the time of the accident the vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of the vehicle if operating the vehicle with permission; or

9. To the driver or the owner of a vehicle if at the time of the accident the vehicle was being operated by or under the direction of a peace officer who, in the performance of his or her duties, shall have assumed custody of the vehicle.
Added by Laws 1961, p. 354, § 7-203. Amended by Laws 1965, c. 187, § 2, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 3, eff. Nov. 1, 2009.

§47-7-204. Policy requirements.

A. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title unless;

1. The policy is issued by an insurance company authorized to do business in this state, except as provided in subsection B of this section; and

2. The policy provides, if the accident has resulted in bodily injury or death or property injury or destruction, exclusive of interest and costs, not less than minimum liability insurance limits.

B. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title with respect to any vehicle which was not registered in this state at the effective date of the policy or the most recent renewal thereof, unless the insurance company issuing the policy is authorized to do business in this state or in the state of registration.

C. The Department of Public Safety may rely upon the accuracy of the information in a required report of an accident as to the existence of a motor vehicle liability policy unless and until the Department has reason to believe that the information is erroneous.
Added by Laws 1961, p. 355, § 7-204, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 2, eff. Jan. 1, 1981; Laws 2004, c. 519, § 31, eff. Nov. 1, 2004; Laws 2009, c. 62, § 4, eff. Nov. 1, 2009.

§47-7-205. Form and amount of security.

A. The security required under this chapter shall be in the form and in the amount the Department of Public Safety requires, but in no case in excess of minimum liability insurance limits.

B. Every depositor of security shall designate in writing every person in whose name the deposit is made and may at any time change the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.
Added by Laws 1961, p. 355, § 7-205. Amended by Laws 2009, c. 62, § 5, eff. Nov. 1, 2009.

§47-7-206. Failure to deposit security and file proof of financial responsibility.

In the event that any person required to deposit security and file proof of financial responsibility under this article fails to deposit such security and file such proof of financial responsibility within ten (10) days after the Department of Public Safety has sent the notice as hereinbefore provided, the Department shall thereupon suspend the driving privilege of each driver in any manner involved in the accident.

The suspension shall be made in respect to each person required by the Department to deposit security who fails to deposit such security, except as otherwise provided in Section 7-207, 7-208, 7-209, or 7-210 of this title.

Added by Laws 1961, p. 355, § 7-206, eff. Sept. 1, 1961. Amended by Laws 1965, c. 187, § 3, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 6, eff. Nov. 1, 2009.

§47-7-207. Release from liability.

A. A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident, provided he or she has given proof of financial responsibility, in the event he or she is released from liability by the other person.

B. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter.

C. In the event the Department of Public Safety has received medical evidence that the injuries or damage to any minor are in an amount not more than Two Hundred Dollars ($200.00), the Department may accept, for the purposes of this article only, evidence of a release from liability executed by a custodial parent or a legal guardian on behalf of the minor without the approval of any court or judge.

Added by Laws 1961, p. 355, § 7-207. Amended by Laws 1965, c. 187 § 4, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 7, eff. Nov. 1, 2009.

§47-7-208. Adjudication of nonliability.

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

Laws 1961, p. 356, § 7-208.

§47-7-209. Agreements for payment of damages.

A. Any two or more of the persons involved in or affected by an accident, as described in Section 7-201 of this title, may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of the persons because of bodily injury to or death or property damage arising from the

accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the Department of Public Safety.

B. The Department, to the extent provided by the written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, provided that proof of financial responsibility has been filed; provided, if security has previously been deposited, the Department shall immediately return the security to the depositor or to the personal representative of the depositor.

C. Upon notice to the Department of a default in any payment under the agreement, the Department shall take action suspending the driving privilege of the person in default as in the same manner as for failure of the person to deposit security when required under this chapter. When reporting a default, the amount already paid and the outstanding balance shall be provided to the Department. Provided, this subsection shall not be deemed to require any party to the agreement to make notice to the Department of a default of any payment.

D. The suspension provided for in subsection C of this section shall remain in effect and the driving privilege of the person shall not be restored unless and until:

1. Security is deposited and proof of financial responsibility is filed as required under this chapter, the security to be in such amount as the Department may then determine;

2. The person in default has paid the balance of the agreed amount; or

3. One (1) year has elapsed following the effective date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action at law upon the agreement has been instituted and is pending.

Added by Laws 1961, p. 356, § 7-209. Amended by Laws 1965, c. 187, § 5, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 8, eff. Nov. 1, 2009.

§47-7-210. Payment upon judgment.

The payment of a judgment arising out of an accident or the payment upon the judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by the judgment, provided that the person has filed proof of financial responsibility.

Added by Laws 1961, p. 356, § 7-210. Amended by Laws 1965, c. 187, § 6, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 9, eff. Nov. 1, 2009.

§47-7-211. Termination of security requirement.

The Department, if satisfied as to the existence of any fact which under Sections 7-207, 7-208, 7-209 or 7-210 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, provided that he has filed proof of financial responsibility, or, if security has previously been deposited by such person, the Department shall immediately return such deposit to such person or to his personal representative.
Laws 1961, p. 356, § 7-211; Laws 1965, c. 187, § 7, emerg. eff. June 8, 1965.

§47-7-212. Duration of suspension.

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the Department of Public Safety under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose driving privilege is suspended until:

1. The person shall deposit and file or there shall be deposited and filed on behalf of the person the security and proof of financial responsibility required under this chapter, or

2. One (1) year shall have elapsed following the date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action for damages arising out of the accident resulting in the suspension has been instituted, provided, the person has filed the required proof of financial responsibility.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact. The Department may take whatever steps are necessary to verify the statement set forth in the affidavit.
Added by Laws 1961, p. 356, § 7-212. Amended by Laws 1965, c. 187, § 8, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 10, eff. Nov. 1, 2009.

§47-7-213. Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states.

A. In case the driver or the owner of a vehicle subject to registration under the laws of this state involved in an accident within this state has no driver license in this state, then the driver shall be denied a driver license until he or she has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he or she had held a driver license in this state.

B. When a nonresident's driving privilege is suspended pursuant to Section 7-206 of this title, the Department of Public Safety shall

transmit a copy of the record of the action to the official in charge of the issuance of driver licenses in the state in which the nonresident resides.

C. Upon receipt of a copy of a record from another state that the driving privilege of a resident of this state has been suspended or revoked in the other state for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to give and maintain proof of financial responsibility, under circumstances which would require the Department to suspend the driving privilege of the person had the accident occurred in this state, the Department shall suspend the driving privilege of the resident if he or she was the driver determined to be at fault in the accident. The suspension shall continue until the resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of such security or files proof of financial responsibility.

Added by Laws 1961, p. 357, § 7-213. Amended by Laws 1965, c. 187, § 9, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 11, eff. Nov. 1, 2009.

§47-7-214. Authority of Department to decrease amount of security.

The Department of Public Safety may reduce the amount of security ordered in any case within one (1) year after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned forthwith to the depositor or the personal representative of the depositor.

Added by Laws 1961, p. 357, § 7-214. Amended by Laws 2009, c. 62, § 12, eff. Nov. 1, 2009.

§47-7-215. Correction of action of Department.

Whenever the Department of Public Safety has taken any action or has failed to take any action under this article by reason of having received erroneous information or no information, then, upon receiving further information within one (1) year after the date of an accident, the Department shall take appropriate action to carry out the purposes and effect of this article. Provided, this section shall not be deemed to require the Department to reevaluate the amount of any deposit required under this article.

Added by Laws 1961, p. 357, § 7-215. Amended by Laws 2009, c. 62, § 13, eff. Nov. 1, 2009.

§47-7-216. Custody of security.

The Department shall place any negotiable security, or security issued in bearer form, deposited with it under this chapter in the custody of the State Treasurer. Receipts or other documents

evidencing the existence of a security shall be retained by the Department.
Added by Laws 1961, p. 357, § 7-216, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 2, eff. July 1, 1998.

§47-7-217. Disposition of security.

Such security shall be applicable and available only

1. For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

2. For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one (1) year after the deposit of such security, or within one (1) year after the date of deposit of any security following failure to make payments under an agreement to pay.
Laws 1961, p. 357, § 7-217.

§47-7-218. Return of deposit.

Upon the expiration of one (1) year from the date of any deposit of security, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the Department has been filed with it:

1. That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

2. That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.
Laws 1961, p. 357, § 7-218.

§47-7-219. Matters not to be evidence in civil suits.

The report required following an accident, the action taken by the Department pursuant to this chapter, the findings, if any, of said Department upon which such action is based, and the security filed as provided in this chapter shall not be referred to in any way and shall not be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.
Laws 1961, p. 358, § 7-219.

§47-7-301. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-302. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-303. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-304. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-305. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-306. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-307. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-308. When courts to report nonpayment of judgments.

Whenever any person fails within thirty (30) days to satisfy any judgment, then upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward to the Department immediately upon such request a certified copy of such judgment.
Laws 1961, p. 359, § 7-308.

§47-7-309. Further action with respect to nonresidents.

If the defendant named in any certified copy of a judgment reported to the Department of Public Safety, as prescribed in Section 7-308 of this title, is a nonresident, then the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of driver licenses of the state of which the defendant is a resident.
Added by Laws 1961, p. 359, § 7-309. Amended by Laws 2009, c. 62, § 14, eff. Nov. 1, 2009.

§47-7-310. Suspension for nonpayment of judgments.

The Department of Public Safety, upon receipt of a certified copy of a judgment as prescribed in Section 7-308 of this title and a certificate of facts relative to such judgment, on a form provided by the Department, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, except as hereinafter otherwise provided in this chapter.
Added by Laws 1961, p. 359, § 7-310. Amended by Laws 2009, c. 62, § 15, eff. Nov. 1, 2009.

§47-7-311. Exception in relation to government vehicles.

The provisions of Section 7-310 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.
Laws 1961, p. 359, § 7-311.

§47-7-312. Exception when consent granted by judgment creditor.

If the judgment creditor consents in writing, in a manner as the Department of Public Safety may prescribe, that the judgment debtor be allowed to continue his or her driving privilege, the same may be allowed by the Department, in its discretion, for at least six (6) months from the date of the consent and thereafter until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof, as prescribed in Section 7-317 of this title, provided the judgment debtor furnishes proof of financial responsibility.

Added by Laws 1961, p. 359, § 7-312. Amended by Laws 2009, c. 62, § 16, eff. Nov. 1, 2009.

§47-7-313. Exception when insurer liable.

No driving privilege of any person shall be suspended under the provisions of this chapter if the Department of Public Safety shall find that an insurer was obligated to pay the judgment, at least to the extent and for the amounts required in this chapter, upon which the suspension is based but has not paid the judgment for any reason. A finding by the Department that an insurer is obligated to pay a judgment shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay the judgment, the Department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, as provided in Section 7-310 of this title.

Added by Laws 1961, p. 360, § 7-313. Amended by Laws 2009, c. 62, § 17, eff. Nov. 1, 2009.

§47-7-314. Suspension to continue until judgments paid and proof given.

The driving privilege of any person which has been suspended under the provisions of Section 7-313 of this title shall remain suspended and shall not be reinstated, nor shall any driver license be thereafter issued in the name of the person, including any person not previously licensed:

1. Unless and until every judgment is stayed or satisfied in full or to the extent hereinafter provided; and

2. Until the person gives proof of financial responsibility subject to the exemptions stated in Sections 7-312, 7-313 and 7-317 of this title.

Added by Laws 1961, p. 360, § 7-314. Amended by Laws 2009, c. 62, § 18, eff. Nov. 1, 2009.

§47-7-315. Discharge in bankruptcy.

A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from the security requirements which are the subject of the discharge in bankruptcy, but shall not relieve the judgment debtor from any of the other requirements of this chapter.
Added by Laws 1961, p. 360, § 7-315, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 4, eff. July 1, 2000.

§47-7-316. Payments sufficient to satisfy requirements.

A. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. When the minimum liability insurance limits are met; or

2. When any combination of amounts as prescribed by the minimum liability insurance limits and as appropriate to the consequences of the accident, has been credited upon any judgment or judgments rendered in excess of that amount because of a combination of bodily injury to or death of any number of persons and because of injury to or destruction of property of others as a result of any one accident.

B. Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.
Added by Laws 1961, p. 360, § 7-316, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 4, eff. Jan. 1, 1981; Laws 2005, c. 394, § 5, emerg. eff. June 6, 2005; Laws 2009, c. 62, § 19, eff. Nov. 1, 2009.

§47-7-317. Installment payment of judgments - Default.

A. A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

B. The Department of Public Safety shall not suspend the driving privilege of any person and shall restore the driving privilege of any person, if otherwise eligible, which was suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments, and while the payment of any installments is not in default.
Added by Laws 1961, p. 360, § 7-317. Amended by Laws 2009, c. 62, § 20, eff. Nov. 1, 2009.

§47-7-318. Action if breach of agreement.

In the event the judgment debtor fails to pay any installment as specified by an order described in Section 7-317 of this title, then, upon notice by the court of the default, the Department of Public

Safety shall forthwith suspend the driving privilege of the person who is the judgment debtor until the judgment is satisfied, as provided in this article.
Added by Laws 1961, p. 360, § 7-318. Amended by Laws 2009, c. 62, § 21, eff. Nov. 1, 2009.

§47-7-319. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-320. Alternate methods of giving proof.

Proof of financial responsibility when required under this article, with respect to a vehicle or with respect to a person who is not the owner of a vehicle, may be given by filing:

1. A security verification form as defined in Section 7-600 of this title;

2. A certificate of deposit of money or securities as provided in Section 7-330 of this title; or

3. A certificate of self-insurance, as provided in Section 7-503 of this title, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, the self-insurer will pay the same amounts that an insurer would have been obliged to pay under a motor vehicle liability policy if the insurance carrier had issued a policy to the self-insurer.
Added by Laws 1961, p. 361, § 7-320. Amended by Laws 1994, c. 181, § 9, eff. Sept. 1, 1994; Laws 2009, c. 62, § 22, eff. Nov. 1, 2009.

§47-7-321. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-322. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-323. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-324. Motor vehicle liability policies - Contents and coverages.

(a) Certification. A "motor vehicle liability policy" as the term is used in this article shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-321 or Section 7-322 of this title as proof of financial responsibility, and issued, except as otherwise provided in Section 7-322 of this title, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Owner's policy. Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person except as herein provided, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: Twenty-five Thousand Dollars ($25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Fifty Thousand Dollars ($50,000.00) because of bodily injury to or death of two or more persons in any one accident, and Twenty-five Thousand Dollars ($25,000.00) because of injury to or destruction of property of others in any one accident.

3. May by agreement in a separate written endorsement between any named insured and the insurer exclude as insured any person or persons designated by name from coverage under the policy.

(c) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this title.

(e) Policy need not insure workmen's compensation. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this title shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such

liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph 2 of subsection (b) of this section.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this title shall constitute the entire contract between the parties.

(g) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this title. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this title.

(i) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Added by Laws 1961, p. 361, § 7-324, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 5, eff. Jan. 1, 1981; Laws 1994, c. 181, § 11, eff. Sept. 1, 1994; Laws 2004, c. 519, § 32, eff. Nov. 1, 2004.

§47-7-325. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-326. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-327. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-328. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-329. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-330. Cash or certificate of deposit as proof.

Proof of financial responsibility may be evidenced by the certificate of the Department of Public Safety that the person named therein has deposited with the Department at least Seventy-five Thousand Dollars ($75,000.00) in cash, or a certificate of deposit issued by a financial institution located in Oklahoma in an amount of at least Seventy-five Thousand Dollars ($75,000.00). The Department shall deposit any cash it receives for this purpose in a special account of the Department which shall be held in escrow until necessary to pay judgments as described in Section 7-331 of this title. The Department shall obtain a written acknowledgment from any financial institution issuing a certificate of deposit which is used for the purpose of this section, showing the certificate of deposit has been pledged to the Department for this purpose. The Department shall not accept any deposit and issue a certificate therefor and the Department shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.
Added by Laws 1961, p. 363, § 7-330, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 6, eff. Jan. 1, 1981; Laws 1998, c. 85, § 3, eff. July 1, 1998; Laws 2005, c. 394, § 6, emerg. eff. June 6, 2005.

§47-7-331. Application of deposit.

Such deposit shall be held by the Department to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such a person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.
Added by Laws 1961, p. 364, § 7-331, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 4, eff. July 1, 1998.

§47-7-332. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-333. Substitution of proof.

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.
Laws 1961, p. 364, § 7-333.

§47-7-334. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-335. Duration of proof - When proof may be canceled or returned.

A. The Department of Public Safety shall upon request consent to the immediate cancellation of any certificate of insurance or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this article or Article II of this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof of financial responsibility, in any of the following events:

1. In the event of the death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

2. In the event the person who has given proof of financial responsibility surrenders his or her driver license to the Department.

B. Provided, however, that the Department shall not consent to the cancellation of any certificate of insurance and the Department shall not consent to the return of any money or securities in the event any action for damages upon a liability covered by such proof of financial responsibility is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one (1) year immediately preceding such request been involved as a driver or owner in any accident resulting in injury or damage to the person or property of others. An affidavit of the person as to the nonexistence of such facts, or that the person has been released from all liability, or has been finally adjudicated not to be liable, for any injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.
Added by Laws 1961, p. 365, § 7-335. Amended by Laws 1994, c. 181, § 13, eff. Sept. 1, 1994; Laws 2009, c. 62, § 23, eff. Nov. 1, 2009.

§47-7-401. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-402. Surrender of license.

A. Any person whose driving privilege shall have been suspended under any provision of this chapter, or whose policy of insurance, when required under this chapter, shall have been canceled or terminated, shall immediately return his or her driver license to the Department of Public Safety. If any person shall fail to return to the Department the driver license as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department in the same manner as prescribed in Section 7-605 of this title.

B. Any person willfully failing to return his or her driver license as required in subsection A of this section shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 365, § 7-402. Amended by Laws 2009, c. 62, § 24, eff. Nov. 1, 2009.

§47-7-403. Forged proof.

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 365, § 7-403; Laws 1994, c. 181, § 14, eff. Sept. 1, 1994.

§47-7-404. Reciprocity.

(a) The Department is hereby authorized to enter into, negotiate, and execute reciprocal compacts and agreements with the proper authorities, bureaus or divisions of other states regarding the use, application and operation of the financial responsibility provisions of this Code.

(b) Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to residents of Oklahoma; provided that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of the State of Oklahoma applying to vehicles operated intrastate in this state. Privileges so granted shall extend only to persons who comply with the vehicle laws of the state of their residence.

Laws 1961, p. 365, § 7-404.

§47-7-501. Renumbered as Title 36, § 996.1 by Laws 2009, c. 62, § 40, eff. Nov. 1, 2009.

§47-7-502. Exception in relation to vehicles insured under other laws.

The provisions of this chapter shall not apply with respect to any vehicle which is subject to regulation by the Corporation Commission or to regulation by any other federal or state agency under provisions of any laws requiring insurance or other security.
Added by Laws 1961, p. 366, § 7-502, eff. Sept. 1, 1961. Amended by Laws 2009, c. 62, § 25, eff. Nov. 1, 2009.

§47-7-503. Self-insurers.

(a) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in subsection (b) of this section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(c) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.
Laws 1961, p. 366, § 7-503.

§47-7-504. Chapter not to prevent other process.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.
Laws 1961, p. 366, § 7-504.

§47-7-505. Relief by court in cases of hardship.

A. In order to furnish a means of relief from extreme and unusually severe hardship in the application of Article II or Article III of this chapter, it is hereby provided that any owner or operator whose driving privilege has been suspended by the Department of Public Safety under the provisions of Article II or Article III of this chapter for failure to furnish security or for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such owner or operator resides.

The application shall contain the following:

1. The name and address of the applicant;

2. The date and location of the accident, names of any fatality or fatalities, names of persons injured, and/or names of persons whose real or personal property was damaged in the accident;

3. A statement that the applicant has failed to comply with the provisions of Article II or Article III of this chapter by either failing to post security or to satisfy a judgment;

4. The facts creating the unusual or severe hardship impairing the ability of the applicant to earn a livelihood;

5. That the applicant has initiated action to post proof of financial responsibility by a method enumerated in Section 7-320 of this title;

6. A true copy of the order of suspension attached thereto; and

7. A verification by the applicant.

B. The district court shall set the application for hearing not less than fifteen (15) days nor more than thirty (30) days from the date of filing the application.

C. A certified copy of the application, bond, order for hearing and any other pleadings shall be served upon the Department of Public Safety, all judgment creditors and/or persons on whose behalf security has been required or by mailing a copy to their last known address at least ten (10) days before the hearing.

D. Persons required to be notified of the hearing may appear and resist the application of Article II or Article III of this chapter. At the hearing the court shall take testimony concerning the hardship of the applicant, testimony of any interested party, and allow the driving record and accident record of the applicant to be introduced into evidence by the Department of Public Safety. After hearing on the application, but not before, if the court finds that the suspension has resulted or will result in extreme and unusually severe hardship, seriously impairing the ability of the applicant to earn a livelihood, the court may modify, but not vacate, the order of suspension and the extent to which the applicant shall comply with the provisions of Articles II and III of this chapter with respect to furnishing security or satisfying a judgment. If the court finds the order of suspension should be modified, then the court shall require that the applicant furnish proof of financial responsibility by a method enumerated in Section 7-320 of this title. The proof of financial responsibility shall be furnished to the Department of Public Safety. The modification shall not become effective until the proof of financial responsibility is furnished to the Department together with a certified order of the court setting forth the modification.

E. An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the State of Oklahoma.

F. It shall be the duty of the district attorney in the county where the application is filed to represent the Department of Public

Safety in the proceedings under the statute upon request from the Department of Public Safety.
Added by Laws 1961, p. 366, § 7-505. Amended by Laws 1994, c. 181, § 15, eff. Sept. 1, 1994; Laws 2009, c. 62, § 26, eff. Nov. 1, 2009.

§47-7-506. Driving privilege reinstatement fee.

Whenever a person's driving privilege is suspended under this chapter and the filing of proof of financial responsibility is made a prerequisite to reinstatement of the driving privilege or the issuance of a driver license, no driving privilege shall be reinstated or a driver license issued unless the person, in addition to complying with the other provisions of this chapter, pays to the Department of Public Safety the fees provided for in Section 6-212 of this title.
Added by Laws 1965, c. 187, § 11, emerg. eff. June 8, 1965. Amended by Laws 1983, c. 286, § 23, operative July 1, 1983; Laws 1986, c. 279, § 18, operative July 1, 1986; Laws 1987, c. 5, § 154, emerg. eff. March 11, 1987; Laws 1994, c. 218, § 8, eff. April 1, 1995; Laws 2009, c. 62, § 27, eff. Nov. 1, 2009.

§47-7-508. Renumbered as § 941 of Title 36 by Laws 1988, c. 27, § 4, eff. Nov. 1, 1988.

§47-7-600. Definitions.

As used in Section 7-600 et seq. of this title:

1. "Owner's policy" means a policy of motor vehicle liability insurance which:

a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,

b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of the vehicle,

c. may provide for exclusions from coverage in accordance with existing laws, and

d. shall be issued by an authorized insurer providing coverage in accordance with Section 7-204 of this title or in the case of a commercial automobile insurance policy may be issued by an unauthorized insurer as allowed pursuant to Section 1106 of Title 36 of the Oklahoma Statutes.

2. "Operator's policy" means a policy of motor vehicle liability insurance which shall insure the named person against loss from the

liability imposed upon the named person by law for damages arising out of the operation or use by the named person of any motor vehicle not owned by the named person, subject to the same limits of liability required in an owner's policy.

3. "Security" means:

a. a policy meeting the minimum vehicle liability limits,

b. a deposit of cash or securities as defined in Section 7-330 of this title having the equivalency of the minimum vehicle liability limits,

c. self-insurance, pursuant to the provisions of Section 7-503 of this title, having the equivalency of the minimum vehicle liability limits, or

d. for vehicles registered pursuant to the provisions of Section 1127 of this title, a policy meeting or exceeding the minimum vehicle liability limits; provided, the policy may be issued by an insurance company authorized to do business in the state of residence or domicile of the member of the Armed Forces and the motor license agent or other registering agency shall accept the security verification form issued by such insurance company.

4. "Compulsory Insurance Law" is the law requiring liability insurance, which provides the minimum vehicle liability limits, in conjunction with the operation of a motor vehicle in this state as found in this article, Section 7-600 et seq. of this title.

5. "Security verification form" means a form, approved by the Insurance Commissioner, verifying the existence of security required by the Compulsory Insurance Law.

6. “Commercial auto coverage” means coverage provided to an insured, regardless of the number of vehicles or entity covered, under a commercial auto, garage or truckers coverage form or rated from either a commercial manual or rating rule as filed and approved by the Insurance Department. Vehicle type and ownership are not necessarily the primary factors in either underwriting the coverage or rating the coverage.

Added by Laws 1982, c. 355, § 1, operative Jan. 1, 1983. Amended by Laws 1989, c. 181, § 11, eff. Nov. 1, 1989; Laws 1997, c. 154, § 1, eff. Nov. 1, 1997; Laws 2009, c. 62, § 28, eff. Nov. 1, 2009; Laws 2009, c. 185, § 1, eff. Nov. 1, 2009.

§47-7-600.1. Statement or endorsement to be included in policies - Excess or additional coverage - Binders.

A. The following statement or endorsement shall be included in owner's policies and operator's policies except certified policies issued pursuant to Section 7-324 of this title: "Liability insurance is provided in this policy in accordance with coverage required by the Compulsory Insurance Law of Oklahoma."

B. A policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for policies defined in Section 7-600 of this title, and the excess or additional coverage shall not be subject to the provisions of the Compulsory Insurance Law.

C. Any binder issued pending the issuance of a policy shall be deemed to fulfill the requirements for such a policy except as provided for in paragraph 2 of subsection A of Section 7-605 of this title.

Added by Laws 1982, c. 355, § 2, operative Jan. 1, 1983. Amended by Laws 2009, c. 62, § 29, eff. Nov. 1, 2009.

§47-7-600.2. Online verification system — Rules — Exception.

A. The Department of Public Safety shall transfer to the Oklahoma Insurance Department by January 1, 2018, the online verification system for motor vehicle liability policies as required by the Compulsory Insurance Law, subject to the following:

1. The Oklahoma Tax Commission and the Department of Public Safety shall cooperate with the Insurance Department in the ongoing improvement and maintenance of the verification system;

2. The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the Department of Public Safety, the Tax Commission, the district attorneys, the courts, law enforcement personnel, and any other entities authorized by the Insurance Department;

3. The verification system shall provide for direct inquiry and response between the Insurance Department and insurance carriers, or such other method of inquiry and response as agreed to by the Insurance Department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the Insurance Department;

4. The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in this state through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the Insurance Department in its rules;

5. The Insurance Department may contract with a private vendor to assist in establishing and maintaining the verification system;

6. The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

7. Information contained in the verification system shall not be considered a public record;

8. Any law enforcement officer, to establish compliance with the Compulsory Insurance Law during a traffic stop or accident investigation, shall access information from the online verification system to verify the current validity of the policy described on a security verification form produced by the operator of each motor vehicle during the traffic stop or accident investigation. If compliance is not confirmed for the policy described on the security verification form produced by the operator and a subsequent investigation conducted by the officer verifies that the operator is not in compliance, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

9. If the operator fails to produce the security verification form during a traffic stop or accident investigation, the requesting law enforcement officer shall access information from the online verification system through the vehicle's identification number, registered owner's name, license plate number or other identifying characteristic or marker to verify valid and current security and establish compliance with the Compulsory Insurance Law and shall not issue a citation if valid and current security is established. If the operator fails to produce the security verification form and compliance is not confirmed through the online verification system, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

10. Establishing compliance with the Compulsory Insurance Law through the online verification system shall not be the primary cause for law enforcement to stop a motor vehicle; and

11. All information exchanged between the Insurance Department and insurance companies, any database created, and all reports, responses, or other information generated for the purposes of the verification system shall not be subject to the Oklahoma Open Records Act.

B. This section shall not apply to a policy issued pursuant to paragraph 3 of subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-602 of this title to insure a commercial motor vehicle or to insure any vehicle under a commercial policy that provides commercial auto coverage as defined in Section 7-600 of this title.

C. As a condition for writing motor vehicle liability policies in this state, insurance carriers shall cooperate with the Insurance Department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as provided in the rules of the Insurance Department. The Insurance Commissioner may, pursuant to Title 36 of the Oklahoma Statutes, initiate an administrative proceeding against any insurance company found by the Commissioner to not be in compliance with the provisions of this section or any rules promulgated pursuant to this section.

Added by Laws 2006, c. 322, § 1, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 14, eff. Nov. 1, 2007; Laws 2008, c. 184, § 31, eff. July 1, 2008; Laws 2008, c. 335, § 2, eff. July 1, 2008; Laws 2009, c. 62, § 30, eff. Nov. 1, 2009; Laws 2009, c. 340, § 2, emerg. eff. May 27, 2009; Laws 2010, c. 440, § 1, eff. Nov. 1, 2010; Laws 2016, c. 88, § 1, eff. Nov. 1, 2016; Laws 2017, c. 74, § 1, eff. Nov. 1, 2017.

§47-7-601. Liability requirements - Proof of compliance - Nonresidents.

A. Every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle registered in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage.

B. 1. Unless otherwise provided by law, no motor vehicle shall be operated in this state unless there is in effect with respect to the vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage. Proof of security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or representative of the Department of Public Safety and, in case of an accident, the proof shall be shown upon request of any person affected by the accident.

2. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by providing proof of financial responsibility which is in compliance with the laws of the state in which the vehicle is registered or by filing with the Department a certificate of an insurance company authorized to transact insurance in the state in which the vehicle is

registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this article, and the Department shall accept the certificate upon condition that the insurance company complies with the following provisions with respect to the policy so certified:

a. the insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf or notice of process in any action arising out of a motor vehicle accident in this state, and

b. the insurance company shall agree in writing that its policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued in this state.

3. The provisions of this subsection shall apply to nonresident owners and operators of vehicles that are not registered in this state only if the state in which the vehicle is registered requires compulsory liability insurance. In which cases, compliance with the requirements of the law of the state of registration shall be deemed compliance with the laws of this state.

Added by Laws 1976, c. 176, § 1, operative Dec. 11, 1976. Amended by Laws 1980, c. 85, § 2, eff. Jan. 1, 1981; Laws 1982, c. 355, § 4, operative July 1, 1982; Laws 1993, c. 301, § 1, eff. Sept. 1, 1993; Laws 2009, c. 62, § 31, eff. Nov. 1, 2009.

§47-7-601.1. Owner's and operator's security verification forms - Contents.

A. Every carrier, upon issuing an owner's policy, a renewal thereof, or a binder, shall supply a security verification form in duplicate to an owner for each insured vehicle on a form approved by the Insurance Commissioner.

1. The owner's security verification form shall contain the following minimum information:

a. the name, address, and the five-digit National Association of Insurance Commissioners (NAIC) company code of the carrier,

b. the name, address, and telephone number of the agent or office where the existence of security may be verified, if other than the carrier,

c. the name of the named insured; provided, the address of the named insured shall not be included,

d. a notice that an owner's liability insurance policy has been issued pursuant to the Compulsory Insurance Law,

e. the year of manufacture, make, model, and the vehicle identification number of each insured motor vehicle,

f. the inclusive dates the motor vehicle liability insurance is in effect,

g. the policy number,

h. a warning to the owner that state law:

(1) requires a current copy of the owner's security verification form must be surrendered to the motor license agent or other registering agency upon application or renewal for a motor vehicle license plate,

(2) requires the other copy of the owner's security verification form to be carried in the motor vehicle at all times, and produced by any driver of the vehicle upon request for inspection by any peace officer or representative of the Department of Public Safety. In case of an accident, the security verification form shall be shown upon request of any person affected by the accident, and

i. the statement: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."

2. When a carrier issues an owner's policy providing blanket liability coverage for a fleet of motor vehicles, the requirement for year of manufacture, make, model, and the vehicle identification number specified in subparagraph e of paragraph 1 of this subsection may be omitted, provided the security verification form shall bear the term "Fleet Coverage" and otherwise meet the provisions of the Compulsory Insurance Law.

3. In the event the effective dates within an owner's policy exceed one (1) year, the carrier shall furnish the owner a copy of the owner's security verification form at least annually in addition to the time of issuance or renewal in order for the owner to submit the copy for motor vehicle registration purposes.

4. In the event an owner's policy also provides liability coverage which meets the requirements of an operator's policy, the carrier may also issue to each person entitled thereto an operator's security verification form as provided in this section.

B. Every carrier, upon issuing an operator's policy, a renewal thereof, or a binder, may issue to the insured person a written operator's security verification form of a size which may conveniently be carried upon the person, containing the following minimum information:

1. The name, address of the carrier, and the five-digit National Association of Insurance Commissioners (NAIC) company code;

2. The name, address, and telephone number of the person or office where an inquiry may be made to verify the existence of security;

3. The name of the named insured; provided, the address of the named insured shall not be included;

4. A notice that in accordance with the Compulsory Insurance Law, liability coverage has been issued for the named insured;

5. A statement reflecting the form may be carried in lieu of an owner's form pursuant to the Compulsory Insurance Law while operating a motor vehicle. The form shall be produced upon request of any peace officer or representative of the Department of Public Safety. In case of an accident, the form shall be shown upon request of a person affected by an accident with a vehicle operated by the insured;

6. The inclusive dates of liability coverage; and

7. The policy number.

C. A carrier may provide any additional information consistent with the Compulsory Insurance Law of this state in an owner's or operator's security verification form but shall not be required to list the actual amounts of liability coverage thereon. The security verification form shall not constitute nor be construed as any part of an insurance policy, renewal or binder.

D. A carrier shall designate on the security verification form whether the policy is a commercial auto policy.

E. The Insurance Department may approve security verification forms in electronic format and paper format.

Added by Laws 1982, c. 355, § 5, operative Jan. 1, 1983. Amended by Laws 1988, c. 103, § 1, emerg. eff. April 1, 1988; Laws 1989, c. 181, § 12, eff. Nov. 1, 1989; Laws 2009, c. 62, § 32, eff. Nov. 1, 2009; Laws 2016, c. 88, § 3, eff. Nov. 1, 2016.

§47-7-601.2. Insurance carriers prohibited from canceling, terminating, increasing or requiring higher premiums for certain peace officers, firefighters or emergency vehicle operators.

No insurance carrier issuing a vehicle liability policy pursuant to this article to a person employed as a peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, in this state shall cancel, terminate, increase the premiums due on such policy, or require such officer, firefighter, or operator of emergency vehicles to pay higher premiums because of any accident in which such person was involved if the accident occurred in the performance of the duty of such person. The provisions of this section shall apply whether or not the motor vehicle driven by the peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, involved in the accident was owned by such person.

Added by Laws 1985, c. 129, § 1, eff. Nov. 1, 1985.

§47-7-602. Certification of existence of security — Online verification system — Exemptions.

A. 1. The owner of a motor vehicle registered in this state shall carry in the vehicle at all times a current owner's security

verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety, and the operator of the vehicle shall produce the form upon request for inspection by any law enforcement officer or representative of the Department and, in case of an accident, the form shall be shown upon request to any person affected by the accident.

2. a. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while on a permanent foundation, at the time of registration of the vehicle, shall certify the existence of security with respect to the vehicle by providing to a motor license agent or other registering agency necessary information from the current owner's security verification in a manner that allows verification of coverage through the online verification system. The information shall include the name or number issued by the National Association of Insurance Commissioners of the current insurance carrier authorized to do business in this state and the policy number applicable to the vehicle being registered. A motor license agent or other registering agency shall require the submission of the form or other verifying information prior to processing an application for registration or renewal.

b. Every motor license agent or other registering agency shall use the online verification system to certify the existence of security with respect to the vehicle from an insurance carrier authorized to do business in this state unless the online verification system is not online or the required information is otherwise not available. In such a case, the license agent or other registering agency may accept verification as provided in subparagraph a of this paragraph or from a licensed insurance producer or customer service representative to certify the existence of the required insurance prior to processing any application for motor vehicle registration. Every motor license agent or other registering agent shall allow submission of proof from a licensed insurance producer or customer service representative pursuant to this subparagraph via electronic mail at no additional cost to the person registering the vehicle.

3. Fleet vehicles operating under the authority of the Corporation Commission, the Federal Highway Administration, or vehicles registered pursuant to the provisions of Section 1120 of this title, shall certify the existence of security with respect to

each vehicle at the time of registration by submitting one of the following:

a. a current owner's security verification form verifying the existence of security as required by the Compulsory Insurance Law, or

b. a permit number verified by the Corporation Commission indicating the existence of a current liability insurance policy. Provided, in the event the Corporation Commission is unable to verify the existence of insurance as provided herein in a prompt and timely fashion, the Corporation Commission may accept a current single state registration form issued by the Corporation Commission or any other regulating entity with which the Corporation Commission has entered into a reciprocal compact or agreement regarding the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways.

4. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department of Public Safety during operation of the vehicle and shall not be required to surrender a security verification form for vehicle registration purposes:

a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,

b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of the Compulsory Insurance Law according to records of the Corporation Commission which reflect a deposit or fleet policy,

c. fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity,

d. any licensed taxicab, and

e. any vehicle owned by a licensed used motor vehicle dealer.

5. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars ($500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

B. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents ($1.50) to each person to whom the agent

issues a certificate of registration and who is required to surrender proof of financial responsibility, or for whom the motor license agent certifies the existence of financial responsibility through an authorized online certification system, pursuant to the provisions of the Compulsory Insurance Law. The fee may be retained by the agent as compensation for services in processing the proof of financial responsibility and for processing the driver license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

Added by Laws 1976, c. 176, § 2, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 8, eff. Jan. 1, 1981; Laws 1982, c. 355, § 6, operative July 1, 1982; Laws 1983, c. 49, § 1; Laws 1990, c. 298, § 1; Laws 1999, c. 232, § 4, eff. July 1, 1999; Laws 2004, c. 522, § 5, eff. July 1, 2004; Laws 2006, c. 322, § 2, eff. July 1, 2006; Laws 2009, c. 62, § 33, eff. Nov. 1, 2009; Laws 2010, c. 440, § 2, eff. Nov. 1, 2010; Laws 2015, c. 146, § 1, eff. Nov. 1, 2015; Laws 2017, c. 74, § 3, eff. Nov. 1, 2017.

NOTE: Laws 1980, c. 85, § 3 repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-602.1. Possession of security verification form while operating or using certain vehicles.

Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by an insurance carrier or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if the operator is not excluded from coverage on the motor vehicle liability policy for the vehicle. Any exclusions from the policy shall be included on the owner's security verification form.

Added by Laws 1982, c. 355, § 7, operative July 1, 1983. Amended by Laws 1986, c. 45, § 1, eff. Nov. 1, 1986; Laws 2009, c. 62, § 34, eff. Nov. 1, 2009.

§47-7-603. Verification of security.

A. From its own records, the Department of Public Safety may verify the existence of security made in the form of a deposit or of self-insurance for which a certification has been made to the Department.

B. The Department may at any time verify, using the online verification system provided for in Section 7-600.2 of this title,

the existence of security certified to in policies issued by insurance companies.
Added by Laws 1976, c. 176, § 3, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 9, eff. Jan. 1, 1981; Laws 1988, c. 243, § 1, eff. Nov. 1, 1988; Laws 1990, c. 298, § 2; Laws 2009, c. 62, § 35, eff. Nov. 1, 2009.

§47-7-603.1. Repealed by Laws 1990, c. 298, § 12, eff. July 1, 1991.

§47-7-604. Repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-605. Suspension of driving privilege and registration - Proof of security - Seizure of driver license and vehicle - Other penalties - Immunity.

A. 1. Whenever any person forfeits a bond, fails to appear, or is convicted in any state or municipal court for permitting the operation in this state of a motor vehicle owned by the person without the security required by this title, for operating a motor vehicle in this state without the security required by this title, or for failure to carry a security verification form, the Department of Public Safety shall suspend the driving privilege of the person.

2. The suspension of the driving privilege shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of the Compulsory Insurance Law; provided, for purposes of this section, proof of security shall not mean a binder policy but shall mean an owner’s policy or an operator’s policy, as defined in Section 7-600 of this title; provided further, a suspension for failure to appear shall remain in effect until proof of appearance is received by the Department from the reporting court. Suspension under this section shall be effective when notice thereof is given pursuant to Section 2-116 of this title.

3. Any person whose driving privilege has been suspended pursuant to the provisions of this subsection shall surrender to the Department his or her driver license. Any person failing to voluntarily relinquish his or her driver license to the Department within thirty (30) days of receipt of the notice specified in paragraph 2 of this subsection shall pay a fee of Fifty Dollars ($50.00) in addition to the fees provided for in Section 6-212 of this title.

4. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor payment of either of the above fees.

B. 1. When suspending the driving privilege for violation of the Compulsory Insurance Law, or for violation of a municipal ordinance requiring security or the carrying of a security verification form, the Department may rely upon court records which indicate that a person was either convicted or failed to appear upon the charge when the record is obtained from any court of competent jurisdiction which indicates one of the following:

a. a conviction, or

b. a notice of bond forfeiture.

2. A court record is sufficient under paragraph 1 of this subsection which includes a statement such as "No Security Form", "No Insurance" or other term indicating lack of security.

3. The Department may continue to rely on such records until proof is submitted from the issuing court clerk which indicates that the record either:

a. was issued in error, or

b. was not related to a violation of:

(1) the Compulsory Insurance Law,

(2) a security verification form as required by this article, or

(3) a municipal ordinance requiring security or the carrying of a security verification form.

C. If a nonresident's driving privilege is suspended pursuant to subsection A of this section, the Department shall transmit notice of the suspension to the licensing agency in the state in which the nonresident resides.

D. Whenever any person’s driving privilege has been suspended pursuant to this section or Section 7-612 of this title, the Department may notify any law enforcement officer of the suspension. Any law enforcement officer who has been notified that the driving privilege of a person has been suspended, upon observing the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public parking lot, shall stop the person or motor vehicle, seize the driver license of the person, seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided in subsection B of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

E. No person shall have a property interest in a driver license issued pursuant to the laws of this state and it shall be the duty of every person whose driving privilege has been suspended to forthwith surrender his or her driver license upon the request of any law enforcement officer or representative of the Department.

F. Any person upon a public street, highway, roadway, turnpike, or public parking lot, within this state, who willfully refuses to surrender possession of a driver license after being informed by a peace officer or representative of the Department that his or her

driving privilege is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable as provided in Section 17-101 of this title.

G. Any driver license surrendered to or seized by a law enforcement officer pursuant to the Compulsory Insurance Law shall be submitted to a representative of the Department in a manner and with a form or method approved by the Department.

H. The Department shall deposit fees collected pursuant to paragraph 3 of subsection A of this section or pursuant to subsection E of Section 7-612 of this title in a special account of the Department maintained with the office of the State Treasurer. The State Treasurer shall credit these fees to this special account to be distributed as hereinafter provided.

I. The Department shall identify the name of the employing law enforcement agency from which a suspended driver license has been received pursuant to this section, and determine that the fee required by paragraph 3 of subsection A of this section has been paid. The Department shall reimburse the law enforcement agency so identified the sum of Twenty-five Dollars ($25.00) for each driver license from the special account.

J. Any unencumbered monies remaining in the special account at the close of each calendar month shall be transferred by the Department to the General Revenue Fund of the State Treasury.

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of the Compulsory Insurance Law performed in good faith.

Added by Laws 1976, c. 176, § 5, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 10, eff. Jan. 1, 1981; Laws 1982, c. 355, § 8, operative July 1, 1982; Laws 1986, c. 279, § 19, operative July 1, 1986; Laws 1987, c. 5, § 155, emerg. eff. March 11, 1987; Laws 1988, c. 243, § 2, eff. Nov. 1, 1988; Laws 1990, c. 298, § 3; Laws 1991, c. 335, § 15, emerg. eff. June 15, 1991; Laws 1993, c. 301, § 2, eff. Sept. 1, 1993; Laws 1994, c. 218, § 9, eff. April 1, 1995; Laws 1999, c. 119, § 2, eff. Nov. 1, 1999; Laws 2006, c. 322, § 4, eff. July 1, 2006; Laws 2009, c. 62, § 36, eff. Nov. 1, 2009; Laws 2010, c. 440, § 3, eff. Nov. 1, 2010.

NOTE: Laws 1990, c. 219, § 44 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-7-606. Failure to maintain insurance or security — Penalties.

A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred

Fifty Dollars ($250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment and, in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title; provided, that if a requesting law enforcement officer verifies valid and current security and compliance with the Compulsory Insurance Law through the online verification system, there shall be no violation of the Compulsory Insurance Law and no citation shall be issued. Upon issuing a citation under this paragraph, the law enforcement officer issuing the citation may:

a. seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided by subsection A of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state, or

b. seize the license plate of the vehicle and issue the citation to the vehicle operator, provided that the vehicle is in a drivable condition at the time of issuing the citation. A copy of the citation retained by the owner or operator of the vehicle shall serve as the temporary license plate of the vehicle for up to ten (10) calendar days after the issuance of the citation. After ten (10) calendar days, the vehicle shall not be used until the vehicle operator or owner completes the requirements to retrieve the license plate.

(1) After the issuance of the citation, and if the charges are to be filed in district court, the law enforcement agency issuing the citation shall, within three (3) days, deposit the license plate and deliver a copy of the citation to the county sheriff's office of the county where the violation has occurred. If the charges are to be filed in municipal court, the law enforcement agency issuing the citation may deposit the license plate within their own agency. The county sheriff's office or municipal police department that is storing the license plate shall provide the plan administrator with the seized license plate number by entering the required information into the statewide database maintained by the plan administrator. The plan administrator shall maintain a database including all seized license plates and shall submit such information to the Oklahoma Tax Commission.

(2) The vehicle owner or operator may retrieve the license plate from the county sheriff's office or municipal police department upon providing verification of compliance with the Compulsory Insurance Law, payment in full of an administrative fee of One Hundred Twenty-five Dollars ($125.00) to the county sheriff's office or municipal police department and payment in full of the citation to the court clerk. The county sheriff's office or municipal police department shall transfer the administrative fee to the Plan Administrator. The Plan Administrator shall notify the Oklahoma Tax Commission that the vehicle owner or operator is in compliance with this division and shall distribute the administrative fee as follows:

(a) Twenty Dollars ($20.00) of the fee shall be distributed to the county sheriff's office or municipal police department that stored the seized license plate to defray any expenses involved in the storage of the license plate,

(b) Seventy Dollars ($70.00) of the fee shall be transferred to the law enforcement agency which issued the citation and may be used for any lawful purpose,

(c) Twenty-five Dollars ($25.00) of the fee shall be transferred to the Temporary Insurance Premium Pool,

(d) the Plan Administrator shall retain Ten Dollars ($10.00) of the fee, and

(e) if, by the end of the second business day immediately following the date of citation, a person produces proof to the law enforcement agency that issued the citation and is storing the seized license plate that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense, the person shall not be required to pay the administrative fee required by this division. If no such proof is presented within that time, the person shall pay the full administrative fee required by this division, regardless of whether the person had minimum

auto liability insurance coverage at the time of citation.

(3) The county sheriff's office or municipal police department may dispose of any unclaimed license plate after ninety (90) days according to applicable state law. After the license plate has been disposed of by the county sheriff's office or municipal police department, the operator or owner shall be required to obtain a new license plate pursuant to all existing requirements.

If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the license plate or seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if the vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Sections 1137.1 and 1137.3 of this title.

2. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public highways or public streets, pursuant to Section 7-607 of this title, who drives or permits the driving of the vehicle upon the public highways or public streets, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars ($500.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title.

B. A sentence imposed for any violation of the Compulsory Insurance Law may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

D. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the Department of Public Safety within five (5) days reflecting the action taken by the court.

E. For purposes of this section, "court" means any court in this state.

Added by Laws 1976, c. 176, § 6, operative Dec. 11, 1976. Amended by Laws 1981, c. 271, § 1; Laws 1982, c. 355, § 9, operative July 1, 1982; Laws 1984, c. 181, § 2, eff. Nov. 1, 1984; Laws 1988, c. 243, § 3, eff. Nov. 1, 1988; Laws 1989, c. 110, § 1, eff. Nov. 1, 1989; Laws 1990, c. 298, § 4; Laws 1991, c. 74, § 1, eff. Sept. 1, 1991; Laws 2001, c. 131, § 7, eff. July 1, 2001; Laws 2006, c. 322, § 6, eff. July 1, 2006; Laws 2009, c. 62, § 37, eff. Nov. 1, 2009; Laws 2010, c. 440, § 4, eff. Nov. 1, 2010; Laws 2011, c. 193, § 1, eff. Nov. 1, 2011; Laws 2012, c. 207, § 4, emerg. eff. May 8, 2012; Laws 2013, c. 176, § 9, eff. Nov. 1, 2013; Laws 2014, c. 404, § 2, emerg. eff. June 3, 2014; Laws 2015, c. 54, § 10, emerg. eff. April 10, 2015; Laws 2016, c. 125, § 1, eff. Nov. 1, 2016; Laws 2016, c 88, § 2, eff. Nov. 1, 2016; Laws; Laws 2017, c. 42, §16.

NOTE: Laws 2014, c. 29, § 1 repealed by Laws 2015, c. 54, § 11, emerg. eff. April 10, 2015.

§47-7-606.1. Uninsured Vehicle Enforcement Program.

A. There is hereby created the Uninsured Vehicle Enforcement Program.

B. The Uninsured Vehicle Enforcement Program shall be implemented and administered by the district attorneys of the State of Oklahoma within their respective districts or at the District Attorneys Council. To implement this program, the use of technology and software to aid in detection of offenses involving uninsured motorists is necessary and district attorneys and participating law enforcement agencies shall have the authority to enter into contractual agreements with automated license plate reader providers to provide necessary technology, equipment and maintenance thereof.

C. 1. Participating law enforcement agencies may use automatic license plate reader systems utilizing individual automatic license plate reader system units to access and collect data for the investigation, detection, analysis or enforcement of Oklahoma's Compulsory Insurance Law.

2. To accomplish the purposes of the program, law enforcement agencies shall be allowed to access the online verification system for motor vehicle liability policies to establish compliance with the Compulsory Insurance Law as provided in Section 7-600.2 of Title 47 of the Oklahoma Statutes.

3. Access to the system shall be restricted to authorized law enforcement agency users in the program; provided, any entity with which a contract is executed to provide necessary technology, equipment and maintenance for purposes of the program shall be

authorized, as necessary, to collaborate for required updates and maintenance of their software.

4. Any data collected and stored by law enforcement pursuant to the program shall be considered evidence if noncompliance with the Compulsory Insurance Law is confirmed.

D. A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on or having been operated on a public road, highway, street, turnpike, other public place or upon any private road, street, alley or lane which provides access to one or more single-family or multifamily dwellings and that the online verification system shows that the vehicle was uninsured at the time such vehicle was being operated. The affidavit shall constitute probable cause for prosecution under applicable state law.

E. Data collected or retained through the use of an automated license plate reader system pursuant to the program shall be retained by a law enforcement agency when the data is being used as evidence of a violation of the Compulsory Insurance Law; provided, when the data is no longer needed as evidence of a violation, the data shall be deleted or destroyed.

F. Data collected or retained through the use of an automated license plate reader system shall not be used by any individual or agency for purposes other than enforcement of the Compulsory Insurance Law or as otherwise permitted by law.

1. No law enforcement agency or other entity authorized to operate under this program shall sell captured license plate data for any purpose or share it for any purpose not expressly authorized by this section.

2. Any and all data collected, retained or shared through the use of an automated license plate reader system, except data retained as evidence of a violation of the Compulsory Insurance Law, shall be exempt from the Oklahoma Open Records Act.

G. The provisions of the program shall not apply to, or be construed or interpreted in a manner to prohibit the use of, any other automated license plate reader system by an individual or private legal entity for purposes not otherwise prohibited by law.

H. The provisions of the program shall not be implemented until such time that the Insurance Department verifies that the following conditions have been met:

1. At least Ninety-Five Percent (95%) of the personal lines auto insurance market in the state participates in the Oklahoma Compulsory Insurance Verification System using a real-time web portal system; and

2. The Oklahoma Compulsory Insurance Verification System is updated in such a way to allow for the provisions of the program to be implemented without interrupting or impeding any other lawful uses of the system.

I. Following the implementation of the program and every year thereafter, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Program by September 1. An electronic copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report shall comprise an evaluation of program operations, and may include any information and recommendations for improvement of the program deemed appropriate by the entity submitting the report.

J. For purposes of this section:

1. "Automatic license plate reader system" means a system of one or more mobile or law-enforcement-controlled cameras combined with computer algorithms to convert images of registration plates into computer-readable data;

2. "Law enforcement agency" includes the district attorney's office of any county, the Department of Public Safety, the sheriff's office of any county, and the chiefs of police of any city or town having a population of more than one hundred thousand (100,000) residents; and

3. "Program" means the Uninsured Vehicle Enforcement Program. Added by Laws 2016, c. 365, § 1. Amended by Laws 2017, c. 74, § 2, eff. Nov. 1, 2017.

§47-7-606.2. Uninsured Vehicle Enforcement Diversion Program.

A. Each district attorney may create within the district attorney's office an Uninsured Vehicle Enforcement Diversion Program and assign sufficient staff and resources for the efficient operation of the program. The purpose of the Uninsured Vehicle Enforcement Diversion Program is to authorize the district attorney to divert complaints involving the failure to comply with mandatory vehicle liability insurance coverage from criminal court to the Uninsured Vehicle Enforcement Diversion Program and to enhance public safety and security through increased compliance with mandatory vehicle liability insurance coverage.

B. 1. Referral of a criminal complaint to the Uninsured Vehicle Enforcement Diversion Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute Compulsory Insurance Law complaints.

2. Upon receipt of a complaint for failure to comply with the Compulsory Insurance Law, the district attorney shall determine if the complaint is one which is appropriate for deferred prosecution.

3. In determining whether to defer prosecution and refer a case to the Uninsured Vehicle Enforcement Diversion Program, the district attorney shall consider the following factors:

a. whether the criminal complaint alleges an offense involving the failure to maintain required vehicle liability insurance coverage,
b. whether it is in the best interest of the accused for the accused person to be processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
c. the prospects for adequate protection of the public if the accused person is processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
d. the number of criminal complaints against the defendant previously received by the district attorney,
e. whether or not there are other criminal complaints currently pending against the defendant, and
f. the strength of the evidence of the particular criminal complaint.

C. Upon referral of a complaint to the Uninsured Vehicle Enforcement Diversion Program, a notice of the complaint shall be forwarded by mail to the last known address of the record owner of the vehicle. The notice shall contain:

1. The date the act which is the subject of the complaint occurred;

2. A statement of the penalty for the violation of the Compulsory Insurance Law which is the subject of the complaint;

3. A statement that the records of the State of Oklahoma indicate that the owner of the vehicle is not in compliance with the provisions of the Compulsory Vehicle Insurance Law and that the complaint against the owner has been referred to the Uninsured Vehicle Enforcement Diversion Program; and

4. The date before which the owner must contact the office of the district attorney concerning the complaint.

D. If the owner fails to comply with the letter, the district attorney may file the information and proceed with the prosecution of the owner as provided by law.

E. The district attorney may enter into a written agreement with the owner pursuant to the provisions of Sections 305.1 through 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on the complaint for a period to be determined by the district attorney, not to exceed two (2) years. The conditions of an agreement to defer prosecution shall include:

1. The owner shall provide verification of current insurance upon request of the district attorney;

2. The owner shall comply with the provisions of the Compulsory Insurance Law for the full term of the agreement; and

3. The owner shall not own or operate any vehicle in violation of the Compulsory Insurance Law during the full term of the agreement.

F. Each diversion agreement shall include a provision requiring the owner to pay to the district attorney's office or District Attorneys Council a fee equal to the amount which would have been assessed as court costs upon the filing of the case in district court pursuant to the provisions of Section 153 of Title 28 of the Oklahoma Statutes. This fee shall be deposited in a special district attorney fund with the county treasurer to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion fees paid to the District Attorneys Council shall be deposited in a special fund to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund".

1. Each diversion agreement shall also include a provision requiring the owner to pay an additional fee of Twenty Dollars ($20.00) to the District Attorneys Council, of which Five Dollars ($5.00) will be used in processing the payment, Ten Dollars ($10.00) will be used in operating and maintaining the Compulsory Insurance Verification System and Five Dollars ($5.00) will be deposited in the Oklahoma Pension Improvement Revolving Fund created by section 2 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th Oklahoma Legislature.

2. The monies deposited in the Uninsured Vehicle Enforcement Diversion Program Fund of a district attorney or the District Attorneys Council shall be used by the district attorney and District Attorneys Council to pay for all expenses and costs of equipping, operating and monitoring the vehicle insurance program, including but not limited to, contractual payments to third-party entities providing essential services and/or equipment for detection of violations of Compulsory Insurance Law, and payment of reasonable compensation to authorized and participating law enforcement agencies as may be agreed between such entities, law enforcement agencies and the district attorney or District Attorneys Council.

3. Proceeds from the Uninsured Vehicle Enforcement Diversion Program administered by the District Attorneys Council may be used to pay for any lawful expenditures associated with the operation of the diversion program by the District Attorneys Council. The net proceeds shall be allocated and distributed to the district attorneys by the District Attorneys Council. District attorneys may use proceeds from this diversion program to pay for any lawful expenditure associated with the operation of the district attorney's office.

4. The district attorney and District Attorneys Council shall keep records of all monies deposited to and disbursed from the Uninsured Vehicle Enforcement Diversion Program Fund. The records of these funds shall be audited at the same time the records of the

district attorney and District Attorneys Council, respectively, are audited.

5. If the owner furnishes proof to the satisfaction of the district attorney's office or District Attorneys Council that the required vehicle liability insurance coverage was in effect at the time of the alleged violation, no fee shall be required.

G. Members of the district attorney's staff shall perform duties in connection with the Uninsured Vehicle Enforcement Diversion Program in addition to any other duties which may be assigned by the district attorney.

H. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Uninsured Vehicle Enforcement Diversion Program. Each district attorney shall submit information requested by the District Attorneys Council regarding the Uninsured Vehicle Enforcement Diversion Program.

By September 15 of each year following the implementation of the Uninsured Vehicle Enforcement Program, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Diversion Program. An electronic copy of the report shall be distributed to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report required by this paragraph shall include the number of cases processed, the total amount of fees collected, the total cost of the program and such other information as required by the District Attorneys Council.

Added by Laws 2016, c. 365, § 2.

§47-7-607. Exemptions.

A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of the Compulsory Insurance Law if the owner of the vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of the Compulsory Insurance Law.

C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of the Compulsory Insurance Law if the person, firm or corporation has complied with the provisions of Section 8-104 of this title. Added by Laws 1978, c. 105, § 1, eff. Dec. 11, 1978. Amended by Laws 1981, c. 118, § 3; Laws 1984, c. 253, § 3, operative July 1, 1984; Laws 1986, c. 138, § 1, emerg. eff. April 17, 1986; Laws 2009, c. 62, § 38, eff. Nov. 1, 2009.

§47-7-608. Repealed by Laws 2009, c. 7, § 2, eff. Nov. 1, 2009 and Laws 2009, c. 62, § 41, eff. Nov. 1, 2009.

§47-7-609. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-610. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-7-612. Security verification forms - Violations of law - Penalties.

A. It is a misdemeanor for any person:

1. To purchase a security verification form which bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law;

2. To display or cause or permit to be displayed or to possess a security verification form which the person knows bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law; or

3. To display or cause or permit to be displayed or to possess any security verification form that is counterfeit.

B. It is a felony for anyone, other than an insurer or insurance producer as defined by Section 1435.2 of Title 36 of the Oklahoma Statutes, to:

1. Create or otherwise manufacture a security verification form or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of security verification forms; or

2. Issue or sell security verification forms.

C. 1. The violation of any of the provisions of subsection A of this section shall constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Fifty Dollars ($250.00) and by mandatory suspension of the person's driving privilege for:

a. two (2) months, for a first offense,

b. six (6) months, for a second offense, or

c. one (1) year, for a third or subsequent offense.

The suspension imposed under this subsection shall not be modified.

2. The violation of any of the provisions of subsection B of this section shall constitute a felony punishable by a fine not

exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment in the custody of the Department of Corrections not to exceed seven (7) years, or by both such fine and imprisonment.

D. The suspension required in subsection C of this section shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective when notice is given pursuant to Section 2-116 of this title.

E. Any person whose driving privilege has been suspended pursuant to the provisions of subsection C of this section shall surrender to the Department his or her driver license within thirty (30) days from the date of the suspension. Any owner failing to surrender his or her driver license to the Department within such time shall pay a fee of Fifty Dollars ($50.00) which shall be in addition to the fees provided for in Section 6-212 of this title.
Added by Laws 2006, c. 322, § 5, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 15, eff. Nov. 1, 2007; Laws 2009, c. 62, § 39, eff. Nov. 1, 2009.

§47-7-621. Oklahoma Temporary Motorist Liability Plan.

A. There is hereby created the "Oklahoma Temporary Motorist Liability Plan".

B. The Oklahoma Temporary Motorist Liability Plan will provide minimum vehicle liability insurance coverage for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a vehicle when a citation is issued and the vehicle license plate has been seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

C. Coverage amount will be equal to the state minimum liability requirement.
Added by Laws 2013, c. 176, § 1, eff. Nov. 1, 2013.

§47-7-622. Coverage periods.

A. Coverage shall only be provided by the Oklahoma Temporary Motorist Liability Plan from the time period beginning when the citation is issued and the vehicle license plate is seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes, and ending at the earliest of the following times:

1. When the owner of the vehicle has:

   a. obtained documentation from the Department of Public Safety showing the owner of the vehicle has secured for the payment of loss resulting from the liability

imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle meeting the minimum vehicle liability limits, or

b. obtained the state minimum mandatory insurance from an insurance carrier;

2. Retrieved the license plate from the county sheriff's office pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes; or

3. When the citation serving as the temporary license plate has expired pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Coverage shall only be provided while the motor vehicle is operated in this state during the time period provided in subsection A of this section.

Added by Laws 2013, c. 176, § 2, eff. Nov. 1, 2013.

§47-7-623. Temporary Insurance Premium Pool.

A. There is hereby created the Temporary Insurance Premium Pool. Funds shall be deposited into the Temporary Insurance Premium Pool pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Any interest or earning accrued to the Plan Administrator accounts associated with the Oklahoma Temporary Motorist Liability Plan shall be deposited into the Temporary Insurance Premium Pool.

C. At the end of any state fiscal year, if the Temporary Insurance Premium Pool reserves exceed that year's three-month average total statewide premium, then the excess funds shall be distributed to the Department of Public Safety's operations fund.

D. The Temporary Insurance Premium Pool is subject to audit by the State Auditor and Inspector.

Added by Laws 2013, c. 176, § 3, eff. Nov. 1, 2013.

§47-7-624. Secondary coverage.

Coverage provided by the Oklahoma Temporary Motorist Liability Plan will be secondary to any other coverage in effect on the vehicle.

Added by Laws 2013, c. 176, § 4, eff. Nov. 1, 2013.

§47-7-625. Forms - Bidding

A. The Insurance Commissioner shall when necessary, develop and approve a policy form for the purpose of providing coverage under the Oklahoma Temporary Motorist Liability Plan. All coverage and exclusions shall be defined in the form prescribed by the Commissioner. The exclusions may include, but are not limited to, driving without a license, driving during the commission of a felony

or driving while under the influence. The approved policy form shall become part of a Request for Proposals.

B. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select an insurer through a competitive bidding process to administer insurance coverage under the Plan. The contract for insurance coverage awarded pursuant to this section may be a multi-year contract, renewable annually, in accordance with any applicable Office of Management and Enterprise Services guidelines or procedures.

C. Bids shall be received by the Office of Management and Enterprise Services by November 1 as required for any rebidding year. Bids shall be expressed as a daily temporary insurance rate and shall include all costs associated with administering the insurance portion of the Plan. Bids may not include any additional administrative fees. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select the lowest and best bid.

D. If no acceptable bids are received, the Office of Management and Enterprise Services may suspend coverage provided under the Plan until acceptable bids are received.

Added by Laws 2013, c. 176, § 5, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 2, eff. Nov. 1, 2016.

§47-7-626. Plan administrator – Rates – Premiums.

A. The Insurance Commissioner may contract with a statewide association of county sheriffs in Oklahoma to serve as the Plan Administrator.

B. The daily rate for temporary insurance under the Oklahoma Temporary Motorist Liability Plan for the following calendar year shall be announced on the first Monday in December. The daily cost of coverage and administrative fee shall be paid to the county sheriff's office or municipal police department and the fine and court fees associated with the traffic ticket shall be paid to the court clerk. The daily cost of coverage shall be calculated on each twenty-four-hour period from the time the citation was issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title, rounding up. The county sheriff's office or municipal police department shall not waive premium dues for any defendant, except as provided in subsection D of this section. The county sheriff's office or municipal police department shall remit all proceeds from the daily cost of insurance to the Plan on the first business day of each month to the Plan Administrator. The Plan Administrator shall remit the total statewide monthly premium to the appropriate insurance carrier within sixty (60) days of the premium being earned.

C. If for any reason the premium is not collected, then the Oklahoma Temporary Motorist Liability Plan shall pay the premium out of the Temporary Insurance Premium Pool.

D. If the citation issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title is dismissed without cost, the coverage provided under the Plan is considered never activated and the premium is considered unearned and shall be waived.

E. Tag agents shall not issue a new or renewed tag for this vehicle until all fines, fees and premiums have been paid and the license plate has been released by the county sheriff's office.

Added by Laws 2013, c. 176, § 6, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 3, eff. Nov. 1, 2016; Laws 2018, c. 148, § 1, eff. Nov. 1, 2018.

§47-7-627. Right of recovery.

The insurance carrier whose bid was selected by the Office of Management and Enterprise Services shall have the right to recover from the owner of the vehicle or the driver of the vehicle that was cited for claims paid by the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 7, eff. Nov. 1, 2013.

§47-7-628. Implementation.

The Department of Public Safety may promulgate reasonable and necessary rules concerning the implementation of the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 8, eff. Nov. 1, 2013.

§47-7-700. Reinstatement of driving privileges following subsequent withdrawal – Liability for fees.

Any person whose driving privileges have been withdrawn by the Department under the provisions of Chapter 7 of this title, and whose driving privileges are subsequently withdrawn for another violation of Chapter 7 of this title arising out of the same incident, shall not be required to pay to the Department any additional fees required by Section 6-212 of this title, as a condition of reinstatement of driving privileges from the subsequent withdrawal.

Added by Laws 2000, c. 58, § 1, eff. July 1, 2000. Amended by Laws 2005, c. 394, § 7, emerg. eff. June 6, 2005.

§47-8-101. Owner of for-rent vehicle to give proof of financial responsibility.

(a) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers to rent a motor vehicle without a driver otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle,

unless he has previously notified the Department of the intention to so rent such vehicle and has given proof of financial responsibility, and the Tax Commission shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or, in the alternative, as provided in Section 8-102 of this title. The Department shall cancel the registration of any motor vehicle rented without a driver whenever the Department ascertains that the owner has failed or is unable to give and maintain such proof of financial responsibility.

(b) Such owner shall submit to the Commissioner evidence that there has been issued to him by an insurance carrier authorized to do business in this state a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of Twenty-five Thousand Dollars ($25,000.00) for bodily injury to or death of one person and, subject to said limit as respects bodily injury to or death of any one person, the amount of Fifty Thousand Dollars ($50,000.00) on account of bodily injury to or death of more than one person in any one accident and Twenty-five Thousand Dollars ($25,000.00) for damage to property of others in any one accident. Provided, that the Commissioner is authorized to accept, in lieu of such public liability insurance policy covering specific vehicles, proof by evidence satisfactory to the Commissioner of a valid and binding lease contract between the owner and a renter wherein it is agreed between such owner and the lessee-renter that such lessee-renter accepts responsibility for loss from any liability imposed by law upon any person arising out of the operation, either by express or implied permission of the lessee-renter, of any vehicle covered by such lease in amounts not less than the minimum amounts before set out in this subsection, together with satisfactory evidence of issuance to such lessee-renter, by an insurance carrier authorized to do business in this state, proper public liability insurance policies in amounts of not less than the minimum amounts before set out in this subsection or sufficient showing of financial responsibility of such lessee-renter as is required of owners by the provisions of Section 8-102 of this title.

(c) The owner shall maintain such policy or policies in full force and effect during all times that he is engaged in the business of renting any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in Section 8-102 of this title.

(d) Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.

(e) When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this title, it shall be the duty of the judge of the court before whom the case is pending to cause a preliminary hearing to be had, in the absence of the jury, for the purpose of determining whether the owner has obtained and there is in full force and effect, a policy or policies of insurance covering the person operating the vehicle under a rental agreement, in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle.

(f) Whenever the owner of a motor vehicle rents such vehicle without a driver to another, it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.

(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 367, § 8-101, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 7, eff. Jan. 1, 1981; Laws 2004, c. 519, § 33, eff. Nov. 1, 2004.

§47-8-102. Owner of for-rent vehicle liable when no policy obtained.

(a) In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in Section 8-101 of this title, then the Tax Commission shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the Commissioner, his financial ability to respond in damages as follows:

1. If he applies for registration of one motor vehicle, in the sum of at least Twenty Thousand Dollars ($20,000.00) for any one person injured or killed and in the sum of Forty Thousand Dollars ($40,000.00) for any number more than one injured or killed in any one accident.

2. If he applies for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle, and Twenty Thousand Dollars ($20,000.00) additional for each motor vehicle in excess of one, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of Two Hundred Thousand Dollars ($200,000.00) for any number of motor vehicles.

(b) The Department shall cancel the registration of any motor vehicle rented without a driver whenever the Department ascertains

that the owner has failed or is unable to comply with the requirements of this section.

(c) Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act, has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner.

(d) Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of comparative or contributory negligence to the extent to which such defense is allowed in other cases.

Laws 1961, p. 368, § 8-102; Laws 1980, c. 235, § 11, eff. Jan. 1, 1981.

§47-8-103. Renting motor vehicle to another.

A. No person shall rent a motor vehicle to any other person unless the person to whom the vehicle is to be rented is duly licensed to operate a motor vehicle as required under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence.

B. No person shall rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

C. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address and driver license number of the person to whom the vehicle is rented, the expiration date of said license and place where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the Department.

Added by Laws 1961, p. 368, § 8-103, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 11, eff. Nov. 1, 1995; Laws 2005, c. 355, § 1, eff. Nov. 1, 2005.

§47-8-104. Financial responsibility of taxicab operators.

A. 1. Every person, firm or corporation engaged in the business of operating a taxicab or taxicabs within a municipality shall file with the governing board of the municipality in which such business is operated proof of financial responsibility.

2. No governing board of a municipality shall hereafter issue any certificate of convenience and necessity, franchise, license permit or other privilege or authority to any person, firm or

corporation authorizing such person, firm or corporation to engage in the business of operating a taxicab or taxicabs within the municipality unless such person, firm or corporation first files with the governing board proof of financial responsibility.

3. Every person, firm or corporation engaging or intending to engage in the business of transporting passengers outside a municipality shall be subject to the jurisdiction of the Corporation Commission in accordance with Section 230.24 of this title and the rules of the Corporation Commission.

B. As used in this section, "proof of financial responsibility" shall mean a certificate of any insurance carrier or risk retention group, as defined in Section 6453 of Title 36 of the Oklahoma Statutes, authorized to do business in the state certifying that there is in effect a policy of liability insurance insuring the owner and operator of the taxicab business, his agents and employees while in the performance of their duties against loss from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such taxicab or taxicabs, subject to minimum limits, exclusive of interest and cost, with respect to each such motor vehicle as follows:

1. Twenty-five Thousand Dollars ($25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person;

2. Fifty Thousand Dollars ($50,000.00) because of bodily injury to or death of two or more persons in any one accident; and

3. Twenty-five Thousand Dollars ($25,000.00) because of injury to or destruction of property of others in any one accident.

Added by Laws 1961, p. 369, § 8-104, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 12, eff. Jan. 1, 1981; Laws 1986, c. 138, § 2, emerg. eff. April 17, 1986; Laws 1998, c. 85, § 5, eff. July 1, 1998; Laws 2000, c. 165, § 1, eff. Nov. 1, 2000; Laws 2004, c. 519, § 34, eff. Nov. 1, 2004; Laws 2007, c. 326, § 16, eff. Nov. 1, 2007.

§47-10-101. Provisions of chapter apply throughout state.

The provisions of this chapter shall apply upon highways and elsewhere throughout the state.

Added by Laws 1961, p. 370, § 10-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 160, § 2.

§47-10-102. Accidents involving nonfatal injury.

A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of

Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1961, p. 370, § 10-102, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 9, eff. Nov. 1, 1985; Laws 1992, c. 382, § 5, emerg. eff. June 9, 1992; Laws 1997, c. 133, § 478, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 345, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 478 from July 1, 1998, to July 1, 1999.

§47-10-102.1. Accidents involving death.

The driver of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1992, c. 382, § 6, emerg. eff. June 9, 1992. Amended by Laws 1997, c. 133, § 479, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 346, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 479 from July 1, 1998, to July 1, 1999.

§47-10-103. Accidents involving damage to vehicle.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or

as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.
Amended by Laws 1987, c. 224, § 15, eff. Nov. 1, 1987.

§47-10-104. Duty to give information and render aid - Drug and alcohol testing.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his driver license and his security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.
Added by Laws 1961, p. 371, § 10-104, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 1, eff. Nov. 1, 1985; Laws 1991, c. 237, § 1,

eff. Sept. 1, 1991; Laws 1993, c. 192, § 1, eff. Sept. 1, 1993; Laws 1995, c. 23, § 12, eff. Nov. 1, 1995; Laws 1995, c. 313, § 2, eff. July 1, 1995; Laws 2005, c. 394, § 8, emerg. eff. June 6, 2005.

§47-10-105. Duty upon striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined by Section 7-600 of this title, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by Section 7-600 of this title, and a statement of the circumstances thereof.

Amended by Laws 1985, c. 134, § 2, eff. Nov. 1, 1985.

§47-10-106. Duty upon striking fixtures upon a highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures, fences, or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and shall upon request exhibit a driver license and security verification form, as defined in Section 7-600 of this title, and shall make report of such accident when and as required in Section 10-108 of this title.

Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

Added by Laws 1961, p. 371, § 10-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 3, eff. Nov. 1, 1985; Laws 1995, c. 23, § 13, eff. Nov. 1, 1995; Laws 2007, c. 108, § 1, eff. Nov. 1, 2007.

§47-10-107. Immediate notice of accident.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident to the local police department, if such accident occurs within a municipality, or to the office of the county sheriff or the nearest office of the

State Highway Patrol after complying with the requirements of Section 10-104.
Laws 1961, p. 371, § 10-107.

§47-10-108. Written report of accident - Notice to other parties - Ancillary proceedings.

A. Except for collisions occurring on private property, the operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this state resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars ($300.00) shall forward a written report of the collision to the Department of Public Safety if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of the settlement must be made by the parties.

B. A municipality or county shall have the authority to adopt ordinances or resolutions regarding the response of law enforcement to motor vehicle accidents occurring on private property within its jurisdiction; provided, law enforcement agencies shall respond to and report collisions that occur on private property which involve a personal injury, a driver that may be under the influence of alcohol or any other intoxicating substance, or a vehicle that is the property of the state or a political subdivision of the state.

C. Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall be responsible for providing the most up-to-date and accurate location information within the Department for either party involved at no cost, and notify all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within twenty (20) days, the information as the Department may request to determine whether the parties were in compliance with the requirements of Sections 7-601 through 7-607 of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 through 7-607 of this title, the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-308 through 7-335 of this title.
Added by Laws 1961, p. 371, § 10-108, eff. Sept. 1, 1961. Amended by Laws 1968, c. 99, § 1, emerg. eff. April 1, 1968; Laws 1980, c. 100, § 2, eff. Oct. 1, 1980; Laws 1981, c. 295, § 2, emerg. eff. June 29, 1981; Laws 1993, c. 192, § 2, eff. Sept. 1, 1993; Laws 2005, c. 394, § 9, emerg. eff. June 6, 2005; Laws 2012, c. 224, § 1, eff. Nov. 1, 2012.

§47-10-109. Form of report.

(a) The form of the report required by this section shall be prescribed by the Commissioner, and the Commissioner shall cause to be prepared such blanks and shall make such blanks available to the motoring public by leaving a supply with sheriffs, chiefs of police, justices of the peace, judges of the district court and other officials as the Commissioner may deem advisable.

(b) Such report, in addition to such other information as may be prescribed by the Commissioner, shall contain information to enable the Commissioner to determine whether the requirements for the deposit of security under Section 7-202 are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall be accompanied by a copy of an estimate made by some motor vehicle agency or established garage as to the cost of reparing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage.

Added by Laws 1961, p. 371, § 10-109, eff. Sept. 1, 1961.

§47-10-110. Additional information.

The Department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Department.

Laws 1961, p. 316, § 1-110.

§47-10-111. When driver unable to report.

(a) An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 10-107 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Laws 1961, p. 371, § 10-111.

§47-10-112. False reports.

Any person who gives information in reports as required in Sections 10-108, 10-110 or 10-111 knowing or having reason to believe that such information is false shall be fined not more than Five Hundred Dollars ($500.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 372, § 10-112.

§47-10-113. Accident report forms.

A. The Department shall prepare and make available to police departments, coroners, sheriffs, garages and other suitable agencies

or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available. Added by Laws 1961, p. 372, § 10-113, eff. Sept. 1, 1961. Amended by Laws 2011, c. 335, § 7.

§47-10-114. Penalty for failure to report.

The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in section 17-101.
Laws 1961, p. 372, § 10-114.

§47-10-115. Confidentiality of reports relating to collisions.

A. All collision reports made by persons involved in collisions shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state agencies having use for the records for collision prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in a collision when the identity is not otherwise known or when the person denies any presence at a collision.

B. All collision reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of the reports be permitted, except, however, that the reports and supplemental information may be examined by, or the Department may provide a copy to, any person named therein, a representative of the person as designated in writing by the person, or as provided in Section 40-102 of this title.

C. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of a collision, except that the Department shall furnish upon demand of any party to a trial, or upon demand of any court, a certificate

showing that a specified collision report has or has not been made to the Department in compliance with law.
Added by Laws 1961, p. 372, § 10-115, eff. Sept. 1, 1961. Amended by Laws 2000, c. 324, § 3, eff. July 1, 2000; Laws 2005, c. 394, § 10, emerg. eff. June 6, 2005.

§47-10-116. Department to tabulate and analyze accident reports.
The Department may tabulate and analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.
Laws 1961, p. 372, § 10-116.

§47-10-117. Any incorporated city may require accident reports.
Any incorporated city, town, village or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the Department. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 10-115 of this Code.
Laws 1961, p. 372, § 10-117.

§47-10-118. Accident response fee prohibited.
A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident response fee for the response or investigation of a motor vehicle accident by law enforcement.
B. For purposes of this section, "accident response fee" means a fee imposed for the response or investigation of a motor vehicle accident and does not mean any fee otherwise specifically authorized by law.
Added by Laws 2009, c. 340, § 3, emerg. eff. May 27, 2009.

§47-11-101. Provisions of chapter refer to vehicles upon the highways - Exceptions.
The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:
1. Where a different place is specifically referred to in a given section.
2. The provisions of Chapter 10 of this title and Article IX of this chapter shall apply upon highways, turnpikes and public parking lots throughout the state.
3. Unless otherwise provided for by law, the general provisions of this title regulating traffic on public highways shall apply on turnpikes.

Added by Laws 1961, p. 373, § 11-101, eff. Sept. 1, 1961. Amended by Laws 2008, c. 319, § 3, eff. Nov. 1, 2008.

§47-11-102. Required obedience to traffic laws.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Laws 1961, p. 373, § 11-102.

§47-11-103. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Laws 1961, p. 373, § 11-103; Laws 1968, c. 58, § 1, emerg. eff. March 18, 1968.

§47-11-104. Persons riding animals or driv-animal-drawn vehicles.

Every person riding an animal or driving any animal-driven vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Laws 1961, p. 373, § 11-104.

§47-11-105. Persons working on highways - Exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in Article IX hereof shall not apply to persons, teams, motor vehicles and other equipment, while actually engaged in work upon the surface of a highway, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen, but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

Laws 1961, p. 373, § 11-105.

§47-11-106. Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as speeding does not endanger life or property;

4. Disregard regulations governing direction of movement; and

5. Disregard regulations governing turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

D. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:

a. destroy or lose evidence of a suspected felony,

b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or

c. evade apprehension or identification of the suspect or the vehicle of the suspect; or

2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer in violation of Section 540A of Title 21 of the Oklahoma Statutes.

E. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

Added by Laws 1961, p. 373, § 11-106, eff. Sept. 1, 1961. Amended by Laws 1998, c. 168, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 1,

eff. July 1, 1999; Laws 2002, c. 229, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 12, eff. July 1, 2004.

§47-11-107. Military convoys exempt from municipal traffic regulation - Right of way - Exceptions.

The military forces of the United States and organizations of the National Guard, performing any military duty, shall not be restricted by municipal traffic regulations, and shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, ambulances and police vehicles in the necessary discharge of their respective duties. Said mounted military moving in convoy shall have lights burning, with lead and trail vehicles prominently marked, and shall travel, while inside the corporate limits of a city or town, in compliance with such speeds as are legally posted within the corporate limits of the city or town and shall maintain a closed interval of not more than seventy-five (75) feet.
Laws 1961, p. 373, § 11-107.

§47-11-201. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.
Laws 1961, p. 373, § 11-201.

§47-11-202. Traffic-control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively one at a time, or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:
    a. vehicular traffic facing a circular green signal, except when prohibited under Section 11-1302 of this title, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles

turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited,

b. vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, and

c. unless otherwise directed by a pedestrian-control signal, as provided in Section 11-203 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;

2. Steady yellow indication:

a. vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, and

b. pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and

3. Steady red indication:

a. vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs b and d of this paragraph,

b. except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by subparagraph a of this paragraph. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent

crosswalk and to other traffic lawfully using the intersection,

c. in order to prohibit right turns or left turns as prescribed in subparagraph b of this paragraph, on the red signal after the required stop, a municipality must erect clear, concise signs informing drivers that such turns are prohibited. The Highway Department shall specify the design of the sign to be used for this purpose, and it shall be used uniformly throughout the state,

d. notwithstanding any other provision of law, the driver of a motorcycle or bicycle facing any steady red signal may cautiously proceed through the intersection only if:

(1) the motorcycle or bicycle has been brought to a complete stop as required by subparagraph a of this paragraph,

(2) the traffic control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, and

(3) no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right-of-way over any motorcycle or bicycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle or bicycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right-of-way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

e. unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be

made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
Added by Laws 1961, p. 374, § 11-202, eff. Sept. 1, 1961. Amended by Laws 1972, c. 92, § 2; Laws 1974, c. 110, § 1; Laws 1977, c. 21, § 1, emerg. eff. April 15, 1977; Laws 2010, c. 192, § 2, eff. Nov. 1, 2010; Laws 2019, c. 62, § 1, eff. Nov. 1, 2019.

§47-11-203. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way in the direction of the signal by the drivers of all vehicles.

2. Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.
Laws 1961, p. 374, § 11-203.

§47-11-204. Flashing signals.

A. Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the requirements of law applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed as set forth in Section 11-701 of this title.
Added by Laws 1961, p. 375, § 11-204, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 19, eff. Nov. 1, 2002.

§47-11-204.1. Lane use control signals.

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication - Vehicular traffic may travel in any lane over which a green signal is shown;

2. Steady yellow indication - Vehicular traffic is thereby warned that a lane control change is being made;

3. Steady red indication - Vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and

4. Flashing yellow indication - Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Laws 1977 c. 21, § 2, emerg. eff. April 15, 1977.

§47-11-205. Pedestrian-catuated school crossing signals.

Whenever a pedestrian-actuated school crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with Sections 11-202 and 11-203 of this title.

Laws 1961, p. 375, § 11-205; Laws 1977, c. 21, § 3, emerg. eff. April 15, 1977.

§47-11-206. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising; provided, however, that the governing board of any city or town may permit, under such conditions as the said board may deem proper, commercial or other advertising upon any traffic sign located on streets or highways within said city or town and not designated as either state or federal highways or extensions thereof.

(b) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Laws 1961, p. 375, § 11-206.

§47-11-207. Interference with official traffic-control devices or railroad signs or signals - Violation resulting in personal injury or death - Penalty.

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official

traffic-control device, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 376, § 11-207, eff. Sept. 1, 1961. Amended by Laws 1993, c. 127, § 3, emerg. eff. May 4, 1993; Laws 1997, c. 133, § 480, eff. July 1, 1999; Laws 1998, c. 23, § 1, eff. Nov. 1, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 347, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 480 from July 1, 1998, to July 1, 1999.

§47-11-208. Traffic signal preemption device – Possession, use, interference with, or sale.

A. As used in this section, the term "traffic signal preemption device" shall mean a device designed for use by authorized emergency vehicles to improve traffic movement by temporarily controlling signalized intersections.

B. It shall be unlawful for a person to possess, use, or interfere with a traffic signal preemption device unless:

1. The person is the operator of an authorized emergency vehicle upon which the device is installed; and

2. The person is responding to an existing or potential emergency and there is a threat of immediate danger to life or property which reasonably requires the use of the device in order to protect the life, safety, health, or property of another person.

C. It shall be unlawful to advertise, offer for sale, sell, or otherwise distribute any traffic signal preemption device to any individual person in this state. Advertising, offering for sale, selling, and distribution of these devices shall be limited to trade publications and companies whose target market is law enforcement agencies, fire departments, and ambulance service providers of this state or its political subdivisions.

Added by Laws 2004, c. 130, § 8, emerg. eff. April 20, 2004.

§47-11-225. Renumbered as § 12-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000.

§47-11-301. Drive on right side of roadway - Exceptions.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection (a) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Added by Laws 1961, p. 376, § 11-301, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 4, emerg. eff. April 15, 1977; Laws 1978, c. 129, § 1; Laws 1996, c. 22, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 20, eff. Nov. 1, 2002.

§47-11-302. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the maintraveled portion of the roadway as nearly as possible.

Laws 1961, p. 376, § 11-302.

§47-11-303. Overtaking a vehicle on the left - Signal.

The following requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special requirements hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

Added by Laws 1961, p. 376, § 11-303, eff. Sept. 1, 1961. Amended by Laws 1968, c. 96, § 1, emerg. eff. April 1, 1968; Laws 2002, c. 397, § 21, eff. Nov. 1, 2002.

§47-11-304. When overtaking on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

Laws 1961, p. 377, § 11-304.

§47-11-305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite

direction or any vehicle overtaken. In every event the overtaking vehicle must return to the righthand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.
Laws 1961, p. 377, § 11-305.

§47-11-306. Further limitations on driving to left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway; nor under the conditions described in Section 11-301, subsection (a), paragraph 2 of this title, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.
Laws 1961, p. 377, § 11-306; Laws 1977, c. 21, § 5, emerg. eff. April 15, 1977.

§47-11-307. No-passing zones.

(a) The Oklahoma Department of Highways or other designated authorities are hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
Laws 1961, p. 377, § 11-307.

§47-11-308. One-way roadways and rotary traffic island.

(a) The State Highway Commission or local authorities, within their respective jurisdictions, may designate any street or highway or any separate roadway under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such islands.

Laws 1961, p. 377, § 11-308.

§47-11-308a. Renumbered as § 15-131 of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-11-308b. Renumbered as § 15-132 of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-11-309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements in addition to all others consistent herewith shall apply.

1. A vehicle shall be driven as nearly as practicable entirely within a single lane.

2. A vehicle shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his intention to change lanes.

3. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

4. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall not be driven in the two-way left-turn lane for more than two hundred (200) feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated. Provided, however, this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway.

5. A vehicle shall not be driven in the left lane of a roadway except when overtaking and passing another vehicle; provided, however, this paragraph shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, require the use of the left lane to maintain safe traffic conditions; provided further, this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality as long as such roadway is not part of the National System of Interstate and Defense Highways.

6. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

Any person convicted of violating any provision of this section shall be punished as provided for in Section 17-101 of this title. Added by Laws 1961, p. 377, § 11-309, eff. Sept. 1, 1961. Amended by Laws 1984, c. 47, § 1, eff. Nov. 1, 1984; Laws 2002, c. 397, § 22, eff. Nov. 1, 2002; Laws 2005, c. 394, § 11, emerg. eff. June 6, 2005; Laws 2006, c. 104, § 4, eff. Nov. 1, 2006; Laws 2009, c. 125, § 1, eff. Nov. 1, 2009; Laws 2010, c. 76, § 1, eff. Nov. 1, 2010; Laws 2017, c. 211, § 1, eff. Nov. 1, 2017; Laws 2018, c. 184, § 1, eff. Nov. 1, 2018.

§47-11-310. Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

(c) No vehicle which has more than six tires in contact with the road shall approach from the rear of another vehicle which has more than six tires in contact with the road closer than three hundred (300) feet except when passing the vehicle.

(d) Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a

minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral processions.

(e) Subsections (a), (b), (c) and (d) of this section shall not apply to a non-lead vehicle in a platoon, as defined in this section, or the operator thereof, as long as the platoon consists of not more than two motor vehicles.

(f) As used in this section, "platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

Added by Laws 1961, p. 378, § 11-310, eff. Sept. 1, 1961. Amended by Laws 2019, c. 244, § 1, eff. July 1, 2019.

§47-11-311. Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer.

Added by Laws 1961, p. 378, § 11-311, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 6, emerg. eff. April 15, 1977; Laws 1996, c. 22, § 2, eff. July 1, 1996.

§47-11-312. Restricted access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Laws 1961, p. 378, § 11-312.

§47-11-313. Restrictions on use of controlled-access roadway.

The Department of Transportation, the Oklahoma Transportation Authority, or local authorities may, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The Department of Transportation, the Oklahoma Transportation Authority, or local authorities adopting any such prohibitory regulations shall

erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.
Added by Laws 1961, p. 378, § 11-313. Amended by Laws 2004, c. 521, § 7, eff. Nov. 1, 2004.

§47-11-314. See the following versions:
OS 47-11-314v1 (SB 89, Laws 2019, c. 372, § 1).
OS 47-11-314v2 (HB 2629, Laws 2019, c. 391, § 1).

§47-11-314v1. Approaching stationary authorized vehicles on the roadway.

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary vehicle that is displaying flashing lights or a licensed Class AA wrecker that is displaying a flashing combination red or blue light or any combination of red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed Class AA wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed Class AA wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.
Added by Laws 2001, c. 435, § 14, eff. July 1, 2001. Renumbered from § 11-405.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2008, c. 69, § 1, eff. Nov. 1, 2008; Laws 2010, c. 39, § 1, eff. Nov. 1, 2010; Laws 2015, c. 114, § 1, eff. Nov. 1, 2015; Laws 2019, c. 372, § 1, eff. Nov. 1, 2019.

§47-11-314v2. Approaching stationary authorized vehicles on the roadway.

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or a licensed wrecker that is displaying a flashing amber light, a combination red or blue light or any combination of amber, red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

Added by Laws 2001, c. 435, § 14, eff. July 1, 2001. Renumbered from § 11-405.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2008, c. 69, § 1, eff. Nov. 1, 2008; Laws 2010, c. 39, § 1, eff. Nov. 1, 2010; Laws 2015, c. 114, § 1, eff. Nov. 1, 2015; Laws 2019, c. 391, § 1, eff. Nov. 1, 2019.

§47-11-315. Driving between vehicles in funeral procession prohibited.

A. No driver of a motor vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

B. Any person convicted of violating the provisions of this section shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2012, c. 134, § 1, eff. Nov. 1, 2012.

§47-11-315.1. Overtaking a vehicle being used in the collection or refuse, solid waste or recyclables.

The driver of a motor vehicle, upon approaching a vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps pursuant to the provisions of Section 12-227 of Title 47 of the Oklahoma Statutes, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, proceed with due caution and shall, if possible and with due regard to the road, weather and traffic conditions, change lanes into a lane that is not adjacent to the vehicle being used in the collection of refuse, solid waste or recyclables; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions.

Added by Laws 2016, c. 187, § 1, eff. Nov. 1, 2016.

§47-11-401. Vehicle approaching or entering intersection.

A. Whether a stop sign or yield sign is present, visible or not, the driver of a vehicle shall yield the right-of-way and shall not proceed until it is safe to do so, when the driver is:

1. On a county road upon approaching an intersection with a state or federal highway;

2. On a private drive or any road not maintained by the county or state upon approaching an intersection with a state or federal highway or a county road;

3. On an unpaved county road upon approaching an intersection with a paved county road; or

4. On a county road, which ends at, merges with, or does not otherwise continue directly across an intersecting through county road, upon approaching the intersection with the through county road.

For purposes of this subsection, "paved road" means a road improved with a surface of concrete, asphalt, or what is commonly referred to as oil and chip, and "unpaved road" means all other roads.

B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in subsection A of this section, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

C. The right-of-way rules declared in subsections A and B of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

Added by Laws 1961, p. 379, § 11-401, eff. Sept. 1, 1961. Amended by Laws 1996, c. 324, § 3; Laws 1997, c. 232, § 1, eff. Nov. 1, 1997; Laws 1999, c. 85, § 1, eff. Nov. 1, 1999; Laws 2002, c. 45, § 1, eff. Nov. 1, 2002.

§47-11-402. Vehicle turning left.

The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard.

Added by Laws 1961, p. 379, § 11-402, eff. Sept. 1, 1961. Amended by Laws 2010, c. 228, § 4, eff. Nov. 1, 2010.

§47-11-403. Vehicle entering stop or yield intersection.

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection (d) of Section 11-703 of this title and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection (e) of Section 11-703 of this title, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver’s failure to yield right-of-way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way.

Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection.
Added by Laws 1961, p. 379, § 11-403, eff. Sept. 1, 1961. Amended by Laws 2002, c. 468, § 76, eff. Nov. 1, 2002; Laws 2003, c. 199, § 7, eff. Nov. 1, 2003.

§47-11-403.1. Failure to yield causing fatality or serious bodily injury - Assessment of fee.

Any person convicted of failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in an amount not exceeding One Thousand Dollars ($1,000.00) to be deposited in the Motorcycle Safety and Education Program Revolving Fund established in Section 40-123 of this title. The monies deposited as provided in this section shall be used to promote public awareness of the dangers of driving while under the influence of alcohol or any controlled substance and to promote motorcycle safety and defensive driving for youth.
Added by Laws 2006, c. 104, § 2, eff. Nov. 1, 2006. Amended by Laws 2007, c. 62, § 11, emerg. eff. April 30, 2007.

§47-11-403.2. Repealed by Laws 2007, c. 62, § 37, emerg. eff. April 30, 2007.

§47-11-403.2a. Transfer of funds from Motorcycle Safety and Drunk Driving Awareness Fund to Department of Public Safety Revolving Fund.

A. All unencumbered balances contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unencumbered balance described by this subsection to the Department of Public Safety Revolving Fund.

B. Any unexpended balance contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be transferred and deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unexpended balance described by this subsection to the Department of Public Safety Revolving Fund.

Added by Laws 2007, c. 320, § 11, eff. July 1, 2007. Amended by Laws 2012, c. 304, § 174.

§47-11-404. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

Laws 1961, p. 379, § 11-404.

§47-11-405. Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal or red flashing lights, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

Added by Laws 1961, p. 379, § 11-405, eff. Sept. 1, 1961. Amended by Laws 1997, c. 322, § 4, emerg. eff. May 29, 1997.

§47-11-405.1. Renumbered as § 11-314 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-406. Farm tractors or implements - Operation on highways - Permission from Department required - Wide vehicles - Duty of operator - Yield of right-of-way.

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. However, the Department of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the

width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

Added by Laws 1991, c. 156, § 1, emerg. eff. May 6, 1991. Amended by Laws 1995, c. 27, § 2, eff. July 1, 1995.

§47-11-501. Pedestrians subject to traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 11-202 and 11-203 of this title.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Laws 1961, p. 380, § 11-501; Laws 1977, c. 21, § 7, emerg. eff. April 15, 1977.

§47-11-501.1. Rights and duties of persons operating wheelchair or motorized wheelchair.

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 of Title 47 of the Oklahoma Statutes except those provisions which by their nature can have no application.

Added by Laws 2003, c. 411, § 10, eff. Nov. 1, 2003.

§47-11-502. Pedestrians' right-of-way in crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Paragraph (a) shall not apply under the conditions stated in Section 11-503(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Laws 1961, p. 380, § 11-502.

§47-11-503. Crossing at other than cross walks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Laws 1961, p. 380, § 11-503.

§47-11-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Added by Laws 1961, p. 380, § 11-504, eff. Sept. 1, 1961.

§47-11-505. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Laws 1961, p. 380, § 11-505.

§47-11-506. Pedestrians on roadways or bridges.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.

(c) It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

Amended by Laws 1986, c. 279, § 20, operative July 1, 1986.

§47-11-507. Pedestrians soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.

Laws 1961, p. 380, § 11-507.

§47-11-601. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, when leaving a two-way roadway, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

Added by Laws 1961, p. 381, § 11-601, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 12, emerg. eff. April 30, 2007.

§47-11-602. Turning to proceed in opposite direction - Turns on curve or near crest of grade prohibited.

A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Added by Laws 1961, p. 381, § 11-602, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 13, emerg. eff. April 30, 2007.

§47-11-603. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Laws 1961, p. 381, § 11-603.

§47-11-604. Turning movements and required signals.

A. No person shall turn a vehicle at an intersection, a public or private road, or a driveway, unless the vehicle is in proper position upon the roadway as required in Section 11-601 of this title, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal as provided in subsection B of this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left as required by law shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in subsection B of this section to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

D. When any person is properly preparing for, attempting or executing a left turn, as described in subsection A of this section, no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by Section 11-304 of this title.

Added by Laws 1961, p. 381, § 11-604. Amended by Laws 1997, c. 152, § 1, emerg. eff. April 25, 1997.

§47-11-605. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Laws 1961, p. 381, § 11-605.

§47-11-606. Method of giving hand-and-arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward.
3. Stop or decrease speed. Hand and arm extended downward.

Laws 1961, p. 382, § 11-606.

§47-11-701. Obedience to signal indicating approach of train.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing; or
5. The tracks at the crossing are not clear.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate

or barrier is closed or is being opened or closed or fail to obey the directions of a law enforcement officer at the crossing.

C. The operator of any Class A, B, or C commercial vehicle not required to stop at all railroad crossings, as prescribed in Section 11-702 of this title, shall slow down and check that the tracks are clear of an approaching train.

Added by Laws 1961, p. 382, § 11-701, eff. Sept. 1, 1961. Amended by Laws 2002, c. 169, § 2, eff. Oct. 1, 2002.

§47-11-702. Commercial motor vehicles and buses - Railroad crossing.

A. The driver of a bus as defined in Section 1-105 of this title, whether the bus is occupied or unoccupied by passengers, shall not cross a railroad track or tracks at grade unless the driver stops the bus within fifty (50) feet of, and not closer than fifteen (15) feet to, the tracks, listens and looks in each direction along the tracks for an approaching train, and ascertains that no train is approaching. When it is safe to do so, the driver may drive the bus across the tracks in a gear that permits the bus to complete the crossing without a change of gears. The driver shall not shift gears while crossing the tracks.

B. Any commercial motor vehicle as defined in 49 C.F.R., Section 390.5, shall comply with the railroad crossing provisions as prescribed in 49 C.F.R., Section 392.10.

Added by Laws 1961, p. 382, § 11-702, eff. Sept. 1, 1961. Amended by Laws 1997, c. 201, § 6, eff. Nov. 1, 1997; Laws 2001, c. 309, § 2, eff. Nov. 1, 2001; Laws 2003, c. 461, § 8, eff. July 1, 2003; Laws 2004, c. 418, § 13, eff. July 1, 2004; Laws 2008, c. 302, § 1, emerg. eff. June 2, 2008; Laws 2011, c. 138, § 1, eff. Nov. 1, 2011.

§47-11-703. Stop signs and yield signs.

(a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this act.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway, however such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

(c) Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

(d) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop

intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(e) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Laws 1961, p. 382, § 11-703; Laws 1974, c. 287, § 9, emerg. eff. May 29, 1974.

§47-11-704. Emerging from alley, driveway or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Laws 1961, p. 382, § 11-704.

§47-11-705. Meeting or overtaking stopped school bus – Violation and penalty - Reporting violations – Video monitoring on buses.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars ($100.00). In addition to the fine, a special assessment of One Hundred Dollars ($100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund established in Section 2 of this act. The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in subsection E of this section.

B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, within twenty-four (24) hours of the alleged offense, the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of a municipality shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this state for the issuance of the warning provided for in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

E. 1. A school district may install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the district or contract with a private vendor to do so on behalf of the school district for the purpose of recording violations of subsection A of this section. In the event the video-monitoring system captures a recording of a violation of subsection A of this section, appropriate personnel at the school district shall extract data related to the violation from the recording. The extracted data shall include a recorded image or video containing the requirements listed in paragraph 2 of this subsection. The school district shall submit the extracted data for review to the law enforcement agency with jurisdiction in which the violation occurred. If the reviewing law enforcement agency determines there is sufficient evidence to identify the vehicle and the driver, such evidence shall be submitted to the district attorney's office for prosecution.

2. For the purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of subsection A of this section. The system shall, at a minimum, produce a recorded image of the license plate of the vehicle, an identifiable picture of the driver's face, the activation status of at least one warning device as prescribed in Section 12-228 of this

title and the time, date and location of the vehicle when the image was recorded.
Added by Laws 1961, p. 383, § 11-705, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 1; Laws 1989, c. 207, § 1, eff. Nov. 1, 1989; Laws 2003, c. 411, § 11, eff. Nov. 1, 2003; Laws 2004, c. 130, § 9, emerg. eff. April 20, 2004; Laws 2019, c. 145, § 1, eff. Nov. 1, 2019.

§47-11-705.1. Church buses - Definition - Meeting and overtaking stopped bus - Signs and signals.

A. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

B. If the church bus is equipped with visual signals meeting the requirements of Section 12-228 of this title, the signals shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging passengers.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled-access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
Added by Laws 1978, c. 262, § 1, eff. Oct. 1, 1978. Amended by Laws 2003, c. 411, § 12, eff. Nov. 1, 2003.

§47-11-801. Basic rule - Maximum and minimum limits – Fines and penalties.

A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified by law or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of the following maximum limits:

1. On a highway or part of a highway, unless otherwise established in law, a speed established by the Department of Transportation on the basis of engineering and traffic investigations

used to determine the speed that is reasonable and safe under the conditions found to exist on the highway or part of the highway;

2. For a school bus, fifty-five (55) miles per hour on paved two-lane roads except on the state highway system, the interstate highway system and the turnpike system where the maximum shall be sixty-five (65) miles per hour;

3. On any highway outside of a municipality in a properly marked school zone, twenty-five (25) miles per hour, provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. The Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. The signs may be either permanent or temporary. The Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

4. Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state-owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

5. Thirty-five (35) miles per hour on a highway in any state park or wildlife refuge. Provided, however, that the provisions of this paragraph shall not include the State Capitol park area, and no person shall drive any vehicle at a rate of speed in excess of fifty-five (55) miles per hour on any state or federal designated highway within such areas; and

6. For any vehicle or combination of vehicles with solid rubber or metal tires, ten (10) miles per hour.

The maximum speed limits set forth in this section may be altered as authorized in Sections 11-802 and 11-803 of this title.

C. The Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the Commission. A speed limit of seventy-five (75)

miles per hour may be set in locations comprising rural segments of the interstate highway system by the Commission; provided, however, that speed is determined to be safe and reasonable after a traffic or engineering study has been completed by the Department. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in subsection A of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the Commissioner of Public Safety.

D. The Oklahoma Turnpike Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes; provided, however, a speed limit of eighty (80) miles per hour may be set in locations comprising the turnpike system, as may be approved by the Authority. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective only after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the Oklahoma Turnpike Authority. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of speed than such prescribed minimum speed. However, all vehicles shall at all times conform to the requirements of subsection A of this section.

Copies of such regulations, certified as in effect on any particular date by the Secretary of the Oklahoma Turnpike Authority, shall be accepted in evidence in any court in this state.

E. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for maintenance operations or when special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

F. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted

otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,

b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and

c. the board of county commissioners shall forward the resolution to the Director of the Department and to the Commissioner of Public Safety.

2. The Department shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs shall read as follows:

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT
_____ MPH
UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department the full cost of the signage required herein.

G. Any person convicted of a speeding violation pursuant to subsection B or F of this section shall be punished by a fine as follows:

1. a. For an offense occurring on or after the effective date of this act and prior to November 1, 2022, one to ten miles per hour over the speed limit as provided for in Section 11-801e of this title, and

b. For an offense occurring on or after November 1, 2022, one to ten miles per hour over the limit.....$10.00

2. Eleven to fifteen miles per hour over the limit.....$20.00

3. Sixteen to twenty miles per hour over the limit.....$35.00

4. Twenty-one to twenty-five miles per hour over the limit.....$75.00

5. Twenty-six to thirty miles per hour over the limit.....$135.00

6. Thirty-one to thirty-five miles per hour over the limit.....$155.00

7. Thirty-six miles per hour or more over the limit.....$205.00

or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 383, § 11-801, eff. Sept. 1, 1961. Amended by Laws 1969, c. 200, § 1; Laws 1970, c. 336, § 1, emerg. eff. April 23, 1970; Laws 1973, c. 112, § 2; Laws 1996, c. 324, § 1; Laws 1999, c. 145, § 1, eff. Nov. 1, 1999; Laws 1999, c. 328, § 1, eff. Nov. 1, 1999; Laws 2000, c. 285, § 1, eff. July 1, 2000; Laws 2001, c. 133, § 1, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 7, eff. July 1, 2001; Laws 2003, c. 279, § 4, emerg. eff. May 26, 2003; Laws 2008, c. 319, § 4, eff. Nov. 1, 2008; Laws 2015, c. 294, § 1, eff. July 1, 2015; Laws 2016, c. 163, § 1, eff. Nov. 1, 2016; Laws 2016, c. 276, § 1, eff. Nov. 1, 2016; Laws 2018, c. 237, § 1; Laws 2019, c. 55, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1999, c. 299, § 1 repealed by Laws 2000, c. 285, § 5, eff. July 1, 2000.

§47-11-801a. Repealed by Laws 1996, c. 324, § 6.

§47-11-801b. Renumbered as § 944 of Title 36 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-801c. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801d. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801e. Speeding violations – Distribution of fines, fees and costs.

A. Notwithstanding any other provision of law, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, pursuant to subsection B or F of Section 11-801 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of Five Dollars ($5.00) and costs and fees not to exceed Ninety-five Dollars ($95.00). The court clerk shall collect fine, costs and fees to be directed as follows:

1. The sum of Thirty-three Dollars and seventy-two cents ($33.72) for each offense of which the defendant is convicted, irrespective of whether the sentence is deferred, shall cover docketing of the case, filing of all papers, issuance of process, warrants, order and other services to the date of judgment;

2. The sum of Eight Dollars and eighty cents ($8.80) shall be assessed and credited to the District Attorneys Council Revolving Fund to defray the cost of prosecution;

3. The sum of Eleven Dollars ($11.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes;

4. The sum of Four Dollars and fifty cents ($4.50) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security;

5. The sum of One Dollar and thirty cents ($1.30) shall be assessed and credited to the Office of the Attorney General Victim Services Unit;

6. The sum of One Dollar and thirty cents ($1.30) shall be assessed and credited to the Child Abuse Multidisciplinary Account;

7. The sum of Two Dollars and twenty-five cents ($2.25) shall be assessed and credited to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made;

8. The sum of Four Dollars and fifty cents ($4.50) shall be assessed and credited to the Council on Law Enforcement Education and Training (CLEET) Fund;

9. The sum of Four Dollars and fifty cents ($4.50) shall be assessed. Four Dollars and ten cents ($4.10) of each fee received pursuant to this paragraph shall be credited to the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes and the balance deposited into the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection I of Section 1313.2 of Title 20 of the Oklahoma Statutes;

10. The sum of Four Dollars and fifty cents ($4.50) shall be assessed. Four Dollars and twenty-eight cents ($4.28) of each fee received pursuant to this paragraph shall be collected and sent to the Oklahoma State Bureau of Investigation for deposit into the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be retained by the municipal court clerk;

11. The sum of Nine Dollars ($9.00) shall be assessed and forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;

12. Pursuant to subsection C of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection which shall be deposited in the Court Clerk's Revolving Fund;

13. Pursuant to subsection D of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the District Court Revolving Fund.

B. Provisions of this section shall remain in effect until November 1, 2020.

Added by Laws 2018, c. 237, § 2.

§47-11-802. Establishment of state speed zones.

Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said Commission may determine and declare a reasonable and safe maximum limit thereat which, when appropriate signs giving notice thereof are erected, shall be effective at all times, or during hours of daylight or darkness or at such other times as may be determined at such intersection or other place or part of the highway.

Laws 1961, p. 384, § 11-802.

§47-11-803. When local authorities may and shall alter maximum limits.

A. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or

2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour; or

3. Decreases the limit outside an urban district, but not to less than thirty (30) miles per hour.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under Section 1-101 et seq. of this title for an urban district.

C. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. As to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits; provided, however, the speed limit on an interstate highway within such corporate limits shall not be decreased to less than sixty (60) miles per hour; and provided further, that no local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies.

E. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.
Added by Laws 1961, p. 385, § 11-803, eff. Sept. 1, 1961. Amended by Laws 1991, c. 98, § 5, eff. July 1, 1991; Laws 1996, c. 324, § 2.

§47-11-804. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.
Laws 1961, p. 385, § 11-804.

§47-11-805. Speed limitation on motorcycles, motor-driven cycles, and motorized scooters.

A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

Any municipality or board of county commissioners is hereby authorized to adopt ordinances and regulations for the operation of motorized scooters as provided in Section 19 of this act.

Added by Laws 1961, p. 385, § 11-805. Amended by Laws 2003, c. 411, § 13, eff. Nov. 1, 2003; Laws 2004, c. 521, § 8, eff. Nov. 1, 2004.

§47-11-805.1. Low-speed electrical vehicles – Restrictions on operation.

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2001, c. 243, § 2, eff. Nov. 1, 2001.

§47-11-805.2. Repealed by Laws 2019, c. 43, § 6, eff. Nov. 1, 2019.

§47-11-805.3. Electric personal assistive mobility devices - Registration - Operation requirements - Warning notice.

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device, as defined in Section 1 of this act, shall not be:

1. Registered pursuant to the Oklahoma Vehicle License and Registration Act; or

2. Operated on the highways or turnpikes of this state except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state. A municipality may prohibit the operation of an electric personal assistive mobility device on public streets where the speed limit is greater than twenty-five (25) miles per hour but, except for enforcement of the provisions of subsection C of this section, may not otherwise restrict the operation of an electric personal assistive mobility device.

C. 1. A person operating an electric personal assistive mobility device shall:

a. not be required to have an Oklahoma driver license to operate the device,
b. obey all speed limits,
c. yield the right of way to pedestrians and human powered devices at all times,
d. give an audible signal before overtaking and passing any pedestrian, and
e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars ($10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.

D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in this state unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: "REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS".

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility device as a result of the operator's failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

Added by Laws 2002, c. 58, § 4, emerg. eff. April 11, 2002. Renumbered from Title 47, § 19-211 by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.

§47-11-805.4. Electric gopeds.

Electric gopeds shall be operated as provided in subsections A and B of Section 11-805.3 of this title.

Added by Laws 2003, c. 411, § 3, eff. Nov. 1, 2003. Amended by Laws 2004, c. 418, § 14, eff. July 1, 2004.

§47-11-806. Special speed limitations.

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety

to the bridge or structure, when the structure is signposted as provided in this section.

B. The Oklahoma Department of Transportation and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under Section 1-101 et seq. of this title, they shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet before each end of the structure.

C. Where any state or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction, maintenance, or repairs in progress and a maximum safe, careful, and prudent speed shall have been determined by the Oklahoma Department of Transportation on the highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of the construction, maintenance, or repairs and shall have plainly posted by changeable message or other appropriate sign at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the highway or the highway detour or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

E. Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the Department of Transportation or by the Oklahoma Transportation Authority and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections B , C and D of this section.

Added by Laws 1961, p. 385, § 11-806, eff. Sept. 1, 1961. Amended by Laws 1996, c. 127, § 1; Laws 2001, c. 202, § 1, eff. Nov. 1, 2001; Laws 2015, c. 294, § 2, eff. July 1, 2015.

§47-11-806.1. Reduced speed limit at certain times in school zone.

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.
Added by Laws 2003, c. 199, § 8, eff. Nov. 1, 2003.

§47-11-806.2. Reduced speed limit in toll booth zone.

Where any portion of a turnpike is a properly marked toll booth zone, as indicated with appropriate signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit, as properly posted shall be in effect within the zone, no person shall drive any vehicle upon that portion of the turnpike which is the toll booth zone in excess of the reduced speed limit so posted. Violation of the posted reduced speed limit in the toll booth zone shall result in the doubling of the appropriate fine.
Added by Laws 2005, c. 114, § 1, eff. Nov. 1, 2005.

§47-11-807. Charging violations and rule in civil actions.

A. In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

C. Unless another penalty is provided in this title, every person convicted of violating any provision of Sections 11-801 through 11-806 of this title, shall be punished as provided in Section 17-101 of this title.
Added by Laws 1961, p. 386, § 11-807, eff. Sept. 1, 1961. Amended by Laws 2001, c. 435, § 8, eff. July 1, 2001.

§47-11-808. Jammers and speed measuring devices - Use, possession, manufacture, sale or distribution prohibited - Exemption.

A. As used in this section:

1. "Jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere

with in any manner a speed measuring device operated by a law enforcement officer in the vicinity; and

2. "Speed measuring device" shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

B. It shall be unlawful for any person to use or possess a jammer.

C. It shall be unlawful to manufacture, advertise or offer for sale, sell or otherwise distribute any jammer in this state.

D. This section shall not apply to any person who lawfully possesses a license issued by the Federal Communications Commission for the use of a jammer.

Added by Laws 1981, c. 270, § 1. Amended by Laws 2003, c. 411, § 14, eff. Nov. 1, 2003.

§47-11-808.1. Unlawful acts - Radar detectors.

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;

2. Operate a commercial motor vehicle in which a radar detector is installed or present; or

3. Install or have installed a radar detector in a commercial motor vehicle.

Added by Laws 2012, c. 207, § 5, emerg. eff. May 8, 2012.

§47-11-809. Exemptions.

The provisions of this act shall not apply to:

1. Any receiver of radio waves of any frequency lawfully licensed by any state or federal agency;

2. Any such device owned or operated by the federal or state government or any political subdivision used by employees thereof in their official duties, or the sale of any such device to law enforcement agencies for use in their official duties; or

3. Any citizens band radio.

Laws 1981, c. 270, § 2.

§47-11-810. Points - Convictions for speeding.

A. Except when the person is the holder of a commercial driver license and commits the offense while operating any vehicle or when the person who commits the offense is operating a commercial motor vehicle, the Department of Public Safety shall not report or assess points to the driving record of any person, as maintained by the Department, for a conviction of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour.

B. 1Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor

vehicle, the Department of Public Safety shall not record or assess points for convictions for traffic offenses on the driving record of any person as maintained by the Department, where such conviction is for exceeding the speed limit prescribed in this title, but not exceeding the speed limit previously in force where the violation occurred.

C. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points against a person for out-of-state convictions of exceeding the speed limits of that state, provided the person did not exceed the speed limit previously in force as of January 1, 1974, in the state where the conviction occurred.

Added by Laws 1992, c. 303, § 30, eff. July 1, 1992. Amended by Laws 2000, c. 124, § 2, eff. Nov. 1, 2000; Laws 2005, c. 394, § 12, eff. Sept. 1, 2005.

NOTE: Laws 2005, c. 190, § 9 repealed by Laws 2006, c. 16, § 28, emerg. eff. March 29, 2006.

§47-11-901. Reckless driving.

A. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment; on a second or subsequent conviction, punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than One Hundred Fifty Dollars ($150.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 386, § 11-901, eff. Sept. 1, 1961. Amended by Laws 2000, c. 285, § 2, eff. July 1, 2000; Laws 2001, c. 133, § 2, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 9, eff. July 1, 2001.

§47-11-901a. Renumbered as § 15-102.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-901b. Full time and attention to driving.

The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator

of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.
Added by Laws 2003, c. 108, § 3, eff. Nov. 1, 2003. Amended by Laws 2010, c. 76, § 2, eff. Nov. 1, 2010.

§47-11-901c. Unlawful use of cellular telephone.

A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while:

1. Using a cellular telephone or electronic communication device to write, send, or read a text-based communication; or

2. Using a hand-held mobile telephone while operating a commercial motor vehicle.

For the purposes of paragraphs 1 and 2 of this subsection, using a hand-held mobile telephone is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials, other emergency services or by a public school bus driver to and from a central dispatch school transportation department or its equivalent.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars ($500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle;

3. "Operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary;

4. "Public transit driver" means:

a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state,

b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State

Department of Education or any school district within this state, or

c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

5. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), emailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,

b. inputting, selecting, or reading information on a global positioning system or navigation system, or

c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

Added by Laws 2010, c. 218, § 1, eff. Nov. 1, 2010. Amended by Laws 2012, c. 207, § 6, emerg. eff. May 8, 2012; Laws 2015, c. 214, § 2, eff. Nov. 1, 2015; Laws 2019, c. 403, § 1, eff. Nov. 1, 2019.

§47-11-901d. Text messaging - Penalties.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).

C. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

D. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;

2. A hospital, physician's office or health clinic;

3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the fine and court costs for municipal ordinance violations shall be the same or a lesser amount as provided for in this section.

F. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

a. a device that is physically or electronically integrated into a motor vehicle,
b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or
d. an ignition interlock device that has been installed on a motor vehicle; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

Added by Laws 2015, c. 248, § 2, eff. Nov. 1, 2015. Amended by Laws 2016, c. 186, § 1, eff. Nov. 1, 2016.

§47-11-902. Persons under the influence of alcohol or other intoxicating substance or combination thereof — Penalty — Enhancement.

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,

b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and

c. be fined not more than One Thousand Dollars ($1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of said sentence or deferred judgment shall, upon conviction, be guilty of a felony and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or

b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00), or

c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, or

b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars ($5,000.00), or

c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days, or

b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars ($5,000.00), or

c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars ($10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section and to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all

recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of not less than Fifteen Dollars ($15.00) nor more than Sixty Dollars ($60.00) as set by the governing authority of the program and approved by the court to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

M. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten (10) years following the completion of any court-imposed probationary term.

N. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or

substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant. Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June 9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018.

NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5, 2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff.

Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999.
NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-902.1. Renumbered as § 3-451 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.2. Renumbered as § 3-452 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.3. Renumbered as § 3-453 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902a. Allowing use of motor vehicle without ignition interlock device.

A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is not equipped with an ignition interlock device to be driven upon any street or highway of this state by any person who is required to have an ignition interlock device installed upon the vehicle of that person.

B. No person shall willfully attempt to interfere in any way with the intended and proper functioning of an ignition interlock device installed in a vehicle as required by law, or intentionally fail to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.

C. No person granted permission to drive a motor vehicle on the condition of installation of an ignition interlock device shall drive any vehicle that is not equipped with an ignition interlock device unless driving a vehicle of an employer in accordance with subsection A of Section 6-212.3 of this title.

D. A violation of subsection A, B or C of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Added by Laws 1999, c. 170, § 2, eff. Nov. 1, 1999. Amended by Laws 2005, c. 167, § 3, eff. Nov. 1, 2005; Laws 2017, c. 392, § 9, eff. Nov. 1, 2017; Laws 2019, c. 400, § 11, eff. Nov. 1, 2019.

§47-11-902b. Forfeiture of motor vehicle.

A. The district attorney may file a motion requesting forfeiture of the motor vehicle involved in the commission of an eligible

offense as provided in this section. The provisions of this section shall apply to:

1. Any person who has been previously convicted of an offense under Section 11-902, 11-903, or 11-904 of this title and who on or after July 1, 1999, is convicted of an offense under Section 11-902, 11-903, or 11-904 of this title within ten (10) years of any prior conviction under Section 11-902, 11-903, or 11-904 of this title and where at least one of the offenses, current or prior, involved the death of or serious bodily injury to another person; or

2. Any person who has been convicted of a third or subsequent felony offense under Section 11-902 of this title.

B. A motion for forfeiture may be filed at the time of charging but not later than thirty (30) days after the verdict or plea of guilty or nolo contendere. If a motion of intent to forfeit is filed prior to the verdict or plea of guilty or nolo contendere, the proceedings shall be stayed until the disposition of the criminal case. Notice shall be required even though the proceedings are stayed. If the motion is filed prior to the disposition on the criminal case, the district attorney shall notify the Oklahoma Tax Commission and the Tax Commission shall place a lien upon the vehicle title. No person shall sell, damage, destroy, transfer or perfect a security interest on any vehicle subject to forfeiture. Prior to filing a motion for forfeiture, the district attorney shall verify whether the vehicle was sold during any period of impoundment as provided by law. Any vehicle sold in an impound sale to pay towing, wrecker services or storage expenses shall not be subject to forfeiture as provided in this section.

C. Upon filing a motion for forfeiture, except when the proceedings are stayed pursuant to subsection B of this section, the court shall schedule a hearing on the matter. The hearing shall be not less than twenty (20) days nor more than forty-five (45) days from the date the motion is filed. The district attorney within three (3) days of filing a motion of intent to forfeit shall notify the convicted person, lienholders of record, and any person appearing to have an ownership or security interest in the vehicle. The notice shall contain the date, time and place of the hearing. When a motion for forfeiture has been stayed pending disposition of the criminal case and a verdict or plea of guilty or nolo contendere has been entered, the district attorney shall give notice of the forfeiture hearing not less than ten (10) days prior to the hearing. The notice of persons specified in this subsection shall be by certified mail to the address shown upon the records of the Oklahoma Tax Commission. For owners or interested parties, other than lienholders of record, whose addresses are unknown, but who are believed to have an interest in the vehicle, notice shall be by one publication in a newspaper of general circulation in the county where the motion is filed. The written notice shall include:

1. A full description of the motor vehicle;

2. The date, time and place of the forfeiture hearing;

3. The legal authority under which the motor vehicle may be forfeited; and

4. Notice of the right to intervene to protect an interest in the motor vehicle.

D. A forfeiture proceeding shall not extinguish any security interest of a lienholder of record; provided, however, the court may order the sale of the motor vehicle and the satisfaction of that security interest from the proceeds of sale as provided in subsection K of this section.

For purposes of a forfeiture proceeding, an affidavit obtained from the lienholder of record, in the absence of evidence of bad faith, shall be prima facie evidence of the amount of secured indebtedness owed to that lienholder. It shall be the responsibility of the district attorney to obtain such affidavit prior to the forfeiture proceeding.

In the absence of evidence of bad faith, no lienholder of record shall be required to attend the forfeiture proceeding to protect its interest in the motor vehicle. However, each lienholder of record shall be given notice of the forfeiture hearing as provided in subsection C of this section. The district attorney shall notify each lienholder of record at least ten (10) days before the sale of the motor vehicle ordered forfeited pursuant to this section; provided, the lienholder was not represented at the forfeiture proceeding.

E. Any person having an ownership or security interest in a vehicle subject to forfeiture which is not perfected by a lien of record may file a written objection to the motion to forfeit within ten (10) days of the mailing of the notice of intent to forfeit.

F. At the hearing, any person who claims an ownership or security interest in the motor vehicle which is not perfected by a lien of record shall be required to establish by a preponderance of the evidence that:

1. The person has an interest in the motor vehicle and such interest was acquired in good faith;

2. The person is not the person convicted of the offense that resulted in the forfeiture proceeding; and

3. The person did not know or have reasonable cause to believe that the vehicle would be used in the commission of a felony offense.

G. If a person satisfies the requirements of subsection F of this section, or if there is a lienholder of record that has provided an affidavit pursuant to subsection D of this section, the court shall order either an amount equal to the value of the interest of that person in the motor vehicle to be paid to that person upon sale of the motor vehicle after payment of costs and expenses or release the vehicle from the forfeiture proceedings if either the lienholder

described in subsection D of this section or the person intervening in accordance with subsection F of this section has full right, title and interest in the vehicle.

H. At the hearing, the court may order the forfeiture of the motor vehicle if it is determined by a preponderance of the evidence that the forfeiture of the motor vehicle will serve one or more of the following purposes:

1. Incapacitation of the convicted person from the commission of any future offense under Section 11-902, 11-903, or 11-904 of this title;

2. Protection of the safety and welfare of the public;

3. Deterrence of other persons who are potential offenders under Section 11-902, 11-903, or 11-904 of this title;

4. Expression of public condemnation of the serious or aggravated nature of the conduct of the convicted person; or

5. Satisfaction of monetary amounts for criminal penalties.

I. Upon forfeiture of a motor vehicle pursuant to this act, the court shall require the owner to surrender the motor vehicle, the certificate of title, and the registration of the motor vehicle. The vehicle, the certificate of title, and the registration shall be delivered to the Department of Public Safety within three (3) days of the forfeiture order. The expense of delivering the vehicle shall be paid by the district attorney. Costs of delivering the vehicle to the Department shall be reimbursable as costs of conducting the sale. A motor vehicle forfeited pursuant to this act, shall be sold by the Department of Public Safety as provided by law for the sale of other forfeited property, except as otherwise provided in this section.

J. If a vehicle was impounded at the time of delivery to the Department and a forfeiture order is subsequently issued, all towing, wrecker services, and storage expenses shall be satisfied from the sale of the vehicle. If a vehicle is released from forfeiture and the vehicle has been delivered to the Department with impound expenses still owing, all impound expenses, including towing, wrecker service and storage expenses, shall be paid by the person prevailing on the dismissal of the forfeiture proceeding and the release of the vehicle to such person. If a notice for sale of the vehicle was filed for satisfaction of impound expenses prior to the filing of a motion for forfeiture, the vehicle shall be sold as provided by law for unpaid towing, wrecker services, and storage expenses and shall not be subject to forfeiture. If the convicted person redeems his or her interest in the vehicle at a sale for impound expenses, a forfeiture proceeding may thereafter proceed as authorized by this act. Neither the notice of sale for towing, wrecker services, and storage expenses nor the sale of such vehicle for impound expenses shall serve to extend the requirement for filing a motion to forfeit as provided in subsection B of this section.

K. Except as provided in subsection J of this section, proceeds from the sale of any vehicle forfeited pursuant to this act shall be paid in the following order:

1. To satisfy the interest of any lienholder of record;

2. To the Department of Public Safety for the cost of conducting the sale, including expense of delivery, court filing fees, and publication expense;

3. To satisfy impound expenses, including any towing, wrecker service and storage expenses incurred prior to delivery to the Department of Public Safety;

4. To satisfy the interest of any person making proof as provided in subsection F of this section;

5. To satisfy criminal penalties, costs and assessments pursuant to paragraph 5 of subsection H of this section if so ordered by the court;

6. To the office of the district attorney who filed the forfeiture proceeding not exceeding twenty-five percent (25%) of any remaining proceeds. Such payment shall be deposited in a special fund for such purpose as determined by the district attorney's office; and

7. The balance of the proceeds to be deposited in the Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes for the benefit of drug court treatment as provided by law.

L. If a motor vehicle subject to forfeiture as provided by this act is a vehicle leased pursuant to a commercial rental agreement for a period of ninety (90) days or less, then the vehicle shall not be subject to the forfeiture proceedings provided by this act.

M. Upon the court dismissing a forfeiture proceeding, any lien placed upon the vehicle title by the Oklahoma Tax Commission pursuant to subsection B of this section shall be released.

Added by Laws 1999, c. 391, § 1, eff. July 1, 1999. Amended by Laws 2014, c. 74, § 1.

§47-11-902c. Preemption of legislation pertaining to prosecution of offenses related to driving under the influence of alcohol or other intoxicating substances.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state.

B. No municipality or other political subdivision shall prosecute any laws or ordinances relating to the offense of driving under the influence of alcohol or any other intoxicating substance or

operating a motor vehicle while impaired. Any existing or future orders, ordinances, local legislation or regulations in violation of this section is void and unenforceable.

C. The preemption provisions of this section shall not apply to prosecutions in municipal criminal courts of record for offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired. Nothing in this section shall prohibit a municipality from establishing a municipal criminal court of record pursuant to the provisions of Section 28-101 of Title 11 of the Oklahoma Statutes.
Added by Laws 2016, c. 172, § 7, eff. Nov. 1, 2016.

§47-11-902d. Impaired driver database - Oklahoma Impaired Driver Database Revolving Fund.

A. The Commissioner of the Department of Public Safety is hereby authorized to oversee the creation, development and implementation of a statewide impaired driver database with assistance from the Office of Management and Enterprise Services subject to fiscal limitations and the availability of federal funds.

B. In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database. The Commissioner shall prescribe the form and format of the impaired driver arrest report.

C. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Oklahoma Impaired Driver Database Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering and maintaining an impaired driver database. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2016, c. 172, § 8, eff. Nov. 1, 2016.

§47-11-903. Negligent homicide.

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course, as provided in Section 6-206.1 of this title. Furthermore, if the records of the Department of Public Safety for the person reflect a conviction for any traffic offense within the three (3) years immediately preceding the conviction for negligent homicide, the fine shall be enhanced to double the amount of the fine imposed pursuant to this subsection.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

Added by Laws 1961, p. 387, § 11-903, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 10, eff. Nov. 1, 1985; Laws 2005, c. 164, § 1, emerg. eff. May 11, 2005; Laws 2011, c. 299, § 3, eff. Nov. 1, 2011.

§47-11-904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance - Causing great bodily injury.

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars ($5,000.00).

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years and not more than twenty (20) years, and a fine of not more than Five Thousand Dollars ($5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
Added by Laws 1983, c. 43, § 1, emerg. eff. April 21, 1983. Amended by Laws 1984, c. 30, § 1, eff. Nov. 1, 1984; Laws 1985, c. 112, § 11, eff. Nov. 1, 1985; Laws 1989, c. 316, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 482, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 348, eff. July 1, 1999; Laws 2004, c. 275, § 13, eff. July 1, 2004; Laws 2012, c. 157, § 1, eff. Nov. 1, 2012; Laws 2016, c. 196, § 2, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 482 from July 1, 1998 to July 1, 1999.

§47-11-905. Person involved in personal injury accident without a valid driver license – Causing great bodily injury – Causing death.

A. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident which results in personal injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in great bodily injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years, or by a fine in an amount not exceeding Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being

operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in the death of any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years, or by a fine in an amount not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

D. The provisions of this section may be charged in addition to any other chargeable offense allowed by law.

Added by Laws 2009, c. 155, § 3, eff. July 1, 2009. Amended by Laws 2010, c. 68, § 1, eff. Nov. 1, 2010.

§47-11-906.1. Drunk Driving Prevention Act - Short title.

Sections 13 through 16 of this act shall be known and may be cited as the "Drunk Driving Prevention Act".

Added by Laws 1995, c. 320, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 2, eff. Nov. 1, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 13, eff. July 1, 2000. Renumbered from § 6-106.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.2. Purpose.

The purpose of this act is to reduce the incidence of persons who drive or are in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

Added by Laws 1995, c. 320, § 2, eff. July 1, 1995. Amended by Laws 2000, 1st Ex.Sess., c. 8, § 14, eff. July 1, 2000. Renumbered from § 6-106.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.3. Oklahoma Driver's Manual - Contents.

A. The State Department of Education shall develop and administer appropriate driver education programs to be conducted in all of the schools of this state to increase awareness of the dangers of drinking and driving.

B. 1. In order to provide education and instruction to all applicants for an original Oklahoma driver license, the Oklahoma Driver's Manual, published and distributed by the Department of Public Safety pursuant to Section 2-114 of this title, shall contain accurate information on:

a. the hazards of driving while under the influence of alcohol or other intoxicating substances, and

b. the legal and financial consequences resulting from violations of this state's laws prohibiting the

operation or actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

2. In addition to the subjects set forth in Section 6-110 of this title, the written examination administered by the Department of Public Safety to every applicant for an original Oklahoma driver license shall contain questions on the subjects listed in this subsection.

Added by Laws 1995, c. 320, § 3, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 3, eff. Nov. 1, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 15, eff. July 1, 2000. Renumbered from § 6-106.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.4. Operating or being in actual physical control of motor vehicle while under the influence while under age - Penalties.

A. It is unlawful, and punishable as provided in subsection B of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has any measurable quantity of alcohol in the person’s blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person’s blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 of this title; or

3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section shall be subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. For a first conviction, by:

a. a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00),

b. assignment to and completion of twenty (20) hours of community service,

c. requiring the person to attend and complete a treatment program, or

d. any combination of fine, community service, or treatment;

2. Upon a second conviction, by:

a. assignment to and completion of not less than two hundred forty (240) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both; or

3. Upon a third or subsequent conviction, by:

a. assignment to and completion of not less than four hundred eighty (480) hours of community service, and

b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a third or subsequent conviction may be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both.

C. The court may assess additional community service hours in lieu of any fine specified in this section.

D. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person shall be subject to:

1. Upon a first conviction:

a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.1 of this title,

b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which revocation period may be modified as provided by law, and

c. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 1 of subsection A of Section 6-212.3 of this title;

2. Upon a second conviction:

a. the cancellation or denial of driving privileges, as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 2 of subsection A of Section 6-212.3 of this title; and

3. Upon a third or subsequent conviction:
a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
c. an assessment of the person’s degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial, or revocation for a period as provided in paragraph 3 of subsection A of Section 6-212.3 of this title.

E. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 of this title when the facts warrant.

F. As used in this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court; and

2. The term "revocation" includes the cancellation or denial of driving privileges by the Department.

Added by Laws 1996, c. 309, § 1, eff. Nov. 1, 1996. Amended by Laws 1999, c. 106, § 2, emerg. eff. April 19, 1999; Laws 2000, 1st Ex.Sess., c. 8, § 16, eff. July 1, 2000. Renumbered from Title 47, §

6-106.4 by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000. Amended by Laws 2011, c. 373, § 7, eff. Nov. 1, 2011.

§47-11-1001. Stopping, standing or parking outside of business or residence district - Penalties.

A. 1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of four hundred (400) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials" as defined in paragraph 5 of Section 230.3 of this title.

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

4. a. Until January 1, 2006, any person violating this subsection may be issued a written warning of the violation.

b. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1961, p. 387, § 11-1001, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 1, eff. Nov. 1, 2003; Laws 2004, c. 222, § 1, eff. Nov. 1, 2004.

§47-11-1002. Officers authorized to remove illegally stopped vehicle.

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Oklahoma Department of Transportation, Oklahoma Transportation Authority or their authorized agents may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway with charge to the owner of the vehicle.

Added by Laws 1961, p. 387, § 11-1002, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 2, eff. Nov. 1, 2003; Laws 2004, c. 222, § 2, eff. Nov. 1, 2004.

§47-11-1003. Stopping, standing or parking prohibited in specified places.

A. Except as otherwise provided in subsection B of this section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. In front of a public or private driveway;

3. Within fifteen (15) feet of a fire hydrant, or if in an area serviced by a volunteer fire department, within thirty (30) feet of a fire hydrant if the governing body of the area so adopts by ordinance;

4. Within an intersection;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety

zone, unless the authority having jurisdiction indicates a different length by signs or marking;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;

14. At any place where official signs prohibit stopping.

B. No person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. Within an intersection;

3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

4. Upon any bridge or other elevated structure upon a highway or within a highway underpass; or

5. At any place where official signs prohibit stopping.

C. No person shall move a vehicle not lawfully under the control of the person into any prohibited area or away from a curb such distance as is unlawful.

Added by Laws 1961, p. 388, § 11-1003, eff. Sept. 1, 1961. Amended by Laws 1995, c. 58, § 3, eff. July 1, 1995; Laws 2011, c. 152, § 1, eff. Nov. 1, 2011.

§47-11-1004. Additional parking regulations.

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Department of Highways has

determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The Oklahoma Department of Highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

E. A person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall be exempt from the provisions of subsections A and B of this section while in the performance of such activities.

Added by Laws 1961, p. 388, § 11-1004, eff. Sept. 1, 1961. Amended by Laws 2011, c. 152, § 2, eff. Nov. 1, 2011.

§47-11-1005. Authorized emergency vehicles; vehicles used in construction or maintenance of highways - Excepted from certain provisions.

Provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of said highway; provided, that the Department of Highways shall protect all such operations with adequate warnings, signs, signals, lights, devices, or flagmen.

Laws 1961, p. 388, § 11-1005.

§47-11-1006. Parking of vehicles on posted private property - Penalty - Liability of land owner.

(a) It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

(b) Violation of the terms of this section shall be considered to be a misdemeanor and upon conviction violators shall be fined not to exceed Twenty Dollars ($20.00) and, in addition thereto, shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

(c) The landowner or person in charge of the land shall not be liable for any damages which may occur to a trespassing vehicle or trailer under the terms of this section, while the same is

trespassing or while it is being removed from his property, or while it is in storage.
Laws 1961, p. 389, § 11-1006.

§47-11-1007. Parking areas for physically disabled persons - Violations and penalties.

A. 1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title, and such placard is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of Section 1135.1 or 1135.2 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. 1. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined Five Hundred Dollars ($500.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. Fines collected pursuant to this section shall be distributed as follows:

a. eighty percent (80%) to the general fund of the municipality in which the citation was issued, subject to the provisions of subsection C of Section 15-115 of this title, and

b. twenty percent (20%) to a dedicated fund established by the Department of Public Safety for the development, implementation and maintenance of a system for the enforcement of the disability parking provisions of this title.

2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain

access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

C. Upon the accumulation of the total necessary funds in the Department of Public Safety Restricted Revolving Fund pursuant to subsection B of this section, the Department of Public Safety shall develop, implement, deploy and administer a database which identifies all persons to whom disabled parking permits have been issued. The database shall be available twenty-four (24) hours a day to any person authorized by statute to enforce disabled parking laws of this state, in order to verify the validity of a disabled parking permit and the person to whom it is issued.

Added by Laws 1980, c. 146, § 1, eff. Oct. 1, 1980. Amended by Laws 1985, c. 149, § 1, emerg. eff. June 8, 1985; Laws 1995, c. 133, § 1, emerg. eff. April 27, 1995; Laws 1997, c. 21, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 1, eff. Nov. 1, 1999; Laws 2003, c. 279, § 6, emerg. eff. May 26, 2003; Laws 2005, c. 165, § 1, emerg. eff. May 11, 2005; Laws 2007, c. 62, § 14, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 8, emerg. eff. June 5, 2010; Laws 2012, c. 283, § 7, eff. July 1, 2012.

§47-11-1007.1. Renumbered as § 15-115 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1008. Renumbered as § 15-116 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1009. Parking on certain state property prohibited - Procedure for enforcement and appeal.

A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle at any state building or property, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties.

B. The Department of Public Safety shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

The notice shall be on a form prescribed by the Commissioner of Public Safety. The civil fine for such violation shall be Five

Dollars ($5.00) if paid within ten (10) days from the date of the violation and Twenty Dollars ($20.00) if paid after ten (10) days from the date of the violation.

D. The fine shall be paid by mailing or personally delivering the notice and a personal check or money order to cover the fine to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety. Provided, should the person elect to object to the imposition of the fine and to have a hearing on the violation, the person shall so indicate on the notice and mail or present it to the Department of Public Safety, within ten (10) days from the date of the notice of the violation, with a bond by cash or money order equal to the amount of the fine pending the outcome of the hearing. The bond may be used to pay the fine in the event the determination of the hearing examiner upholds the imposition of the civil fine. If no bond accompanies the request for hearing, no hearing shall be granted. If the request for a hearing is not made within ten (10) days from the date of the notice of the violation, the person shall not be entitled to a hearing and shall be subject to the civil fine prescribed in subsection C of this section.

E. The request for a hearing shall be submitted to the Department of Public Safety within ten (10) days from the date of the notice of the violation, and the violation shall be set for hearing before a hearing examiner appointed by the Commissioner. The person requesting the hearing shall be notified of the time and place of the hearing by the Department of Public Safety by mailing a copy of the notice by regular mail to the address indicated on the request for hearing. The hearing examiner may take evidence of the violation and shall determine if there has been a violation of the provisions of subsection A of this section. If it is determined that there was a violation, the hearing examiner shall enforce the fine indicated on the notice.

F. Any vehicle having outstanding fines against it may be immobilized by use of a tire boot or may be impounded by the Department of Public Safety. The vehicle may remain immobilized or be retained by the Department pending the payment of all fines, towing, and storage charges, and until the owner furnishes to the Department proof of security or an affidavit that the vehicle is insured by a policy of liability insurance or will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. The State of Oklahoma shall have a possessory lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Sections 91 through 96 of Title 42 of the Oklahoma Statutes.

G. All the monies generated from such fines shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

Added by Laws 1982, c. 195, § 1, operative July 1, 1982. Amended by Laws 1983, c. 286, § 24, operative July 1, 1983; Laws 1987, c. 5, § 157, emerg. eff. March 11, 1987; Laws 1993, c. 153, § 1, eff. Sept. 1, 1993; Laws 1996, c. 219, § 1, eff. July 1, 1996; Laws 2002, c. 75, § 1, eff. Nov. 1, 2002.

§47-11-1010. Erection and maintenance of certain parking signs - Window stickers and other parking identification.

A. The Department of Transportation in coordination with the Department of Public Safety shall have the authority to erect and maintain signs reserving, restricting or regulating the placing, stopping, standing or parking of vehicles within the boundaries of the following:

1. State Capitol Park; and
2. State Capitol Complex in Tulsa.

B. The Department of Public Safety may prepare and issue window stickers or other means of identification except as provided in Section 15.3 of Title 73 of the Oklahoma Statutes as the Commissioner of Public Safety shall deem necessary for the enforcement of this section, Section 11-1009 of this title and Section 15.3 of Title 73 of the Oklahoma Statutes.

Added by Laws 1982, c. 195, § 2, operative July 1, 1982. Amended by Laws 2003, c. 279, § 5, emerg. eff. May 26, 2003.

§47-11-1011. Renumbered as § 15.3 of Title 73 by Laws 1995, c. 288, § 3, eff. July 1, 1995.

§47-11-1012. Parking meters - Exemption.

In counties with a population over five hundred thousand (500,000) according to the last decennial census, marked and unmarked law enforcement vehicles or any vehicle which a law enforcement officer is using in an official capacity shall be exempt from paying a parking meter while parked on a city street.

Added by Laws 2002, c. 381, § 4, eff. July 1, 2002.

§47-11-1101. Unattended motor vehicle.

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Laws 1961, p. 389, § 11-1101.

§47-11-1102. Limitations on backing.

No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be

done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.
Laws 1961, p. 389, § 11-1102.

§47-11-1103. Motorcycles, motor-driven cycles, motorized scooters or motorized bicycles - Restrictions on transporting other persons.

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle on any highway of this state while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle who has attained the age of sixteen (16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.
Added by Laws 1961, p. 389, § 11-1103, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 15, eff. Nov. 1, 2003; Laws 2004, c. 521, § 10, eff. Nov. 1, 2004; Laws 2019, c. 43, § 3, eff. Nov. 1, 2019.

§47-11-1104. Obstruction to driver's view or control - Overloading school bus.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

(c) No school bus shall be operated on the streets or highways in this state when loaded with passengers in excess of the number for which such bus is designed to carry. The number of passengers determined by the local school board which the bus is designed to carry shall be posted in a conspicuous place on the bus.
Laws 1961, p. 389, § 11-1104; Laws 1967, c. 256, § 1.

§47-11-1105. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Added by Laws 1961, p. 389, § 11-1105, eff. Sept. 1, 1961.

§47-11-1106. Driving on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

Laws 1961, p. 389, § 11-1106.

§47-11-1107. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Laws 1961, p. 389, § 11-1107.

§47-11-1108. Following fire apparatus and other emergency vehicles prohibited.

(a) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion.

Laws 1961, p. 389, § 11-1108.

§47-11-1109. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be

used at any fire or alarm of fire, without the consent of the fire department official in command.
Laws 1961, p. 390, § 11-1109.

§47-11-1110. Putting glass, etc., on highway prohibited.

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as the result of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the Corporation Commission for nonconsensual tows.

D. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.
Added by Laws 1961, p. 390, § 11-1110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 153, § 1, eff. Oct. 1, 1978; Laws 1999, c. 285, § 2, emerg. eff. May 27, 1999; Laws 2001, c. 255, § 1, eff. July 1, 2001; Laws 2002, c. 133, § 1, eff. Nov. 1, 2002; Laws 2011, c. 355, § 10, eff. Nov. 1, 2011.

§47-11-1111. Throwing or dropping object on or at moving vehicles.

A. No person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.

B. No person shall willfully throw or drop any object from a bridge or overpass with intent to damage any property or injure any person.

C. Any violation of subsection A or B of this section shall be deemed a felony and, upon conviction, shall be punishable by imprisonment in the Department of Corrections for a term of not more than ten (10) years, or by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.
Added by Laws 1978, c. 153, § 2, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 483, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 349, eff. July 1, 1999; Laws 2003, c. 368, § 1, eff. July 1, 2003.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 483 from July 1, 1998, to July 1, 1999.

§47-11-1112. Child passenger restraint system required for certain vehicles - Exemptions.

A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church.

Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

F. Any person convicted of violating subsection A of this section shall be punished by a fine of Fifty Dollars ($50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars ($15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

G. A driver of a vehicle who has been rightfully issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title or a physically disabled license plate under the provisions of Section 1135.1 or 1135.2 of this title and valid letter of forward-facing exemption issued from the Department of Public Safety shall be permitted to transport a child passenger under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance.

Added by Laws 1983, c. 7, § 1, eff. Nov. 1, 1983. Amended by Laws 1987, c. 97, § 1; Laws 1988, c. 271, § 1, eff. March 1, 1989; Laws 1995, c. 225, § 1; Laws 2000, c. 99, § 1, eff. Nov. 1, 2000; Laws 2002, c. 55, § 1, eff. Nov. 1, 2002; Laws 2004, c. 40, § 1, emerg. eff. March 31, 2004; Laws 2005, c. 361, § 1, eff. Nov. 1, 2005; Laws

2011, c. 335, § 8; Laws 2012, c. 283, § 8, eff. July 1, 2012; Laws 2013, 1st Ex. Sess., c. 11, § 2, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 3, emerg. eff. Sept. 10, 2013; Laws 2015, c. 396, § 1, eff. Nov. 1, 2015; Laws 2017, c. 376, § 2, emerg. eff. June 6, 2017.
NOTE: Laws 2009, c. 228, § 26 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-11-1113. Child passenger restraint system education program.

The Oklahoma Highway Safety Office shall develop a program of public education to promote the use of child passenger restraint systems.
Added by Laws 1983, c. 7, § 2, eff. Nov. 1, 1983.

§47-11-1114. Allowing passenger to ride outside passenger compartment.

A. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets, highways or turnpikes of this state; provided, this section shall not apply to persons so riding on private property or for parades or special events nor shall this section apply to passengers riding on the bed of a pickup truck.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of Ten Dollars ($10.00) and shall pay court costs of Fifteen Dollars ($15.00), provided the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.
Added by Laws 1991, c. 309, § 7, eff. July 1, 1991.

§47-11-1115. Railroad-highway grade crossings – Class A, B or C commercial vehicles – When crossing prohibited.

At a railroad-highway grade crossing, a person operating a Class A, B or C commercial motor vehicle shall not negotiate the crossing if there is:

1. Insufficient space to drive completely through the crossing without stopping; or

2. Insufficient clearance for the undercarriage of the vehicle.
Added by Laws 2002, c. 169, § 3, eff. Oct. 1, 2002.

§47-11-1116. Self-propelled or motor-driven and operated vehicles - Golf carts, all-terrain, and utility vehicles - Operation on streets, highways, and roadways within unincorporated areas.

A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of this state.

B. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall be prohibited from operating on the streets and highways of this state, except:

1. When used in a parade; or

2. When registered, as required by subsection E of Section 1151 of this title, and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer: "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

C. Golf carts and utility vehicles, as defined by Section 1102 of this title, shall not be operated on the streets and highways of this state except:

1. Golf carts or utility vehicles owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under rules developed by the Oklahoma Tourism and Recreation Commission, when the streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts or utility vehicles to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts and utility vehicles may be operating on streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of golf carts or utility vehicles on the streets and highways;

2. The municipal governing body has adopted an ordinance governing the operation of golf carts and/or utility vehicles on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements;

3. Golf carts or utility vehicles may operate on state highways only if making a perpendicular crossing of a state highway located within the boundaries of a municipality which has adopted an ordinance governing the operation of golf carts and/or utility vehicles; or

4. The board of county commissioners of a county has approved the operation of golf cart and/or utility vehicle traffic on roadways within the county, and:

a. the roadway has a posted speed limit of twenty-five (25) miles per hour or less,

b. the roadway is located in an unincorporated area, and

c. appropriate signage, cautioning motorists of the possibility of golf cart or utility vehicle traffic, is erected by the board of county commissioners.

D. All-terrain vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;

2. On highways if:

a. the vehicle needs to make a direct crossing of the highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

b. the vehicle needs to travel on a highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a highway to cross a railroad track,

c. the operator of the all-terrain vehicle making the crossing at a highway has a valid driver license, and

d. the operator of the vehicle makes a crossing on a highway during daylight hours only;

3. On streets and highways within a municipality if the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on streets and highways within the municipality; or

4. On roadways within unincorporated areas of a county if those roadways are not part of the state highway system or the National System of Interstate and Defense Highways; provided, however, that the driver is a licensed driver.

E. Mopeds, as defined by Section 1-133.2 of this title, may be operated on the streets and highways of this state if:

1. The municipal governing body has adopted an ordinance governing the operation of mopeds on city streets; provided, such

ordinances shall include necessary vehicle lighting and safety requirements; or

2. The board of county commissioners of a county has approved the operation of mopeds on roadways within the county, not including roadways within a municipality.

Added by Laws 2004, c. 418, § 16, eff. July 1, 2004. Amended by Laws 2008, c. 98, § 3, eff. July 1, 2008; Laws 2008, c. 402, § 1, eff. Nov. 1, 2008; Laws 2011, c. 167, § 1; Laws 2013, c. 238, § 1, eff. July 1, 2013; Laws 2014, c. 4, § 9, emerg. eff. April 2, 2014; Laws 2019, c. 101, § 1, eff. Nov. 1, 2019; Laws 2019, c. 315, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2013, c. 239, § 1 repealed by Laws 2014, c. 4, § 10, emerg. eff. April 2, 2014.

§47-11-1117. All-terrain vehicle passenger restrictions - Penalties and enforcement - Liability of parents or vehicle owners - Applicability.

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars ($25.00). Any peace officer of this state including, but not limited to, park rangers, is authorized to enforce the provisions of this section. All monies collected pursuant to a citation for a violation of this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund for credit to the cost center of the state park or public recreation area where such citation was issued.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, “all-terrain vehicle” means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. “Recreational off-highway vehicle” means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

Added by Laws 2007, c. 124, § 1, eff. Nov. 1, 2007. Amended by Laws 2008, c. 98, § 4, eff. July 1, 2008; Laws 2011, c. 110, § 2, eff. Nov. 1, 2011.

§47-11-1118. Forget-Me-Not Vehicle Safety Act - Short title.

This act shall be known and may be cited as the “Forget-Me-Not Vehicle Safety Act”.

Added by Laws 2008, c. 343, § 1.

§47-11-1119. Definitions - Unattended child or vulnerable adult in motor vehicle prohibited - Exception - Penalty.

A. As used in the Forget-Me-Not Vehicle Safety Act:

1. “Person responsible for a child” means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child’s custodial parent or legal guardian;

2. “Unattended” means beyond a person’s direct ability to care for or come to the aid of the unaccompanied person; and

3. “Motor vehicle” means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

B. A person responsible for a child who is six (6) years of age or younger, or a caretaker of a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle present a risk to the health or safety of the unattended child or vulnerable adult.

C. It shall not be considered a violation of this section if the child or vulnerable adult is accompanied in the motor vehicle by a person at least twelve (12) years of age who is not mentally incompetent as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by:

1. A fine of not less than Fifty Dollars ($50.00) upon a first conviction;

2. A fine of not less than One Hundred Dollars ($100.00) and ordered to perform community service of not less than fifty (50) hours upon a second conviction; and

3. A fine of not less than Two Hundred Dollars ($200.00) upon a third or subsequent conviction, and the full record of that person's convictions of the violations of this section shall be submitted to the Department of Human Services for evaluation.

E. Any person convicted of violating the provisions of this section who has left a child or vulnerable adult unattended in a motor vehicle on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises pursuant to Section 521 of Title 37 of the Oklahoma Statutes, and who has consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended, shall be punished by a fine of not less than Five Hundred Dollars ($500.00).

F. Nothing in this section precludes prosecution under any other provision of law.

Added by Laws 2008, c. 343, § 2.

§47-11-1120. Removing a child from a vehicle - Immunity.

A. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;

2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

3. Has contacted the local law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;

4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;

5. Remains with the child in a safe location, out of the elements but reasonably close to the motor vehicle, until law enforcement, fire or other emergency responder arrives; and

6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

Added by Laws 2015, c. 329, § 1, emerg. eff. May 18, 2015.

§47-11-1201. Effect of regulations.

A. It is a misdemeanor and punishable by a fine of not less than One Dollar ($1.00) nor more than Twenty-five Dollars ($25.00) for any person to do any act forbidden or fail to perform any act required in this article. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.

B. The parent or legal guardian of any child or the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.

C. Except as otherwise provided, the provisions of this article shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles or motorized scooters.

Added by Laws 1961, p. 390, § 11-1201. Amended by Laws 2004, c. 521, § 11, eff. Nov. 1, 2004.

§47-11-1202. Traffic laws apply to persons riding bicycles or motorized scooters.

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except to those provisions of this title which by their nature can have no application.

Added by Laws 1961, p. 390, § 11-1202. Amended by Laws 2004, c. 521, § 12, eff. Nov. 1, 2004.

§47-11-1203. Riding on bicycle or motorized scooter.

A. A person operating a bicycle shall ride upon or astride a permanent and regular attached seat.

B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

Added by Laws 1961, p. 390, § 11-1203. Amended by Laws 2004, c. 521, § 13, eff. Nov. 1, 2004.

§47-11-1204. Clinging to vehicles.

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Added by Laws 1961, p. 390, § 11-1204. Amended by Laws 2004, c. 521, § 14, eff. Nov. 1, 2004.

§47-11-1205. Riding on roadway, one-way street or highway.

A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as

is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to:

a. fixed or moving objects,

b. parked or moving vehicles,

c. pedestrians or animals,

d. surface hazards, or

e. any time it is unsafe to continue along the right-hand curb or edge of the roadway; and

4. When riding in the right-turn-only lane.

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

Added by Laws 1961, p. 390, § 11-1205, eff. Sept. 1, 1961. Amended by Laws 1993, c. 301, § 3, eff. Sept. 1, 1993; Laws 2003, c. 411, § 16, eff. Nov. 1, 2003; Laws 2004, c. 521, § 15, eff. Nov. 1, 2004; Laws 2006, c. 173, § 2, eff. July 1, 2006.

§47-11-1206. Carrying articles.

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Added by Laws 1961, p. 391, § 11-1206. Amended by Laws 2004, c. 521, § 16, eff. Nov. 1, 2004.

§47-11-1207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-11-1208. Overtaking and passing bicycle - Violations - Fines and penalties.

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care and:

1. If there is more than one lane for traffic proceeding in the same direction, a motorist passing a cyclist shall move the vehicle to the lane to the immediate left if the lane is available and moving into the lane is reasonably safe, and the motorist shall not move back into the travel lane until the vehicle is safely clear of the overtaken person operating a bicycle;

2. If there is only one lane for traffic proceeding in the same direction, shall not overtake or pass a bicycle at a distance of less than three (3) feet between any part of the motor vehicle and any part of the bicycle or its operator, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle; or

3. May drive to the left of the center of the roadway, including when a no-passing zone is marked as defined in Section 11-307 of this title, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. The provisions of this paragraph do not authorize driving on the left side of the center of the roadway when prohibited under Section 11-303, 11-305 or 11-306 of this title.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars ($100.00). Any second or subsequent conviction shall be a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed thirty (30) days, or a fine of not less than One Hundred Fifty Dollars ($150.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

C. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing personal injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed three (3) months, or a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

D. 1. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing great bodily injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed six (6) months, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

E. Any person who violates the provisions of subsection A of this section and the violation results in the death of another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

F. A person may be charged under the provisions of this section in addition to any other chargeable offense allowed by law.

Added by Laws 2006, c. 173, § 3, eff. July 1, 2006. Amended by Laws 2019, c. 348, § 1, eff. Nov. 1, 2019.

§47-11-1209. Electric-assisted bicycles and operators – Rights and restrictions – Label requirements.

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this act.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. On and after January 1, 2020, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed in a prominent location to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle, and it shall be printed in Arial font in at least 9-point type.

D. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection C of this section.

E. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1 electric-assisted bicycle or a Class 2 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted. However, the local authority or state agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of a Class 1 electric-assisted bicycle or Class 2 electric-assisted bicycle on that path.

2. A Class 3 electric-assisted bicycle shall not be ridden on a bicycle or multiuse path unless it is within or adjacent to a highway or roadway or unless the local authority or state agency having jurisdiction over the path permits that operation.

3. This subsection shall not apply to a trail designated as nonmotorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing

materials. A local authority or state agency may regulate the use of electric-assisted bicycles or any class thereof on such trails that are under its jurisdiction.

F. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

Added by Laws 2019, c. 43, § 4, eff. Nov. 1, 2019.

§47-11-1301. Driving through safety zones prohibited.

No vehicle shall at any time be driven through or within a safety zone.

Laws 1961, p. 391, § 11-1301.

§47-11-1302. Maintenance and construction zones.

A. The Department of Transportation, Oklahoma Turnpike Authority and any county or city in this state are hereby authorized to close any highway or section thereof, within their respective jurisdiction, to traffic while the highway is flooded or under repair, maintenance or construction and, in exercising the authority, shall erect or cause to be erected traffic-control devices and barricades to warn and notify the public that the highway has been closed to traffic.

B. When any highway has been closed to traffic under the provisions of subsection A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of the highway or to persons entering therein for the protection of lives or property; provided, that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the Oklahoma Turnpike Authority, Department of Transportation, county or city having jurisdiction over the highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic-

control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

D. The "Merge Now" traffic-control device that is used to warn and guide the public using the highway to merge shall be located in advance of the highway construction or maintenance area in accordance with the standards set forth in the most current edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed:

1. As soon as practicable after passing the traffic-control device; and

2. Without passing any other traffic proceeding in the same direction.

E. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this section.

F. Nothing in this section shall relieve the state or any of its subdivisions or their contractors, agents, servants or employees from liability for failure to perform any of the duties imposed herein.

G. Except as provided in subsection H of this section, any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or imprisonment in the county jail not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by the violations. In addition, the court may order restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment.

H. When any section of a highway, turnpike, county road or city street has been closed to traffic due to flooding that is ongoing and traffic-control devices or barricades have been erected by law enforcement or other government officials with authority over traffic control, it shall be unlawful for any person to tear down, damage or remove any traffic-control devices or barricades or drive any vehicle

through, under, over or around the traffic-control devices or barricades, or otherwise to enter the closed area. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00). The person shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) and imprisonment in the county jail for not more than one (1) year if the operator of the motor vehicle was transporting a person eighteen (18) years of age or younger at the time of the violation.

Persons convicted pursuant to the provisions of this subsection shall be ordered to pay restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment. In addition, the person shall be liable for any damage to property or injury or death to persons caused by the violation.

Added by Laws 1961, p. 391, § 11-1302, eff. Sept. 1, 1961. Amended by Laws 2004, c. 270, § 1, eff. Nov. 1, 2004; Laws 2005, c. 394, § 13, emerg. eff. June 6, 2005; Laws 2007, c. 59, § 1, eff. Nov. 1, 2007; Laws 2011, c. 257, § 1, emerg. eff. May 18, 2011; Laws 2016, c. 344, § 1, emerg. eff. June 6, 2016; Laws 2018, c. 118, § 1, eff. Nov. 1, 2018.

§47-11-1303. Endangerment of a highway worker.

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;

2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of the Oklahoma Statutes;

3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;

4. Driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or

5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no

injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars ($1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) if the offense resulted in injury to a highway worker and not more than Ten Thousand Dollars ($10,000.00) if the offense resulted in the death of a highway worker.

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

F. Upon the expiration of any contract for maintenance or construction on a section of roadway, any increased fines or penalties otherwise imposed by law shall not apply.

G. Any highway worker killed while working on a section of highway after the effective date of this act shall have that mile of road named in honor of their memory.

Added by Laws 2008, c. 291, § 1, eff. Nov. 1, 2008.

§47-11-1401. Unlawful acts - Signs - Violations.

A. It shall be unlawful for any person to enter that part of a turnpike enclosed by fence except in a vehicle at authorized entrances.

B. It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the Oklahoma Turnpike Authority.

C. It shall be unlawful for any person to cross a turnpike except at grade separations provided for cross traffic or through drainage structures under the turnpike.

D. It shall be unlawful for any person to travel a turnpike on foot except to leave or service a disabled vehicle, or for any person to hitchhike on a turnpike.

E. It shall be unlawful for any person to tear down, damage or remove any turnpike fence.

F. It shall be unlawful to drive, operate or ride any bicycle or other man-powered vehicle or means of transportation on a turnpike. The Oklahoma Turnpike Authority may prohibit any light, mechanically powered vehicle from entering the turnpike, or any other vehicle it determines would be injurious to the turnpike surfacing or would be a traffic hazard.

G. When any section of highway has been closed to traffic by the Oklahoma Turnpike Authority and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area.

H. Subsections A through G of this section shall not apply to:

1. Officers, employees, agents or contractors of the Oklahoma Turnpike Authority in performance of their duties;

2. Commissioned officers of the Department of Public Safety;

3. Emergency vehicle operators at the request of the Department of Public Safety; or

4. Agents, employees or contractors of public utilities while actually engaged in work in furtherance of construction, maintenance or repair of such public utilities located on, above or below a turnpike.

I. It shall be unlawful for any vehicle, except:

1. Authorized emergency vehicles;

2. Vehicles owned by the Oklahoma Turnpike Authority, its agents or contractors;

3. Vehicles owned by public utilities, their agents, employees or contractors, while actually engaged in construction, maintenance or repair of such public utilities; and

4. Wrecker vehicles while performing services at the request of the Department of Public Safety,

to cross the center dividing strip of a turnpike, or to travel on any lane of a turnpike in a direction contrary to the direction of traffic on such lane.

J. All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

K. No vehicle shall move from one lane to another unless the way is clear to do so and upon proper signaling.

L. Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 391, § 11-1401, eff. Sept. 1, 1961. Amended by Laws 1991, c. 309, § 8, eff. July 1, 1991; Laws 1993, c. 303, § 1; Laws 2001, c. 202, § 2, eff. Nov. 1, 2001; Laws 2008, c. 319, § 5, eff. Nov. 1, 2008; Laws 2009, c. 95, § 1, eff. Nov. 1, 2009.

§47-11-1401.1. Oklahoma Electronic Toll Collection Act - Short title.

This act shall be known and may be cited as the "Oklahoma Electronic Toll Collection Act".
Added by Laws 1997, c. 278, § 1, emerg. eff. May 27, 1997.

§47-11-1401.2. Oklahoma Electronic Toll Collection Act - Definitions - Imposition of toll evasion violation penalties.

A. For purposes of this section:

1. "Authority" means the Oklahoma Turnpike Authority;

2. "Commission" means the Oklahoma Tax Commission;

3. "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge;

4. "Owner" means any person, corporation, partnership, firm, agency, association, or organization who, at the time of the violation and with respect to the vehicle identified in the notice of toll evasion violation:

a. is the beneficial or equitable owner of the vehicle,

b. has title to the vehicle,

c. is the registrant or coregistrant of the vehicle which is registered with the Oklahoma Tax Commission or similar registering agency of any other state, territory, district, province, nation or other jurisdiction,

d. subject to the liability limitations set forth in paragraph 12 of subsection B of this section, uses the vehicle in its vehicle renting and/or leasing businesses, or

e. is a person entitled to the use and possession of a vehicle subject to a security interest in another person;

5. "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated on the turnpikes under the Authority's jurisdiction;

6. "Toll collection regulations" means those rules and regulations of the Oklahoma Turnpike Authority or statutes providing for and requiring the payment of tolls and/or charges prescribed by the Authority for the use of turnpikes under its jurisdiction or those rules and regulations of the Authority or statutes making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll and/or charge for the use of turnpikes under the jurisdiction of the Authority;

7. "Toll evasion violation" means a failure to comply with the Authority's toll collection regulations, including the failure to pay an invoice submitted by the Authority via its video toll collection system;

8. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks; and

9. "Video toll collection system" means a photo-monitoring system used to charge and collect tolls from owners of vehicles imaged using the turnpike system. The owner of a vehicle imaged by the photo-monitoring system may or may not be an Authority account holder.

B. 1. Notwithstanding any other provision of law, there shall be imposed monetary liability on the owner of a vehicle for failure of an operator thereof to comply with the toll collection regulations of the Oklahoma Turnpike Authority in accordance with the provisions of this section.

2. The owner of a vehicle shall be liable for a civil penalty imposed pursuant to this section if the vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations, and such violation is evidence by information obtained from a photo-monitoring system. However, no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of the vehicle has been convicted of a violation of toll collection regulations for the same incident.

3. A certificate, sworn to or affirmed by an agent of the Authority, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo-monitoring system shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding charging a violation of toll collection regulations. The photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for the violation. Each photo-monitoring system shall be checked bimonthly for accuracy, and shall be maintained, adjusted or replaced if necessary to ensure the systems are operating properly.

4. An owner found liable for a violation of toll collection regulations pursuant to this section shall be liable for a monetary penalty of Twenty-five Dollars ($25.00) for each violation. Liability for this monetary penalty does not abrogate an owner's obligation to pay toll charges associated with the violation, and the Authority may pursue collection of such unpaid toll charges pursuant to this section.

5. An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a

conviction as an operator and shall not be made part of the motor vehicle operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

6. a. A notice of toll evasion violation shall be sent by regular first-class mail to each person alleged to be liable as an owner for a violation of toll collection regulations. The notice shall be mailed no later than forty-five (45) days after the alleged violation. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of the notice.

   b. A notice of toll evasion violation shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration or the license tag number of the vehicle involved in the violation, the location where the photo-monitoring system recorded the vehicle's image, the date and time of the image, the identification number of the photo-monitoring system which recorded the image or other document locator number and the nature of the violation.

   c. Notice of toll evasion violation shall be prepared and mailed by the Authority or its agents and shall contain information advising the person of the applicable monetary penalty and method of payment thereof and the manner and the time in which the person may contest the liability alleged in the notice. The notice of toll evasion violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit and instructions for returning the affidavit to the Authority and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that the penalty shall be imposed and may be collected as authorized by law. In addition to the notice required by subparagraph a of this paragraph, the Authority may elect to send a subsequent notice of toll evasion violation by certified mail. Such notice shall contain a statement to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within twenty-one (21) days after receipt of the certified mail notice of toll evasion violation or completes and files the affidavit of

nonliability, the renewal of the vehicle registration shall be contingent upon compliance with the notice of toll evasion violation.

d. If the toll evasion penalty is received by the Authority and there is no contest as to that toll evasion violation, the proceedings under this section shall terminate.

e. If the registered owner fails to pay the toll evasion penalty as required in this section, or fails to contest the notice of toll evasion violation issued pursuant to subparagraph c of this paragraph as provided in subparagraph a of paragraph 7 of this subsection, the registered owner shall be deemed liable for the violation by operation of law. The toll evasion penalty and any administrative fees or charges shall be considered a debt due and owing the Authority by the registered owner and the Authority may proceed to collect such penalty, fees or charges under paragraph 9 of this subsection.

7. a. Within twenty-one (21) days after receipt of a notice of toll evasion violation a person may contest a notice of toll evasion violation. In that case, the Authority shall do the following:

(1) the Authority shall investigate the circumstances of the notice with respect to the contestant's written explanation of reasons for contesting the toll evasion violation. If, based upon the results of the investigation, the Authority is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the Authority shall maintain an adequate record of the findings of the investigation. Within thirty (30) days of receipt of a notice of contest the Authority shall complete such investigation and mail the results of the investigation to the person who contested the notice of toll evasion violation, and

(2) if the person contesting a notice of toll evasion violation is not satisfied with the results of the investigation provided for in division (1) of this subparagraph, the person may, within fifteen (15) days of the mailing of the results of the investigation, deposit the amount of the toll evasion penalty and request an administrative review. An administrative review shall be held within ninety (90) calendar days following the receipt of a request for an administrative review,

excluding any continuance time. The person requesting the review may request and shall be allowed one continuance, not to exceed twenty-one (21) calendar days.

b. The administrative review procedure shall consist of the following:

(1) the person requesting an administrative review shall indicate to the Authority his or her election for a review by mail or personal conference and may provide materials in support of the contest of the results of the investigation,

(2) upon ten (10) days' written notice mailed to the contestant, the administrative review shall be conducted before an examiner designated to conduct review by the Authority's governing body or Director of the Oklahoma Turnpike Authority. In addition to any other requirements of employment, an examiner shall demonstrate those qualifications, training, and objectivity prescribed by the Authority's governing body or Director as are necessary and which are consistent with the duties and responsibilities set forth in this section and Section 11-1401.1 et seq. of this title,

(3) the officer or person authorized to issue a notice of toll evasion violation shall be required to participate in an administrative review. The Authority shall not be required to produce any evidence other than the notice of toll evasion violation or copy thereof, a photograph of the rear of the vehicle, information received from the Commission identifying the registered owner of the vehicle, and a notarized statement from the person reporting the violations. The documentation in proper form shall be considered prima facie evidence of the violation, and

(4) the review shall be conducted in accordance with paragraph 5 of this subsection and in accordance with the written procedure established by the Authority which shall ensure fair and impartial review of contested toll evasion violations. The examiner's final decision shall be in writing and shall be delivered personally or by registered mail to the contestant within ten (10) days of the review. A manual or automatic record of mailing prepared in the ordinary course of business shall

be prima facie evidence of the receipt of such decision.

8. a. Within twenty (20) days after receipt of the final decision described in division (4) of subparagraph b of paragraph 7 of this subsection, the contestant may seek review by filing an appeal to the district court having jurisdiction in the county in which the contestant lives, where the same shall be heard on the record. A copy of the notice of appeal shall be served in person or by first-class mail upon the Authority by the contestants. For purposes of computing the twenty-day period, the Code of Civil Procedure, Section 2006 of Title 12 of the Oklahoma Statutes, shall be applicable.

b. The conduct of the hearing on appeal under this section is a subordinate judicial duty which may be performed by referees, masters or other subordinate judicial officials at the direction of the district court.

c. If no notice of appeal of the Authority's decision is filed within the period set forth in subparagraph a of this paragraph, the examiner's decision shall be deemed final.

9. Except as otherwise provided in paragraphs 10 and 11 of this subsection, the Authority shall proceed under one or more of the following options to collect an unpaid toll evasion penalty:

a. the Authority may file an itemization of unpaid toll evasion penalties and administrative and service fees with the Commission for collection at the time of registration of the vehicle pursuant to paragraph 18 of this subsection, or

b. the Authority may contract with a collection agency to collect unpaid toll evasion penalties, fees, and charges.

10. The Authority shall not file a civil judgment with the district court relating to a toll evasion violation which has been filed with the Commission unless the Authority has determined that the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date and the notice has not been mailed by the Commission pursuant to paragraph 18 of this subsection.

11. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was stolen,

but not yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this paragraph that the vehicle was reported as stolen within two (2) hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subsection it shall be sufficient that a certified copy of the police report of the stolen vehicle be sent by first-class mail to the Authority and the district court having jurisdiction.

12. An owner of a vehicle to which a notice of toll evasion violation was issued pursuant to paragraph 6 of this subsection shall not be liable for the violation of the toll collection regulations provided that the owner sends to the Authority the affidavit of nonliability described in paragraph 6 of this subsection, within twenty-one (21) days after receiving the original notice of toll evasion violation. Failure to send such information within the time period shall render the owner liable for the penalty prescribed by this section. If the owner complies with the provisions of this subsection, the operator of the vehicle on the date of the violation shall be subject to liability for the violation of toll collection regulations, provided that the Authority mails a notice of toll evasion violation to the operator within ten (10) days after receipt of such information.

13. In connection with the preparation and mailing of a notice of toll evasion violation, the Authority shall ensure adequate and timely notice to all video toll collection system and electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the video toll collection system or electronic toll collection system shall not be found liable for a violation of this section unless the Authority has first sent a notice of delinquency to the account holder and the account holder was in fact delinquent at the time of the violation.

14. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of toll collection laws or regulations.

15. Notwithstanding any other provision of law, all photographs, microphotographs, videotape or other recorded images prepared pursuant to this section shall be for the exclusive use of the Authority in the discharge of its duties under this section and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the action or proceeding relates to:

a. the imposition of or indemnification for liability pursuant to this section, or

b. an investigation or prosecution for a criminal violation of the laws of the State of Oklahoma. Such records shall be available to a law enforcement officer

or law enforcement agency for law enforcement purposes related to an investigation or prosecution of a criminal violation of the laws of the State of Oklahoma pursuant to a duly issued search warrant, subpoena, or order of the court requiring such disclosure to a law enforcement officer or agency.

16. The Authority shall not sell, distribute or make available in any way, the names and addresses of video toll collection system and electronic toll collection system account holders or Authority patrons, without the consent of the account holders or patrons, to any entity that will use the information for any commercial purpose.

17. a. Except as provided in subparagraph c of this paragraph, the Commission shall refuse to renew the registration of any vehicle if the registered owner or lessee has been mailed by certified mail a notice of toll evasion violation as provided in subparagraph c of paragraph 6 of this subsection, the Authority has transmitted to the Commission an itemization of unpaid toll evasion penalties, including administrative fees, pursuant to paragraph 9 of this subsection, and the toll evasion penalty and administrative fee have not been paid pursuant to paragraph 8 of this subsection, unless the full amount of all outstanding toll evasion penalties and administrative fees, as shown by records of the Commission are paid to the Commission at the time of application for renewal.

b. The Authority shall issue a notice of disposition of toll evasion violation to a lessor, if the lessor provides the Authority with the name, address, and driver's license number of the lessee at the time of the occurrence of the toll evasion violation.

c. The Commission shall renew the registration of any vehicle if the applicant provides the Commission with the notice of disposition of toll evasion violation issued pursuant to subparagraph b of this paragraph for clearing all outstanding toll evasion penalties, fees and assessments, as shown by the records of the Commission, and the applicant has met all other requirements for registration.

18. The Commission shall include on each vehicle registration renewal notice issued for use at the time of renewal, or on an accompanying document, an itemization of unpaid toll evasion penalties, fees and assessments, showing the amount thereof and the date of toll evasion relating thereto, which the registered owner or lessee is required to pay pursuant to paragraph 17 of this subsection.

19. a. Except as provided in subparagraph b of this paragraph, the Commission shall remit all toll evasion penalties, fees and assessments collected, after deducting the administrative fee authorized by paragraph 20 of this subsection, for each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected pursuant to paragraph 17 of this subsection, to the Authority. Within forty-five (45) days from the time penalties, fees and assessments are paid to the Commission, the Commission shall inform the Authority which of its notices of toll evasion violation have been collected.

b. For each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected by the Commission pursuant to paragraph 16 of this subsection, the Authority is due an amount equal to the sum of the unpaid toll, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection. After deducting the Commission's administrative fee authorized by paragraph 20 of this subsection, the Commission shall promptly pay to the Authority the amounts due the Authority for unpaid tolls, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection.

20. The Commission shall assess a fee for the recording of the notice of toll evasion violation, which is given to the Commission pursuant to paragraph 9 of this subsection, in an amount, as determined by the Commission, that is sufficient to provide a total amount equal to at least its actual costs of administering paragraphs 17, 18 and 21 of this subsection.

21. Whenever a vehicle is transferred or not renewed for two renewal periods and the former registered owner or lessee of the vehicle owes a toll evasion penalty and administrative fees for a notice of toll evasion violation filed with the Commission pursuant to paragraph 9 of this subsection, the Commission shall notify the Authority of that fact and is not required thereafter to attempt collection of the toll evasion penalty and administrative fees.

This legislation shall not be construed to affect in any way the power which the Oklahoma Turnpike Authority possesses to establish tolls and other charges in connection with their turnpike facilities, including the authority to establish a one-way toll collection system for any of its facilities or a toll discount structure for certain classes of patrons using any of its facilities.

Added by Laws 1997, c. 278, § 2, emerg. eff. May 27, 1997. Amended by Laws 2012, c. 43, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 15, § 28, emerg. eff. April 8, 2013; Laws 2015, c. 129, § 1, eff. Nov. 1, 2015; Laws 2016, c. 79, § 1, eff. Nov. 1, 2016.
NOTE: Laws 2012, c. 132, § 1 repealed by Laws 2013, c. 15, § 29, emerg. eff. April 8, 2013.

§47-11-1402. Enforcement of laws – Costs – Authority of other entities.

A. Except as otherwise provided in this section, enforcement of both traffic laws and the general laws of the State of Oklahoma on the turnpikes shall be the exclusive authority of the Department of Public Safety, and the cost thereof shall be borne by the Oklahoma Turnpike Authority. Provided that the Authority shall be liable only for such costs as may be agreed to by it under contract or agreement with the Commissioner of Public Safety.

B. Upon a written request by the Department of Wildlife Conservation to the Commissioner of Public Safety, the Department of Public Safety, upon the approval of the Commissioner of Public Safety, may enter into a written agreement with the Department of Wildlife Conservation permitting the Department of Wildlife Conservation to perform on the turnpikes of this state those law enforcement duties specified in the agreement. The request by the Department of Wildlife Conservation must be acted upon by the Commissioner within sixty (60) days of receiving such request. The costs of performing those law enforcement duties shall be the responsibility of the Department of Wildlife Conservation and no costs shall be the responsibility of the Oklahoma Turnpike Authority or the Department of Public Safety.

C. On the turnpikes, the Oklahoma State Bureau of Investigation shall have the authority to investigate and enforce all laws relating to any crime listed in Section 571 of Title 57 of the Oklahoma Statutes.

Added by Laws 1961, p. 392, § 11-1402, eff. Sept. 1, 1961. Amended by Laws 2003, c. 461, § 14, eff. July 1, 2003; Laws 2004, c. 418, § 17, eff. July 1, 2004; Laws 2008, c. 365, § 1, eff. Nov. 1, 2008; Laws 2015, c. 397, § 4, eff. Nov. 1, 2015.

§47-11-1403. Agreements as to law enforcement - Equipment - Charges - Payments - Funds.

The Commissioner of Public Safety and the Oklahoma Turnpike Authority are hereby authorized to enter into contracts and agreements for law enforcement on turnpikes. The Department of Public Safety is authorized to use any of its automotive and other equipment in policing turnpikes, and to charge the Authority for the use thereon on a rental basis to be agreed to by the Department and the Authority, and to perform such services in connection with

policing turnpikes with its general personnel and equipment at such rates, salaries, expenses, and miscellaneous costs as may be agreed to by the Department and the Authority. It is the intent of this section that rental rates and other costs of policing turnpikes shall be determined on an average actual cost basis, and in accordance with salaries and expenses paid by the Department of Public Safety in its regular operations. Payments shall be made by the Authority monthly and shall be remitted to the Department of Public Safety to be credited to the Department of Public Safety Restricted Revolving Fund in the State Treasury. Such monies shall be expended for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.
Added by Laws 1961, p. 393, § 11-1403, eff. Sept. 1, 1961. Amended by Laws 1979, c. 47, § 15, emerg. eff. April 9, 1979; Laws 1983, c. 286, § 25, operative July 1, 1983; Laws 1987, c. 5, § 158, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 15, operative July 1, 1988; Laws 2001, c. 133, § 4, emerg. eff. April 24, 2001; Laws 2012, c. 283, § 9, eff. July 1, 2012.

§47-11-1404. Flashing and signal lights.

Vehicles or equipment owned by the Oklahoma Transportation Authority, its agents or contractors, and public utilities, and engaged in maintenance or emergency operations, shall be equipped with such flashing and signal lights as may be prescribed by this title or by federal regulation, pursuant to 49 C.F.R., Section 571.108.
Added by Laws 1961, p. 393, § 11-1404, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 23, eff. Nov. 1, 2002.

§47-11-1405. Repealed by Laws 2008, c. 319, § 9, eff. Nov. 1, 2008.

§47-12-101. Driving or permitting to be driven vehicle with unsafe or missing equipment - Other forbidden acts - Exceptions relating to requirements for equipment - Rules - Definitions.

A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

a. is known to be in such unsafe condition as to endanger any person,

b. is known not to contain those parts required by this chapter,

c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or

d. is known to be equipped in any manner in violation of this chapter;

2. To do any act forbidden under this chapter; or

3. To fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:

1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or

2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.

C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.

D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.

E. Low-speed and medium-speed electrical vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.

F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.

G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.

H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.

I. As used in this chapter:

1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;

2. "Lightweight vehicle" means a motor vehicle that has a manufacturer’s gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

a. a vehicle that is being used to transport passengers for hire, or

b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed or medium-speed electrical vehicle or motorcycle, as defined in Section 12-601 of this title.

Added by Laws 1961, p. 393, § 12-101, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 2, emerg. eff. March 24, 1993; Laws 2001, c. 243, § 3, eff. Nov. 1, 2001; Laws 2003, c. 411, § 17, eff. Nov. 1, 2003; Laws 2004, c. 5, § 44, emerg. eff. March 1, 2004; Laws 2005, c. 50, § 4, eff. Nov. 1, 2005; Laws 2007, c. 62, § 15, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 2, emerg. eff. June 2, 2008.

NOTE: Laws 2003, c. 199, § 9 repealed by Laws 2004, c. 5, § 45, emerg. eff. March 1, 2004.

§47-12-101.1. Sale of improperly equipped vehicle - Improper equipping or operation of improperly equipped vehicle.

A. Unless previously disclosed through written documentation, no person shall knowingly have for sale, sell, or offer for sale any vehicle to be operated on the highways of this state unless it is equipped as required by this chapter.

B. No person shall knowingly equip or operate on the highways of this state any vehicle with equipment unless it complies with the requirements of this chapter.

Added by Laws 2003, c. 411, § 19, eff. Nov. 1, 2003.

§47-12-101.2. Construction of act - Severability.

This act shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be invalid or to be preempted by federal law or regulation, the validity of the remainder of this chapter shall not be affected thereby, and the remaining provisions shall be in full force and effect.

Added by Laws 2003, c. 411, § 20, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 5, eff. Nov. 1, 2005.

§47-12-102. Renumbered as § 12-428 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-201. Proper display of lamps and other signal devices - Adoption of federal specifications and standards.

A. The United States Department of Transportation specifications and standards for headlamps, auxiliary driving lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices, pursuant to 49 C.F.R., Section 571.108, are hereby adopted by the State of Oklahoma.

B. Except as otherwise provided in this chapter and subject to exceptions for parked vehicles, every vehicle upon a highway within this state shall properly display all lamps and illuminating devices as required by law:

1. At any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, also referred to in this chapter as nighttime; and

2. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet or less.

C. All lamps required by this chapter shall display a steady light except as otherwise prescribed by this chapter. Any required individual lamp may be combined or incorporated with any other required individual lamp if the combined or incorporated lamps meet all of the individual lighting requirements of this chapter for each individual lamp contained therein.

D. No lamp, other than a headlamp, displayed on any vehicle shall project a glaring light; provided, every headlamp shall comply with Section 12-222 of this title.

Added by Laws 1961, p. 394, § 12-201, eff. Sept. 1, 1961. Amended by Laws 1992, c. 57, § 1, eff. Sept. 1, 1992; Laws 1993, c. 255, § 1, eff. Sept. 1, 1993; Laws 2003, c. 411, § 21, eff. Nov. 1, 2003; Laws 2005, c. 50, § 6, eff. Nov. 1, 2005.

§47-12-202. Visibility distance and mounted height of lamps.

A. Any requirement of this chapter as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, shall apply during the times stated in subsection B of Section 12-201 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway, under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Any requirement of this chapter as to the mounted height of lamps or devices shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Added by Laws 1961, p. 394, § 12-202. Amended by Laws 2003, c. 411, § 22, eff. Nov. 1, 2003.

§47-12-203. Head lamps on motor vehicles.

A. Every motor vehicle shall be equipped with at least two headlamps emitting a white light with at least one lamp on each side of the front of the motor vehicle on the same level and as far apart as practicable. The headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every headlamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. The headlamps on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least six hundred (600) feet ahead for all conditions of loading;

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead; and

3. On a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

D. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

Added by Laws 1961, p. 394, § 12-203, eff. Sept. 1, 1961. Amended by Laws 1996, c. 18, § 1, eff. Nov. 1, 1996; Laws 2003, c. 411, § 23, eff. Nov. 1, 2003.

§47-12-203.1. Number of driving lamps required or permitted.

A. At all times specified in subsection B of Section 12-201 of this title, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles, as provided in Section 12-214 of this title.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

C. The driver of any vehicle shall comply with the provisions of Section 12-217 of this title regarding the use of alternate headlamp equipment.

Added by Laws 1961, p. 401, § 12-226. Amended by Laws 2003, c. 411, § 43, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-226 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.2. Use of distribution of light or composite beam lighting equipment.

Whenever a motor vehicle is being operated on a roadway, or shoulder adjacent thereto, during the times specified in subsection B of Section 12-201 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 2 of subsection C of Section 12-203 of this title shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within six hundred (600) feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph 1 of subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 400, § 12-222. Amended by Laws 2003, c. 411, § 39, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-222 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.3. Headlamps with single distribution of light - Farm tractors and certain other motor vehicles.

Headlamps arranged to provide a single distribution of light shall be permitted on farm tractors and motor vehicles manufactured and sold prior to September 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least three hundred (300) feet.
Added by Laws 1961, p. 401, § 12-223. Amended by Laws 2003, c. 411, § 40, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-223 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.4. Lighting equipment upon motor vehicles operated below certain speed.

Any motor vehicle operated at a speed of twenty (20) miles per hour or less may be operated under the conditions specified in subsection B of Section 12-201 of this title when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of lamps required in Section 12-203 or 12-203.3 of this title.
Added by Laws 1961, p. 401, § 11-225, eff. Sept. 1, 1961. Renumbered from § 11-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 42, eff. Nov. 1, 2003. Renumbered from § 12-225 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 7, eff. Nov. 1, 2005.

§47-12-204. Tail lamps.

A. Every motor vehicle, trailer, semitrailer and pole trailer, and any vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable which, when lighted, shall emit a red light visible from a distance of one thousand (1,000) feet to the rear; provided that, in the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

C. Any tail lamps shall be lighted whenever the clearance lamps and:

1. Headlamps;

2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or

3. Fog lamps, as defined in Section 12-217 of this title, are lighted.
Added by Laws 1961, p. 394, § 12-204. Amended by Laws 2003, c. 411, § 24, eff. Nov. 1, 2003.

§47-12-204.1. Lamps illuminating rear license plate.

A. No more than two separate lamps with a white light shall be so constructed and placed as to illuminate the rear license plate and

render it clearly legible from a distance of fifty (50) feet to the rear.

B. Any separate lamp or lamps for illuminating the rear license plate, shall be lighted whenever the clearance lamps and:

1. Headlamps;

2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or

3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

C. The operation of a vehicle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this section. In addition, display and visibility of the rear license plate shall be in compliance with paragraph 2 of subsection A of Section 1113 of this title.

Added by Laws 2003, c. 411, § 25, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 8, eff. Nov. 1, 2005.

§47-12-205. Reflectors.

A. Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, at least two red reflectors meeting the requirements of this section; provided, that vehicles described in Section 12-208 of this title shall be equipped with reflectors as required in Sections 12-208 and 12-211 of this title.

B. Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than seventy-two (72) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of headlamps, except as required in Sections 12-211, 12-215 and 12-216 of this title.

Added by Laws 1961, p. 394, § 12-205. Amended by Laws 2003, c. 411, § 26, eff. Nov. 1, 2003.

§47-12-206. Stop lamps.

A. Every vehicle shall be equipped with at least two stop lamps which shall meet the requirements of this section.

B. The stop lamps required by this section:

1. Shall be mounted on the rear of the vehicle at the same level, as far apart as practicable, and at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

C. If so equipped in its original design and manufacture, every motor vehicle shall be additionally equipped with a center high-mounted stop lamp located on the vertical center line above the level of the stop lamps described in this section which shall display a red light, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight, and which shall be actuated upon application of the brakes.
Added by Laws 1961, p. 395, § 12-206. Amended by Laws 2003, c. 411, § 27, eff. Nov. 1, 2003.

§47-12-206.1. Turn signal lamps.
A. Every vehicle shall be equipped with turn signal lamps that flash for the purpose of indicating the intention to turn either to the left or to the right.
B. The flashing turn signal lamps required by this section:
1. Shall show to the front and rear of the vehicle;
2. On the front of the vehicle, shall be located on the same level, as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight; and
3. On the rear of the vehicle, shall be located at the same level and as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight.
C. A truck-tractor need not be equipped with turn signal lamps mounted on the rear if the turn signals at the front are so constructed and so located that they meet the requirements for double-faced turn signals that meet the standards of the Society of Automotive Engineers (SAE).
Added by Laws 2003, c. 411, § 28, eff. Nov. 1, 2003.

§47-12-207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-208. Vehicles of certain width - Clearance lamps - Side marker lamps - Reflectors.
A. In addition to other equipment required in this chapter, every vehicle, except truck-tractors and pole trailers, which is eighty (80) inches or more in overall width shall be equipped:
1. On the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable;
2. On the rear, with two red clearance lamps, one at each side located at the same level and as widely spaced laterally and as near

the top as practicable; provided, trailers or semitrailers are not required to comply with this paragraph;

3. On each side, with two side marker lamps, one at the front amber in color and one at the rear red in color. The marker lamps shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road;

4. On each side, with one intermediate amber side marker lamp, at or near the midpoint between the front and rear side marker lamps, but not less than fifteen (15) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph;

5. On each side, with two reflex reflectors, one at the front amber in color and one at the rear red in color. The reflex reflectors shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; and

6. On each side, with one intermediate amber side reflex reflector, at or near the midpoint between the front and rear side reflex reflectors, but not less than fifteen (15) inches nor more than (60) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph.

B. In addition to other equipment required in this chapter, every truck-tractor shall be equipped on the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable.

C. In addition to other equipment required in this chapter, every pole trailer shall be equipped:

1. On each side, with one red or amber side marker lamp and one amber clearance lamp, which may be in combination, to show to the front, side and rear; and

2. On the rear of the pole trailer or load, with two red reflex reflectors, one at each side located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; provided, any load overhang of four (4) feet or more shall be lighted in compliance with Section 12-213 of this title.

D. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

E. In addition to other equipment required in this chapter, any motor vehicle eighty (80) inches or more in overall width shall be equipped with:

1. Three identification lamps showing to the front which shall emit an amber light; and

2. Three identification lamps showing to the rear which shall emit a red light.

Such lamps shall be placed horizontally in a row between the clearance lamps on the vertical center line of the vehicle.

Added by Laws 1961, p. 395, § 12-208. Amended by Laws 2003, c. 411, § 29, eff. Nov. 1, 2003.

§47-12-209. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-210. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-211. Visibility of reflectors, clearance lamps and marker lamps.

A. Every reflector upon any vehicle referred to in Section 12-208 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps.

B. Front and rear clearance lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the front and rear, respectively, of the vehicle.

C. Side marker lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the sides of the vehicles on which mounted.

Added by Laws 1961, p. 396, § 12-211. Amended by Laws 2003, c. 411, § 30, eff. Nov. 1, 2003.

§47-12-212. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-213. Lamps, reflectors, and flags on projecting load.

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and

2. One red light facing to each side positioned to indicate maximum overhang.

The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

Added by Laws 1961, p. 396, § 12-213. Amended by Laws 2003, c. 411, § 31, eff. Nov. 1, 2003.

§47-12-214. Lamps on parked or stopped motor vehicles.

A. Whenever a motor vehicle or combination of vehicles is parked or stopped, whether attended or unattended, upon a roadway or shoulder adjacent thereto, and there is not sufficient light to reveal the parked or stopped vehicle to the operator of another vehicle within a distance of one thousand (1,000) feet upon such roadway or shoulder, such vehicle so parked or stopped shall display the following:

1. At least two lamps displaying a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle; and

2. At least two lamps displaying a red light visible at a distance of one thousand (1,000) feet to the rear of the vehicle.

B. Subsection A of this section shall not apply to:

1. A vehicle parked or stopped on a street or highway with designated on-street parking or with a speed limit of twenty-five (25) miles per hour or less:

a. when the vehicle is positioned as close as practicable to the outer edge of the roadway or of the shoulder, if present, or

b. unless the street or highway is posted as a no-parking area;

2. A vehicle which has lost the ability to display lamps and the vehicle is parked or stopped off the roadway;

3. A vehicle which is disabled, unattended, and parked or stopped off the roadway; or

4. An authorized emergency vehicle of a law enforcement agency, when such vehicle is parked or stopped on the shoulder.

C. Any lighted headlamps upon a parked or stopped vehicle shall be lower beams.

Added by Laws 1961, p. 397, § 12-214. Amended by Laws 2003, c. 411, § 32, eff. Nov. 1, 2003.

§47-12-215. Lamps on farm tractors - Farm equipment and implements of husbandry.

A. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with at least one lamp displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

B. Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, in addition to the lamps required in subsection A of this section, be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

C. Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination; and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

D. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with two single-beam or multiple-beam head lamps meeting the requirements of Section 12-203.3 of this title or, as an alternative, Section 12-602.1 of this title, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

E. Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in subsection D of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors

visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

F. The lamps and reflectors required in subsections A through E of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

G. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry may be equipped with a flashing, strobe-light-type device that when lighted is visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

Added by Laws 1961, p. 397, § 12-215, eff. Sept. 1, 1961. Amended by Laws 2007, c. 16, § 1, eff. Nov. 1, 2007.

§47-12-216. Lamps, lighting devices, or reflectors on animal-drawn and certain other vehicles.

A. Animal-drawn vehicles and vehicles referred to in subsection C of Section 12-101 of this title, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, shall, at all times specified in subsection B of Section 12-201 of this title, be equipped with at least one lamp emitting a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible for distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lower beams of headlamps.

B. The failure on the part of an owner or driver of any vehicle specified in this section to display any lamp, lighting device, or

reflector required by this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision.
Added by Laws 1961, p. 398, § 12-216. Amended by Laws 2003, c. 411, § 33, eff. Nov. 1, 2003.

§47-12-217. Auxiliary, fog, and off-road lamps.

A. As used in this article:

1. “Auxiliary driving lamp” means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. “Front fog lamp” means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. “Spot lamp” means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam

headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. The auxiliary driving lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;

2. Wired independently of all other lighting; and

3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

a. automatically activated when the vehicle is started, and

b. automatically deactivated when the headlamp control is in any "on" position.

Added by Laws 1961, p. 398, § 12-217, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 3, emerg. eff. Mar. 24, 1993; Laws 2003, c. 411, § 34, eff. Nov. 1, 2003; Laws 2008, c. 402, § 2, eff. Nov. 1, 2008.

§47-12-218. Emergency vehicles - Flashing lights.

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with flashing red or blue lights or a combination of flashing red and blue lights. The lights shall be visible at five hundred (500) feet in normal sunlight.

B. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;

2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;

3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and

4. One flashing red, blue, amber, or any combination of red, blue, or amber lights emitting the flashing light to the rear of the vehicle.

C. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for authorized emergency vehicles, as prescribed in Section 11-405 of this title.

Added by Laws 1961, p. 399, § 12-218, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 4, emerg. eff. March 24, 1993; Laws 1998, c. 55, § 1, eff. Nov. 1, 1998; Laws 1999, c. 24, § 3, eff. July 1, 1999; Laws 1999, c. 189, § 2, eff. July 1, 1999; Laws 2000, c. 35, § 1, eff. July 1, 2000; Laws 2003, c. 411, § 35, eff. Nov. 1, 2003.

§47-12-218.1. Use of lights on wreckers and tow vehicles.

Flashing red or blue lights or a combination of flashing red and blue lights may be used on licensed Class AA wreckers or wrecker support vehicles at the scene of an emergency.

Any licensed Class AA wrecker or wrecker support vehicle may be equipped with a lamp displaying an amber light, visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lamp shall only be used when leaving the scene of a tow service call and for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

Added by Laws 2003, c. 411, § 36, eff. Nov. 1, 2003. Amended by Laws 2009, c. 101, § 1, eff. Nov. 1, 2009; Laws 2010, c. 39, § 2, eff. Nov. 1, 2010.

§47-12-218.2. Vehicles operated by rural letter carriers or any highway contract route vehicles delivering mail - Flashing lights.

Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle while engaged in the delivery of mail may be equipped with no more than two simultaneously flashing amber lights and a sign reading "U.S. MAIL" for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking, or passing. Such lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. Such lights

shall be of double face or two-way type, be visible when turned on for at least five hundred (500) feet to the front and rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one.
Added by Laws 2003, c. 411, § 37, eff. Nov. 1, 2003.

§47-12-219. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-220. Back-up and vehicular hazard warning lamps.

A. Any motor vehicle shall be equipped with not more than two back-up lamps either separately or in combination with other lamps. Any back-up lamp shall not be lighted when the motor vehicle is in forward motion.

B. Every vehicle shall be equipped with vehicular hazard warning lamps required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation pursuant to 49 C.F.R., Section 571.108. Such lamps shall be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

C. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with the turn or vehicular hazard warning lamps.
Added by Laws 1961, p. 400, § 12-220. Amended by Laws 2003, c. 411, § 38, eff. Nov. 1, 2003.

§47-12-221. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-222. Renumbered as § 12-203.2 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-223. Renumbered as § 12-203.3 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-224. Renumbered as § 12-602.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.
NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-225. Renumbered as § 12-203.4 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-226. Renumbered as § 12-203.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-227. Special restriction on lamps.

A. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps, and school bus and church bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

B. Except as provided in Sections 12-218, 12-218.1, 12-228, and 12-229 of this title, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;

2. A school bus or a church bus, as provided in Section 12-228 of this title;

3. Any snow-removal, construction and maintenance equipment, as provided in Section 12-229 of this title;

4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;

5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;

6. Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title;

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title; or

10. Any vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title.

D. Blue lights are prohibited except as allowed in Sections 12-218, 12-218.1, and 12-229 of this title.

E. Any person violating the provisions of subsection B, C or D of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 402, § 12-227, eff. Sept. 1, 1961. Amended by Laws 1978, c. 262, § 3, eff. Oct. 1, 1978; Laws 1993, c. 13, § 5, emerg. eff. March 24, 1993; Laws 1996, c. 22, § 3, eff. July 1, 1996; Laws 1998, c. 26, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 3, eff. July 1, 1999; Laws 2003, c. 411, § 44, eff. Nov. 1, 2003; Laws 2005, c. 50, § 9, eff. Nov. 1, 2005; Laws 2005, c. 193, § 2, eff. Nov. 1, 2005; Laws 2010, c. 39, § 3, eff. Nov. 1, 2010; Laws 2011, c. 81, § 1, eff. Nov. 1, 2011; Laws 2016, c. 187, § 2, eff. Nov. 1, 2016.

§47-12-228. Special lighting equipment and warning devices on school buses and church buses.

A. In addition to any other equipment and distinctive markings required by this title, every school bus and every church bus shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights shall be visible at five hundred (500) feet in normal sunlight.

B. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering, and have no other lettering on the front or rear of the vehicle, except as required by 47 C.F.R., Part 571.

C. Every church bus shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering. In addition, such church bus may be equipped with visual signals meeting the requirements of subsection A of this section.

D. Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with 49 C.F.R., Section 571.131.

E. In addition to the lights required by subsection A of this section, any school bus shall be equipped with amber signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately flashing amber lights to the front and two alternately flashing amber lights to the rear. These lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection A will be actuated.

F. The State Board of Education, with the approval of the Commissioner of Public Safety, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with, and supplemental to, the provisions of this chapter. Such standards and specifications shall be identical to any Federal Motor Vehicle Safety Standard which regulates the same aspect of performance of the same equipment or device. Where there is no applicable Federal Motor Vehicle Safety Standard, the standards and specifications shall conform to the greatest extent feasible with any other relevant standard issued or endorsed by federal agencies or recognized standard-setting organizations.

G. During the time any school bus or church bus is operating, the school bus or church bus shall have its headlights activated.

H. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or discharge from said school bus.

I. It shall be unlawful to operate any red flashing warning signal light on any church bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or discharge from said bus.

J. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for school buses, as prescribed in Section 11-705 of this title, and for church buses, as prescribed in Section 11-705.1 of this title.

K. The loading lamps on school buses converted for purposes other than transporting pupils to or from school shall be disconnected, except for buses purchased for use by religious organizations as church buses.

Added by Laws 1961, p. 402, § 12-228, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 3; Laws 1978, c. 262, § 4, eff. Oct. 1, 1978; Laws 1991, c. 91, § 1, eff. July 1, 1991; Laws 1992, c. 81, § 1, eff. July 1, 1992; Laws 1999, c. 189, § 4, eff. July 1, 1999; Laws 2003, c. 411, § 45, eff. Nov. 1, 2003.

§47-12-229. Standards and specifications for lights on vehicles or machinery operated by state or other government jurisdictions.

A. The Department of Transportation shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal equipment, when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

B. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

C. Flashing amber lights may be used on vehicles or machinery owned or operated by any agency of the state or by any county or city when engaged in the performance of emergency work or on the construction or maintenance of highways.

D. Rear facing flashing red and blue lights may be used on vehicles or machinery owned or operated by the Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, or by any county when engaged in the performance of emergency work or on the construction or maintenance of highways.

Added by Laws 1961, p. 402, § 12-229, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 46, eff. Nov. 1, 2003; Laws 2010, c. 39, § 4, eff. Nov. 1, 2010; Laws 2011, c. 81, § 2, eff. Nov. 1, 2011.

§47-12-230. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-231. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-12-232. Vans operated for nonprofit charitable organization equipped with strobe-light-type device.

A. Every multiple-passenger van owned and operated by a nonprofit charitable organization for the purpose of transporting children to or from any destination may be equipped with a flashing, strobe-light-type device that when lighted may be visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

B. During the time that the multiple-passenger van is operating, the multiple-passenger van may have the strobe-light-type device activated.

C. Each vehicle displaying such lights shall simulate the color of lights used on school buses as provided in Section 12-228 of Title 47 of the Oklahoma Statutes.

D. As used in this section, "nonprofit charitable organization" shall mean any organization that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 United States Code, Section 501(c)(3).

Added by Laws 2008, c. 360, § 1, eff. Nov. 1, 2008.

§47-12-301. Brake equipment required.

A. Every motor vehicle manufactured prior to September 1, 1961, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

B. 1. Every motor vehicle manufactured on or after September 1, 1961, operated upon the highways shall be equipped with service brakes upon all wheels.

2. A truck or truck-tractor having three or more axles need not be equipped with brakes on the front axle if:

a. the vehicle was manufactured on or before July 24, 1980, or

b. the vehicle was manufactured on or after July 25, 1980, but no later than October 26, 1986, and the brake components have not been removed. If the brake components have been removed, the vehicle shall be retrofitted to meet the requirements of this section.

C. 1. Every trailer, semitrailer, and pole trailer of a gross vehicle weight rating of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes:

a. adequate to control the movement of and to stop and to hold such vehicle,

b. so designated as to be applied by the driver of the towing motor vehicle from its cab. Provided, braking systems commonly known as "surge brakes" shall be lawful when used on a trailer which is towing or transporting a vessel or vessels, and

c. so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

2. Every trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away tow-away operations as provided in 49 C.F.R., Part 393.42, shall be equipped with brakes which are designed to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes.

3. Any trailer, semitrailer, or pole trailer having a gross vehicle weight rating of less than three thousand (3,000) pounds need not be equipped with brakes; provided, the trailer, semitrailer, or pole trailer shall be equipped with brakes if the weight of the towed vehicle exceeds forty percent (40%) of the gross vehicle weight rating of the towing vehicle.

D. Every motor vehicle and every combination of vehicles shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice, or loose material.

E. The braking system on the rear axle of any motor vehicle may be used for both service brake and parking brake operation.

F. 1. Air brake systems installed on towed vehicles manufactured shall be designed as provided in 49 C.F.R., Section 393.43.

2. Every truck or truck-tractor, if used to tow a trailer equipped with brakes, shall be equipped with service brakes as provided in 49 C.F.R., Section 393.43.

3. Every truck or truck tractor equipped with air brakes, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes as provided in 49 C.F.R., Section 393.43.

4. Every motor vehicle which is equipped with power brakes, shall comply with 49 C.F.R., Section 393.49.

5. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive-away tow-away, on and after September 1, 1961, shall, in addition to other requirements of state and federal law, comply with 49 C.F.R., Section 393.43.

G. Every bus, truck, and truck-tractor which is equipped with an air or vacuum brake system, shall be equipped with a reservoir as required by 49 C.F.R., Section 393.50, sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this title in the event the engine stops.

H. Every bus, truck and truck-tractor shall be equipped with service brake warning devices and signals as required by 49 C.F.R., Part 393.51.

I. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. The brakes shall be capable of stopping the vehicle, or a combination of vehicles, within the stopping distance requirements of Section 12-302 of this title.

Added by Laws 1961, p. 403, § 12-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 140, § 5, emerg. eff. April 27, 1967; Laws 2001, c. 131, § 9, eff. July 1, 2001; Laws 2003, c. 411, § 47, eff. Nov. 1, 2003; Laws 2005, c. 50, § 10, eff. Nov. 1, 2005.

§47-12-302. Performance ability of brakes.

A. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight, as specified in subsection D of this section;

2. Decelerating to a stop from a speed of twenty (20) miles per hour at not less than the rate specified in subsection D of this section; and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the service brake pedal or control begins.

B. Upon application of the parking brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, at all times and under all conditions of loading, be capable of stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the emergency brake control begins.

C. Conformity to the stopping-distance requirements of subsections A and B of this section shall be determined under the following conditions:

1. Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material; and

2. The vehicle must be in the center of a twelve-foot-wide lane when the test begins and must not deviate from that lane during the test.

D. Vehicle brake performance table:

Type of Motor Vehicle	Service Brake Systems: Braking force as percentage of GVWR or GCWR	Service Brake Systems: Deceleration in feet per second per second	Service Brake Systems: Application and braking distance in feet	Emergency Brake Systems: Application and braking distance in feet
1. Passenger-carrying vehicle:				
a. Vehicles with a seating capacity of ten persons or less, including the driver, and built on a passenger chassis:	65.2	21	20	54
b. Vehicles with a seating capacity of more than ten persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a manufacturer's GVWR of 10,000 pounds or less:	52.8	17	25	66
c. All other passenger-carrying vehicles:	43.5	14	25	85
2. Property-carrying vehicles:				

a. Single-unit vehicles with a manufacturer's GVWR of 10,000 pounds or less: 52.8
17
25
66

b. Single-unit vehicles with a manufacturer's GVWR of more than 10,000 pounds. Combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less. All combinations of two or less vehicles in drive-away or tow-away combinations: 43.4
14
35
85

c. All other property-carrying vehicles and combinations of property-carrying vehicles: 43.5
14
40
90

E. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent (1%) grade), dry, smooth, hard surface that is free from loose material. Added by Laws 1961, p. 405, § 12-302. Amended by Laws 2003, c. 411, § 48, eff. Nov. 1, 2003.

§47-12-303. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-304. Renumbered as § 12-608 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-305. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-306. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-307. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-308. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-309. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-310. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-311. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-312. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-313. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-314. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-315. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-401. Horns and warning devices.

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with a horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, except as otherwise permitted in subsection D of this section.

C. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. A theft alarm signal device shall not use a siren, as described in subsection D of this section.

D. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, or similar device, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. It shall be unlawful for any person to use a device capable of producing auditory warning signals similar to that on an authorized emergency vehicle or to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to the operators of authorized emergency vehicles.
Added by Laws 1961, p. 407, § 12-401. Amended by Laws 2003, c. 411, § 50, eff. Nov. 1, 2003.

§47-12-402. Mufflers or other noise-suppressing systems - Prevention of excessive or unusual noise.

A. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.
Added by Laws 1961, p. 407, § 12-402. Amended by Laws 2003, c. 411, § 51, eff. Nov. 1, 2003.

§47-12-403. Mirrors.

A. Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so positioned and located as to reflect to the driver a view of the highway to the rear of the motor vehicle.

B. Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so positioned and located as to reflect to the driver a view of the highway to the rear of the vehicle.

C. Every school bus and church bus shall be equipped with a mirror system so positioned and located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight.
Added by Laws 1961, p. 408, § 12-403. Amended by Laws 2003, c. 411, § 52, eff. Nov. 1, 2003.

§47-12-404. Windshields and windows - Obstruction, obscuring, or impairing of driver's view - Electric windshield wiper mechanism.

A. As used in this section:

1. "Critical area" means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications;

2. "Noncritical areas" means all other areas;

3. "Outright breakage" means glass which is severely cracked or shattered to the extent that air passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt;

4. "Star break or shot damage" means a vented break with cracks radiating from the point of impact; and

5. "Stress or hairline crack" means a crack which has no visible point of impact.

B. No person shall operate any motor vehicle which:

1. Is not equipped with a windshield;

2. Has any outright breakage in the windshield or in the window on either side of the driver;

3. Has any star break or shot damage, three (3) inches or more in diameter, located in the critical area; or

4. Has two or more stress or hairline cracks, twelve (12) inches or more in combined length, located in the critical area.

C. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including but not limited to snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.

D. The windshield on every motor vehicle shall be equipped with an electric windshield wiper mechanism for cleaning rain, snow, or other moisture from the windshield.

Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

Added by Laws 1961, p. 408, § 12-404. Amended by Laws 2003, c. 411, § 53, eff. Nov. 1, 2003.

§47-12-405. Tires and wheels - Peripheral equipment - Unsafe operating condition.

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit as provided in subsection E of this section.

C. 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

a. to use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway,

b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, or

c. for pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material to be sold or used in this state, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of such studs and so that such studs do not project more than three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons,

b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year, and

c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

D. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from

the prohibitions of subsection C of this section with the following exceptions:

1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;

2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Department of Public Safety and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

F. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds (2/32) inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire; provided, such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:

1. On which the ply or cord is exposed in the tread area;

2. Which has been regrooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for regrooving and are so marked;

3. Marked "Farm Implement Only", "Not for Highway Use", or any other marking that would indicate that the tire is not for normal highway use; provided, no such marking shall be altered or removed;

4. On which any bulges, bumps, or knots show in the tread or sidewall area; or

5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds (4/32) inch.

G. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.

Added by Laws 1961, p. 408, § 12-405. Amended by Laws 1968, c. 82, § 1, emerg. eff. April 1, 1968; Laws 1981, c. 118, § 7; Laws 1998, c. 171, § 1, eff. Nov. 1, 1998; Laws 1999, c. 41, § 1, eff. Nov. 1, 1999; Laws 2003, c. 411, § 54, eff. Nov. 1, 2003.

§47-12-405.1. Coupling devices - Stay chains, cables or other safety devices.

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially

in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

Added by Laws 2003, c. 411, § 55, eff. Nov. 1, 2003.

§47-12-405.2. Fuel tanks and intake pipes - Projection beyond side of vehicle - Construction and attachment.

A. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

B. Any fuel tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently and securely attached to the motor vehicle.

Added by Laws 2003, c. 411, § 56, eff. Nov. 1, 2003.

§47-12-405.3. Aprons.

All vehicles or combination of vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly behind the rearmost wheels, and hanging perpendicular from the body of the vehicle. The apron shall be of such a size as to prevent the bulk of the water or any other substance picked up from the roadway from being thrown from the rear wheels of the vehicle or combination of vehicles at tangents exceeding twenty-two and one half (22 1/2) degrees measured from the road surface. The provisions of this subsection shall not apply to a

farm tractor moving over the state highway system at a speed less than twenty (20) miles per hour.
Added by Laws 2003, c. 411, § 57, eff. Nov. 1, 2003.

§47-12-406. Safety glazing material or safety glass - Standards - Identification markings - Sale or replacement.

A. A motor vehicle as specified herein shall not be registered thereafter unless such vehicle is equipped with safety glazing material or safety glass of a type prescribed in this section wherever glazing material or glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger cars, lightweight vehicles, buses, school buses, and church buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material or safety glass shall apply to all glazing material and glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

B. The term "safety glazing materials" or "safety glass" means glazing materials or glass so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing materials or safety glass when they may be cracked or broken.

C. All safety glazing materials and safety glass shall bear the manufacturer's trademark and the words "American Standard" or the letters "AS" followed by a number indicating the position in which the glass shall be used. Safety glazing materials or safety glass bearing the following identification markings shall be used in the designated locations:

1. Laminated safety glass marked "AS-1" is required in windshields and is acceptable at any other location in the vehicle;

2. Laminated safety glass marked "AS-14" is required in windshields and is acceptable at any other location in the vehicle;

3. Laminated or tempered safety glass marked "AS-2" is acceptable for use at any location in the vehicle except the windshield;

4. Laminated or tempered safety glass marked "AS-3" is acceptable anywhere on school buses except in windshields and side windows to the immediate right and left of the driver's location;

5. Rigid plastic safety glazing material marked "AS-4" or "AS-5" is acceptable anywhere on school buses except in windshields and side windows to the right or left of the driver's location;

6. Flexible plastic safety glazing material marked "AS-6" or "AS-7" is acceptable for use in rear windows of soft tops, flexible curtains, or readily removable windows; and

7. Wire glass marked "AS-8" or "AS-9" is acceptable for use in folding doors, standee and rearmost windows of buses, or windows to the rear of the driver in trucks and truck-tractors.

D. No person shall sell, or make replacements of glass, safety glazing materials, or safety glass on motor vehicles, or sell glass, safety glazing materials, or safety glass cut to size to fit windshields, door glass, or window glass of a motor vehicle in violation of the provisions of this title.
Added by Laws 1961, p. 409, § 12-406. Amended by Laws 2003, c. 411, § 58, eff. Nov. 1, 2003.

§47-12-407. Certain vehicles to be equipped with flares and other emergency equipment.

A. No person shall operate any truck, bus, truck-tractor, or any drive-away, tow-away operation upon any highway at any time unless such vehicle is equipped with emergency equipment, including, but not limited to, reflectors, flares, fusees, flags, and fire extinguishers, as provided by 49 C.F.R., Section 393.95. This section shall not apply to lightweight vehicles.

B. Every bus which is licensed for the express purpose of transporting persons for hire shall have at least one hand axe and one metal heavy-duty, ten-unit size, first-aid kit.
Added by Laws 1961, p. 409, § 12-407. Amended by Laws 2003, c. 411, § 59, eff. Nov. 1, 2003.

§47-12-408. Display of warning devices when vehicle disabled.

A. Whenever any truck, except a lightweight vehicle, or any bus, truck-tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a manufactured home is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section:

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares, or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

a. one approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane,

b. one approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the

center of the traffic lane occupied by such vehicle, and

c. one at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1 of subsection A of this section, it may be used for this purpose.

B. Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

C. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the times specified in subsection B of Section 12-201 of this title, the appropriate warning devices prescribed in subsections A and E of this section shall be placed as follows:

1. One at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

2. One at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3. One at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

D. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

E. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled upon a highway of this state at any time or place mentioned in subsection A of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red

reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

F. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the applicable requirements of Section 12-407 of this title.

G. The provisions of this section shall not apply to vehicles bearing farm tags and used exclusively for the purpose of farming and ranching.

Added by Laws 1961, p. 410, § 12-408. Amended by Laws 1981, c. 118, § 8; Laws 2003, c. 411, § 60, eff. Nov. 1, 2003.

§47-12-409. Vehicles transporting hazardous materials.

Vehicles transporting hazardous materials as a cargo or part of a cargo shall at all times be:

1. Marked or placarded in accordance with 49 C.F.R. Section 177.823; and

2. Equipped with portable fire extinguishers in accordance with 49 C.F.R. Section 393.95(a).

Added by Laws 1961, p. 411, § 12-409, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 3, eff. Nov. 1, 2001.

§47-12-410. Air-conditioning equipment.

A. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

B. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable or which is in violation of regulations of the Environmental Protection Agency pursuant to 40 C.F.R., Part 82 or which is not included in the list published by the Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671 k(c).

C. Safety requirements and specifications consistent with the requirements of this section applicable to such equipment shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers (SAE).

Added by Laws 1961, p. 412, § 12-410. Amended by Laws 2003, c. 411, § 61, eff. Nov. 1, 2003; Laws 2008, c. 315, § 1, emerg. eff. June 2, 2008.

§47-12-411. Television-type receiving equipment visible from operator's seat prohibited.

A. No motor vehicle shall be operated on the highways of this state in which there is installed any television-type receiving equipment, the viewer, monitor, or screen of which can be seen by any person sitting in the seat from which such motor vehicle is operated.

B. This section shall not be construed to prohibit the use of television-type receiving equipment used exclusively for navigation, safety of vehicle operation, or law enforcement purposes.

Added by Laws 1961, p. 412, § 12-411. Ameneded by Laws 2003, c. 411, § 62, eff. Nov. 1, 2003.

§47-12-412. Renumbered as § 595 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-413. Seat belts or shoulder harnesses.

It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to Oklahoma residents any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

Laws 1965, c. 86, § 1, emerg. eff. May 5, 1965.

§47-12-414. Specifications.

All safety belts or safety shoulder harnesses shall be of a type and shall be installed pursuant to 49 C.F.R. §571.208 et seq.

Added by Laws 1965, c. 86, § 2, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 2, eff. Nov. 1, 2000.

§47-12-415. Penalties.

Any person violating any of the provisions of Section 12-413 of this title shall, upon conviction thereof, be punished as provided in Section 17-101 of this title.

Added by Laws 1965, c. 86, § 3, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 3, eff. Nov. 1, 2000.

§47-12-416. Short title.

Sections 12-416 through 12-420 of this title shall be known and may be cited as the "Oklahoma Mandatory Seat Belt Use Act".

Added by Laws 1985, c. 123, § 1, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 11, eff. Nov. 1, 2005.

§47-12-417. Operators and front seat passengers required to wear safety belts - Exemptions - Assessment of points prohibited - Fine and court costs limited – Municipal ordinances.

A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger vehicle" shall mean a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles, or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars ($20.00).

F. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

Added by Laws 1985, c. 123, § 2, eff. Feb. 1, 1987. Amended by Laws 1988, c. 271, § 2, eff. March 1, 1989; Laws 1997, c. 290, § 1, eff. Nov. 1, 1997; Laws 2000, c. 99, § 4, eff. Nov. 1, 2000; Laws 2002, c.

35, § 1, eff. Nov. 1, 2002; Laws 2005, c. 190, § 10, eff. Sept. 1, 2005; Laws 2012, c. 207, § 7, emerg. eff. May 8, 2012.

§47-12-418. Repealed by Laws 2008, c. 302, § 13, emerg. eff. June 2, 2008.

§47-12-419. Educational program - Evaluating effectiveness of act - Reports.

A. The Department of Public Safety shall establish an educational program designed to encourage compliance with the Oklahoma Mandatory Seat Belt Use Act.

B. The Department of Public Safety shall evaluate the effectiveness of Sections 12-416 through 12-420 of this title and provide a report. The state shall include this report in the annual evaluation report on its Highway Safety Plan that it submits to the National Highway Traffic Safety Administration and the Federal Highway Administration pursuant to 23 U.S.C. 402.

Added by Laws 1985, c. 123, § 4, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 12, eff. Nov. 1, 2005.

§47-12-420. Civil proceedings - Effect of act.

Sections 12-416 through 12-420 of this title may be used in any civil proceeding in this state and the use or nonuse of seat belts shall be submitted into evidence in any civil suit in Oklahoma unless the plaintiff in such suit is a child under sixteen (16) years of age.

Added by Laws 1985, c. 123, § 5, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 13, eff. Nov. 1, 2005; Laws 2013, 1st Ex. Sess., c. 11, § 4, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 5, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 27 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-12-421. Repealed by Laws 1991, c. 176, § 2, eff. Sept. 1, 1991.

§47-12-422. Restrictions on use of glass coating materials or sunscreening devices on windshields and windows.

A. As used in this section:

1. "Glass coating material" or "sunscreening devices" means materials, films, applications or devices which are used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun, but shall not include materials, films, applications, or devices with a mirrored or mirror-like finish;

2. "Light transmission" means the percentage of total light which is allowed to pass through a window;

3. "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the glass coating material or sunscreening device to the amount of total light falling on the glass coating material;

4. "Manufacturer" means:

a. a person who engages in the manufacturing or assembling of sunscreening devices, or

b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process; and

5. "Window" means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sunscreening device.

B. It is unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

1. Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

2. So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

a. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

b. the material is not red or amber in color;

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title;

13. Vehicles not subject to registration in the State of Oklahoma;

14. Implements of husbandry as defined by this title; and

15. Law enforcement vehicles which are owned by the state or a political subdivision of the state.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

1. The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

2. The installation of the product to the driver's or passenger's side window may be illegal in some states.

H. The Commissioner of Public Safety, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue an exemption from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the Commissioner.

I. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1991, c. 176, § 1, eff. Sept. 1, 1991. Amended by Laws 1995, c. 229, § 1, emerg. eff. May 24, 1995; Laws 2002, c. 397, § 24, eff. Nov. 1, 2002; Laws 2005, c. 190, § 11, eff. Sept. 1, 2005.

§47-12-423. Emission control system - Disconnection, alteration, modification, or replacement.

A. On any motor vehicle originally designed and equipped with an emission control system such system shall be maintained in good working order.

B. No person shall:

1. Disconnect any part of such system except temporarily in order to make repairs, replacements, or adjustments;

2. Modify or alter such system or its operation in any manner; or

3. Operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with such system while any part of that system is known by the owner to be disconnected or while that system or its operation is modified or altered in any manner.

C. The provisions of this section shall not apply to any disconnection, alteration, modification, or replacement of a nature intended to increase effectiveness of the system in controlling the emission of air pollutants.

Added by Laws 2003, c.411, § 64, eff. Nov. 1, 2003.

§47-12-424. Obstruction to turning of steering control - Definitions.

A. As used in this section:

1. "Jamming" means any obstruction to the turning of the steering control caused by some interference with components of the steering system, including but not limited to:

a. tires which exceed the manufacturer's specifications, or

b. damaged fenders that interfere with a full right or left turn; and

2. "Play" means the condition in which the steering control can be turned through some part of a revolution but does not result in movement of the front wheels.

B. No vehicle shall be operated which exhibits jamming, roughness, or binding when turning the wheels from full right to full left.

C. No vehicle shall be operated if the steering wheel:

1. Has more than six (6) inches of play, if the steering wheel is eighteen (18) inches or less in diameter; or

2. Has more than eight (8) inches of play, if the steering wheel is over eighteen (18) inches in diameter.

D. No vehicle shall be operated if any power steering pump is inoperative or is not properly operating.

Added by Laws 2003, c.411, § 65, eff. Nov. 1, 2003.

§47-12-425. Absent, disconnected, or broken parts of suspension system.

No vehicle shall be operated if any shock absorber, spring, or strut of the suspension system is absent, disconnected, or broken.

Added by Laws 2003, c.411, § 66, eff. Nov. 1, 2003.

§47-12-426. Properly operating speedometer.

Every motor vehicle shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

Added by Laws 2003, c.411, § 67, eff. Nov. 1, 2003.

§47-12-427. Official slow-moving vehicle emblem.

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of this state.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being

towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any nonmotor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

E. The evidence as to the use of such emblem or the lack of the use of such emblem shall not be admissible in the trial of any case.
Added by Laws 1968, c. 216, § 1, emerg. eff. April 23, 1968. Amended by Laws 1973, c. 270, §§ 1, 2, eff. Jan. 1, 1974; Laws 2003, c. 411, § 84, eff. Nov. 1. 2003. Renumbered from Title 47, § 47-149.1 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-428. Converted school buses - Color.

School buses converted for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Yellow.
Added by Laws 1973, c. 112, § 6. Amended by Laws 1974, c. 57, § 1; Laws 1978, c. 262, § 2, eff. Oct. 1, 1978; Laws 2003, c. 411, § 18, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-102 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-501. Short title.

Sections 12-501 through 12-507 of this title shall be known and may be cited as the "Odometer Setting Act".
Added by Laws 1982, c. 275, § 1. Amended by Laws 2005, c. 50, § 14, eff. Nov. 1, 2005.

§47-12-502. Definitions.

As used in the Odometer Setting Act:

1. "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;

2. "Repair and replacement" means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;

3. "Transfer" means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;

4. "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase or any other means wherein there is an exchange of monetary or equivalent compensation;

5. "Transferor" means any person who transfers his ownership in a motor vehicle by sale or any other means wherein there is an exchange of monetary or equivalent compensation; and

6. "True mileage driven" means the amount of mileage a motor vehicle has been driven as registered by the odometer within the designed tolerance of the manufacturer.

Added by Laws 1982, c. 275, § 2.

§47-12-503. Prohibited acts.

No person shall:

1. Advertise for sale, sell, use or install or cause to be installed or request for installation, any device which causes an odometer to register any mileage other than the true mileage driven;

2. Disconnect, reset or alter, or cause or request to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon;

3. Knowingly operate a motor vehicle with a disconnected or nonfunctional odometer on any street or highway with the intent of misrepresenting the true mileage driven; and

4. Conspire with any other person to violate any section of the Odometer Setting Act.

Added by Laws 1982, c. 275, § 3.

§47-12-504. Service, repair or replacement of odometer.

A. Nothing in the Odometer Setting Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

B. No person shall:

1. Fail to adjust an odometer or affix a notice regarding such adjustment as required by subsection A of this section; and

2. Remove or alter any notice required by subsection A of this section to be affixed to a motor vehicle, with intent to misrepresent the true mileage driven.

Added by Laws 1982, c. 275, § 4.

§47-12-505. Transfer of ownership of motor vehicle - Information required.

A. Any transferor shall give the following written information to the transferee prior to the transfer of ownership of a motor vehicle:

1. The odometer reading at the time of transfer;

2. The date of transfer;
3. The name and current address of the transferor; and
4. The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:
1. the odometer reading reflects the actual mileage; or
2. the odometer reading does not reflect actual mileage; or
3. the mileage is in excess of the mechanical limits of the odometer.

The provisions of this section shall not apply to a transferor whenever transfer of ownership of a motor vehicle shall pass by bequest, descent, devise, gift or other means wherein there is no exchange of monetary or equivalent compensation.
Added by Laws 1982, c. 275, § 5. Amended by Laws 1989, c. 290, § 5, emerg. eff. May 24, 1989.

§47-12-506. Violation - Penalty.

Any person convicted of violating any of the provisions of the Odometer Setting Act with intent to misrepresent the true mileage driven of a motor vehicle shall be guilty of a misdemeanor and shall be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or imprisonment for not more than one (1) year, or by both fine and imprisonment. A person violating the provisions of the Odometer Setting Act shall have civil liability for the greater of three times the actual damages or One Thousand Five Hundred Dollars ($1,500.00). Additionally, the court may award court costs and attorney fees to the prevailing party in a civil action.
Added by Laws 1982, c. 275, § 6. Amended by Laws 1998, c. 10, § 1, eff. Nov. 1, 1998; Laws 2016, c. 9, § 1, eff. July 1, 2016.

§47-12-507. Actions - Jurisdiction - Venue - Duty to prosecute.

The district court shall have jurisdiction, for cause shown, to restrain violations of the Odometer Setting Act. The actions may be brought by the district attorney for a district wherein any act, omission or transaction constituting the violation occurred, or in the district wherein the defendant is found, is an inhabitant, or transacts business. If the district attorney fails to act, the Attorney General shall intervene and proceed with the cause of action.
Added by Laws 1982, c. 275, § 7.

§47-12-601. Headlamps and other illuminating devices on certain motorcycles - Definition.

A. Every motorcycle of the model year 1978 or later operating upon a highway within this state shall display at all times:
1. A lighted headlamp or headlamps; and

2. Any other illuminating devices, if manufactured to be displayed at all times.

This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of this title shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of this title, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of this title, "motorcycle" shall include, unless otherwise specifically indicated, motorcycles and motor-driven cycles as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c. 411, § 68, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 17, eff. Nov. 1, 2004; Laws 2005, c. 50, § 15, eff. Nov. 1, 2005.

§47-12-602. Headlamps required - Permissible auxiliary lighting.

A. Every motorcycle shall be equipped with at least one headlamp emitting a white light which shall comply with the applicable requirements and limitations of Section 12-203 of this title and of Sections 12-602.1, 12-203.4, 12-227 and 12-228 of this title.

B. Every headlamp upon every motorcycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. Subject to subsections A and B of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

1. Standard bulb running lights; or

2. Light-emitting diode pods and strips.

D. Lighting under subsection C of this section shall be:

1. Nonblinking;

2. Nonflashing;

3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

E. For purposes of this section:

1. "Headlamp" shall not include passing lamp; and

2. "Passing lamp" shall mean an auxiliary front low-beam lamp which emits a white light.

Added by Laws 2003, c.411, § 69, eff. Nov. 1, 2003. Amended by Laws 2004, c. 120, § 1, emerg. eff. April 19, 2004; Laws 2016, c. 151, § 1, eff. Nov. 1, 2017.

§47-12-602.1. Headlamps upon motorcycles - Minimum requirements.

Every headlamp upon every motorcycle shall meet the requirements set forth in subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 401, § 12-224. Amended by Laws 2003, c. 411, § 41, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-224 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-603. Tail lamps.

A. Every motorcycle shall be equipped with at least one tail lamp mounted on the rear on the vertical center line of the motorcycle which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a combination of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp shall be located at a height of not more than sixty (60) inches nor less than fifteen (15) inches.

C. Either a tail lamp or a separate lamp with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear license plate, shall be lighted whenever the headlamp or driving lamp is lighted. The operation of a motorcycle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this subsection.

Added by Laws 2003, c.411, § 70, eff. Nov. 1, 2003.

§47-12-604. Reflectors.

A. Every motorcycle shall be equipped with and display at least one reflector meeting the requirements of this section.

B. Every such reflector shall be mounted on the motorcycle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from the motorcycle when directly in front of lawful lower beams of headlamps.

Added by Laws 2003, c. 411, § 71, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 16, eff. Nov. 1, 2005.

§47-12-605. Stop lamps.

A. Every motorcycle shall be equipped with at least one stop lamp meeting the requirements of this section.

B. The stop lamp required by this section:

1. Shall be mounted on the rear of the motorcycle;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

Added by Laws 2003, c.411, § 72, eff. Nov. 1, 2003.

§47-12-606. Electric flashing turn signal lamps.

A. Every motorcycle of model year 2005 and later shall be equipped with electric flashing turn signal lamps meeting the requirements of this section.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the motorcycle;

2. Shall be located on the same level and as widely spaced laterally as practicable on the front of the motorcycle and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight;

3. Shall be located at the same level and as widely spaced laterally as practicable on the rear of the motorcycle and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

4. Shall indicate when actuated the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

Added by Laws 2003, c.411, § 73, eff. Nov. 1, 2003.

§47-12-608. Brakes on motorcycles.

The brake system on any motorcycle shall comply with performance ability standard set forth in 49 C.F.R., Section 571.121, and shall be adequate to control the movement of the motorcycle and to stop and hold the motorcycle, including two separate means of applying the brakes. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels.

Added by Laws 1961, p. 405, § 12-304. Amended by Laws 2003, c. 411, § 49, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-304 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-609. Motorcycles - Required equipment.

A. In addition to other requirements prescribed by this chapter, by federal law or by local ordinance, all motorcycles, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of

the motorcycle and positioned so as to enable the operator to clearly view the roadway to the rear of the vehicle;

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield, the operator shall wear goggles or other protective eyewear which meets American National Standards Institute (ANSI) Standard Z87.1 and provides positive retention, or a face shield of material and design to protect the operator from foreign objects;

3. A properly operating speedometer capable of registering at least the maximum legal speed limit for that motorcycle;

4. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

5. A horn which shall comply with the requirements of Section 12-401 of this title; and

6. A muffler or other effective noise-suppressing system which shall comply with the requirements of Section 12-402 of this title.

B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

C. Handlebars on motorcycles shall not be higher than eye level of the operator.

Added by Laws 1967, c. 140, § 3. Amended by Laws 1969, c. 131, § 1, emerg. eff. April 7, 1969; Laws 1975, c. 288, § 1; Laws 1976, c. 81, § 1, emerg. eff. May 3, 1976; Laws 2000, c. 228, § 1, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 83, eff. Nov. 1, 2003. Renumbered from Title 47, § 40-105 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-701. Provisions in chapter applicable to bicycles.

No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles, electric-assisted bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c.411, § 74, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 18, eff. Nov. 1, 2004; Laws 2019, c. 43, § 5, eff. Nov. 1, 2019.

§47-12-702. Front lamp.

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1,000) feet to the front. This section shall not apply to

a street or highway with a speed limit of twenty-five (25) miles per hour or less.
Added by Laws 2003, c. 411, § 75, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 17, eff. Nov. 1, 2005.

§47-12-703. Rear lamp.
Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1,000) feet to the rear. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.
Added by Laws 2003, c. 411, § 76, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 18, eff. Nov. 1, 2005.

§47-12-704. Reflector.
Every bicycle shall be equipped with a red reflector which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
Added by Laws 2003, c.411, § 77, eff. Nov. 1, 2003.

§47-12-705. Repealed by Laws 2006, c. 173, § 9, eff. July 1, 2006.

§47-12-706. Reflective material.
Every bicycle when in use at the times described in subsection B of Section 12-201 of this title shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle.
Added by Laws 2003, c. 411, § 79, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 19, eff. Nov. 1, 2005.

§47-12-707. Additional lights and reflectors.
A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections; provided, such lights or reflectors shall comply with the provisions and limitations of Article II of Chapter 12 of this title.
Added by Laws 2003, c. 411, § 80, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 20, eff. Nov. 1, 2005.

§47-12-708. Brakes.
Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
Added by Laws 2003, c.411, § 81, eff. Nov. 1, 2003.

§47-12-709. Sirens.

A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

Added by Laws 2003, c.411, § 82, eff. Nov. 1, 2003.

§47-13-101. Vehicles without required equipment or in unsafe condition.

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway.

Laws 1961, p. 412, § 13-101.

§47-13-102. Officers may inspect a vehicle and its equipment.

A. Members of the Oklahoma Highway Patrol and other employees of the Department of Public Safety as designated by the Commissioner, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the

repair, removal and storing of the vehicle shall be the obligation of the owner or operator.
Added by Laws 1961, p. 412, § 13-102, eff. Sept. 1, 1961. Amended by Laws 2003, c. 199, § 10, eff. Nov. 1, 2003; Laws 2005, c. 50, § 21, eff. Nov. 1, 2005.

§47-13-103. Owner and drivers to submit vehicles for inspection.

Whenever the driver of a vehicle is directed by a member of the Highway Patrol to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this act, it shall be the duty of such driver to stop and submit to such inspection or test and the failure or refusal to do so is a misdemeanor.
Added by Laws 1961, p. 413, § 13-103, eff. Sept. 1, 1961.

§47-14-101. Scope and effect of chapter – Issuance of annual overweight permits - Movement of certain vehicles at nighttime and on holidays

A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter the limitations except as express authority may be granted in this chapter.

B. The Commissioner of Public Safety is directed to issue annual overweight permits to:

1. Municipalities and rural fire districts for the transportation of firefighting apparatus at no cost to the municipalities or rural fire districts;

2. Owners of implements of husbandry, which includes tractors that are temporarily moved upon a highway at no cost to the owner;

3. Retail implement dealers while hauling implements of husbandry at no cost to the dealer; and

4. Owners of certain vehicles as provided for in Section 14-103G of this title.

C. If a vehicle is issued a license pursuant to Section 1134.4 of this title, the license shall also serve as the overweight permit required by this section.

D. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of

vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

E. All size, weight and load provisions covered by Sections 14-101 through 14-123 of this title shall be subject to a gross vehicle weight limit of ninety thousand (90,000) pounds when applied to a vehicle operating off the National System of Interstate and Defense Highways unless such vehicle is operating in full compliance with an overweight permit issued by the Commissioner of Public Safety.

F. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. The Commissioner of Public Safety, for good cause and consistent with the safe movement of the vehicle, may endorse a permit for the movement of an oversize vehicle to authorize night time travel under such terms and restrictions as the Commissioner may require.

G. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

a. New Year's Day (January 1),
b. Memorial Day (the last Monday in May),
c. The Fourth of July (Independence Day),
d. Labor Day (the first Monday in September),
e. Thanksgiving Day (the fourth Thursday in November), and
f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
b. President's Day, also known as Washington's Birthday (the third Monday in February), and
c. Veteran's Day (November 11).

Added by Laws 1961, p. 413, § 14-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 1, emerg. eff. March 15, 1972; Laws 1973, c. 119, § 1, emerg. eff. May 4, 1973; Laws 1977, c. 55, § 1, emerg. eff. May 16, 1977; Laws 1993, c. 252, § 1, emerg. eff. May 26, 1993; Laws 1998, c. 125, § 1, eff. Nov. 1, 1998; Laws 2002, c. 201, § 1, emerg. eff. May 6, 2002; Laws 2003, c. 199, § 11, eff. Nov. 1, 2003; Laws 2005, c. 62, § 1, eff. Nov. 1, 2005; Laws 2007, c. 324, § 1, eff. July 1, 2008; Laws 2009, c. 59, § 1, eff. Nov. 1, 2009; Laws 2012, c.

227, § 2, emerg. eff. May 8, 2012; Laws 2015, c. 294, § 3, eff. July 1, 2015; Laws 2016, c. 121, § 1, eff. July 1, 2016.

§47-14-102. Repealed by Laws 1972, c. 52, § 5, emerg. eff. March 15, 1972.

§47-14-103. Width, height and length of vehicle and load.

A. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of one hundred two (102) inches excluding:

1. Tire bulge;

2. Approved safety devices;

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title; and

4. Pins used as a safety precaution or as a load-assisting device if the pins do not extend the overall width of the vehicle beyond nine (9) feet. The State of Oklahoma hereby declares it has determined, in accordance with 23 C.F.R., Section 658.15, that such pins are necessary for the safe and efficient operation of motor vehicles.

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. Except as otherwise provided for by this chapter:

1. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet on any county road, or fourteen (14) feet on any turnpike, interstate, U.S. or state highway, unless a greater height is authorized by a special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner in consultation with the Department of Transportation specifying the highways to be used, consistent with public convenience and safety. The prohibitions on movement as prescribed in subsection F of Section 14-101 of this title and paragraph 1 of subsection G of Section 14-101 of this title shall not apply to vehicles operated pursuant to such permits;

2. An official state bridge vertical clearance map providing clearance heights as posted for bridges on the interstate, U.S. and state highway systems shall be available on the Oklahoma Department of Transportation website; and

3. Operators and owners of vehicles which exceed or have loads which exceed thirteen and one-half (13 1/2) feet shall be held liable

for all damages to any part of structures spanning the highway or damages suffered by other affected parties caused by the vehicle or load exceeding the posted height;

C. Except as otherwise provided for by this chapter:

1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

3. a. On the National Network of Highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet;

b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer;

c. On the National Network of Highways the overall length limitation of a towaway trailer transporter combination may exceed length restrictions up to eighty-two (82) feet;

d. As used in this section:

(1) The term "trailer transporter towing unit" shall mean a power unit that is not used to carry

property when operating in a towaway trailer transporter combination, and

(2) The term "towaway trailer transporter combination" shall mean a combination of vehicles consisting of a trailer transporter towing unit and two (2) trailers or semitrailers with a total weight that does not exceed twenty-six thousand (26,000) pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers;

4. No combination of vehicles shall consist of more than two units, except:

a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or

b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet;

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title;

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. The equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of the vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety;

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with

the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title;

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state; and

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner. Such special permit shall be:

a. a single-trip permit issued under the provisions of Section 14-116 of this title, or

b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of Ten Dollars ($10.00) plus any amount as provided by subsection H of Section 14-118 of this title.

Added by Laws 1961, p. 413, § 14-103, eff. Sept. 1, 1961. Amended by Laws 1963, c. 124, § 1, emerg. eff. June 3, 1963; Laws 1965, c. 80, § 1, emerg. eff. May 3, 1965; Laws 1971, c. 199, § 1, emerg. eff. June 8, 1971; Laws 1972, c. 52, § 2, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 2, emerg. eff. May 16, 1977; Laws 1983, c. 181, § 1, emerg. eff. June 9, 1983; Laws 1984, c. 64, § 1, eff. Nov. 1, 1984; Laws 1985, c. 290, § 2, operative July 1, 1985; Laws 1986, c. 47, § 1, eff. Nov. 1, 1986; Laws 1990, c. 315, § 3, eff. July 1, 1990; Laws 1991, c. 156, § 2, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 2, emerg. eff. May 26, 1993; Laws 1995, c. 27, § 3, eff. July 1, 1995; Laws 2000, c. 189, § 5, eff. July 1, 2000; Laws 2000, c. 228, § 2, eff. July 1, 2000; Laws 2002, c. 286, § 1, eff. July 1, 2002; Laws 2003, c. 279, § 7, emerg. eff. May 26, 2003; Laws 2018, c. 8, § 1, eff. Nov. 1, 2018; Laws 2019, c. 277, § 1, eff. Nov. 1, 2019; Laws 2019, c. 335, § 1, eff. July 1, 2019.

NOTE: Laws 2000, c. 151, § 1 repealed by Laws 2000, c. 228, § 3, eff. July 1, 2000.

§47-14-103A. Motor vehicle and manufactured home combinations - Overall length and width - Limitations on movement.

A. No combination of a motor vehicle and manufactured home or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet or a width in excess of eighteen (18) feet while operating on the system of interstate and defense highways. In determining the width of a manufactured home, the overall width shall not exceed the eighteen-foot width limit. Such combination exceeding seventy (70) feet in

length or eight and one-half (8 1/2) feet in width must comply with the provisions of Section 14-118 of this title. A front and rear escort shall be required on the interstate and defense highways for vehicles meeting the parameters of this subsection.

B. If any combination of a motor vehicle and manufactured home or frame thereof exceeds seventy (70) feet in overall length or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours on the system of interstate and defense highways. The towing vehicle must be at least three-fourths-ton rated capacity with dual wheels.

Added by Laws 1965, c. 248, §§ 1, 2, emerg. eff. June 17, 1965. Amended by Laws 1969, c. 313, § 1, emerg. eff. April 29, 1969; Laws 1970, c. 38, § 1, emerg. eff. Feb. 24, 1970; Laws 1971, c. 258, §§ 1, 2, emerg. eff. June 16, 1971; Laws 1976, c. 85, § 1, emerg. eff. May 3, 1976; Laws 1978, c. 81, § 1, eff. Oct. 1, 1978; Laws 1980, c. 125, § 1, emerg. eff. April 16, 1980; Laws 1981, c. 118, § 9; Laws 1984, c. 25, § 1, emerg. eff. March 22, 1984; Laws 1984, c. 270, § 1, eff. Nov. 1, 1984; Laws 1994, c. 127, § 1, eff. Sept. 1, 1994; Laws 1998, c. 125, § 2, eff. Nov. 1, 1998; Laws 2019, c. 140, § 1, eff. Nov. 1, 2019.

§47-14-103B. Automobile transporters - Extension of load - Height.

A. Any automobile transporter vehicle or combination of automobile transporter vehicles operated under the provisions of Section 14-103 of this title may carry an extension of load, the extension not to exceed three (3) feet beyond the front nor more than four (4) feet beyond the rear of the vehicle or combination of vehicles thereof.

B. Any stinger-steered automobile transporter operated under the provisions of Section 14-103 of this title may have an overall length up to eighty (80) feet with an extension of load, with the extension not to exceed four (4) feet beyond the front nor more than six (6) feet beyond the rear of the vehicle or combination of vehicles.

C. No automobile transporter vehicle, unladen or with load, shall exceed a height of fourteen and one-half (14 1/2) feet.

D. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, provided it complies with weight limitations for a truck tractor and semitrailer combination. As used in this section, "backhaul" means the return trip of a vehicle transporting cargo or general freight, including when carrying goods back over all or part of the same route.

Added by Laws 1969, c. 52, § 1, emerg. eff. March 4, 1969. Amended by Laws 1981, c. 8, § 1, emerg. eff. April 1, 1981; Laws 2019, c. 277, § 2, eff. Nov. 1, 2019.

§47-14-103C. Special permits - Movement of houses or buildings.

A. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of a structure in the form of a house or building, including but not limited to industrialized housing as defined in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-four (34) feet in width at the top and twenty-one (21) feet in height. The permit shall specify the highways to be used, consistent with public convenience and safety, as determined by the Commissioner of Public Safety, in consultation with the Department of Transportation. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

B. If any structure or housing described in subsection A of this section has a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

Added by Laws 1978, c. 81, § 2, eff. Oct. 1, 1978. Amended by Laws 1980, c. 265, § 1, emerg. eff. June 9, 1980; Laws 1995, c. 29, § 1, emerg. eff. March 31, 1995; Laws 1998, c. 125, § 3, eff. Nov. 1, 1998; Laws 2003, c. 53, § 1, eff. Nov. 1, 2003; Laws 2004, c. 390, § 10, eff. July 1, 2004; Laws 2011, c. 166, § 1.

§47-14-103D. Permit to transport or move manufactured home.

A. No person shall transport or move a manufactured home on any public road or highway in this state, except as otherwise provided by law, without a permit issued pursuant to the provisions of Sections 14-103A and 14-103C of this title and subsection B of this section, and without a current calendar year decal or current registration or a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title.

B. In addition to the permit information required by the provisions of Sections 14-103A and 14-103C of this title, the permit shall also include the following:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. A legal description or the physical address of the location from which the manufactured home is to be moved;

4. A legal description or the physical address of the location to which the manufactured home is to be moved; and

5. The name of the firm or individual repossessing the manufactured home as it appears on the repossession affidavit, if the movement is for repossession purposes and the repossession affidavit is being used in lieu of current license plate and decal, as provided in subsection E of Section 1113 of this title.

C. Except as otherwise provided by law, the Department of Public Safety shall not issue a permit to any person to transport or move a manufactured home without a current calendar year decal or current registration; provided:

1. Upon proof of possession of a dealer or in-transit license plate, issued by the Oklahoma Tax Commission according to the provisions of subsection D of Section 1128 of this title, the Department of Public Safety shall issue a permit to the holder of such license;

2. The Department shall issue a permit to the holder of a perfected security interest in a manufactured home, or a licensed representative thereof, pursuant to a lawful repossession of the manufactured home, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit; provided, all registration fees, excise taxes or ad valorem taxes due on such home shall be required to be paid within thirty (30) days of the issuance of the permit; and

3. The Department shall issue a permit to transport or move a manufactured home used for commercial purposes during the second through the sixth day of the first month of the following calendar year if the applicant can provide a special waiver and a commercial move affidavit authorized pursuant to Section 2813 of Title 68 of the Oklahoma Statutes. As used in this paragraph, "manufactured home used for commercial purposes" means a manufactured home owned by any lawfully recognized business entity the primary purpose of which is to provide temporary housing for the employees or contractors of such business entity.

D. For the purposes of subsections A and C of this section, a manufactured home registration receipt and Manufactured Home Registration Decal attached to a certificate of title for a manufactured home or receipts and decal as authorized by subsection C of Section 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section 1135 of this title and the Ad Valorem Tax Code.

E. The Department of Public Safety shall notify the Oklahoma Tax Commission, the county assessor of the county from which the manufactured home is to be moved and the county assessor of the county in which the manufactured home is to be moved of any permits issued pursuant to the provisions of this section.

Added by Laws 1984, c. 253, § 4, operative July 1, 1984. Amended by Laws 1985, c. 238, § 1, emerg. eff. July 8, 1985; Laws 1997, c. 192, § 8, eff. Jan. 1, 1998; Laws 2002, c. 417, § 1, eff. July 1, 2002; Laws 2012, c. 269, § 1, eff. Jan. 1, 2013.

§47-14-103E. Notification of issuance of permit.

A. Upon issuance of a permit pursuant to the provisions of Section 14-103D of Title 47 of the Oklahoma Statutes, the Department

of Public Safety shall notify the Oklahoma Tax Commission of the issuance of such permit. The notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

B. Upon notification of issuance of the permit pursuant to subsection A of this section, the Tax Commission shall notify the county assessor of the county in which the manufactured home is to be located, of the issuance of the permit. Such notification shall include the permit information required by subsection B of Section 14-103D of Title 47 of the Oklahoma Statutes.

Added by Laws 1985, c. 238, § 4, emerg. eff. July 8, 1985.

§47-14-103F. Manufactured home used in construction, oil field or seasonal farming activities - Special decals.

Any person, firm or corporation owning a manufactured home used in the course of his construction, oil field or seasonal farming activities, may apply for a special decal allowing such person to transport said manufactured home on the highways of this state, provided this section shall not be construed to waive the permit otherwise required by Sections 14-103A and 14-103C of Title 47 of the Oklahoma Statutes.

Such special decal shall be issued by any motor license agent upon proof that said person, firm or corporation has paid all ad valorem taxes due on such manufactured home for the current tax year. The fee for such special decal shall be Four Dollars ($4.00). Such special decal shall be valid for the taxable year.

Added by Laws 1985, c. 238, § 5, emerg. eff. July 8, 1985.

§47-14-103G. Oversize or overweight load vehicle permits - Annual fleet permits – Permits for movement of oversized portable buildings.

A. 1. The Department of Public Safety may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless otherwise provided by law, permits issued under this subsection shall be subject to the conditions described in paragraphs 2 through 8 of this subsection.

2. Oversize or overweight loads operating under an annual vehicle permit shall not exceed:

a. twelve (12) feet in width,
b. fourteen (14) feet in height,
c. one hundred ten (110) feet in length, or
d. one hundred twenty thousand (120,000) pounds gross weight.

3. Oversize or overweight loads operating under an annual vehicle permit under this subsection shall not transport a load that has more than a twenty-five-foot front overhang, or more than a thirty-foot rear overhang.

4. The fee for an annual vehicle permit shall be Four Thousand Dollars ($4,000.00) and shall be nonrefundable.

5. The annual vehicle permit shall be issued for one (1) calendar year period and shall commence upon the date specified on the permit.

6. An annual vehicle permit issued pursuant to this subsection shall be nontransferable between permittees.

7. The permitted vehicle or vehicle combination shall be registered in accordance with the provisions of Chapter 14 of this title for maximum weight.

8. An annual vehicle permit issued pursuant to this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

a. the permitted vehicle is destroyed or otherwise becomes permanently inoperable to the extent that the vehicle will no longer be utilized, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been surrendered to the Department of Public Safety, or

b. the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof to the Department of Public Safety that the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

9. A permit issued for loads specific to turbine blades, used for the purpose of wind generation, may exceed a length of one hundred ten (110) feet.

B. 1. The Department of Public Safety may issue an annual vehicle permit under this subsection to a specific motor carrier, for the movement of oversize or overweight loads that cannot reasonably be dismantled. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

a. that no more than one vehicle is operating at a time, and

b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

3. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

4. Lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

C. 1. The Department of Public Safety may issue an annual fleet permit under this subsection to an electric utility, regulated by the Corporation Commission or a rural electric cooperative solely for the movement of poles. An annual fleet permit issued under this subsection may be used by any vehicle in the fleet of the permittee provided that a certified copy of the permit is carried in each vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual permit issued pursuant to this subsection shall not exceed:

a. twelve (12) feet in width,

b. fourteen (14) feet in height, or

c. fifty-five (55) feet in length.

3. The annual fee for an annual fleet permit issued pursuant to this subsection shall be Four Thousand Dollars ($4,000.00) and shall be nonrefundable.

4. The annual fleet permit shall be issued for a one-calendar-year period and shall commence upon the date specified on the permit.

5. The annual fleet permit issued under this subsection shall be sent to the permittee via first class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of the issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by an authorized person of the permittee acknowledging that if the original permit is located, the permittee shall either return the original or replacement permit to the Department of Public Safety.

6. A request for replacement of an annual permit issued under the provisions of this subsection shall be denied if the Department of Public Safety can verify the permittee received the original annual permit.

7. Lost, misplaced, damaged, destroyed or otherwise unusable annual permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Public Safety.

8. For the purposes of paragraph 5 of subsection C of Section 14-103 of this title, the term "emergency" means any permitted movement of poles pursuant to the provisions of this subsection that is not for new construction of electric distribution facilities.

D. 1. The Department of Public Safety shall issue an annual vehicle permit under this subsection to a transportation company or manufacturer of portable buildings solely for the movement of oversize portable buildings for a specific manufacturer of portable buildings. An annual vehicle permit issued under this subsection may not be transferred from one vehicle to another vehicle in the fleet. The name of the manufacturer shall be on the permit and on any portable building being moved. The original certified permit shall be carried in the vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed:

a. twelve (12) feet in width at the wall with no more than a three-inch-eave overhang, or

b. fourteen (14) feet in height.

3. The total gross weight of oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed forty-five thousand (45,000) pounds.

4. The tow vehicle shall be limited to two axles, and the vehicle identification number of the vehicle shall be on the permit.

5. The fee for an annual vehicle permit issued pursuant to this subsection shall be Five Hundred Dollars ($500.00) and shall be nonrefundable.

6. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,

b. a request for replacement is submitted to the Department of Public Safety within ten (10) business days after the original date of issuance of the permit, and

c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Public Safety.

7. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Public Safety can verify that the permittee received the original annual vehicle permit.

8. A lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permit shall be replaced for a fee of Twenty-five Dollars ($25.00).

Added by Laws 2009, c. 59, § 2, eff. Nov. 1, 2009. Amended by Laws 2009, c. 293, § 1, eff. Nov. 1, 2009; Laws 2013, c. 221, § 1, eff. July 1, 2013; Laws 2014, c. 239, § 1, emerg. eff. May 9, 2014.

§47-14-104. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-105. Loads on vehicles.

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

C. This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

Added by Laws 1961, p. 414, § 14-105, eff. Sept. 1, 1961. Amended by Laws 1967, c. 285, § 1, emerg. eff. May 8, 1967; Laws 1979, c. 284, § 2, eff. July 1, 1979; Laws 2010, c. 281, § 1, eff. Nov. 1, 2010.

§47-14-106. Trailers and towed vehicles.

Every trailer, or semitrailer, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, or semitrailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer or semitrailer except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with stay chains or cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

Added by Laws 1961, p. 415, § 14-106, eff. Sept. 1, 1961.

§47-14-107. Definitions.

As used in this chapter:

1. "Axle load" means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle;

2. "Tandem axle" means any two or more consecutive axles whose centers are more than forty (40) inches apart, but not more than ninety-five (95) inches apart;

3. "Split tandem axle" means any group of two or more consecutive axles where the center of any two adjacent axles exceeds ninety-five (95) inches, but does not exceed one hundred twenty (120) inches;

4. "Nondivisible" means any load or vehicle exceeding applicable length or weight which, if separated into smaller loads or vehicles, would:

a. compromise the intended use of the vehicle,

b. destroy the value of the load or vehicle, or

c. require more than eight (8) hours to dismantle using appropriate equipment;

5. "Dual lane axles" also known as "trunnion axles" means an axle configuration with two individual axles mounted in the same transverse plane, with four tires on each axle, connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle; and

6. "Dual lane axles group" also known as "trunnion axle group" means two or more consecutive trunnion axles that are individually

attached to, and/or articulated from, the vehicle, and may include a weight equalizing suspension system.
Added by Laws 1961, p. 415, § 14-107, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 3, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 3, emerg. eff. May 16, 1977; Laws 1999, c. 285, § 1, emerg. eff. May 27, 1999; Laws 2010, c. 281, § 2, eff. Nov. 1, 2010; Laws 2019, c. 317, § 1.

§47-14-109. Single-axle load limit - Gross weight of vehicle and load - Exceptions - Additional fees - "Utility vehicle" defined.

A. On any road or highway:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and

2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value calculated in accordance with the Federal Bridge formula imposed by 23 U.S.C., Section 127.

B. Except as to gross limits, the formula of this section shall not apply to a truck-tractor and dump semitrailer when used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds. Any vehicle operating with split tandem axles or tri-axles shall adhere to the formula.

C. Except for loads moving under special permits as provided in this title, no department or agency of this state or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this state.

D. 1. An annual special overload permit may be purchased for vehicles transporting rock, sand, gravel, coal, flour, timber, pulpwood, and chips in their natural state, oil field fluids, oil field equipment or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed, any other raw agricultural products, and any other unprocessed agricultural products, if the following conditions are met:

a. the vehicles are registered for the maximum allowable rate,

b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,

c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,

d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and

e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars ($350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or

b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and

b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways;

2. A combination of a wrecker or tow vehicle and another vehicle or vehicle combination if:

a. the service provided by the wrecker or tow vehicle is needed to remove disabled, abandoned, or accident-damaged vehicles, and

b. the wrecker or tow vehicle is towing the other vehicle or vehicle combination directly to the nearest appropriate place of repair, terminal, or vehicle storage facility;

3. A vehicle operating pursuant to the provisions of paragraph 2 of this subsection will not be allowed to operate on the National System of Interstate and Defense Highways unless it is a covered heavy-duty tow and recovery vehicle that:

a. is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and

b. has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported; and

4. On the interstate highway system a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations with a vehicle weight limit up to a maximum gross vehicle weight of eighty-six thousand (86,000) pounds with less than:

a. twenty-four thousand (24,000) pounds on a single steering axle,

b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,

c. sixty-two thousand (62,000) pounds on a tandem axle, or

d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

G. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an additional four hundred (400) pounds total to the total gross weight limits set by this section.

2. To be eligible for the exception provided in this subsection, the operator of the vehicle must obtain written proof or certification of the weight of the auxiliary power or idle reduction technology unit and be able to demonstrate or certify that the idle reduction technology is fully functional.

3. Written proof or certification of the weight of the auxiliary power or idle reduction technology unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed four hundred (400) pounds or the actual proven or certified weight of the unit, whichever is less.

H. On the Interstate Highway System, a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided, or "nondivisible".

I. Utility, refuse collection vehicles or a combination of a wrecker or tow vehicle as described in paragraphs 1 and 2 of subsection F of this section operating under exceptions shall purchase an annual special overload permit from the Department of Public Safety for One Hundred Dollars ($100.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

Added by Laws 1961, p. 415, § 14-109, eff. Sept. 1, 1961. Amended by Laws 1969, c. 307, § 1, emerg. eff. April 28, 1969; Laws 1972, c. 52, § 4, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 4, emerg. eff. May 16, 1977; Laws 1985, c. 155, § 1, emerg. eff. June 11, 1985; Laws 1985, c. 179, § 62, operative July 1, 1985; Laws 1986, c. 279, § 22, operative July 1, 1986; Laws 1987, c. 6, § 5, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 2, emerg. eff. July 5, 1987; Laws 1990, c. 108, § 1, operative July 1, 1990; Laws 1995, c. 221, § 1, eff. July 1, 1995; Laws 1996, c. 106, § 1, eff. Nov. 1, 1996; Laws 1998, c. 289, § 1, emerg. eff. May 27, 1998; Laws 2001, c. 84, § 1, eff. Nov. 1, 2001; Laws 2001, c. 263, § 1, eff. July 1, 2001; Laws 2002, c. 286, § 2, eff. July 1, 2002; Laws 2007, c. 324, § 2, eff. Nov. 1, 2007; Laws 2008, c. 69, § 2, eff. Nov. 1, 2008; Laws 2009, c. 102, § 1, eff. Nov. 1, 2009; Laws 2014, c. 22, § 1, eff. July 1, 2014; Laws 2014, c. 296, § 1, eff. July 1, 2014; Laws 2015, c. 52, § 1, eff. Nov. 1, 2015; Laws 2018, c. 52, § 1, eff. July 1, 2018; Laws 2019, c. 166, § 1, eff. July 1, 2019; Laws 2019, c. 317, § 2.

§47-14-109.1. Load overweight violations not to be recorded as traffic offenses under certain conditions.

Motor vehicle load overweight violations shall not be recorded as traffic offenses on the driving record of the operator of the vehicle, unless the operator is the owner of the vehicle, or the owner of a majority of the stock of any company which is the owner of the vehicle, on which the violation occurs.

Laws 1977, p. 1004, S.J.R.No.33, § 1.

§47-14-109.2. Weighing as single draft.

A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, any vehicle or combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end of the vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or combination of vehicles. Provided, however, that when a vehicle or combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate". Provided further, that any one truck and semitrailer or truck-tractor/semitrailer

combination may tow one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm, such single axle and gross weight limits provided for by Section 14-109 of this title applying fully herein.

B. This section shall not be construed to allow or permit any vehicle or combination of vehicles to exceed:

1. The axle load limit, as prescribed in Section 14-109 of this title, of twenty thousand (20,000) pounds per single axle; or

2. The tandem axle weight, as prescribed in Sections 14-101 and 14-109 of this title; or

3. The overall gross vehicle weight of eighty thousand (80,000) pounds for vehicles or ninety thousand (90,000) pounds for longer combination vehicles as defined in U.S. Code 23, Section 127, operating on the Dwight D. Eisenhower System of Interstate and Defense Highways in accordance with the provisions of Section 14-118 of this title; or

4. The total overall gross weight of ninety thousand (90,000) pounds for all other highways in this state, except those highways prescribed in Section 14-113 of this title.

Added by Laws 1961, p. 4, § 1, emerg. eff. March 7, 1961. Amended by Laws 1995, c. 27, § 6, eff. July 1, 1995. Renumbered from § 127.1 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995. Amended by Laws 1996, c. 229, § 1, eff. July 1, 1996.

§47-14-109.3. Exemption for vehicles fueled by compressed or liquefied natural gas

A. A motor vehicle, if operated by an engine fueled wholly or partially by compressed or liquefied natural gas, may exceed the gross vehicle weight limits and any axle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between:

1. The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

2. The weight of a comparable diesel tank and fueling system.

B. The weight exemption allowed under this section shall extend to all state roads and also to interstate highways per the exemption expressly permitted under section 127(s) of Title 23 of the United States Code, as amended by Section 1410 of the Fixing America's Surface Transportation Act of 2015.

Added by Laws 2016, c.65, § 1, eff. July 1, 2016.

§47-14-110. Carrying registration certificate - Inspection.

The registration certificate for any truck, trailer, semitrailer or combination thereof shall be carried in or on the vehicle at all times and shall be presented on demand of any officer of the Department of Public Safety, Oklahoma Corporation Commission, or any sheriff for inspection, and it shall be accepted in any court as

prima facie evidence of weight registration or legally authorized load limit of the vehicle.
Added by Laws 1961, p. 416, § 14-110. Amended by Laws 2004, c. 522, § 6, eff. July 1, 2004.

§47-14-111. Weighing vehicles - Compelling unloading - Certificates - Bills of sale - Proof of ownership - Impounding.

A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. Any officer weighing a vehicle pursuant to this section by means of portable scales shall allow the driver of the vehicle to move the vehicle to the most level weighing area available within two (2) miles of the stop. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

B. The operator of any truck or other vehicle transporting farm products for hire or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; Corporation Commission permit number; and statement of owner authorizing transportation of the products by above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock.

Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

Added by Laws 1961, p. 416, § 14-111, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 4, eff. Nov. 1, 2001; Laws 2004, c. 522, § 7, eff. July 1, 2004; Laws 2010, c. 118, § 1, eff. July 1, 2010; Laws 2010, c. 363, § 1, emerg. eff. June 7, 2010; Laws 2011, c. 119, § 1; Laws 2012, c. 249, § 2, eff. July 1, 2012.

§47-14-112. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-113. When the department of highways or local authorities may restrict right to use highways.

The Director of the Department of Transportation with respect to highways on the state highway system, or local authorities with respect to highways under their jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may prohibit the operation of vehicles on any such highways, or impose restrictions as to the weights of vehicles to be operated upon any state or federal highway or any detour established for such highways, or for any bridge located upon such highways or detours, whenever any such highway, detour or bridge by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway, detour, bridge, or portion thereof affected by such action, and the Department of Public Safety has been notified. The purpose of this provision with respect to local authorities is to give such authorities an opportunity to prevent or

minimize an immediate threat of serious harm or destruction to any highway, detour or bridge under their jurisdiction due to rain, snow or other climatic conditions. Nothing stated herein shall be construed to grant local authorities the right to issue permits designed to regulate the use of overweight vehicles upon highways subject to their jurisdiction, and the issuance of such permits is expressly prohibited.
Added by Laws 1961, p. 417, § 14-113. Amended by Laws 2001, c. 249, § 8, eff. July 1, 2001.

§47-14-114. Liability for damage to highway or structure.

(a) The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

(b) The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter regulating the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.
Laws 1961, p. 417, § 14-114.

§47-14-115. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-116. Permit fees - Escrow account system - Applications - Emergencies - Provisional permits - Violations - Disposition and allocation of proceeds

A. The Commissioner of Public Safety shall charge a minimum permit fee of Forty Dollars ($40.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Commissioner shall charge a fee of Ten Dollars ($10.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection H of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Restricted Revolving Fund.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

D. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. Any permit issued for a truck or truck-tractor operating in combination with a trailer or a semitrailer shall contain only the license plate number for the truck or truck-tractor if the permittee provides to the Department a list containing the license plate number, and such other information as the Department may prescribe by rule, for each trailer or semitrailer which may be used for movement with the permit. When the permittee provides the list described in this subsection, the license plate number for any trailer or semitrailer to be moved with the permit shall not be included on the

permit; provided, a trailer or semitrailer which is not on the list shall not be authorized to be used for movement with the permit. It shall be the responsibility of the permittee to ensure the list provided to the Department is maintained and updated with any fleet changes. The Department shall adopt any rules deemed necessary to administer the provisions of this subsection.

G. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser.

H. Except as provided in Section 14-122 of this title, the first One Million Two Hundred Sixteen Thousand Dollars ($1,216,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be apportioned as provided in Section 1104 of this title. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the next Two Million One Hundred Fifty Thousand Dollars ($2,150,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of training the Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2017, and all subsequent years, the next One Million Five Hundred Thousand Dollars ($1,500,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Three Million Three Hundred Sixty-six Thousand Dollars ($3,366,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement. For the fiscal year beginning July 1, 2017, and all subsequent years, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Two Million Seven Hundred Sixteen Thousand Dollars ($2,716,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

Added by Laws 1961, p. 418, § 14-116, eff. Sept. 1, 1961. Amended by Laws 1965, c. 364, § 5, emerg. eff. July 1, 1965; Laws 1967, c. 369, § 2, emerg. eff. May 22, 1967; Laws 1969, c. 171, § 1, eff. July 1, 1969; Laws 1970, c. 315, § 1, emerg. eff. April 27, 1970; Laws 1971, c. 75, § 1, emerg. eff. April 13, 1971; Laws 1972, c. 230, § 1, emerg. eff. April 7, 1972; Laws 1974, c. 292, § 1, emerg. eff. May 29, 1974; Laws 1975, c. 308, § 1, emerg. eff. June 7, 1975; Laws 1976, c. 241, § 10, emerg. eff. June 15, 1976; Laws 1977, c. 248, § 13, emerg. eff. June 15, 1977; Laws 1978, c. 270, § 9, emerg. eff. May 10, 1978; Laws 1979, c. 243, § 12, emerg. eff. June 1, 1979; Laws 1980, c. 343, § 10, emerg. eff. June 25, 1980; Laws 1981, c. 264, § 11, emerg. eff. June 25, 1981; Laws 1982, c. 352, § 15, operative July 1, 1982; Laws 1983, c. 286, § 26, operative July 1, 1983; Laws 1984, c. 160, § 1, eff. Nov. 1, 1984; Laws 1985, c. 179, § 63, operative July 1, 1985; Laws 1985, c. 305, § 11, emerg. eff. July 24, 1985; Laws 1986, c. 279, § 23, operative July 1, 1986; Laws 1987, c. 5, § 159, emerg. eff. March 11, 1987; Laws 1993, c. 243, § 54, eff. Sept. 1, 1993; Laws 1994, c. 391, § 1, eff. Jan. 1, 1995; Laws 1995, c. 308, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 25, eff. Nov. 1, 2002; Laws 2007, c. 144, § 1, eff. July 1, 2008; Laws 2010, c. 428, § 1, eff. July 1, 2010; Laws 2012, c. 218, § 1, eff. July 1, 2012; Laws 2012, c. 283, § 10, eff. July 1, 2012; Laws 2016, c. 121 § 2, eff. July 1, 2016; Laws 2016, c. 373, § 3, eff. July 1, 2016.

§47-14-116a. Transportation of manufactured home without permit - Penalties.

Any person, firm, or corporation who moves or transports any load or manufactured home without a permit issued by the Department of Public Safety as required by the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars ($500.00);

2. For the second such violation, by a fine of One Thousand Dollars ($1,000.00); and

3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).

The permit shall be carried by the operator of the vehicle moving or transporting the load or manufactured home and shall be available for inspection by any law enforcement officer. If said operator is found not to possess a permit, the load or manufactured home shall not continue to be moved or transported. Thereafter, the load or manufactured home shall not be moved or transported further except by the operator of a vehicle moving or transporting the load or manufactured home who is in possession of a permit authorizing the movement of the load or manufactured home.

Added by Laws 1985, c. 238, § 6, emerg. eff. July 8, 1985. Amended by Laws 2004, c. 390, § 11, eff. July 1, 2004.

§47-14-117. Repealed by Laws 1984, c. 49, § 4, operative July 1, 1984.

§47-14-118. Motor carriers - Permits - Oklahoma Load Limit Map - Saddlemounts - Exemptions and restrictions - Driveaway permits.

A. 1. Pursuant to such rules as may be prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the Transportation Commission shall formulate, for the State Trunk Highway System, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of this chapter.

2. Such rules shall be the basis for the development of a system by the Commissioner of Public Safety for the issuance of permits for the movement of oversize or overweight vehicles or loads. Such system shall include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices, and other such items as may be consistent with the intent of this section. The permit system shall include provisions for the collection of permit fees as well as for the issuance of the permits by telephone, electronic transfer or such other methods of issuance as may be deemed feasible.

3. The Department of Public Safety is authorized to charge a fee of Two Dollars ($2.00) for each permit requested to be issued by facsimile machine or by any other means of electronic transmission, transfer or delivery. The fee shall be in addition to any other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund and the monies shall be expended by the Department solely for the purposes provided for in this chapter.

4. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

a. protection of the motoring public from potential traffic hazards,

b. protection of highway surfaces, structures, and private property, and

c. provision for normal flow of traffic with a minimum of interference.

B. The Transportation Commission shall prepare and publish a map of the State of Oklahoma showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of the printed version of the Oklahoma Load Limit Map. This map shall also be made available by the Department of Transportation on the Internet, and in no event shall a period of six (6) months lapse between revisions of the information provided on the Internet. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of the State of Oklahoma showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

C. The Commissioner of Public Safety, or an authorized representative, shall have the authority, within the limitations formulated under provisions of this chapter, to issue, withhold or revoke special permits for the operation of vehicles or combinations of vehicles or loads which exceed the size or weight limitations of this chapter. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

D. It shall be permissible in the transportation of empty trucks on any road or highway to tow by use of saddlemounts; i.e., mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such towed vehicle in contact with the roadway. One vehicle may be fullmounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddlemounts may be permitted in such combinations. The towed vehicles shall be securely fastened and operated under the applicable safety requirements of the United States Department of Transportation and such combinations shall not exceed an overall length of seventy-five (75) feet. Provided, a driveaway saddlemount with fullmount vehicle transporter combination may reach an overall length of ninety-seven (97) feet on the National Network of Highways.

E. The Commissioner of Public Safety, upon application of any person engaged in the transportation of forest products in the raw state, which is defined to be tree-length logs moving from the forest directly to the mill, or upon application of any person engaged in the hauling for hire or for resale, of round baled hay with a total outside width of eleven (11) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars ($25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the

National System of Interstate and Defense Highways. Provided, however, the restriction on use of the National System of Interstate and Defense Highways shall not be applicable to persons engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less.

F. The Commissioner of Public Safety, upon application of any person engaged in the transportation of overwidth or overheight equipment used in soil conservation work with a total outside width of twelve (12) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars ($25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways.

G. Farm equipment including, but not limited to, implements of husbandry as defined in Section 1-125 of this title shall be exempted from the requirement for special permits due to size. Such equipment may move on any highway, except those highways which are part of the National System of Interstate and Defense Highways, during the hours of darkness and shall be subject to the requirements as provided in Section 12-215 of this title. In addition to those requirements, tractors pulling machinery over thirteen (13) feet wide must have two amber flashing warning lamps symmetrically mounted, laterally and widely spaced as practicable, visible from both front and rear, mounted at least thirty-nine (39) inches high.

H. Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self-propelled or drawn carrying no load other than component parts safely secured to the machinery and its own weight, but which is overweight by any provisions of this chapter, shall be authorized to move on the highways of the State of Oklahoma. Movement of such vehicles shall be authorized on the Federal Interstate System of Highways only by special permit secured from the Commissioner of Public Safety or an authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight restrictions will not be violated. The special permit shall be:

1. A single-trip permit issued under the provisions of this section and Section 14-116 of this title; or

2. A special annual overweight permit which shall be issued for one calendar year period upon payment of a fee of Sixty Dollars ($60.00).

The weight of any such vehicle shall not exceed six hundred fifty (650) pounds multiplied by the nominal width of the tire. The vehicle shall be required to carry the safety equipment adjudged necessary for the health and welfare of the driving public. If any oversized vehicle does not come under the other limitations of the present laws, it shall be deemed that the same shall travel only between the hours of sunrise and sunset. The vehicle, being

overweight but of legal dimension, shall be allowed continuous travel. The vehicles, except special mobilized machinery, shall be exempt from the laws of this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem taxes.

I. 1. When such machinery has a width greater than eight and one-half (8 1/2) feet, or a length, exclusive of load, of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, and may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

2. Possession of a permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt owners or operators of such equipment from the responsibility for damage to highways caused by movement of the equipment. Nothing in this subsection shall apply to machinery used in highway construction or road material production.

3. Upon the issuance of a special mobilized machinery driveaway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movements shall be issued by the Commissioner of Public Safety, who may act through designated agents, upon the payment of a fee in the amount of Fifteen Dollars ($15.00) for each movement.

4. The size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of sixty (60) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.

5. When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

6. Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt the owners or operators of such equipment from the responsibility for damage to highways caused by the movement of such equipment.

Added by Laws 1972, c. 56, § 1, emerg. eff. March 20, 1972. Amended by Laws 1977, c. 55, § 5, emerg. eff. May 16, 1977; Laws 1980, c. 125, § 2, emerg. eff. April 16, 1980; Laws 1980, c. 265, § 2, emerg. eff. June 9, 1980; Laws 1985, c. 290, § 3, operative July 1, 1985; Laws 1987, c. 232, § 1, emerg. eff. July 5, 1987; Laws 1991, c. 156, § 3, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 3, emerg. eff. May 26, 1993; Laws 1995, c. 308, § 2, eff. July 1, 1996; Laws 1996, c. 220, § 1, emerg. eff. May 23, 1996; Laws 1998, c. 125, § 4, eff. Nov. 1, 1998; Laws 2000, c. 189, § 6, eff. July 1, 2000; Laws 2001, c. 309, § 5, eff. Nov. 1, 2001; Laws 2002, c. 397, § 26, eff. Nov. 1, 2002; Laws 2006, c. 65, § 1, emerg. eff. April 17, 2006; Laws 2007, c. 55, § 1, eff. Nov. 1, 2007; Laws 2011, c. 153, § 1, eff. Nov. 1, 2011; Laws 2012, c. 162, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 30, emerg. eff. April 8, 2013; Laws 2014, c. 239, § 2, emerg. eff. May 9, 2014.
NOTE: Laws 1980, c. 127, § 1 repealed by Laws 1980, c. 265, § 3, emerg. eff. June 9, 1980. Laws 2012, c. 283, § 11 repealed by Laws 2013, c. 15, § 31, emerg. eff. April 8, 2013.

§47-14-118.1. Multi-state oversize and overweight permits.

The Department of Transportation is authorized to enter into agreements with governmental entities outside this state for the issuance of regional and national oversize and overweight permits for single-trip nondivisible loads. The Commissioner of Public Safety shall adopt rules necessary to implement the agreements and shall issue multi-state permits for single-trip nondivisible loads in accordance with the terms of the agreements and shall receive and remit permit fees from a Department of Public Safety special account in accordance with the agreements and state law.
Added by Laws 1995, c. 122, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 324, § 5.

§47-14-119. Load capacity violations - Penalties.

Any common, contract, or private motor carrier or any shipper, firm, corporation, or other person who willfully or knowingly transports a load having a capacity greater than the axle or gross weights authorized by statute or by special permit pursuant to the provisions of Sections 14-116 and 14-118 of this title, or who loads or causes or requires a vehicle to be loaded to said capacity, upon conviction, is guilty of a misdemeanor and shall be subject to the penalties and fines provided for in Section 172 of Title 47 of the Oklahoma Statutes or to a fine in the amount provided for in Sections 1115.2 and 1115.3 of Title 22 of the Oklahoma Statutes.
Added by Laws 1984, c. 49, § 1, operative July 1, 1984. Amended by Laws 1995, c. 27, § 4, eff. July 1, 1995.

§47-14-120. Movement of certain manufactured items - Limitations - Permits - Fees - Escorts.

A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as defined in subsection B of Section 14-103A of this title, exceeding sixteen (16) feet but not exceeding twenty-three (23) feet in width traveling:

1. From a point of manufacture in the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state; or

2. From a point of manufacture outside the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U.S. highway in Oklahoma. Provided, however, the Commissioner of Public Safety is authorized to allow such items in excess of twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further, that no such load in excess of the limitations set forth in the applicable United States Code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Public Safety for a special movement permit on an application form prescribed by the Department. Upon approval of the application by the Department, a special movement permit shall be issued for a fee of Five Hundred Dollars ($500.00). Except as provided in Section 4 of this act, monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section 14-116 of this title.

C. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of Public Safety.

Added by Laws 1971, c. 129, § 3, eff. May 5, 1971. Amended by Laws 1972, c. 156, § 1, eff. April 7, 1972; Laws 1984, c. 160, § 2, eff. Nov. 1, 1984. Renumbered from Title 47, § 116.21 by Laws 1984, c. 160, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 5, § 160, emerg. eff. March 11, 1987; Laws 1987, c. 91, § 1, eff. Nov. 1, 1987; Laws 1995, c. 27, § 5, eff. July 1, 1995; Laws 2010, c. 428, § 2, eff. July 1, 2010.

§47-14-120.1. Vehicles 12 or more feet wide to be escorted.

A. Any vehicle or combination of vehicles with an outside width that exceeds twelve (12) feet operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of this title, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Public Safety.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department of Public Safety as an escort vehicle operator.

C. Any person not required to be certified by the Department of Public Safety as an escort vehicle operator may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer.

The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators.

D. The Commissioner of Public Safety shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

E. The Commissioner of Public Safety is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states.

Added by Laws 1998, c. 423, § 2. Amended by Laws 2001, c. 130, § 1, emerg. eff. April 24, 2001; Laws 2011, c. 330, § 1.

§47-14-120.2. Law enforcement escort – Transport of oversized load or hazardous shipment by road or rail – Fees.

A. Every person required by the Department of Transportation, the Oklahoma Turnpike Authority, or any federal agency or commission to have a law enforcement escort provided by the Oklahoma Highway Patrol Division of the Department of Public Safety for the transport of any oversized load or hazardous shipment by road or rail shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

B. If the Highway Patrol provides an escort to accompany the transport of an oversized load or hazardous shipment by road or rail at the request of any person that is not required to have a law enforcement escort pursuant to subsection A of this section, then the requestor shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

C. The Department of Public Safety shall adopt a schedule of fees necessary to implement this section.

D. All fees collected by the Department pursuant to this section shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund.
Added by Laws 2004, c. 390, § 12, eff. July 1, 2004. Amended by Laws 2012, c. 283, § 12, eff. July 1, 2012.

§47-14-121. Special combination vehicles - Permits.

A. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Public Safety. Such permit may be issued for operation upon Federal Aid Interstate Highways or four-lane divided Federal Aid Primary Highways and for access or egress between points of origin or destination.

B. The Commissioner of Public Safety shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of Two Hundred Forty Dollars ($240.00) for each such permit issued. Except as provided in Section 4 of this act, fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

C. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than twenty-nine (29) feet nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-109 and 14-116 of this title.
Added by Laws 1986, c. 37, § 1, eff. Sept. 1, 1986. Amended by Laws 1987, c. 5, § 161, emerg. eff. March 11, 1987; Laws 2010, c. 428, § 3, eff. July 1, 2010.

§47-14-122. Apportionment of fees.

A. Notwithstanding the provisions of Section 1104 of Title 47 of the Oklahoma Statutes, the first Twenty Million Dollars ($20,000,000.00) of the following fees shall be deposited in the General Revenue Fund to be apportioned as follows:

1. Twenty Dollars ($20.00) of any fee collected for a minimum permit fee pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

2. Five Dollars ($5.00) of any fee collected for excess weight pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

3. Two Hundred Fifty Dollars ($250.00) of any fee collected pursuant to Section 14-120 of Title 47 of the Oklahoma Statutes; and

4. One Hundred Twenty Dollars ($120.00) of any fee collected pursuant to Section 14-121 of Title 47 of the Oklahoma Statutes.

B. Any fees collected pursuant to Sections 14-116, 14-120 and 14-121 of Title 47 of the Oklahoma Statutes that are in excess of

Twenty Million Dollars ($20,000,000.00) shall be apportioned as otherwise provided for in the sections specified in this subsection.
Added by Laws 2010, c. 428, § 4, eff. July 1, 2010.

§47-14-123. Roads and highways - Size, weight, and speed regulations.

Any motor vehicle of any size, except those motor vehicles regulated pursuant to Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, meeting the legal requirements for safety equipment and licensed to operate on public roadways in this state shall be allowed to operate in accordance with all size, weight and speed regulations on any road or highway in this state including the National System for Interstate and Defense Highways.
Added by Laws 2011, c. 174, § 1.

§47-14-124. Commercial class A license - Hazardous material endorsement exception.

Any person driving under a commercial class A license shall not be required to obtain a hazardous material endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation; and
2. Operating a service vehicle that is:
   a. transporting diesel in a quantity of three thousand seven hundred and eight-five (3,785) liters, or one thousand (1,000) gallons or less, and
   b. clearly marked with a "flammable" or "combustible" placard, as appropriate.

Added by Laws 2018, c. 54, § 1, emerg. eff. April 18, 2018.

§47-14-125. Agricultural vehicles – Exempt from electronic logging devices.

A. Agricultural motor vehicles engaged in intrastate commerce shall be exempt from the requirement for electronic logging devices and hours of services as mandated by Section 32301(b) of the U.S. Commercial Motor Vehicle Safety Enhancement Act.

B. For the purposes of this section, agricultural vehicles shall include, but are not limited to, single axel trucks with a gooseneck or bumper pull trailer for the purpose of hauling horses or livestock, and trailers with living quarters.
Added by Laws 2018, c. 265, § 1, eff. July 1, 2018.
NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-14-126. High-wide corridors.

A. As used in this section:

1. "Affected area" means the entire width of the right-of-way of the route extended to a height of twenty-three (23) feet above the roadway;

2. "High-wide load" means a motor vehicle transporting property on any portion of a route where the vehicle exceeds the limitations on size imposed by Section 14-103 of Title 47 of the Oklahoma Statutes and no portion of the motor vehicle or the transported property has a greater width than twenty-eight (28) feet or a greater height than twenty-three (23) feet; and

3. "Political subdivision" means a city, village, town or county.

B. The following routes through Oklahoma are designated as Oklahoma high-wide corridors:

1. US-83, commencing at the Texas border and ending at the Kansas border; and

2. a. commencing at the intersection of US-83 and US-270, proceeding east on US-270 to SH-51,
   b. at the intersection of US-270 and SH-51, proceeding east on SH-51 to US-77,
   c. at the intersection of SH-51 and US-77, proceeding north on US-77 to US-64,
   d. at the intersection of US-77 and US-64, proceeding east on US-64 to SH-108,
   e. at the intersection of US-64 and SH-108, proceeding south on SH-108 to SH-51,
   f. at the intersection of SH-108 and SH-51, proceeding east on SH-51 to SH-97, and
   g. at the intersection of SH-51 and SH-97, proceeding north on SH-97 and ending at East 21st Street; and

3. a. commencing at the intersection of SH-51 and SH-99, proceeding north on SH-99 to US-60,
   b. at the intersection of SH-99 and US-60, proceeding west on US-60 to SH-18, and
   c. at the intersection of US-60 and SH-18, proceeding north on SH-18 and ending at the Kansas border; and

4. a. US-169, commencing at the Kansas border and proceeding south on US-169 to SH-266, and
   b. at the intersection of US-169 and SH-266, proceeding east on SH-266 and ending at SH-66; and

5. a. commencing at the intersection of SH-51 and SH-351, proceeding south and east on SH-51 to US-69,
   b. at the intersection of SH-51 and US-69, proceeding north on US-69 to US-60, and
   c. at the intersection of US-69 and US-60 (2.5 mi. NE of Afton), proceeding east on US-60 and ending at the Arkansas border; and

6. US-183, commencing at the Texas border and proceeding north on US-183 and ending at the intersection of SH-51; and

7. a. commencing at the intersection of US-183 and SH-9, proceeding east on SH-9 to SH-146,
   b. at the intersection of SH-9 and SH-146, proceeding north on SH-146 to SH-152,
   c. at the intersection of SH-146 and SH-152, proceeding east on SH-152 to US-81,
   d. at the intersection of SH-152 and US-81, proceeding south on US-81 to SH-37,
   e. at the intersection of US-81 and SH-37, proceeding east on SH-37 to SH-4,
   f. at the intersection of SH-37 and SH-4, proceeding north on SH-4 to SH-152, and
   g. at the intersection of SH-152 and SH-4, proceeding east on SH-152 and ending at MacArthur Boulevard; and

8. a. commencing at the intersection of US-270 and US-412, proceeding east on US-412 to SH-132,
   b. at the intersection of US-412 and SH-132, proceeding north on SH-132 to SH-45,
   c. at the intersection of SH-132 and SH-45, proceeding east on SH-45 to US-64,
   d. at the intersection of SH-45 and US-64, proceeding north on US-64 to US-60,
   e. at the intersection of US-64 and US-60, proceeding east on US-60 to SH-74,
   f. at the intersection of US-60 and SH-74, proceeding south on SH-74 to SH-15,
   g. at the intersection of SH-74 and SH-15, proceeding east on SH-15 to US-77,
   h. at the intersection of SH-15 and US-77, proceeding south on US-77 to SH-15,
   i. at the intersection of US-77 and SH-15, proceeding east on SH-15 to US-177,
   j. at the intersection of SH-15 and US-177, proceeding south on US-177 to US-64,
   k. at the intersection of US-177 and US-64, proceeding east on US-64 to SH-108, and
   l. at the intersection of US-64 and SH-108, proceeding south on SH-108 and ending at SH-51.

C. No person shall operate a high-wide load on the route described without a permit from the Department of Public Safety.

D. Exclusive of incorporated municipal limits, no person may install any structure within the affected area without a permit from the Department of Transportation.

E. Upon the effective date of this section, and exclusive of incorporated municipal limits, no person may do any of the following within the affected area:

1. Install any permanent structure without the authorization of the Department of Transportation; or

2. Take any action that would make any portion of the affected area permanently unavailable for use by a high-wide load.

F. The Department of Transportation shall create additional design standards for improvements to the Oklahoma high-wide routes to prevent interference from permanent structures. These standards shall:

1. Maintain a minimum eighteen feet and zero inches (18'-0") vertical clearance above the road surface for all future overhead obstructions. Where bridges cross over the Oklahoma high-wide routes, they shall be designed, where possible, to allow for high-wide loads to quickly egress and ingress around the bridge utilizing on- and off-ramps;

2. Require all future overhead signage to be of cantilever design, where possible, to allow high-wide loads to shift lanes to prevent interference; and

3. Require all future bridge design or construction on the Oklahoma high-wide routes to accommodate a three hundred fifteen thousand (315,000) pound gross vehicle weight, single-lane design vehicle.

G. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads regarding the allocation of costs and provision of services related to removing permanent structures that interfere with the use of any portion of the affected area by high-wide loads.

H. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads to provide timely vehicle escorts for persons using the high-wide route for high-wide loads.

Added by Laws 2018, c. 53, § 1, eff. Nov. 1, 2018.

NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-15-101. Provisions uniform throughout state.

The provisions of Chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of such chapters unless expressly authorized herein. Local authorities may, however, adopt additional

traffic regulations which are not in conflict with the provisions of such chapters.
Laws 1961, p. 418, § 15-101.

§47-15-101.1. Jurisdiction of cities and towns to regulate traffic on boundary lines.

Any city or town may promulgate, adopt and enforce ordinances governing and regulating the operation of motor vehicles and other traffic upon roads, streets and highways that form the boundary line of such city or town, subject to the provisions of Section 15-101 et seq. of this title.
Added by Laws 1988, c. 124, § 2, emerg. eff. April 8, 1988. Amended by Laws 1996, c. 142, § 1, eff. Nov. 1, 1996; Laws 1997, c. 346, § 1, eff. Nov. 1, 1997. Renumbered from § 108.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-102. Powers of local authorities.

A. The provisions of this title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;

2. Regulating traffic by means of police officers or traffic-control signals;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks;

6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;

7. Restricting the use of highways as authorized in Section 14-113 of this title;

8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized herein; and

11. Adopting such other traffic regulations as are specifically authorized by this title.

B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic

on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

C. No ordinance or regulation enacted under paragraph 4, 5, 6, 7 or 10 of subsection A of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Added by Laws 1961, p. 419, § 15-102, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 16, emerg. eff. April 30, 2007.

§47-15-102.1. Cellular phone usage – State preemption of orders, ordinances or regulations.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way inattentive driving and cellular phone usage in automobiles to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited under provisions of this act, but the provisions of such order, ordinance or regulation by a municipality shall not be more stringent than those of this act.

Added by Laws 2001, c. 153, § 1. Renumbered from § 11-901a of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-103. Rights of owners of real property.

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner.

Laws 1961, p. 419, § 15-103.

§47-15-104. State highway commission to adopt sign manual.

The State Highway Commission shall adopt a manual and specifications for a uniform system of traffic-control devices for use upon streets and highways within this state. Such uniform system shall correlate with and, so far as possible, conform to the system then current as approved by the American Association of State Highway Officials, and the manual so adopted may be amended or revised from time to time as the Commission may deem necessary. The manual so adopted and any amendments or revisions thereof shall be published by

the State Highway Commission and one copy thereof shall be distributed free of charge to the local governing bodies of counties and incorporated cities and towns.
Laws 1961, p. 419, § 15-104.

§47-15-105. Department of highways to sign all state and federal highways.

(a) The Department of Highways shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state and federal highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department of Highways except by the latter's permission.

Laws 1961 P. 419, Sec. 15-105.

§47-15-106. Local traffic-control devices.

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in the preceding paragraph with regard to streets and highways which are a continuation of state or federal numbered highways shall be subject to the direction and control of the State Highway Commission.
Laws 1961, p. 420, § 15-106.

§47-15-107. Authority to require pedestrian obedience to traffic-control signs.

Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.
Laws 1961, p. 420, § 15-107.

§47-15-108. Authority to designate through highways and "stop" and "yield" intersections.

The Department of Highways with reference to state and federal highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and

erect stop signs or yield signs at one or more entrances to such intersection.
Laws 1961, p. 420, § 15-108.

§47-15-109. Regulations relative to school buses.

A. The State Board of Education in accordance with the Federal Motor Vehicle Safety Standards, 49 C.F.R., Part 571, shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

B. Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of said regulations shall be guilty of a breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.
Added by Laws 1961, p. 420, § 15-109, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 27, eff. Nov. 1, 2002.

§47-15-110. Model Traffic Ordinance - Authorization to adopt.

Insofar as it is consistent with state law, all cities and towns may adopt and maintain the "Model Traffic Ordinance" of the National Committee on Uniform Traffic Laws and Ordinances.
Laws 1967, c. 120, § 1, emerg. eff. April 25, 1967.

§47-15-111. Special parking privileges for physically disabled persons.

A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title;

3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section 1135.2 of this title;

4. A disability sticker issued by the Department of Veterans Affairs and federal military bases; or

5. A physically disabled placard or license plate issued by another state.

B. No such special parking privilege, however, shall excuse the violation of any state statute, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic.

C. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall follow the current version of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) when designing or redesigning disabled parking spaces.

Added by Laws 1971, c. 220, § 1. Amended by Laws 1995, c. 133, § 2, emerg. eff. April 27, 1995; Laws 1996, c. 129, § 1, eff. Nov. 1, 1996; Laws 1999, c. 276, § 2, eff. Nov. 1, 1999; Laws 2004, c. 178, § 1, eff. Nov. 1, 2004; Laws 2007, c. 62, § 17, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 1, emerg. eff. June 5, 2010.

§47-15-112. Physical disability temporary placard - Definitions.

A. As used in this section:

1. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, or optometry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes;

2. "Physician assistant" means any person holding a valid license as a physician assistant, pursuant to the state licensing provisions of the Physician Assistant Act;

3. "Advanced registered nurse practitioner" means any person who holds a current license as a registered nurse and a current certificate of recognition for practice as an Advanced Registered Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act pursuant to the state licensing provisions contained in paragraph 5 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

4. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

a. cannot walk two hundred (200) feet without stopping to rest,

b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device,

c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest,

d. must use portable oxygen,

e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association,

f. is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition, or from complications due to pregnancy,

g. is certified legally blind, or is missing one or more limbs.

B. The Department of Public Safety shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician, physician assistant, or advanced registered nurse practitioner estimates to be the date of termination of such physical disability; however, if the physician, physician assistant, or advanced registered nurse practitioner certifies that the physical disability is permanent, the physician, physician assistant, or advanced registered nurse practitioner shall denote "five-year" as the type of placard requested.

C. Any placard issued by the Department of Public Safety shall remain valid until:

1. The placard expires;

2. The person to whom the placard was issued requests a replacement placard; or

3. The placard is no longer needed by the person to whom the placard was issued for the disability for which the placard was originally issued, whereupon such placard shall be returned to the Department.

D. 1. A five-year placard shall expire five (5) years from the last day of the month in which the placard was issued. Upon the expiration of a five-year placard, the person to whom such placard was issued may obtain a subsequent placard by reapplying to the Department, in the same manner as provided in subsection B of this section.

2. A temporary placard shall indicate the expiration date which the physician, physician assistant, or advanced registered nurse practitioner certifying the physical disability estimates to be the date of termination of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such placard shall expire and shall be returned to the Department; provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another placard, as provided for in this section.

3. In the event that a placard is lost or destroyed, the person to whom such placard was issued may apply in writing to the Department for a replacement placard, which the Department shall issue with the same expiration date as the original placard.

4. On and after January 1, 1998, all placards issued prior to October 31, 1990, shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

5. On and after January 1, 2000, all placards issued between November 1, 1990, and June 30, 1995, shall expire on the last day of the birth month of the person to whom the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

E. A physician, physician assistant, or advanced registered nurse practitioner may sign an application certifying that a person has a physical disability, as provided in subsection B of this section, only if care and treatment of the illness, disease, injury or condition causing the physical disability of such person falls within the authorized scope of practice of the physician or physician assistant, or advanced registered nurse practitioner.

F. The Department shall have the power to formulate, adopt and promulgate rules as may be necessary to implement and administer the provisions of this section, including, but not limited to, prescribing the manner in which the placard is to be displayed on a motor vehicle.

G. Nothing in this section shall prohibit the issuance of a temporary placard to a pregnant woman whose condition, as determined by a physician, physician assistant, or advanced registered nurse practitioner, meets one or more of the categories described in paragraph 4 of subsection A of this section.

Added by Laws 1971, c. 220, § 2. Amended by Laws 1981, c. 264, § 16, emerg. eff. June 25, 1981; Laws 1982, c. 179, § 1, emerg. eff. April 16, 1982; Laws 1987, c. 11, § 1, emerg. eff. April 1, 1987; Laws 1987, c. 91, § 2, emerg. eff. May 15, 1987; Laws 1990, c. 287, § 1, eff. Sept. 1, 1990; Laws 1992, c. 103, § 1, eff. Sept. 1, 1992; Laws 1993, c. 123, § 1, eff. Sept. 1, 1993; Laws 1995, c. 133, § 3, emerg. eff. April 27, 1995; Laws 1995, c. 358, § 3, eff. July 1, 1995; Laws 1996, c. 129, § 2, eff. Nov. 1, 1996; Laws 1997, c. 94, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 3, eff. Nov. 1, 1999; Laws 2000, c. 189, § 7, eff. July 1, 2000; Laws 2001, c. 385, § 1, eff. Nov. 1, 2001; Laws 2002, c. 397, § 28, eff. Nov. 1, 2002; Laws 2004, c. 121, § 1, eff. July 1, 2004; Laws 2007, c. 326, § 17, eff. Nov. 1, 2007; Laws 2008, c. 302, § 3, emerg. eff. June 2, 2008; Laws 2010, c. 63, § 1, emerg. eff. April 9, 2010; Laws 2010, c. 302, § 2, emerg. eff. June 5, 2010.

NOTE: Laws 1995, c. 15, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-15-112.1. Repealed by Laws 1995, c. 133, § 4, emerg. eff. April 27, 1995. (Prior to repeal by Laws 1995, c. 133, this section had been amended in c. 15, Laws 1995.)

§47-15-113. Penalties.

A. Any person who knowingly makes or procures the making of a false statement in an application submitted pursuant to Sections 15-111 through 15-113 of this title is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars ($500.00) for each falsified statement. This penalty shall be stated on all applications.

B. 1. Any person who has not been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title, a disability sticker issued by the Department of Veterans Affairs and federal military bases, or a physically disabled placard or license plate issued by another state, and uses a placard, sticker, or license plate to park in a disabled parking place is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars ($500.00). A person transporting a physically disabled person with an authorized placard, sticker or license plate, as provided in subsection A of Section 11-1007 of this title, shall be excluded from the provisions of this section.

2. Any person who has been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, or a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title, and knowingly allows the placard or license plate to be used by a person not issued the placard or license plate as described in paragraph 1 of this subsection, is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars ($500.00).

C. A person who knowingly makes a counterfeit physically disabled parking placard or physically disabled license plate is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars ($500.00) for each counterfeit placard or license plate made by such person.

Added by Laws 1971, c. 220, § 3. Amended by Laws 1999, c. 276, § 4, eff. Nov. 1, 1999; Laws 2010, c. 302, § 3, emerg. eff. June 5, 2010.

§47-15-114. Operation of motorized scooters – Ordinances or regulations.

Any municipal governing body or board of county commissioners may enact ordinances or regulations governing the operation of motorized scooters upon the roads, streets, alleys, bridges, sidewalks, or other places within its respective jurisdiction in the manner provided by and not inconsistent with, state law.
Added by Laws 2004, c. 521, § 19, eff. Nov. 1, 2004.

§47-15-115. Civilian volunteer disabled parking violation units.

A. A city, town or municipality may, by adoption of a local law or ordinance, establish a civilian volunteer disabled parking violation unit to assist in the enforcement of disabled parking laws or ordinances. Persons appointed to such units shall be volunteers, shall serve without compensation, and shall be authorized to provide evidence of violations of disabled parking laws or ordinances to the appropriate law enforcement authority. Such evidence may include photographing a violation, provided that such photograph is taken in compliance with the requirements of this section. The civilian volunteer disabled parking violation unit shall have the authority to report violations of disabled parking ordinances or rules on both public and private property where the public is invited as provided for in Section 15-116 of this title.

B. A local law or ordinance enacted in accordance with the provisions of this section shall:

1. Establish a training program of no less than two (2) hours in length and require each volunteer to participate in and complete such training program;

2. Provide for the assignment of an identification number to each volunteer, and provide official identification and equipment to assist volunteer personnel in the conduct of their duties;

3. Establish uniform procedures for volunteers to follow in determining whether a violation has occurred;

4. Establish procedures for the uniform reporting of violations, which shall include the identification number of the volunteer making the report;

5. If such local law or ordinance provides for the taking of photographs of violations:

a. grant only the local law enforcement agency the authority to process or to contract for the processing of all film or digital files submitted by volunteers,

b. require any photographs evidencing a violation to be available for inspection in any proceeding to adjudicate the liability for such violation,

c. provide that a certificate, sworn to or affirmed by a technician employed by the municipality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs produced from film or digital files submitted by volunteers, shall be

prima facie evidence of the facts contained therein, and

d. prohibit the use of such a photograph for any purpose other than as evidence of a disabled parking violation; and

6. Provide the following with respect to notices of violation:

a. a notice of violation shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a disabled parking law or ordinance. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein,

b. a notice of violation shall reference the law which was allegedly violated, and shall contain the name and address of the person alleged to be liable as an owner for a violation of a disabled parking law or ordinance, the license tag number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and the identification number of the volunteer who recorded the violation,

c. a notice of violation shall contain information advising the person charged of the manner and the time in which he or she may contest the violation alleged in the notice, and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

C. Upon a conviction of a local law or ordinance which complies with the provisions of subsection B of this section, notwithstanding any other law, the local law enforcement entity shall have the authority to dedicate not less than twelve and one-half percent (12 1/2%) of any fine that resulted from citations or for violations of the disabled parking regulations in accordance with subsection B of Section 15-113 and subsection B of Section 11-1007 of this title, to be deposited in a special dedicated fund to be used by the local municipality for the sole purpose of establishing, maintaining and perpetuating a citizen volunteer disabled parking violation unit. Added by Laws 1999, c. 276, § 5, eff. Nov. 1, 1999. Renumbered from § 11-1007.1 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 4, emerg. eff. June 5, 2010.

§47-15-116. Power of municipality or political subdivision to enforce act.

Upon the enactment of any ordinance, rule or regulation adopted in conformity with this act, the municipality or political subdivision is authorized to investigate and enforce the ordinance, rule, or regulation on public property, or private property where the public is invited such as, but not limited to, the following:

1. Places of lodging including, but not limited to, inns, hotels, and motels;

2. Establishments serving food or drink including, but not limited to, restaurants and bars;

3. Places of exhibition or entertainment including, but not limited to, motion picture houses, theaters, concert halls, and stadiums;

4. Places of public gathering including, but not limited to, auditoriums, convention centers, and lecture halls;

5. Sales or rental establishments including, but not limited to, bakeries, grocery stores, hardware stores, and shopping centers;

6. Service establishments including, but not limited to, laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, and hospitals;

7. Public transportation terminals, depots, or stations, not including facilities relating to air transportation;

8. Places of public display or collection including, but not limited to, museums, libraries, and galleries;

9. Places of recreation including, but not limited to, parks, zoos, and amusement parks;

10. Places of education including, but not limited to, nursery schools, elementary, secondary, undergraduate, or postgraduate private schools;

11. Social service center establishments including, but not limited to, day care centers, senior citizen centers, homeless shelters, food banks, and adoption agencies; or

12. Places of exercise or recreation including, but not limited to, gymnasiums, health spas, bowling alleys, and golf courses.

Added by Laws 1980, c. 146, § 2, eff. Oct. 1, 1980. Renumbered from § 11-1008 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 5, emerg. eff. June 5, 2010.

§47-15-131. Speed limits - Traffic control regulations - Violations.

Upon application by the governing board of a public trust, as defined in Sections 164 and 176 of Title 60 of the Oklahoma Statutes, the Transportation Commission may set speed limits and promulgate regulations governing uniform traffic control to comply with the provisions of Title 47 of the Oklahoma Statutes for the reasonable

and safe operation of motor vehicles on property situated within the state and owned by or under the control of the public trust.

Speed limits and regulations so established shall be enforceable when appropriate signs giving notice thereof are erected. The cost of such signs shall be borne by the public trust. Any person driving on such property in violation of the speed limit or regulation so established shall, upon conviction, be punished in the same manner as provided for persons convicted of violating other provisions of Sections 11-101 et seq. of Title 47 of the Oklahoma Statutes.
Added by Laws 1977, c. 100, § 1, eff. Oct. 1, 1977. Renumbered from § 11-308a of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-15-132. Public trusts - Contracts and agreements - Enforcement of speed limits and regulations.

A public trust authorized to make application under this section may enter into contracts and agreements with local authorities for the enforcement of speed limits and regulations governing uniform traffic control on property owned or controlled by the public trust.
Added by Laws 1977, c. 100, § 2, eff. Oct. 1, 1977. Renumbered from § 11-308b of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-16-101. Parties to a crime.

(a) Classification of parties. The parties to crimes are classified as: 1. Principals, and 2. Accessories. (b) Principals defined. All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, though not present, are principals. (c) Accessories defined. All persons who, after the commission of any felony, conceal or aid the offender, with the knowledge that he has committed a felony, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories. (d) No accessories to misdemeanor. There are no accessories. (e) Punishment of accessories. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Laws 1961, p. 420, § 16-101.

§47-16-102. Offenses by persons owning or controlling vehicles.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Laws 1961, p. 420, § 16-102.

§47-16-103. Public officers and employees - Exceptions.

The provisions of Chapters 10, 11, 12, 13 and 14, applicable to drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act.

Laws 1961, p. 421, § 16-103.

§47-16-104. Procedure upon arrest for felony.

Whenever a person is arrested for any violation of this act declared herein to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony. For the purposes of this section any offense which may be punishable by imprisonment in a state penitentiary is a felony.

Laws 1961, p. 421, § 16-104.

§47-16-105. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-106. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-107. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-108. Misdemeanor violations - Procedure.

(a) Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable as a misdemeanor, the officer shall proceed in accordance with the State and Municipal Traffic Bail Bond Procedure Act, Section 1115 et seq. of Title 22 of the Oklahoma Statutes.

(b) If the person charged with the violation is a minor, then the citing police officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

Amended by Laws 1987, c. 226, § 6, operative July 1, 1987.

§47-16-109. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-109.1. Authority of officer at scene of accident.

Except for felonies, a police officer at the scene of a traffic accident may issue a written notice to appear to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident.

In such cases the officer shall be endorsed as a witness and shall appear if said case is tried.

Added by Laws 1988, c. 124, § 1, emerg. eff. April 8, 1988.

§47-16-110. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-111. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-112. Failure to obey notice to appear.

(a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a notice to appear regardless of the disposition of the charge for which such notice to appear was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

Laws 1961, p. 422, § 16-112.

§47-16-113. Procedure prescribed herein not exclusive.

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of Chapters 10, 11, 12, 13 or 14, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Laws 1961, p. 422, § 16-113.

§47-16-114. Arrest of traffic violators without warrant.

A police officer may, without a warrant, arrest a person for any moving traffic violation of which the arresting officer or another police officer in communication with the arresting officer has sensory or electronic perception including perception by radio, radar and reliable speed-measuring devices.

Laws 1972, c. 92, § 1.

§47-17-101. Misdemeanor violations - Penalties.

A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

E. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsections B and C of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

F. One-half (1/2) of any fine collected pursuant to the provisions of subsection E of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 422, § 17-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 312, § 1, emerg. eff. June 19, 1963; Laws 1987, c. 226, § 7, operative July 1, 1987; Laws 2000, c. 285, § 4, eff. July 1,

2000; Laws 2001, c. 133, § 5, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 11, eff. July 1, 2001; Laws 2004, c. 387, § 2, eff. Nov. 1, 2004; Laws 2007, c. 120, § 3, eff. Nov. 1, 2007.

§47-17-102. Felony violations - Penalties.

A. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a felony except those offenses specified in subsection A of Section 4-102 of this title relating to unauthorized use of a vehicle and subsection A of Section 4-103 of this title, relating to receiving or disposing of a vehicle, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

C. One-half (1/2) of any fine collected pursuant to the provisions of subsection B of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 423, § 17-102, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 484, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 350, eff. July 1, 1999; Laws 2004, c. 387, § 3, eff. Nov. 1, 2004; Laws 2007, c. 120, § 4, eff. Nov. 1, 2007; Laws 2018, c. 116, § 18, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 484 from July 1, 1998, to July 1, 1999.

§47-18-101. Record of traffic cases - Report of convictions to department.

A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other

legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within five (5) days after:

1. The conviction of any person holding a Class D driver license; or

2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or

3. The forfeiture of bail of a person;

upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

C. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;

2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or

3. Involving any offense for which the offender is eligible for participation in an approved drug court program. However, if the offender does not successfully complete the drug court program, the abstract of the record shall be forwarded as provided in subsection B of this section, or if the offender has a prior felony conviction, the abstract of the record shall be forwarded as provided in Section 471.9 of Title 22 of the Oklahoma Statutes.

D. The abstract shall be made upon a form furnished by the Department and shall include:

1. The name, address, sex, and date of birth of the person charged;

2. The traffic citation number;

3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;

4. The license plate number, make, and model of the vehicle involved;

5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and

6. The name of the court and whether it is a municipal or district court.

E. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

F. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

Added by Laws 1961, p. 423, § 18-101, eff. Sept. 1, 1961. Amended by Laws 1987, c. 233, § 1, eff. Nov. 1, 1987; Laws 1995, c. 23, § 14, eff. Nov. 1, 1995; Laws 1995, c. 316, § 1, eff. Nov. 1, 1995; Laws 1996, c. 245, § 2, eff. Nov. 1, 1996; Laws 1997, c. 201, § 3, eff. Nov. 1, 1997; Laws 2000, c. 159, § 2, emerg. eff. April 28, 2000; Laws 2002, c. 86, § 7, emerg. eff. April 17, 2002; Laws 2004, c. 173, § 7, eff. Nov. 1, 2004; Laws 2004, c. 390, § 13, eff. Sept. 1, 2005; Laws 2005, c. 103, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 31, emerg. eff. March 29, 2006; Laws 2009, c. 290, § 3, eff. Nov. 1, 2009; Laws 2012, c. 207, § 8, emerg. eff. May 8, 2012.

NOTE: Laws 2005, c. 190, § 12 repealed by Laws 2006, c. 16, § 32, emerg. eff. March 29, 2006.

§47-19-101. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-19-201. Renumbered as § 11-805.2 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-19-211. Renumbered as § 11-805.3 of this title by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.

§47-20-101. Uniformity of interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Laws 1961, p. 424, § 20-101.

§47-20-102. Effect of headings.

Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Laws 1961, p. 424, § 20-102.

§47-20-103. Short title.

This act may be cited as the Uniform Vehicle Code.

Laws 1961, p. 424, § 20-103.

§47-20-104. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-105. Constitutionality.

The provisions of this act are severable and if any part or provision hereof shall be void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of the act.

Laws 1961, p. 424, § 20-105.

§47-20-106. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-107. Time of taking effect.

This act shall take effect from and after September 1, 1961.

Laws 1961, p. 425, § 20-107.

§47-21-101. Renumbered as § 2101 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-102. Renumbered as § 2102 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-103. Renumbered as § 2103 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-104. Renumbered as § 2104 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-105. Renumbered as § 2105 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-106. Renumbered as § 2106 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-107. Renumbered as § 2107 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-108. Renumbered as § 2108 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-109. Renumbered as § 2109 of Title 68 by Laws 1965, c. 215, § 3.

§47-22. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.1. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.2. Repealed by Laws 1979, c. 292, § 8, emerg. eff. July 5, 1979.

§47-22.5n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.5s. Renumbered as § 1133.2 of this title by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001.

§47-22.30n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-24.4. Repealed by Laws 1985, Chapter 179, § 99, operative July 1, 1985.

§47-40-101. Accident report forms.

The Department shall prescribe standard forms for accident reports for use by all police departments and all other appropriate agencies. The accident reports shall call for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner.

Added by Laws 1967, c. 139, § 1. Amended by Laws 2011, c. 335, § 9.

§47-40-102. Traffic collision resulting in injury or death or property damage exceeding certain amount - Reports - Confidentiality - Allowing examination or reproduction for commercial solicitation prohibited.

A. 1. Every law enforcement officer who, in the regular course of duty, investigates or receives a report of a traffic collision resulting in injury to or death of a person or total property damage to an apparent extent of Five Hundred Dollars ($500.00) or more shall prepare a written report of the collision on the standard collision report form supplied by the Department of Public Safety. The reports shall be forwarded within thirty (30) days of the collision or, if the collision results in the death of any person, then within twenty (20) days of the death of the person, whichever time period is lesser, by the law enforcement agency preparing the report to the Department of Public Safety.

2. Reports of collisions shall be kept confidential for a period of sixty (60) days after the date of the collision; provided, the reports shall be made available as soon as practicable upon request to any:

a. party involved in the collision,

b. legal representatives of a party involved in the collision,
c. state, county or city law enforcement agency,
d. the Department of Transportation or any county or city transportation or road and highway maintenance agency,
e. licensed insurance agents of a party involved in the collision,
f. insurer of a party involved in the collision,
g. insurer to which a party has applied for coverage,
h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,
i. prosecutorial authority,
j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
k. radio or television broadcaster,
l. licensed private investigators employed by a party involved in the collision, or
m. provider of health services to a party involved in the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars ($2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

B. 1. No public employee or officer shall allow a person to examine or reproduce a collision report or any related investigation report if examination or reproduction of the report is sought for the purpose of making a commercial solicitation. Any person requesting a collision report may be required to state, in writing, under penalty of perjury, that the report will not be examined, reproduced or otherwise used for commercial solicitation purposes. It shall be unlawful and constitute a misdemeanor for any person to obtain or use information from a collision report or a copy thereof for the purpose of making a commercial solicitation.

2. As used in this subsection:

a. "commercial solicitation" means any attempt to use, or offer for use, personal information contained in a collision report to solicit any person named in the report, or a relative of the person, or to solicit a professional, business, or commercial relationship that is not pursuant to a request under paragraph 2 of subsection A of this section. "Commercial solicitation" does not include publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast of information by news

media for news purposes, or obtaining information for the purpose of verification or settlement of claims by insurance companies, and

b. "collision report" means any report regarding a motor vehicle collision which has been submitted by an individual or investigating officer on a form prescribed or used by the Department of Public Safety or local police department.

3. Publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial solicitation purposes. Because publication by a newspaper, broadcast by news media for news purposes, or obtaining information for verification or settlement of claims by insurance companies is not a resale or use of data for commercial solicitation purposes, an affidavit shall not be required as a condition for allowing a member of a newspaper or broadcast news media, or allowing an agent, or business serving as an agent, to insurance companies, to examine or obtain a copy of a collision report. Any agent or business obtaining information for verification or settlement of claims involving persons named in a report shall secure an affidavit annually from each client stating the information provided to the client shall not be used for commercial solicitation purposes under penalty of law.

4. The Department and local police departments shall include the following or a similar notice upon any copy of a collision report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

C. As used in this section:

1. "Newspaper" means a legal newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes, provided that the primary purpose of the newspaper is not the publication of personally identifying information concerning parties involved in the traffic collision;

2. "Provider of health services" means any person that provides health care services to the injured person under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes, or any hospital or related institution that offers or provides health care services under a license issued pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma Statutes; and

3. "Personal information", as defined in Section 162 of Title 24 of the Oklahoma Statutes, means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this state, when the data elements are neither encrypted nor redacted:

a. social security number,

b. driver license number or state identification card number issued in lieu of a driver license, or

c. financial account number or credit or debit card number in combination with any required security code, access code or password that would permit access to the financial accounts of a resident.

Personal information does not include information that is lawfully obtained from publicly available information or from federal, state or local government records lawfully made available to the general public.

Added by Laws 1967, c. 139, § 2. Amended by Laws 1980, c. 100, § 3, eff. Oct. 1, 1980; Laws 1996, c. 232, § 1, eff. Nov. 1, 1996; Laws 1998, c. 344, § 1, eff. Nov. 1, 1998; Laws 1999, c. 14, § 1, eff. Nov. 1, 1999; Laws 2000, c. 324, § 4, eff. July 1, 2000; Laws 2002, c. 444, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 18, eff. July 1, 2004; Laws 2005, c. 1, § 56, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 14, emerg. eff. June 6, 2005; Laws 2008, c. 302, § 4, emerg. eff. June 2, 2008; Laws 2019, c. 248, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 18, § 1 repealed by Laws 2005, c. 1, § 57, emerg. eff. March 15, 2005.

§47-40-103. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-104. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-105. Renumbered as § 12-609 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-40-106. Repealed by Laws 2007, c. 62, § 38, emerg. eff. April 30, 2007.

§47-40-107. Federal Highway Safety Act of 1966 - Securing of benefits under.

The Governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of this state is hereby empowered to contract and to do all other things necessary to secure the full benefits available to this state and its political subdivisions under the Federal Highway Safety Act of 1966, and in so doing, to cooperate with federal and state agencies, private and public organizations, and with individuals to effectuate the purposes of this enactment, and any and all subsequent amendments thereto, and to accept and take advantage of any federal grants or funds which are, or may hereafter be made available to the state in carrying out the provisions of this act, and in law enforcement training. The Governor shall be responsible for and is hereby empowered to coordinate and administer through such appropriate agencies or officers of this state as he shall designate or appoint an individual

coordinator and any clerical assistance necessary to administer the related Highway Safety Programs of this state and those of its political subdivisions, all in accordance with said act and federal rules and regulations in implementation thereof.
Laws 1967, c. 347, § 1, emerg. eff. May 18, 1967.

§47-40-108. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-109. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-110. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-111. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-112. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-113. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-40-121. Motorcycle Safety and Education Program.

A. There is hereby created in the Department of Public Safety the "Motorcycle Safety and Education Program". The Commissioner of Public Safety may hire an Administrator who shall be responsible for the administration and operation of the Program, as determined by the Commissioner.

B. 1. The Program shall include guidelines and standards for courses of instruction, as established and approved by the Commissioner and which are taught by certified instructors, as prescribed by the Commissioner. The courses shall meet or exceed nationally accepted standards for courses of instruction in motorcycle safety and education. The courses shall include instruction for novice and experienced motorcycle operators and passengers, instruction in motorist awareness and alcohol and drug awareness, and any other instruction the Commissioner deems appropriate for motorcycle safety and education.

2. The Program may include provisions for marketing and promotion, improving motorcycle license testing procedures, and such other provisions as deemed appropriate by the Commissioner.

3. The Commissioner shall evaluate the Program every two (2) years and shall periodically inspect public and private facilities and equipment and periodically evaluate procedures used in the courses of instruction. Evaluation and inspection reports shall be submitted to the Advisory Committee.

C. The cost of administering and operating the Motorcycle Safety and Education Program shall be funded by the Motorcycle Safety and Education Program Revolving Fund, as created in Section 40-123 of this title. The Commissioner shall promulgate rules necessary to

implement and administer the provisions of Sections 40-121 through 40-123 of this title.
Added by Laws 1999, c. 342, § 1, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 1, eff. July 1, 2002.

§47-40-122. Advisory Committee for Motorcycle Safety and Education.

A. There is hereby created the Advisory Committee for Motorcycle Safety and Education which shall be comprised of the Administrator of the Motorcycle Safety and Education Program in the Department of Public Safety, who shall serve as chair of the Committee and shall be a nonvoting member, and seven (7) voting members, six of whom shall be appointed by the Commissioner of Public Safety and one of whom shall be appointed by the Insurance Commissioner. One member shall be a certified instructor of motorcycle safety and education; three members shall be licensed and safety course certified motorcycle operators/owners; one member shall represent private sector motorcycle rider education schools; one member shall be a representative of the Oklahoma Highway Safety Office; and the member appointed by the Insurance Commissioner shall be an employee of the Insurance Commissioner's office. Members shall serve at the pleasure of the appointing authority, except as provided in subsection B of this section.

B. By January 1, 2011, the Commissioner of Public Safety shall appoint three of the members of the Advisory Committee for Motorcycle Safety and Education in accordance with the requirements as modified in subsection A of this section upon the effective date of this act. Once appointed all members shall serve at the pleasure of the appointing authority.

C. The Committee shall meet at the call of the Administrator or the Commissioner. A vice-chair shall be elected by the Committee from among its members. The vice-chair shall act as chair of the Committee only in the absence of the Administrator at officially called meetings of the Committee.

D. The Committee shall advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education Program and the setting of goals, objectives and priorities for the Program.

E. The provisions of this section shall not be construed to authorize the creation of any additional salaried position within the Department of Public Safety.

F. Members of the Committee who are not state employees shall receive no compensation from the state for serving on the Committee. All members of the Committee shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

Added by Laws 1999, c. 342, § 2, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 2, eff. July 1, 2002; Laws 2010, c. 70, § 1, emerg. eff. April 9, 2010.

§47-40-123. Motorcycle Safety and Education Program Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Motorcycle Safety and Education Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fees, donations, federal funds and grants received for the purpose of motorcycle safety and education programming. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public Safety for the purpose of operating the Motorcycle Safety and Education Program. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 342, § 3, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 3, eff. July 1, 2002; Laws 2012, c. 304, § 175.

§47-108.1. Renumbered as § 15-101.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-116.2a. Closing particular highways.

Whenever the occurrence of any disaster, emergency or other condition shall render the use of any state or federal highway or detour dangerous to the public, or whenever the use thereof would interfere with disaster relief or rescue work, the Director of Highways, or such other person or employee as may be designated by said Director, shall have authority to close such highway, or portion thereof, as may be necessary until said emergency condition shall no longer exist. The Commissioner of Public Safety, or any member of the Oklahoma Highway Patrol, shall have like authority with respect to the closing of highways for a period of six (6) hours after the occurrence of such emergency condition, but upon exercising such authority the Commissioner of Public Safety, or highway patrolman, shall forthwith notify the Director of Highways of such action.

Laws 1953, p. 189, § 2.

§47-116.11. Renumbered as Section 2-105.4A of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.12. Renumbered as Section 2-106.1 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.13. Assignment as enforcement officer - Uniforms and badges - Use without authority.

A. Each employee of the Corporation Commission assigned as an enforcement officer, as herein provided, shall at all times while on duty be required to be dressed in a distinctive uniform and display a badge of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol. All such badges shall be furnished by the Corporation Commission and each badge shall display a distinctive serial number. The type and detail of the uniforms shall be designated by the Corporation Commission and the Corporation Commission shall furnish the uniforms and replace them when necessary. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms shall be paid to each enforcement officer of the Corporation Commission.

B. Any person who without authority wears the badge or uniform of a Corporation Commission enforcement officer, or who without authority impersonates such an officer, with intent to deceive anyone, shall be guilty of a misdemeanor.

Added by Laws 1949, p. 321, § 13, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 3, emerg. eff. June 5, 1957; Laws 1978, c. 219, § 1, emerg. eff. April 21, 1978; Laws 1993, c. 146, § 4; Laws 2004, c. 522, § 8, eff. July 1, 2004.

§47-116.14. Vehicles not registered or improperly registered.

In the event any vehicle is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of Section 116.2a et seq. of this title or any provisions of the motor vehicle license and registration laws of this state, Corporation Commission enforcement officers shall be authorized to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of seizure and storage is not paid, the enforcement officer shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located, one of such notices to be posted at the place where the vehicle is stored; provided, a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total cost of sale, seizure and the fee and penalty, the purchaser

shall be issued a certificate of purchase, license plate and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall forthwith be registered anew; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

Added by Laws 1949, p. 321, § 14, emerg. eff. May 31, 1949. Amended by Laws 1991, c. 331, § 51, eff. Sept. 1, 1991; Amended by Laws 2004, c. 522, § 9, eff. July 1, 2004.

§47-116.15. Repealed by Laws 2004, c. 522, § 30, eff. July 1, 2004.

§47-121.11. Commercial vehicles to have copy of reports as to defects.

Each driver of a commercial vehicle hauling either passengers or goods, wares and merchandise for hire, shall keep in coach for one (1) month's time a true copy of motor coach defect report made by driver, and a copy of the mechanic's report on such defect or defects for a like period of time.

Laws 1949, p. 512, § 11.

§47-127.1. Renumbered as § 14-109.2 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995.

§47-127.2. Repealed by Laws 1995, c. 27, § 9, eff. July 1, 1995.

§47-134. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-149.1. Renumbered as § 12-427 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-149.2. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-151. Marking of automobiles owned or leased by state.

A. A state agency that owns or leases vehicles shall affix the words "State of Oklahoma" and the name of the department or institution that owns or leases the vehicle in conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black or white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it

being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and Oklahoma State Bureau of Investigation vehicles shall not be subject to the provisions of this section.

D. Department of Corrections vehicles designated for use by probation and parole operations and other administrative operations, as approved by the Director of the Department of Corrections, shall not be subject to the provisions of this section.

E. Vehicles utilized by CLEET-certified officers or state employees primarily employed in investigative activities may be exempt from the provisions of this section subject to the approval of the State Fleet Manager.

F. Oklahoma Military Department vehicles designated for use by the Adjutant General or Assistant Adjutant General in performance of his or her duties and Oklahoma Military Department vehicles designated for use in the State Transition and Reintegration System (STARS) program for tracking youth, as approved by the Adjutant General, shall not be subject to the provisions of this section.

G. Office of Juvenile Affairs vehicles designated for use of the Office by the Executive Director of the Office of Juvenile Affairs shall not be subject to the provisions of this section.

Added by Laws 1923-24, 2nd Ex. Sess., c. 86, p. 103, § 1, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 1, emerg. eff. June 3, 1949; Laws 1980, c. 57, § 1, emerg. eff. April 3, 1980; Laws 1984, c. 240, § 5, operative July 1, 1984; Laws 2001, c. 169, § 1, eff. Nov. 1, 2001; Laws 2007, c. 15, § 1, eff. Nov. 1, 2007; Laws 2012, c. 316, § 1, eff. Nov. 1, 2012; Laws 2016, c. 268, § 5, eff. Nov. 1, 2016; Laws 2018, c. 97, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 22, emerg. eff. April 4, 2019.

NOTE: Laws 2007, c. 151, § 2 repealed by Laws 2008, c. 3, § 26, emerg. eff. Feb. 28, 2008. Laws 2018, c. 102, § 1 repealed by Laws 2019, c. 25, § 23, emerg. eff. April 4, 2019.

§47-152. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-153. Driving of unmarked automobiles prohibited - Exception.

It shall be unlawful for any person to drive any state-owned or -leased automobile at any time and for any purpose, on any street or highway within this state, unless the provisions of Section 151 of this title have been strictly complied with, provided, however, the

Commissioner of the Department of Public Safety is hereby authorized to set aside automobiles for use by the Department so that the same may be available to the Department without identifying marks thereon. These vehicles shall not be used for traffic enforcement on a routine basis.
Added by Laws 1923-24, c. 86, p. 103, § 3, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 2, emerg. eff. June 3, 1949; Laws 1993, c. 181, § 1, eff. Sept. 1, 1993; Laws 2004, c. 418, § 19, eff. July 1, 2004; Laws 2012, c. 316, § 2, eff. Nov. 1, 2012.

§47-153.1. Department of Mental Health and Substance Abuse Services - Unmarked automobiles.

The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to set aside automobiles for the use of the Department without identifying marks. These vehicles may be used to provide client services.
Added by Laws 1995, c. 77, § 1, eff. Nov. 1, 1995.

§47-154. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.

§47-155. Misdemeanor - Violations of Act - Penalty.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment.
Laws 1923-24, c. 86, p. 103, § 5.

§47-156. Purchase of passenger automobiles or bus with public funds prohibited - Exceptions.

A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus with public funds:

1. The Department of Public Safety;
2. The Department of Human Services;
3. The State Department of Rehabilitation Services;
4. The Department of Wildlife Conservation;
5. The Department of Corrections;
6. The State Department of Education;
7. The Oklahoma School of Science and Mathematics;
8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
9. The Oklahoma State Bureau of Investigation;
10. The Transportation Commission;
11. The Oklahoma Department of Agriculture, Food, and Forestry;

12. The State Department of Health;
13. The Department of Mental Health and Substance Abuse Services;
14. The J.D. McCarty Center for Children with Developmental Disabilities;
15. The Military Department of the State of Oklahoma;
16. The Oklahoma Tourism and Recreation Department;
17. The Oklahoma Conservation Commission;
18. The Oklahoma Water Resources Board;
19. The Department of Mines;
20. The Office of Juvenile Affairs;
21. The Oklahoma Department of Veteran Affairs;
22. The Oklahoma Supreme Court;
23. The District Attorneys Council and Oklahoma district attorneys, provided adequate funding exists;
24. The Oklahoma Boll Weevil Eradication Organization; and
25. The Oklahoma Horse Racing Commission.

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

a. the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or

b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Section 156.1 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

Added by Laws 1941, p. 201, § 1, emerg. eff. May 22, 1941. Amended by Laws 1947, p. 314, § 1, emerg. eff. May 16, 1947; Laws 1949, p. 337, § 3; Laws 1961, p. 308, § 1; Laws 1963, c. 193, § 1, emerg. eff. June 10, 1963; Laws 1978, c. 273, § 11, emerg. eff. May 10, 1978; Laws 1981, c. 291, § 1; Laws 1982, c. 287, § 42, operative July 1, 1982; Laws 1984, c. 161, § 2, emerg. eff. May 1, 1984; Laws 1984, c. 240, § 6, operative July 1, 1984; Laws 1985, c. 43, § 2, operative July 1, 1985; Laws 1986, c. 309, § 12, operative July 1, 1986; Laws 1987, c. 165, § 1, eff. July 1, 1987; Laws 1988, c. 322, § 2; Laws 1990, c. 51, § 112, emerg. eff. April 9, 1990; Laws 1990, c. 263, § 132, operative July 1, 1990; Laws 1991, c. 77, § 1, emerg. eff. April 17, 1991; Laws 1992, c. 307, § 6, eff. July 1, 1992; Laws 1995, c. 128, § 1, eff. July 1, 1995; Laws 1996, c. 326, § 1, eff. July 1, 1996; Laws 1997, c. 2, § 7, emerg. eff. Feb. 26, 1997; Laws 1998, c. 179, § 1, emerg. eff. April 29, 1998; Laws 2000, c. 240, § 2, eff.

Nov. 1, 2000; Laws 2001, c. 62, § 1, eff. July 1, 2001; Laws 2001, c. 414, § 5, eff. July 1, 2001; Laws 2002, c. 22, § 13, emerg. eff. March 8, 2002; Laws 2006, c. 213, § 1, eff. Nov. 1, 2006; Laws 2007, c. 1, § 29, emerg. eff. Feb. 22, 2007; Laws 2014, c. 380, § 2, eff. Nov. 1, 2014.
NOTE: Laws 1986, c. 301, § 19 repealed by Laws 1987, c. 165, § 2, eff. July 1, 1987. Laws 1996, c. 130, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2001, c. 36, § 1 repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001 and by Laws 2001, c. 414, § 14, eff. July 1, 2001. Laws 2001, c. 329, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2006, c. 211, § 22 repealed by Laws 2007, c. 1, § 30, emerg. eff. Feb. 22, 2007.

§47-156.1. Use of state-owned or state-leased motor vehicles for private use - Penalty - Exceptions - Temporary authorization - Employee status report.

A. It shall be unlawful for any state official, officer, or employee, except any essential employees approved by the Governor and those officers or employees authorized in subsection B of this section, to ride to or from the place of residence of the employee in a state-owned or -leased automobile, truck, or pickup, except in the performance of the official duty of the employee, or to use or permit the use of any such automobile, truck, ambulance, or pickup for other personal or private purposes. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the county jail for a period to not exceed thirty (30) days, or by both said fine and imprisonment, and in addition thereto, shall be discharged from state employment.

B. 1. Any state employee, other than the individuals provided for in paragraph 2 of this subsection and any employee of the Department of Public Safety who is an employee in the Driver License Examining Division or the Driver Compliance Division or a wrecker inspector or auditor of the Wrecker Services Division as provided for in paragraph 3 of this subsection, who receives emergency telephone calls regularly at the residence of the employee when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the State of Oklahoma to provide transportation between the residence of the employee and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned or -leased vehicle to provide temporary transportation between a specific work location other than the assigned place of employment and the residence of the

employee, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned or -leased vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received, and the number of times that a state vehicle was used in the performance of such emergency calls.

2. Any employee of the Department of Public Safety, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of Investigation, Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse Racing Commission, Oklahoma Department of Agriculture, Food, and Forestry, Office of the Inspector General within the Department of Human Services or Office of the State Fire Marshal, who is a law enforcement officer or criminalist, Public Information officer, Special Investigator or Assistant Director of the Oklahoma State Bureau of Investigation, CLEET-certified Investigator for a state board or any employee of a district attorney who is a law enforcement officer, may be permitted to use a state-owned or -leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

3. Any employee of the Department of Public Safety who is an employee in the Driver License Examining Division, an employee of the Driver Compliance Division, a wrecker inspector or auditor of the Wrecker Services Division, or a noncommissioned pilot may be permitted, as determined by the Commissioner, to use a state-owned or -leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

4. The Director, department heads and other essential employees of the Department of Wildlife Conservation, as authorized by the Wildlife Conservation Commission, may be permitted to use a state-owned or -leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

C. The principal administrator of the state agency with which the employee is employed shall so designate the status of the

employee in writing or provide a copy of the temporary authorization to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Such employee status report shall also be provided to the State Fleet Manager of the Division of Fleet Management if the motor vehicle for emergency use is provided by said Division.
Added by Laws 1941, p. 202, § 3, emerg. eff. May 22, 1941. Amended by Laws 1981, c. 291, § 2; Laws 1983, c. 304, § 23, eff. July 1, 1983; Laws 1987, c. 38, § 1, emerg. eff. April 23, 1987; Laws 1988, c. 322, § 3; Laws 1995, c. 105, § 1, eff. Nov. 1, 1995; Laws 1995, c. 255, § 2, eff. July 1, 1995; Laws 1996, c. 3, § 10, emerg. eff. March 6, 1996; Laws 2002, c. 184, § 1, eff. July 1, 2002; Laws 2003, c. 456, § 3, emerg. eff. June 6, 2003; Laws 2007, c. 326, § 18, eff. Nov. 1, 2007; Laws 2009, c. 248, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 10; Laws 2012, c. 316, § 3, eff. Nov. 1, 2012.
NOTE: Laws 1988, c. 289, § 13 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1995, c. 235, § 2 repealed by Laws 1996, c. 3, § 25, emerg. eff. March 6, 1996.

§47-156.3. Purchase of motor vehicles necessary for performance of official duties permitted - Color - Marking - Size of lettering.

A. This act, Section 151 et seq. of this title, shall not apply to and shall not be so construed as prohibiting the purchase and use of trucks or pickups by state agencies when the trucks or pickups are necessary for the performance of official duties of the state agency.

B. Trucks and pickups owned and operated by the Department of Transportation shall be painted either yellow or white, and except as otherwise provided by law, shall be plainly marked with the words "State of Oklahoma" followed by the name of the department.

C. The provisions of this section shall not be construed to permit the purchase of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight.

D. All acquisitions of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight shall be approved by the Director of the Office of Management and Enterprise Services as provided for in Section 78a of Title 74 of the Oklahoma Statutes.
Added by Laws 1941, p. 202, § 5, emerg. eff. May 22, 1941. Amended by Laws 1988, c. 305, § 25, operative July 1, 1988; Laws 1994, c. 116, § 1, eff. July 1, 1994; Laws 2001, c. 169, § 2, eff. Nov. 1, 2001; Laws 2012, c. 304, § 176.

§47-156.4. Renumbered as § 78b of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-157.1. Insurance on Department of Transportation, Board of Agriculture and Department of Human Services vehicles – Kinds and amounts.

The Department of Transportation, the Board of Agriculture, and the Department of Human Services of the state are hereby authorized to carry insurance on vehicles, motorized machinery, or equipment owned and operated by the Department of Transportation, the Board of Agriculture, and the Department of Human Services, such insurance to be of the following kinds and in amounts not exceeding the following:

1. Bodily injury liability, One Hundred Thousand Dollars ($100,000.00) each person, Three Hundred Thousand Dollars ($300,000.00) each accident;

2. Property damage liability, Fifty Thousand Dollars ($50,000.00) each accident; and

3. Medical and hospital insurance, Five Thousand Dollars ($5,000.00).

Such insurance shall be on standard policy forms approved by the State Insurance Commissioner and with companies authorized to do business in Oklahoma, and shall be paid for out of administrative funds of such departments. Such insurance may cover not only the department or state agency purchasing the insurance but also the personal liability of the operator. The ownership, maintenance, operation and use of motor vehicles and motorized movable equipment owned, leased, used or operated by such departments or state agencies named in this section is hereby declared to be a public governmental function. An action for damages may be brought against such department or state agency, but the governmental immunity of such department or state agency shall be waived only to the extent of the amount of insurance purchased. Such department or state agency shall be liable for negligence only while such insurance is in force, but in no case in any amount exceeding the limits of coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such department or state agency to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. To the extent that the insurer has provided indemnity in the contract of insurance to a department or state agency described in this section, the said insurer may not plead as a defense in any action involving insurance purchased by the authority of this section, the governmental immunity of either the state or of any department or agency thereof purchasing insurance pursuant to this section. Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons may be served upon the director, head or governing board or body of the department or state agency being sued and alleged to come within the purview of this section, wherever that

person may be found. Such policies shall be filed in the office of the Secretary of State as a public record.
Added by Laws 1961, p. 544, § 1, emerg. eff. July 26, 1961. Amended by Laws 1970, c. 334, § 1, emerg. eff. April 22, 1970; Laws 1980, c. 67, § 1, emerg. eff. April 10, 1980; Laws 2013, c. 254, § 30, eff. Jan. 1, 2015.

§47-157.2. Bids on insurance.

Each of the above named departments shall cause the advertisement for bids to be published once each week for two (2) consecutive weeks in a newspaper published in and having general circulation in Oklahoma County, prescribing the time and place at which bids will be received. Said insurance contract shall be awarded to the lowest and best bidder.
Laws 1961, p. 545, § 2.

§47-157.3. Actions to be brought against insurer.

Any person or persons suffering damages from the claimed negligent acts of any of such departments, their officers, servants, employees, or agents, arising from the operation of the vehicles, motorized machinery, or equipment so insured is hereby authorized to maintain an action to collect damages against the insurer. The insurer may not plead as a defense in any action involving insurance purchased by the authority of this act the governmental immunity of either the State of Oklahoma, the State Highway Department, the State Department of Agriculture, or the State Department of Public Welfare, or any other subdivision of state government.
Laws 1961, p. 545, § 3.

§47-157.4. Venue of actions.

Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons shall be served upon the director of the department being sued and alleged to come within the purview of this act, wherever he may be found.
Laws 1961, p. 545, § 4.

§47-157.5. Definition.

The term "person" as used in this act shall mean any individual, firm, partnership, corporation, or business entity of any kind or character, or the executor, administrator, trustee, receiver, assignee, or personal representative thereof.
Laws 1961, p. 545, § 5.

§47-158.1. Repealed by Laws 2002, c. 53, § 1, eff. Nov. 1, 2002.

§47-158.2. Maintenance of actions.

The operation of vehicles, motorized machinery and equipment by the Office of Management and Enterprise Services, the State Department of Health, the Department of Public Safety, the Department of Mental Health and Substance Abuse Services, the Department of Corrections, and all other state departments and agencies not otherwise specifically authorized by law, is hereby declared to be a public governmental function. An action for damages may be brought against such departments, but the governmental immunity of such departments shall be waived only to the extent of the amount of insurance purchased. The departments shall be liable for negligence only while such insurance is in force, but in no case in an amount exceeding the limits of the coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such departments to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. The insurer may not plead as a defense in any action involving insurance purchases by the authority of this section the governmental immunity of either the State of Oklahoma, the State Department of Health, Department of Public Safety, Department of Mental Health and Substance Abuse Services, or the Department of Corrections.
Added by Laws 1963, c. 293, § 2, emerg. eff. June 18, 1963. Amended by Laws 1990, c. 51, § 114, emerg. eff. April 9, 1990; Laws 2008, c. 302, § 5, emerg. eff. June 2, 2008; Laws 2012, c. 304, § 177.

§47-159.1. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.2. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-159.3. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.4. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.5. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.6. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.7. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.

§47-159.8. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.9. Renumbered as § 78c of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.10. Renumbered as § 78d of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.11. Renumbered as § 485.12 of Title 63 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-161. Repealed by Laws 2009, c. 183, § 15, eff. Nov. 1, 2009.

§47-161.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161A. Household Goods Act of 2009 - Definitions.

A. This act shall be known and may be cited as the "Household Goods Act of 2009". The purpose of this act is to regulate intrastate transportation by motor carriers of household goods in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices.

B. The provisions of this act, except as specifically limited herein, shall apply to the intrastate transportation of household goods by motor carriers over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Corporation Commission.

Shipments contracted by the federal government, a state government, a tribal government or any local government or political subdivision thereof shall not be required to obtain a household goods certificate, but shall be regulated by the Commission to achieve compliance with safety requirements and size and weight limitations.

Nothing in this act shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

C. As used in this act:

1. "Commission" means the Corporation Commission;

2. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

3. "Household goods" means used personal effects and property of a dwelling;

4. "Household goods certificate" means a certificate of authority issued by the Corporation Commission to transport household goods within this state;

5. "Intercorporate hauling" means the transportation of household goods, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this section,

when the transportation for compensation is provided for other members of the corporate family;

6. "Motor carrier of household goods" means a person transporting household goods for compensation or other consideration, with an origin and destination within this state;

7. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or self-propelled vehicle not operated or driven upon fixed rails or tracks;

8. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof; and

9. "Public highway" means every public street, road, highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

D. The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 2009, c. 183, § 1, eff. Nov. 1, 2009.

§47-162. Powers and duties of Commission.

A. The Corporation Commission is authorized to:

1. Supervise and regulate every motor carrier of household goods;

2. Protect the shipping and general public by requiring liability insurance and cargo insurance of all motor carriers of household goods;

3. Ensure motor carriers of household goods are complying with applicable size and weight laws and safety requirements;

4. Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public including, but not limited to, consumer protection measures and loss and damage claim procedures; and

5. Enforce the provisions of this act.

B. The Commission is authorized to promulgate rules applicable to persons transporting household goods.

C. 1. The Commission is authorized to administer a hazardous material transportation registration and permitting program for motor carriers engaged in transporting hazardous material upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of

vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

E. The Commission is authorized to promulgate rules and set fees applicable to interstate motor carriers, pertaining to carrier registration, operation of equipment and filing of proper proof of liability insurance.

Added by Laws 1929, c. 253, p. 352, § 2. Amended by Laws 1968, c. 190, § 2, eff. Sept. 30, 1968; Laws 1984, c. 60, § 1; Laws 1995, c. 143, § 14, eff. Nov. 1, 1995; Laws 2000, c. 130, § 3, emerg. eff. April 24, 2000; Laws 2005, c. 418, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 183, § 2, eff. Nov. 1, 2009.

§47-162.1. Participation in Unified Carrier Registration System.

The Corporation Commission is authorized to promulgate rules necessary to enable this state to participate in the Unified Carrier Registration System for interstate motor carriers, brokers, forwarders and leasing companies and interstate motor carriers holding intrastate authority as set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified Carrier Registration Act of 2005.

Added by Laws 1993, c. 171, § 1, emerg. eff. May 10, 1993. Amended by Laws 2006, c. 238, § 2, emerg. eff. June 6, 2006; Laws 2008, c. 168, § 1, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 1, eff. Nov. 1, 2009.

§47-163. Certification to transport household goods.

A. No person shall transport household goods for compensation or other consideration in intrastate commerce without a valid certificate issued by the Corporation Commission.

B. The Commission shall promulgate rules ensuring consumer protection and loss and damage claim procedures.

C. Every motor carrier, subject to this act, receiving household goods for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

D. Record-keeping documents, as required by the Commission, shall be maintained by the motor carrier of household goods for a minimum of three (3) years. The Commission is authorized to require certain documents to be retained for a longer period of time pending a claim for any other reason the Commission deems necessary.

E. Any person, motor carrier, or shipper who shall willfully violate any provision of this act or the Commission's rules pursuant thereto may be found in violation by the Commission. After proper notice and hearing, violators may be assessed penalties in an amount not to exceed One Thousand Dollars ($1,000.00) for the first violation and for the second violation within a year a penalty not to exceed Five Thousand Dollars ($5,000.00).
Added by Laws 1929, c. 253, p. 353, § 3. Amended by Laws 1968, c. 190, § 3, eff. Sept. 30, 1968; Laws 1995, c. 143, § 15, eff. Nov. 1, 1995; Laws 2009, c. 183, § 3, eff. Nov. 1, 2009.

§47-163.1. Repealed by Laws 2009, c. 183, § 16, eff. Nov. 1, 2009.

§47-163.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-165. Application and filing fees.
A. Upon the filing of an application to operate as a motor carrier of household goods, the applicant shall pay to the Corporation Commission a filing fee as set by Commission rule.
B. Upon the filing by an interstate motor carrier of an application to register interstate authority, or supplement thereto, the applicant shall pay the Commission a filing fee as established by the Commission and in full compliance with applicable federal laws.
C. The Commission shall, upon the receipt of any such fee, deposit the same in the State Treasury to the credit of the Corporation Commission Revolving Fund.
Added by Laws 1929, c. 253, p. 353, § 5. Amended by Laws 1933, c. 156, p. 355, § 2, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 5, eff. Sept. 30, 1968; Laws 1971, c. 114, § 1, emerg. eff. April 28, 1971; Laws 1982, c. 354, § 4, operative July 1, 1982; Laws 1982, c. 358, § 16, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 1, eff. May 1, 1985; Laws 1985, c. 325, § 7, emerg. eff. July 29, 1985; Laws 1995, c. 143, § 17, eff. Nov. 1, 1995; Laws 2009, c. 183, § 4, eff. Nov. 1, 2009.

§47-166. Certificates or permits.
A. It is hereby declared unlawful for any person to transport household goods in intrastate commerce without a valid certificate issued by the Corporation Commission.
B. Motor carriers engaged in intercorporate hauling must obtain a certificate in the motor carrier's name.
C. Applicants for intrastate authority to transport household goods shall file an application as required by this act and as prescribed by the Commission. A household goods certificate shall be issued to the applicant upon completion of all requirements.
D. The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods

certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules.

E. Household goods certificates may not be assigned or transferred.

F. The Commission shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

G. The Commission shall adopt rules prescribing the manner and form in which motor carriers shall apply for a household goods certificate.

Added by Laws 1929, c. 253, p. 353, § 6. Amended by Laws 1965, c. 183, § 2; Laws 1968, c. 190, § 6, eff. Sept. 30, 1968; Laws 1995, c. 143, § 18, eff. Nov. 1, 1995; Laws 2009, c. 183, § 5, eff. Nov. 1, 2009.

§47-166.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1a. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1b. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.3. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.4. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.5. Conflicting constitutional provisions - Amendment and alteration.

If this act or the Motor Carrier Act of 1995 or any provision hereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such conflicts or inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and alterations of the sections of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

Added by Laws 1980, c. 13, § 5, emerg. eff. March 20, 1980. Amended by Laws 1995, c. 143, § 19, eff. Nov. 1, 1995.

§47-166a. Definitions - Operation of equipment not owned by motor carrier - Leases - Application of provisions.

A. As used in this section:

1. "Authorized carrier" means a motor carrier of household goods;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other

type of equipment used by authorized carriers in the transportation of household goods;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment with or without driver to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives household goods which are transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the Commission's requirements; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year, model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted over-dimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor, the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of those lessors whose revenue is based on a percentage of the gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the carrier's tariff;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as to how the amount of each item is to be

computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and

b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform household goods transportation by motor carriers.

Added by Laws 1984, c. 60, § 2. Amended by Laws 1995, c. 143, § 20, eff. Nov. 1, 1995; Laws 2009, c. 183, § 6, eff. Nov. 1, 2009.

§47-167.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-169. Filing of certificates of insurance coverage as condition precedent to certificate or permit - Actions by injured party - Failure to maintain coverage.

A. No certificate shall be issued by the Corporation Commission to any motor carrier of household goods until after such motor carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in such sum and amount as fixed by a proper order of the Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of,

persons, and loss or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable. After judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier of household goods shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by Commission rule. The cargo insurance must be filed with the Commission prior to a certificate being issued by the Commission.

C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No carrier whose principal place of business is not in Oklahoma shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by an insurer licensed or approved by the insurance regulatory authority of the state of their principal place of business or the Oklahoma Insurance Department.

D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of Oklahoma and the rules of the Commission during such motor carrier's operation and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Commission, suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide proper insurance and to have the carrier's authority reactivated, upon showing:

1. No operation during the period in which the carrier did not have insurance; and

2. Furnishing of proper insurance coverage.

E. Any carrier who fails to reactivate the carrier's certificate within sixty (60) days after such suspension, as above provided, shall have the certificate canceled, by operation of law, without any notice from the Commission. No certificate so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the authority of a motor carrier upon proper showing that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor carrier's fault. Any carrier

desiring to file for reinstatement of the carrier's certificate shall do so within ninety (90) days of its cancellation by law.

F. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage on such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized, the insurance company or carrier so filing it, upon request of the Commission, shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1929, c. 253, p. 358, § 10. Amended by Laws 1933, c. 156, p. 360, § 4, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 16; Laws 1965, c. 183, § 4, emerg. eff. June 3, 1965; Laws 1968, c. 190, § 9, eff. Sept. 30, 1968; Laws 1970, c. 80, § 1, emerg. eff. March 23, 1970; Laws 1995, c. 143, § 21, eff. Nov. 1, 1995; Laws 2009, c. 183, § 7, eff. Nov. 1, 2009.

§47-169.1. Motor carriers - Liability for loss, damage or injury to goods or property.

Every motor carrier of household goods shall be liable for all loss, damage or injury to goods or property due to any negligence while the same is entrusted to it during operations as a household goods carrier.

Added by Laws 1982, c. 24, § 1, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 22, eff. Nov. 1, 1995; Laws 2009, c. 183, § 8, eff. Nov. 1, 2009.

§47-169.2. Claims - Procedure.

Every motor carrier of household goods, upon receipt of a claim in writing for loss of or damage to cargo during transportation, some portion of which was performed by that carrier, regardless of the form in which the claim is presented, shall:

1. Acknowledge receipt of the claim in writing within thirty (30) days after receipt thereof by the motor carrier;

2. Commence an investigation in good faith to determine whether the carrier acknowledges or denies liability for the loss or damage;

3. Either pay the claim in full, or as agreed to by mutual compromise, or deny liability for loss or damage, in writing, within ninety (90) days after receipt of the original claim by the carrier. Such action shall not be withheld or postponed pending receipt of payment or acknowledgment of liability from connecting carriers; and

4. Acknowledgment of liability shall be accompanied by payment in full for the value of property lost or damaged except where subject to limited liability or released value. When a shipper,

without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, in the event of loss or damage, the shipper will indemnify to the consignee the difference between the released or limited valuation paid by the carrier and the full value of the property shipped. A carrier's liability is limited to the released value or limited liability as agreed as stated in the bill of lading covering the shipment.
Added by Laws 1982, c. 24, § 2, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 23, eff. Nov. 1, 1995; Laws 2009, c. 183, § 9, eff. Nov. 1, 2009.

§47-169.3. Nonliability - Burden of proof.
Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier with written exceptions covering loss or damage thereto, the carrier shall have the burden of proof to establish nonliability for such loss or damage. Terms and conditions of the bill of lading contract referring to excepted causes shall remain applicable.
Added by Laws 1982, c. 24, § 3, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 24, eff. Nov. 1, 1995; Laws 2009, c. 183, § 10, eff. Nov. 1, 2009.

§47-169.4. Concealed loss or damage - Claim - Inspection - Evidence.
Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier in the same manner, with no exceptions noted, such concealed loss or damage claims must be submitted to the carrier by the shipper. Inspections covering loss or damage found after delivery must be requested to the delivering carrier in writing within fifteen (15) days after the delivery of the shipment involved. If more than fifteen (15) days have passed, it is incumbent upon the consignee to offer reasonable evidence to the carrier or a representative of the carrier that loss or damage was not incurred by the consignee after delivery by the carrier.
Added by Laws 1982, c. 24, § 4, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 25, eff. Nov. 1, 1995; Laws 2009, c. 183, § 11, eff. Nov. 1, 2009.

§47-169.5. Failure to process claim or express declination of claim in writing - Penalty.
If the carrier fails to process loss or damage claims as provided in Sections 169.2 through 169.4 of this title, or to express declinations of the claims in writing with proof of nonliability, the carrier may be found in contempt by the Corporation Commission after

proper notice and hearing. Failure to pay any fine or otherwise resolve the complaint may result in a hearing by the Corporation Commission to determine if the operating authority of the carrier shall be revoked.
Added by Laws 1982, c. 24, § 5, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 26, eff. Nov. 1, 1995; Laws 2009, c. 183, § 12, eff. Nov. 1, 2009.

§47-169.6. Other remedies and rights of action - Attorney fees - Costs.

Nothing in Sections 169.1 through 169.5 of this title shall deprive any holder of a receipt of bill of lading any remedy or right of action under existing law. Where litigation is pursued under other existing rights, the prevailing party shall be allowed reasonable attorney fees and court costs.
Added by Laws 1982, c. 24, § 6, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 27, eff. Nov. 1, 1995.

§47-169.7. Statements of liability or indemnity agreements not required - Exceptions.

A motor carrier shall not be required to sign any statement of liability or enter into any contract for the indemnification of any person for any acts or omissions not arising from damage or loss from a wrongful or negligent act or omission from the motor carrier.

The provisions of this section shall not apply to railroad intermodal or transload facilities or to contracts with railroads or ocean carriers.
Added by Laws 2004, c. 458, § 1, emerg. eff. June 4, 2004.

§47-170. Weight and size of vehicles - Advertising - Suspension or revocation - Personal character of certificates or permits.

A. Nothing contained in this act shall be construed to authorize the operation of any freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be in violation of this act and subject to the penalties prescribed for contempt of the Corporation Commission.

C. Household goods certificates may be suspended or revoked for any violation of state law or Commission rule.

D. Certificates shall be considered personal to the holder thereof and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier of household goods, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise, by another, in anywise, of the rights or privileges granted thereunder.

Added by Laws 1929, c. 253, p. 359, § 11. Amended by Laws 1933, c. 156, p. 361, § 5, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 10, eff. Sept. 30, 1968; Laws 1995, c. 143, § 28, eff. Nov. 1, 1995; Laws 2009, c. 183, § 13, eff. Nov. 1, 2009.

§47-170.1. Complaints - Notice and hearing - Orders - Revocation - Liability of complaining party - Appeal.

A. Upon any complaint in writing under oath being made by any person, or by the Commission of its own motion, setting forth any act or thing done or omitted to be done by any person in violation, or claimed violation, of any provision of law, or of any order or rule of the Commission, the Commission shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant together with a notice directed to each defendant requiring that the matter complained of be answered, in writing, within ten (10) days of the date of service of such notice, provided that the Commission may, in its discretion, require particular cases to be answered within a shorter time, and the Commission may, for good cause shown, extend the time in which an answer may be filed.

Upon the filing of the answer herein provided for, the Commission shall set a time and place for the hearing, and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing at an earlier date.

B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses, compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

C. In case of failure on the part of any person to comply with any lawful order of the Commission, or of any Commissioner, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which he may be lawfully interrogated, the Commission may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena, or of the refusal to testify.

D. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall pay the costs incident thereto and the fees for mileage of all his witnesses.

E. In event any process shall be directed to any nonresident who is authorized to do business in this state, the process may be served upon the agent designated by the nonresident for the service of

process, and service upon the agent shall be as sufficient and as effective as if served upon the nonresident.

F. All process issued by the Commission shall extend to all parts of the state and any such process, together with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and regulations of the Commission, may be served by any person authorized to serve process issued out of courts of record, or by certified mail.

G. After the conclusion of any hearing, the Commission shall, within sixty (60) days, make and file its findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action of the Commission is involved to determine the controverted questions presented by the proceeding. A copy of such order, certified under the seal of the Commission, shall be served upon the person against whom it runs, or the attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys. The order shall take effect and become operative within fifteen (15) days after the service thereof, unless otherwise provided. If an order cannot, in the judgment of the Commission, be complied with within fifteen (15) days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be revoked by the Commission.

I. Where a complaint is instituted by any person other than the Commission of its own motion and in the event the Commission should find that the complaint was not in good faith, the complaining party shall be required to pay the defendant's attorney's fee, the fee to be prescribed by the Commission in accordance with applicable Oklahoma Bar Association standards.

J. Any person aggrieved by any findings and order of the Commission may appeal to the Supreme Court in the way and manner now or hereafter provided for appeals from the district court to the Supreme Court.

Added by Laws 1968, c. 190, § 26. Amended by Laws 1969, c. 93, § 1, emerg. eff. March 25, 1969; Laws 1995, c. 143, § 29, eff. Nov. 1, 1995.

§47-170.2. Report of load capacity violations to Corporation Commission - Contempt of Commission motor carrier rules, tariffs and regulations - Penalties - Complaint procedure.

A. The Department of Public Safety, monthly, shall notify the Oklahoma Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits.

B. Truck overweight violations by motor carriers or private carriers shall be considered contempt of Commission motor carrier rules, tariffs and regulations. The Commission shall establish a specific rule whereby such overweight violations by motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars ($500.00) on each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such violations. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight.

C. The Commission, in its discretion and on its own motion, may make a contempt complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

Added by Laws 1984, c. 49, § 3, operative July 1, 1984. Amended by Laws 1985, c. 124, § 1, eff. July 1, 1985; Laws 1995, c. 143, § 30, eff. Nov. 1, 1995.

§47-171. Appropriation - Extra help for Corporation Commission.

All monies accruing to the "Corporation Commission Revolving Fund" are hereby appropriated to the Corporation Commission.

The Corporation Commission is hereby authorized and empowered to employ such extra help as may be necessary to carry out the

provisions of this act for the enforcement of the law and the collection of taxes set forth herein, said employees to be paid from the appropriations made in this section. Provided, such employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state. The Corporation Commission is hereby authorized to pay from the "Corporation Commission Revolving Fund" such extra operating expenses as may be attributable to the enforcement of this act, in the same manner and form as other expenses are paid.

Provided further, such employees shall be such extra help as may be in the judgment of the Corporation Commission necessary to aid in the enforcement of this act in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

Amended by Laws 1985, c. 325, § 8, emerg. eff. July 29, 1985.

§47-171.1. Expenditure of Corporation Commission Revolving Funds - Uses.

In addition to other uses authorized by law, funds provided to the Corporation Commission Revolving Fund pursuant to Sections 165, 177.2 and 180h of this title shall be expended as follows:

1. The Corporation Commission Transportation Division shall employ four special motor carrier enforcement officers and one supervisor-officer who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act and any other applicable provisions of law. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Corporation Commission on the effective date of this act.

2. The Commission shall purchase a sufficient number of motor vehicles to provide each motor carrier enforcement officer employed in the Transportation Division a motor vehicle suitable to carry out the enforcement provisions of applicable law. Said vehicles shall be appropriately marked as official vehicles and radio equipped. All costs for operation, maintenance and replacement of the motor vehicles authorized in this section shall be provided for from the Corporation Commission Revolving Fund.

3. The Commission shall employ a hearing officer whose primary responsibility shall be the adjudication of enforcement proceedings

and complaints brought against persons engaged in unauthorized transportation or disposal of deleterious substances or other unauthorized transportation in violation of the Oklahoma Motor Carrier Act or the rules and regulations of motor carriers as promulgated by the Corporation Commission.
Added by Laws 1982, c. 354, § 7, operative July 1, 1982. Amended by Laws 1985, c. 325, § 9, emerg. eff. July 29, 1985; Laws 1993, c. 185, § 1, eff. Sept. 1, 1993.

§47-171.2. Motor carrier enforcement officers.

Motor carrier enforcement officers as authorized in Section 171.1 of this title shall have authority and powers as provided for those motor carrier officers authorized under the provisions of Section 172 of this title.
Added by Laws 1983, c. 151, § 4, emerg. eff. May 26, 1983.

§47-172. Violations of act - Penalty - Report of violations - Civil or criminal proceedings - Official misconduct - Contempt - Personnel, salaries and powers - Oath and bond.

A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars ($1,000.00).

B. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official misconduct. The

Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the Corporation Commission, and shall be subject to a fine to be imposed by the Corporation Commission in a sum not exceeding Five Hundred Dollars ($500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars ($500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the Corporation Commission Trucking One-Stop Shop Fund, as created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The Corporation Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

E. Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections 161 through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.

The powers and duties conferred upon said enforcement officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof, or of members of the Division of Highway Patrol, subject to the Department of Public Safety.

F. The enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other evidences of the

character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

G. The enforcement officers are authorized to serve all warrants, writs, and notices issued by the Corporation Commission relating to the enforcement of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 and the rules, regulations, and requirements prescribed by the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

H. The enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or the rules, regulations, and requirements of the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

I. No state official, other than members of the Corporation Commission, shall have any power, right, or authority to command, order, or direct any enforcement officer to perform any duty or service authorized by Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

J. Each of the enforcement officers shall, before entering upon the discharge of their duties, take and subscribe to the usual oath of office and shall execute to the State of Oklahoma a bond in the sum of Twenty-five Thousand Dollars ($25,000.00) each, with sufficient surety for the faithful performance of their duty. The bond shall be approved and filed as provided by law.

K. No enforcement officer or employee of the Oklahoma Corporation Commission shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an assign of the legal staff of the chief legal counsel.

Added by Laws 1929, c. 253, p. 360, § 13. Amended by Laws 1933, c. 156, p. 362, § 6, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 17, emerg. eff. May 1, 1937; Laws 1953, p. 206, emerg. eff. May 29, 1953; Laws 1969, c. 91, § 1, emerg. eff. March 25, 1969; Laws 1983, c. 263, § 13, eff. July 1, 1983; Laws 1985, c. 124, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 10, emerg. eff. July 29, 1985; Laws 1995,

c. 143, § 31, eff. Nov. 1, 1995; Laws 2006, c. 238, § 3, emerg. eff. June 6, 2006.

§47-172.1. Qualifications for enforcement officers.

A. Future applicants for the position of enforcement officer shall be high school graduates and shall have had at least three (3) years' practical experience in the transportation industry or in the field of law enforcement and be certified by the Council on Law Enforcement Education and Training (CLEET) within twelve (12) months from the date of employment. Applicants shall have attained the age of twenty-one (21) years.

B. The applicants shall pass a written test or examination on motor carrier law and the rules of the Commission pertaining thereto, for the purpose of establishing the applicant's fitness and ability to perform the duties of an enforcement officer.

Added by Laws 1968, c. 190, § 25, eff. Sept. 30, 1968. Amended by Laws 1969, c. 90, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 229, § 7, emerg. eff. June 12, 1971; Laws 1995, c. 143, § 32, eff. Nov. 1, 1995.

§47-173. Venue of actions against motor carriers - Issuance of summons.

Any action against a motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, may be brought, in addition to the other counties in which such action may be brought, in the county where the cause of action or some part thereof arose, and summons shall be issued to any other county against any one or more of the defendants at the plaintiff's request.

Laws 1929, c. 253, p. 360, § 14.

§47-176. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-177.2. License and permit for transporting deleterious substances - Proof of access to approved disposal well - List of permits - Fees - Provisions supplemental to other applicable motor carrier laws.

A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until such time as the carrier has been issued a deleterious substance transport permit.

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars ($250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

Added by Laws 1965, c. 422, § 2, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 12, eff. Sept. 30, 1968; Laws 1982, c. 354, § 5, operative July 1, 1982; Laws 1983, c. 151, § 1, emerg. eff. May 26, 1983; Laws 1985, c. 325, § 11, emerg. eff. July 29, 1985; Laws 1988, c. 322, § 6; Laws 1993, c. 145, § 253, eff. July 1, 1993; Laws 1995, c. 143, § 33, eff. Nov. 1, 1995.

NOTE: Laws 1982, c. 358, § 17 repealed by Laws 1983, c. 151, § 5, emerg. eff. May 26, 1983.

§47-177.3. Violations - Penalties.

A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the

aforementioned misdemeanor charge and advise the Commission of such action and the results thereof.

D. The Oklahoma Corporation Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars ($2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars ($5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars ($20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules and regulations of the Oklahoma Corporation Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars ($500.00).

Added by Laws 1965, c. 422, § 3, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 13, eff. Sept. 30, 1968; Laws 1983, c. 151, § 2, emerg. eff. May 26, 1983; Laws 1985, c. 124, § 3, eff. July 1, 1985; Laws 1993, c. 145, § 254, eff. July 1, 1993; Laws 1995, c. 143, § 34, eff. Nov. 1, 1995.

§47-180. Definitions.

The following words and phrases, when used in this act, shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the Commission, for making application for motor carrier vehicle identification devices; and

2. The term "identification device" shall mean the motor carrier vehicle identification device issued by the Commission under the provisions of this act for the purpose of identifying powered motor carrier vehicles operated under and coming within the provisions of this act or the Motor Carrier Act of 1995.

Added by Laws 1939, p. 58, § 2. Amended by Laws 1968, c. 190, § 14, eff. Sept. 30, 1968; Laws 1969, c. 92, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 1, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 35, eff. Nov. 1, 1995.

§47-180a. Display of identification device on motor carriers.

It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the Commission, said device to be displayed as provided by the rules of the Commission.
Laws 1939, p. 58, § 3; Laws 1968, c. 190, § 15, eff. Sept. 30, 1968; Laws 1969, c. 92, § 2, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 2, emerg. eff. April 26, 1971.

§47-180b. Device subject to seizure.
The identification device shall be the property of the Commission at all times, and shall be subject to seizure and confiscation by the Commission for any good cause and at the will of the Commission.
Laws 1939, p. 59, § 4; Laws 1968, c. 190, § 16, eff. Sept. 30, 1968.

§47-180c. Seizure and confiscation of devices - Grounds.
The Commission may issue an order for the seizure and confiscation and return to the Commission of any identification device or devices, for any of the following reasons, and to direct said order or orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act and/or any other section of the motor carrier law now in force or hereinafter enacted:
1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed with the Commission, to lapse or become cancelled or for any reason to become void and fail to meet the requirements as provided by law;
2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or provision of this act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission;
3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which said identification device or devices were issued; or
4. For operating any powered motor vehicle in violation of the terms and provisions of this act or the Motor Carrier Act of 1995 and all applicable size and weight laws and safety standards of this state.
Added by Laws 1939, p. 59, § 5. Amended by Laws 1968, c. 190, § 17, eff. Sept. 30, 1968; Laws 1969, c. 92, § 3, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 3, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 36, eff. Nov. 1, 1995.

§47-180d. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of this act or the Motor Carrier Act of 1995.
Added by Laws 1939, p. 59, § 6. Amended by Laws 1968, c. 190, § 18, eff. Sept. 30, 1968; Laws 1995, c. 143, § 37, eff. Nov. 1, 1995.

§47-180e. Commission to provide for suitable methods of identification.
The Commission, in its discretion, is authorized to provide for decals, cab cards, or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle.
Laws 1939, p. 59, § 7; Laws 1968, c. 190, § 19, eff. Sept. 30, 1968; Laws 1971, c. 102, § 4, emerg. eff. April 26, 1971.

§47-180f. Purchase of devices and other equipment.
The Commission is hereby authorized to purchase said identification devices in sufficient amounts to supply the demand, and to purchase such other officer supplies and equipment as is necessary to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay for, or cause the same to be paid for, out of the appropriation provided therefor.
Added by Laws 1939, p. 60, § 8. Amended by Laws 1953, p. 207, § 1; Laws 1968, c. 190, § 20, eff. Sept. 30, 1968; Laws 1995, c. 143, § 38, eff. Nov. 1, 1995.

§47-180g. Issuance of identification devices.
It shall be the duty of the Commission to provide identification devices upon written application of any authorized motor carrier.
Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995.
It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or transfer an identification device except as provided by rules of the Commission.
Added by Laws 1939, p. 60, § 9. Amended by Laws 1968, c. 190, § 21, eff. Sept. 30, 1968; Laws 1969, c. 92, § 4, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 5, emerg. eff. April 26, 1971; Laws 1983,

c. 151, § 3, emerg. eff. May 26, 1983; Laws 1995, c. 143, § 39, eff. Nov. 1, 1995.

§47-180h. Fee for registration.

The Corporation Commission is hereby authorized to collect from applicants for motor carrier and private carrier identification devices a fee of Seven Dollars ($7.00) for registration of each of its vehicles registered under the provisions of this act or the Motor Carrier Act of 1995; and the fee shall be in addition to any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1953, p. 208, § 2, emerg. eff. May 29, 1953. Amended by Laws 1968, c. 190, § 22, eff. Sept. 30, 1968; Laws 1971, c. 102, § 6, emerg. eff. April 26, 1971; Laws 1982, c. 358, § 18, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 12, emerg. eff. July 29, 1985; Laws 1987, c. 232, § 4, emerg. eff. July 5, 1987; Laws 1995, c. 143, § 40, eff. Nov. 1, 1995; Laws 2006, c. 238, § 4, emerg. eff. June 6, 2006.

NOTE: Laws 1982, c. 354, § 6 repealed by Laws 1985, c. 205, § 4, eff. July 1, 1985.

§47-180i. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180j. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180k. Records.

All records of the Corporation Commission under this act shall be maintained in, and classified as all other records in the Transportation Division of the Corporation Commission.

Amended by Laws 1988, c. 322, § 7.

§47-180l. Reciprocal compacts and agreements with other states.

The Commission is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents: Provided: (1) That no such compact or agreement shall supersede or suspend the operation of any law, rule or regulation of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma; (2) That any privileges, the granting of which

shall be provided by any such compact or agreement, shall extend only in cases of full compliance with the laws of the state joining in such compact or agreement; (3) That no such compact or agreement shall supersede or suspend the operation of any law of the State of Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; and (4) That the powers and authority of the Oklahoma Tax Commission to administer and enforce the tax laws of this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended.
Laws 1939, p. 62, § 14; Laws 1953, p. 208, § 3; Laws 1968, c. 190, § 24, eff. Sept. 30, 1968.

§47-180m. Enforcement of act.

In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, enforcement officers appointed by the Corporation Commission of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma:

1. To enforce the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

3. To make arrests for the violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995, without the necessity of procuring a warrant;

4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial;

5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced;

6. To report all such arrests for violations of Sections 180 through 180m of this title to the Corporation Commission of Oklahoma within ten (10) days after making such arrest and to furnish such information concerning same as the Commission may request; and

7. At the request of the Corporation Commission, to seize and confiscate any and all identification devices and to forward the same to the Corporation Commission for cancellation.

Added by Laws 1939, p. 62, § 15. Amended by Laws 1953, p. 208, § 4, emerg. eff. May 29, 1953; Laws 1995, c. 143, § 41, eff. Nov. 1, 1995; Laws 1995, c. 358, § 4, eff. Nov. 1, 1995.

NOTE: Laws 1995, c. 23, § 15 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-224. Auto buses not operating under certificate or permit or license of Corporation Commission - Authority of city to regulate.

Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the interest of the city, regulate the operation within the corporate limits of the city of auto buses not operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission for the transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or from points within the corporate limits of the city.

Added by Laws 1947, p. 320, § 1, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 42, eff. Nov. 1, 1995.

§47-225. Auto buses operating under certificate or permit or license - Prohibiting stopping, loading, unloading and parking.

Any city of this state may, by a duly adopted ordinance, prohibit any auto bus being operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission of Oklahoma transporting passengers for hire to, from or through said city from stopping, except in cases of accident or other emergencies, on the streets or alleys within a specified area of the city where the traffic is congested, and loading and unloading passengers while so stopped; and also prohibit the parking of any such automobile or auto bus on the streets or alleys in such congested area. Nothing contained in this act shall authorize any city or town to designate the location of passenger terminals or bus stations.

Added by Laws 1947, p. 321, § 2, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 43, eff. Nov. 1, 1995.

§47-226.1. Power of city or town to grant franchise.

Any city or town of this state may, pursuant to and subject to the applicable provisions of the Constitution and laws of Oklahoma, grant to any person, firm or corporation a franchise for the operation of auto buses, as herein defined, for the transportation of passengers for hire within the corporate limits of said city or town.

Laws 1947, p. 315, § 1.

§47-226.2. Operation without franchise unlawful when franchise granted to another.

Where any city or town has granted a franchise for the operation of auto buses, as provided in Section 1, and auto buses are being operated under such franchise by the holder thereof, it is hereby declared to be unlawful for any other person, firm or corporation to operate such auto buses without a franchise therefor.

Laws 1947, p. 315, § 2.

§47-226.3. Violations.

Any person, firm or corporation operating or causing to be operated an auto bus, as herein defined, contrary to the provisions of Section 2 hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year or by both such fine and imprisonment, and each day any auto bus is operated in violation of this act shall be a separate offense.
Laws 1947, p. 315, § 3.

§47-226.4. Definition of franchise.

An "auto bus" as the term is used herein means a self-propelled vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven (7) or more passengers, operating over a fixed route and/or between fixed termini and/or on scheduled trips.
Laws 1947, p. 315, § 4.

§47-226.5. Validation of existing franchises.

Any franchise which has heretofore been granted by any city or town in this state for the operation of auto buses for the transportation of passengers for hire within the corporate limits of said city or town is hereby ratified, legalized and confirmed.
Laws 1947, p. 315, § 5.

§47-228.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.3. Intrastate motor transportation fuel surcharge.

The Oklahoma Corporation Commission shall establish an intrastate motor transportation fuel surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular routes that shall in no instance be less than that established by the Interstate Commerce Commission for interstate transportation by like carriers.
Added by Laws 1980, c. 11, § 6, emerg. eff. March 13, 1980. Amended by Laws 1995, c. 143, § 44, eff. Nov. 1, 1995.

§47-228.4. Application of Sections 161 through 180m.

Except as provided herein, the provisions of Sections 161 through 180m of Title 47 of the Oklahoma Statutes are expressly made applicable to any certificate or permit issued under this act.
Laws 1980, c. 11, § 7, emerg. eff. March 13, 1980.

§47-230.1. Short title.

This act shall be known and may be cited as the "Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act".

Added by Laws 1986, c. 80, § 1, eff. Nov. 1, 1986.

§47-230.2. Legislative intent.

A. The Legislature finds:

1. That the volume of hazardous and nonhazardous materials transported by motor carriers within this state is substantial and the need exists to improve the enforcement of safety related aspects of motor carrier transportation for both interstate and intrastate motor carriers which is consistent with federal standards and regulations.

2. That hazardous materials are essential for various industrial, commercial, and other purposes, that their transportation is a necessary incident to their use, and that the transportation is required for the economic prosperity of the people of the State of Oklahoma.

3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent manner.

4. That it is in the public interest and within the police power of the state to provide for the regulation of the safety related aspects of motor carrier transportation and the handling and transportation of hazardous materials.

B. It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.

C. It is not the intent of the Legislature to regulate the movement of hazardous materials in such quantities that would not pose a substantial danger to the public health and safety, and the Department may provide for exemptions as provided for in federal regulations for farm use, and other appropriate exemptions consistent with federal regulations.

Added by Laws 1986, c. 80, § 2, eff. Nov. 1, 1986.

§47-230.3. Definitions.

As used in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act:

1. "Commerce" means trade, traffic, commerce or transportation within this state;

2. "Commissioner" means the Commissioner of Public Safety;

3. "Department" means the Oklahoma Department of Public Safety;

4. "Discharge" means leakage, seepage or other release of hazardous materials;

5. "Hazardous material" means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce;

6. "Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns; and

7. "Transports" or "transportation" means any movement of property over the highway and any loading, unloading or storage incidental to such movement.

Added by Laws 1986, c. 80, § 3, eff. Nov. 1, 1986.

§47-230.4. Powers and duties of Commissioner.

To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

1. shall adopt and promulgate rules and regulations in order to carry out the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the implementation of a transportation emergency response system;

2. may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended;

3. shall conduct a continuing review of all aspects of motor carrier safety and the transportation of property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe transportation;

4. may authorize any officer, employee or agent of the Department to:

a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; and conduct directly or indirectly research, development, demonstration and training activities,

b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,

d. declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete,

e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and

f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto.

Any such officer, employee or agent shall, upon request, display proper credentials prescribed or approved by the Commissioner.
Added by Laws 1986, c. 80, § 4, eff. Nov. 1, 1986.

§47-230.5. Examination and inspection of record, equipment, etc.

Motor carriers and other persons subject to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall make available for inspection and copying their accounts, books, records, memoranda, correspondence, and other documents, and shall allow their lands, buildings and equipment to be examined and inspected by any officer, employee, or agent of the Department of Public Safety, including members of the Oklahoma Highway Patrol, upon demand and display of the credentials issued by the Commissioner.
Added by Laws 1986, c. 80, § 5, eff. Nov. 1, 1986.

§47-230.6. Certain uses and activities of vehicles and containers prohibited.

A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize to operate, or require the operation of any vehicle or the use of any container when the person has been placed out-of-service or the vehicle or container has been marked out-of-service until all requirements of the out-of-service

order of the person have been met or all required corrections for the vehicle or container have been made; provided, upon approval of the Department, the vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department. No person shall return to duty unless all requirements of the out-of-service order have been met and the person has been approved to return to duty by an authorized officer, employee or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:
   a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
   b. has had driving privileges to operate a commercial motor vehicle disqualified ,
   c. is not licensed to operate a commercial motor vehicle; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class D driver license,
   d. has more than one commercial driver license; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class A, B or C driver license,
   e. does not have the proper class or endorsements on the driver license or commercial learner permit, or
   f. is in violation of any restriction on the driver license or commercial learner permit;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation:
   a. of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings, or
   b. of any restriction on the driver license or commercial learner permit of the employee.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand

Seven Hundred Fifty Dollars ($2,750.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00).

Added by Laws 1986, c. 80, § 6, eff. Nov. 1, 1986. Amended by Laws 1998, c. 345, § 3, eff. Nov. 1, 1998; Laws 2001, c. 309, § 6, eff. Nov. 1, 2001; Laws 2002, c. 169, § 4, eff. Oct. 1, 2002; Laws 2004, c. 390, § 14, eff. Sept. 1, 2005; Laws 2012, c. 207, § 9, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 8, eff. Nov. 1, 2013.

§47-230.7. Discharge of hazardous material prohibited.

No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as may be authorized by the Department or a representative of the Department.

Added by Laws 1986, c. 80, § 7, eff. Nov. 1, 1986.

§47-230.8. Reporting of incidents and accidents.

A. Each person involved in an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to the provisions of Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act shall immediately report, by telephone, to the Department if that incident or accident involves:

1. a fatality due to fire, explosion, or exposure to any hazardous material;

2. the hospitalization of any person due to fire, explosion, or exposure to any hazardous material;

3. a continuing danger to life, health, or property at the place of the incident or accident; or

4. an estimated property damage of an amount to be determined by the Commissioner by regulation.

B. A written report shall be submitted by the person to the Department on a form prescribed by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity and classification of the material, and any other pertinent details.

C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to

Title 46 or Title 49 of the Code of Federal Regulations, the carrier shall send a copy of the report filed with the United States Department of Transportation to the Department of Public Safety. Added by Laws 1986, c. 80, § 8, eff. Nov. 1, 1986.

§47-230.9. Compliance with act - Violations - Penalties.

A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars ($100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars ($500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars ($200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars ($1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars ($1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars ($1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the penalty shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered:

1. In an action brought by the Attorney General on behalf of the State of Oklahoma. However, before referral to the Attorney General, the administrative penalty may be compromised by the Commissioner;

2. By the Commissioner in the appropriate district court of the State of Oklahoma; or

3. By the Commissioner in an administrative hearing conducted by the Department of Public Safety.

H. The first One Hundred Thousand Dollars ($100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars ($100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

Added by Laws 1986, c. 80, § 9, eff. Nov. 1, 1986. Amended by Laws 1987, c. 176, § 1, operative July 1, 1987; Laws 1992, c. 179, § 2, eff. July 1, 1992; Laws 1993, c. 259, § 45, operative Sept. 1, 1993; Laws 2002, c. 474, § 1, emerg. eff. June 6, 2002; Laws 2004, c. 390, § 15, eff. July 1, 2004; Laws 2012, c. 283, § 13, eff. July 1, 2012.

§47-230.10. Exemptions.

The Department shall exempt any vehicle in which hazardous material is transported or any person who transports any hazardous material if such exemption is identical to an exemption issued by the Secretary of the United States Department of Transportation and may exempt any person who transports any hazardous material intrastate under similar provisions. The Department may seek exemptions

pursuant to federal law for transportation of those quantities of hazardous materials which do not pose a substantial danger to the public health and safety.
Added by Laws 1986, c. 80, § 10, eff. Nov. 1, 1986.

§47-230.11. Cooperation with other agencies.

A. Other state agencies, departments and bureaus shall cooperate with the Oklahoma Department of Public Safety in regulating motor carrier safety and the transportation of hazardous materials. Such agencies, departments and bureaus may enter into interagency agreements with the Department for the purpose of implementing, administering and enforcing any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department issued pursuant thereto.

B. The Department may enter into a cooperative agreement with the United States Department of Transportation and any other federal department or agency to enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, or regulations adopted pursuant thereto, federal motor carrier safety regulations, and federal regulations governing the transportation of hazardous material. The Department may receive grants, gifts and other funds, equipment and services from the federal government or other sources for this purpose.

C. All files, records and data gathered by the Department pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act may be made available to the Department of Environmental Quality, other agencies of state government, the United States Department of Transportation and other jurisdictions in any cooperative effort relating to motor carrier safety or the transportation of hazardous materials.
Added by Laws 1986, c. 80, § 11, eff. Nov. 1, 1986. Amended by Laws 1993, c. 145, § 272, eff. July 1, 1993.

§47-230.12. Immunity from civil liability.

A. No person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened discharge of hazardous material, or in preventing, cleaning up, or disposing or in attempting to prevent, clean up or dispose of any such discharge, shall be subject to any civil liability or administrative penalties as a result of such assistance or advice.

B. The immunities provided in subsection A of this section shall not apply:

1. To any person whose act or omission caused in whole or in part such actual or threatened discharge and who would otherwise be liable therefor;

2. To any person who receives compensation, other than reimbursement for out-of-pocket expenses, for services in rendering such assistance or advice; or

3. To a common carrier relative to its handling or transporting of hazardous materials.

C. Nothing contained in subsection A of this section shall be construed to limit or otherwise affect the liability of any person for damages resulting from such person's gross negligence, or from such person's reckless, wanton or intentional misconduct.

Added by Laws 1986, c. 80, § 12, eff. Nov. 1, 1986. Amended by Laws 2002, c. 474, § 2, emerg. eff. June 6, 2002.

§47-230.13. Enforcement of act.

The Department of Public Safety and the Oklahoma Highway Patrol Division shall enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules promulgated thereto.

Added by Laws 1986, c. 80, § 13, eff. Nov. 1, 1986. Amended by Laws 2001, c. 309, § 7, eff. Nov. 1, 2001.

§47-230.14. Conflicts with other laws.

The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act is not intended to affect any law of this state now in effect with respect to matters relating to the transportation of hazardous materials but in the case of any conflict relating to motor carrier safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.

Added by Laws 1986, c. 80, § 14, eff. Nov. 1, 1986.

§47-230.15. Report of violations to Corporation Commission - Liability and damage insurance - Administrative penalties - Driving hours - Conflicting regulations.

A. Whenever the Department of Public Safety has determined that any person who is regulated as a motor carrier pursuant to Sections 166 through 180m of this title has violated any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or any rule promulgated thereto, the Department of Public Safety shall report such violations to the Corporation Commission for the purposes of determining if such person has violated any provisions of the permit or certificate issued by the Commission pursuant to any provision of Sections 166 through 180m of this title or of any rule promulgated thereto.

B. Every motor carrier subject to this section shall maintain liability and property damage insurance covering each motor vehicle operated by the motor carrier and file proof of that insurance with

the Oklahoma Corporation Commission. The Commission shall set the amount of necessary insurance for the transportation of all commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department. Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars ($1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated thereto.

C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in excess of those authorized by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject to the administrative penalties pursuant to the provisions of this act.

D. In adopting rules pursuant to the provisions of this act, the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the following exceptions:

1. The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended; except in the event of an emergency and upon notification of the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are necessary to ensure the health, welfare and safety of the public; and

2. No rule shall be adopted that enforces the provisions of 49 CFR Section 395.3(a)(3)(ii) relating to rest breaks, if the driver or motor carrier is engaged solely in intrastate commerce.

E. Except as provided in subsection F of this section, any regulation relating to motor carrier safety or to the transportation of hazardous materials adopted by a local government, authority, or state agency or office shall be consistent with corresponding federal regulations. To the extent of any conflict between said regulations and rules adopted by the Department of Public Safety under this section, rules adopted by the Department shall control.

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3) years after the adoption of any motor carrier safety regulation by the United States Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

3. The Department of Public Safety may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United States Code and federal regulations promulgated at Section 390.23 of Title 49 of the Code of Federal Regulations, which provide an exemption from the hours of service regulations during certain emergencies.

4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption permitted under Section 31104(h) of Title 49 of the United States Code and federal regulations promulgated at Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the United States Department of Transportation, if approval is required.
Added by Laws 1987, c. 176, § 2, operative July 1, 1987. Amended by Laws 1991, c. 309, § 9, eff. July 1, 1991; Laws 2004, c. 64, § 1, emerg. eff. April 7, 2004; Laws 2016, c. 182, § 1, emerg. eff. April 26, 2016.

§47-230.16. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§47-230.17. Hazardous materials endorsement exemption for commercial Class A license holders.

A. Any person driving under a commercial Class A license shall not be required to obtain a hazardous materials endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier or livestock feeder;

2. Is operating a service vehicle that is transporting diesel in a quantity of three thousand seven hundred eighty-five (3,785) liters or one thousand (1,000) gallons or less; and

3. Is clearly marked with a "flammable" or "combustible" placard as appropriate.
Added by Laws 2019, c. 123, § 1, eff. July 1, 2019.

§47-230.21. Short title.

The provisions of this act shall be known and may be cited as the "Motor Carrier Act of 1995".
Added by Laws 1995, c. 143, § 1, eff. Nov. 1, 1995.

§47-230.22. Public policy and interest - Revocation of existing certificates and permits - Application of act.

A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers and private carriers in such manner as to recognize the need to require all motor carriers and private carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact on the environment.

B. The public policy of this state, as declared by the Legislature, requires that all existing intrastate certificates and permits granted by the Oklahoma Corporation Commission, except household goods and used emigrant movables, prior to January 1, 1995, are hereby revoked.

C. The provisions of the Motor Carrier Act of 1995, except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers and private carriers, except motor carriers of household goods and used emigrant movables, over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Oklahoma Corporation Commission.

D. Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

E. The terms and provisions of the Motor Carrier Act of 1995 shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 1995, c. 143, § 2, eff. Nov. 1, 1995.

§47-230.23. Definitions.

As used in the Motor Carrier Act of 1995:

1. “Person” means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

2. “Commission” means the Oklahoma Corporation Commission;

3. “License” means the license issued under authority of the laws of the State of Oklahoma to motor carriers and private carriers;

4. “Interstate Registration Certificate” (IRC) means a document issued by the Commission granting permission to operate upon the highways of the State of Oklahoma in interstate commerce exempt from federal motor carrier regulation;

5. “Motor vehicle” means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;

6. “Motor carrier of persons or property” means any person, except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state. Provided, the provisions of the Motor Carrier Act of 1995 shall not apply to the

following vehicles and equipment when such vehicles and equipment are being used for the following:

a. taxicabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business,

b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto.

c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, and

d. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

7. “Corporate family” means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

8. “Intercorporate hauling” means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995, when the transportation for compensation is provided for other members of the corporate family;

9. “Private carrier” means any person engaged in transportation upon public highways, of persons or property, or both, but not as a motor carrier, and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than transportation;

10. “Market” means the point at which livestock and farm products in the raw state were first delivered by the producer of the livestock and farm products in the raw state, upon the sale thereof;

11. “Public highway” means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually

dedicated to the public and accepted by the proper authorities or otherwise; and

12. "Commercial enterprise" means all undertakings entered into for private gain or compensation, including all industrial pursuits, whether the undertakings involve the handling of or dealing in commodities for sale or otherwise.

Added by Laws 1995, c. 143, § 3, eff. Nov. 1, 1995. Amended by Laws 1999, c. 366, § 7, eff. July 1, 1999; Laws 2005, c. 190, § 13, eff. Sept. 1, 2005.

§47-230.24. Powers and duties of Corporation Commission.

A. The Corporation Commission is hereby vested with power and authority, and it shall be its duty:

1. To supervise and regulate every motor carrier whether operating between fixed termini or over a regular route or otherwise and not operating exclusively within the limits of an incorporated city or town in this state and all private carriers operating vehicles having a gross registered weight of greater than 26,000 pounds and not operating exclusively within the limits of an incorporated city or town in this state;

2. To protect the shipping and general public by supervising and requiring insurance of all motor carriers and private carriers;

3. To ensure motor carriers and private carriers are complying with the applicable size and weight laws of this state and safety requirements;

4. To establish there will be no detrimental environmental impact; and

5. To supervise and regulate motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public provided those matters do not exceed federal standards as they apply to this state.

B. The Commission shall have the power and authority by general order or otherwise to prescribe rules applicable to any or all motor carriers and private carriers as applicable.

C. The Commission shall cooperate and coordinate with the Oklahoma Department of Public Safety in regulating carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials. The Commission may enter into interagency agreements with the Department of Public Safety for the purpose of implementing, administering and enforcing any provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department of Public Safety issued pursuant thereto. Any license issued by the Commission may be suspended or revoked due to operations conducted in violation of any laws or rules and regulations pertaining to motor carriers, private carriers, carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials.

Added by Laws 1995, c. 143, § 4, eff. Nov. 1, 1995.

§47-230.25. Shipping documentation - Penalty for violation of act.

A. Every motor carrier, subject to the Motor Carrier Act of 1995, receiving property for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

B. Any person, motor carrier, or shipper who shall willfully violate any provisions of the Motor Carrier Act of 1995 by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

Added by Laws 1995, c. 143, § 5, eff. Nov. 1, 1995.

§47-230.26. Contempt proceedings.

When the Commission, upon complaint, has reason to believe that any person, motor carrier, or shipper is violating or has willfully violated any provision of the Motor Carrier Act of 1995, the Commission shall, upon its own initiative, file a contempt proceeding and set a date for the proceeding to be heard before the Commission, and upon conviction the Commission shall invoke such contempt penalties as provided herein.

Added by Laws 1995, c. 143, § 6, eff. Nov. 1, 1995.

§47-230.27. Fees.

A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars ($100.00) with an original or subapplication. Any valid license issued will remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission an annual renewal fee of Fifty Dollars ($50.00). An intrastate license may be renewed for up to three (3) years.

C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1995, c. 143, § 7, eff. Nov. 1, 1995. Amended by Laws 2006, c. 238, § 5, emerg. eff. June 6, 2006.

§47-230.28. Motor carrier license required - Guidelines for granting license - Suspension and revocation - Additional powers of Commission - Application requirements - Hearing - Notice.

A. It shall be unlawful for any motor carrier to operate or furnish service within this state without first having obtained from the Commission a license declaring that all insurance requirements

have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first having obtained from the Corporation Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission shall have power, and it shall be its duty, to issue the license or set the application for hearing within thirty (30) days of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a date within an additional forty-five (45) business days of such determination. The mere filing of an application does not authorize any person to operate as a carrier.

B. In granting applications for licenses, the Commission shall take into consideration the reliability of the applicant; the proper equipment meeting minimum safety criteria as adequate to perform the service; and the applicant's sense of responsibility toward the public and the environment.

C. The Commission may, at any time after a public hearing and for good cause, suspend or revoke any license. Provided, the record owner of the license shall be entitled to have ten (10) days' written notice by certified mail from the Commission of any hearing affecting the license, except as otherwise provided in the Motor Carrier Act of 1995. The right of appeal from such order or orders shall be given as in other cases appealed from orders of the Commission.

D. The Commission shall be authorized to exercise any additional power that may from time to time be conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act of 1995. Among other rules adopted, the application shall be in writing and shall set forth the following facts:

1. The name and address of the applicant and the names and addresses of its officers, if any;

2. Full information concerning the physical properties of the applicant; and

3. Such other information as the Commission may consider pertinent to the application.

Added by Laws 1995, c. 143, § 8, eff. Nov. 1, 1995. Amended by Laws 2004, c. 522, § 10, eff. July 1, 2004; Laws 2005, c. 418, § 3, emerg. eff. June 6, 2005.

§47-230.29. Operation of equipment not owned by motor carrier - Required lease provisions.

A. As used in this section:

1. "Authorized carrier" means a person or persons authorized to engage in the transportation of passengers or property as a licensed motor carrier;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of passengers or property for hire;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers or property, in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment, with or without driver, from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives passengers or property which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the requirements of the Commission; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the documentation of the carrier upon which charges are assessed;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the compensation of the lessor at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and

b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding a license from the Commission to transport passengers or property.

Added by Laws 1995, c. 143, § 9, eff. Nov. 1, 1995.

§47-230.30. Liability and cargo insurance or bond.

A. No license shall be issued by the Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission; and the liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of,

persons, and loss or damage to property, resulting from the operation of any carrier for which the carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

Intrastate motor carriers of sand, rock, gravel, asphaltic mixtures or other similar road building materials shall not be required to file cargo insurance and shall be required to maintain liability insurance limits of Three Hundred Fifty Thousand Dollars ($350,000.00) combined single limit.

No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider authorized and approved by a National Association of Insurance Commissioners and certified by the State Insurance Commission.

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

1. No operation during the period in which it did not have insurance; and

2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license

of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

E. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage or such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized the insurance company or carrier so filing it, upon request of the Commission, will, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1995, c. 143, § 10, eff. Nov. 1, 1995.

§47-230.31. Operation of vehicles in excess of weight or size limits prohibited - Certain advertisements prohibited - Authority to suspend or cancel license - Licenses personal to holder.

A. Nothing contained in the Motor Carrier Act of 1995 shall be construed to authorize the operation of any passenger or freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a license shall be in violation of the Motor Carrier Act of 1995 and subject to the penalties prescribed for contempt of the Commission.

C. All licenses issued by the Commission under any law of the state relating to motor carriers or private carriers shall contain the provision that the Commission reserves to itself authority to suspend or cancel any such license for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated thereunder, of any law of this state or any rule adopted by the Commission.

D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall the holder of the license sublet or permit the exercise, by another, of the rights or privileges granted under the license.

Added by Laws 1995, c. 143, § 11, eff. Nov. 1, 1995.

§47-230.32. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of the Motor Carrier Act of 1995.
Added by Laws 1995, c. 143, § 12, eff. Nov. 1, 1995.

§47-230.33. Heavy road - building vehicles - Inapplicability of Motor Carrier Act - Insurance.

A. The provisions of the Motor Carrier Act of 1995 shall not apply to persons who operate motor vehicles in excess of twenty-six thousand (26,000) pounds who have contracted or subcontracted with any federal, state or local entity to conduct activities associated with the building or maintenance of streets, roads, bridges, turnpikes or any other project associated with road building.

B. Provided however, any person, contractor, or subcontractor who operates a motor vehicle in excess of twenty-six thousand (26,000) pounds in the furtherance of any contract let by any federal, state or local entity for the building or maintenance of roads, bridges, turnpikes or any other projects associated with road building shall obtain an annual policy for motor vehicle insurance or general liability insurance in an amount equal to or greater than Three Hundred Fifty Thousand Dollars ($350,000.00).
Added by Laws 1996, c. 220, § 2, emerg. eff. May 23, 1996. Amended by Laws 2006, c. 238, § 6, emerg. eff. June 6, 2006.

§47-230.34. Short title.

This act shall be known and may be cited as the "Motor Carrier Harvest Permit Act of 2006".
Added by Laws 2006, c. 140, § 1, emerg. eff. May 10, 2006.

§47-230.34a. Issuance of harvest permit - Duration - Application - Fees - Violation and bond - Rules.

A. Any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Oklahoma Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

D. The following information shall be required of an applicant for a harvest permit and shall apply to each vehicle to be operated under the permit:

1. Owner of the vehicle;

2. Vehicle registrant;

3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be operated under the permit; and

4. The operating carrier must provide a certificate that each vehicle is operating under a liability insurance policy valid in Oklahoma for Three Hundred Fifty Thousand Dollars ($350,000.00) or more.

E. There shall be a fee of Twenty Dollars ($20.00) per axle for a thirty-day permit or Thirty-five Dollars ($35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit Act of 2006. Revenue derived from this fee shall be apportioned as follows:

1. One-half (1/2) of the revenue shall be deposited in the Weigh Station Improvement Revolving Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes; and

2. The remaining amount shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes.

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents ($8.75) per axle per fifteen-day extension.

G. An application for a harvest permit shall be made to the Corporation Commission. The Corporation Commission shall allow applications to be submitted by facsimile and electronically. The Commission must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

H. If found to be in violation of the Motor Carrier Harvest Permit Act of 2006 for failure to obtain or maintain a current harvest permit, the operating carrier shall post bond in the amount of the cost of the harvest permit and shall be allowed seventy-two (72) hours to apply for the permit. If the operating carrier makes application within seventy-two (72) hours, the bond amount will be applied toward the harvest permit fee.

I. A harvest permit does not exempt its holder from federal or state safety regulations nor from the state’s size and weight laws or rules.

J. The Corporation Commission may enter into an agreement with any person or corporation located within or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation Commission determines that such agreements are in the best interest of the state.

K. The Corporation Commission may promulgate rules to administer the provisions of the Motor Carrier Harvest Permit Act of 2006.
Added by Laws 2006, c. 140, § 2, emerg. eff. May 10, 2006.

§47-230.34b. Proximity of portable scale to commercial grain elevator — Exceptions.

A portable scale used at any location other than an official weigh station by the Department of Public Safety or the Corporation Commission to weigh any vehicle transporting grain shall not be located within two (2) highway miles of any commercial grain elevator. This section shall not apply if the vehicle is:

1. Involved in a collision;

2. Being subjected to a Commercial Vehicle Safety Alliance (CVSA) inspection by the Department of Public Safety; or

3. Operated on any highway of the national defense highway system.

Added by Laws 2006, c. 140, § 3, emerg. eff. May 10, 2006. Amended by 2006, c. 243, § 1, emerg. eff. June 6, 2006.

§47-251. Special identification, right to.

Any person who is the holder of an unrevoked and unexpired technician class or better license issued by the Federal Communications Commission to operate an amateur radio station in Oklahoma shall be entitled to special identification as herein provided.
Laws 1953, p. 215, § 1; Laws 1979, c. 95, § 1.

§47-252. Special personal identification card.

Such person shall upon proper application be entitled to a special personal identification card, the style of which shall be fixed by the Department of Public Safety; provided, every such card shall bear the applicant's name, the date of issuance of such card, a serial number to be assigned by the Department of Public Safety, the official call letters of the radio station assigned to the applicant by the Federal Communications Commission, and such other information as the Commissioner of Public Safety shall direct.

Every such card shall be issued by the Department of Public Safety, and application therefor shall be made on forms provided by the Department of Public Safety.
Laws 1953, p. 215, § 2.

§47-253. Repealed by Laws 2004, c. 504, § 24, eff. July 1, 2004.

§47-254. Purpose of law.

It is hereby declared the purpose of this act to provide special identification for individuals who hold an unrevoked and unexpired technician class or better license, issued by the Federal

Communication Commission, to operate an amateur radio station in Oklahoma, in order to encourage such persons to assist in providing and maintaining a means of communication in emergency areas, national or local.
Laws 1953, p. 215, § 4; Laws 1979, c. 95, § 3.

§47-255. List of licensed operators to be secured and maintained.
It shall be the duty of the Department of Public Safety to secure from the Federal Communication Commission and maintain each month a current list of the technician class or better licensed amateur radio station operators in Oklahoma.
Laws 1953, p. 216, § 5; Laws 1979, c. 95, § 4.

§47-256. Expiration of amateur license - Notice and delivery of indentification - Violations.
Upon the revocation or expiration of the amateur radio station operator's license of any person in Oklahoma who has been issued identification as herein provided, said person shall immediately notify the Oklahoma Tax Commission and the Department of Public Safety and shall, within five (5) days thereafter, deliver the identification to the Oklahoma Tax Commission and/or the Department of Public Safety.
Any person violating the provisions of this section, or any person who knowingly permits another person to make use of the identification herein provided for to obtain entry into any restricted area in this state, or any person who by misrepresentation obtains any identification herein provided for, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars ($1,000.00) or be sentenced to imprisonment in the county jail for not more than one (1) year, or both. Venue for prosecutions shall be in the district court of any county in which such violation is committed.
Laws 1953, p. 216, § 6.

§47-309.8. Renumbered as Section 2-309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001.

§47-376. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-377.1. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-421. Definitions - Persons not included - Sworn statement showing exemption.
(a) When used in this act:
(1) "Motor vehicle" means any automobile, automobile trucks, truck, or any other self-propelled vehicle not operated or driven upon fixed rails or track; provided, that in this act the term shall

always include as one vehicle a tractor-semitrailer or tractor-trailor combination.

(2) "Highway" shall mean any thoroughfare defined by any statute or ordinance as a public highway or street.

(3) "Person" shall mean a natural person, firm, partnership, association, corporation, trust, lessee, trustee, or receiver, as the context may require, regardless of the gender of the pronoun used in conjunction therewith.

(4) The words "sale," "sell," or any grammatical forms thereof, when used in this act, shall mean and include barter, trade, or exchange, in addition to the usual and ordinary meanings of said words; and this definition shall not be construed to diminish any meanings of said words but shall extend such meanings.

(5) "Commission" shall mean the Oklahoma Tax Commission.

(6) "Established place of business" shall mean any permanent warehouse, building, structure, or residence, at which a permanent business is carried on as such during usual business hours throughout the year or usual production season in good faith and not for the purpose of evading this Act, and at which stocks of the property being transported are produced, stored or kept in quantities reasonably adequate for, and usually carried for, the requirements of such business, and which is recognized, and licensed or taxed, as a permanent business at such place, and shall not mean premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

(7) Except as otherwise herein provided, "itinerant merchant" shall mean any person who sells, or offers to sell, in this state, at wholesale or retail, any personal property, and transports the same on any highway in this state by use of a motor vehicle.

(b) The term "itinerant merchant" shall not mean or include the following:

(1) A person who does not at any time transport in a motor vehicle a net load exceeding three thousand (3,000) pounds, except a person transporting baby chicks.

(2) A person using a motor vehicle owned by him, whether operated by him or his agent, for the transportation of milk, diary products, grain, fruits, vegetables, livestock, poultry, or other agricultural products, produced or fed by him on a farm operated by him either within or without this state, or for the transportation of newspapers, magazines, or periodicals.

(3) A person transporting property owned by him or by his agent, in a motor vehicle owned by him or by his agent, whether operated by him or his agent, when such transportation is incident to a business conducted by him or by his agent at an established place of business operated by him or by his agent, either within or without this state,

and when said property is being transported to or from said established place of business.

(4) A person transporting property for his own consumption or use, or to be processed by him and not for sale.

(5) A person authorized to act as a common or contract carrier of property by motor vehicle under Part 2 of the Interstate Commerce Act, or a person operating a motor vehicle for hire under the laws of this state.

(6) A person transporting any petroleum products owned by him, by motor vehicle operated by him, or his agent, when such products are transported to or from an established oil bulk plant operated by him, or his agent, either within or without the state.

(7) This act shall not apply to bona fide residents of the State of Oklahoma having a motor vehicle license in this state and used in the conduct of business as an itinerant merchant.

(c) No person shall be exempt from the requirements of this act by reason of the provisions of subsection (b) of this section unless he or the driver of the motor vehicle upon which his property is being transported shall, upon request of any state, county, or township officer, sworn to preserve the peace, sign and swear to under oath before some person authorized by the laws of this state to administer oaths, or under authority of this act, and deliver to said officer such sworn statement in writing clearly showing that the person claiming the exemption is entitled to one or more of the exemptions provided in this section. Any highway patrolman, sheriff, or peace officer, for the purpose of the enforcement of this act, shall have authority to administer oaths and take acknowledgments thereof. If the person claiming the exemption is not a natural person, such statement shall be signed and sworn to by some natural person authorized to act for it, or by the driver of the motor vehicle carrying the property. Such statement shall not be sufficient unless it shall contain, in addition to any other necessary facts, the following of such facts as are material to the particular exemption claimed: Name of the person claiming the exemption and name of the person signing such statement, and the business and residence addresses of both; where and when the products described in paragraph (2) of subsection (b) of this section were produced or fed, and the place where they are to be delivered if known; acreage operated by him; the location of the established place of business, how long there established, and whether the premises where located are owned or leased by the person claiming the exemption; the kind of business there conducted. The officer receiving said statement shall promptly forward it to the Commission where it shall be filed and shall be a public record. Any person knowingly making any false, material statement in said statement shall be guilty of perjury and shall, upon conviction thereof, be punished as provided by law.

Laws 1941, p. 204, § 1.

§47-422. Compliance with act required - License necessary.

No person shall engage in business or use any motor vehicle in this state as an itinerant merchant as defined and fixed in Section 1 of this act, without complying with this act and without obtaining from the Commission or its agents the license required by this act.
Laws 1941, p. 205, § 2.

§47-423. Application for license - Separate application and license for each motor vehicle.

An application for a license as an itinerant merchant shall be made to the Commission or through any of its authorized agents upon forms to be prepared by the Commission. A separate application and license shall be required for each motor vehicle to be operated. In addition to any other essential information required by the Commission, said application shall state the following: Name and legal status of the applicant; his business address, if a natural person; his residence address, if not a natural person; the names and business and residence addresses of the principal and managing officers, agents or partners; a general description of the business to be conducted and the area in this state in which it will be conducted; an exact description of the motor vehicle to be used including the make, type, manufacturer's rated loading capacity, motor number, serial number, place where registered, and registration or license number. The application shall be signed and sworn to by the applicant or his duly-authorized agent, if a natural person; if not a natural person, by some agent, officer or partner authorized to act for it.
Laws 1941, p. 205, § 3.

§47-424. License fees - Period covered by license.

(a) The fee for each license shall be Twenty Dollars ($20.00) per year; provided, that if the license is issued after June 30 in any year such license fee shall be Ten Dollars ($10.00). The proper fee shall accompany the application.

(b) All licenses issued and license fees paid shall be for the calendar year only in which issued or paid, and shall expire at the end of such calendar year.
Laws 1941, p. 205, § 4.

§47-425. Insurance policies and bonds - Parties to actions.

(a) No license shall be issued by the Commission until the applicant shall have filed with each application, and the same have been approved by the Commission, the following insurance policies and bonds issued by an insurance carrier or bonding company authorized to do business within this state. In lieu of such policies, the

applicant may file the written certificate or certificates of any insurance carrier duly authorized to do business in this state, certifying that it has issued to, or for the benefit of, the applicant, named as the insured therein, a policy or policies meeting the requirements of this section as hereinafter provided, and that said policy or policies are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies, and shall designate by explicit designation or by appropriate reference all motor vehicles covered thereby.

(1) A bond in the penal sum of Five Hundred Dollars ($500.00) in such form as may be prescribed by the Commission for the purpose of protecting the public against fraud, conditioned upon the delivery of correct weights, measures, footage, or grades, if the commodities handled by the itinerant merchant are those customarily sold by weights, measures, footage, or grades, accurate representation as to quality or class of such commodities, the actual payment of checks, drafts or other obligations delivered by the itinerant merchant in exchange for the purchase of commodities, and conditioned to pay any judgment or judgments that may be obtained against the itinerant merchant for civil liability arising out of the conduct of his business, and further providing for the prompt payment of license fees and taxes to this state or any governmental subdivision thereof, including the matters hereinbefore specified in this paragraph, but not including any causes of action covered by the insurance policies described in paragraph (2) of this subsection. Said bond shall further provide that any person dealing with said itinerant merchant, any person using the commodities handled by him, and any person holding checks, drafts, or other obligations, shall have cause of action upon said bond by reason of any violation of the terms of said bond with respect to such dealing, said commodities, or said checks, drafts or other obligations.

(2) A liability insurance policy or bond which shall bind the obligors to pay compensation for injuries to persons and damage to property resulting from the negligent operation of the motor vehicle operated under authority of the itinerant merchant's license, said policy or bond to be conditioned to pay any sum up to Twenty-five Thousand Dollars ($25,000.00) for personal injury to or death of one individual, and up to Fifty Thousand Dollars ($50,000.00) for personal injuries or deaths resulting from any single accident, and up to Twenty-five Thousand Dollars ($25,000.00) for damage to property in any single accident.

(b) Every insurance policy and bond or certificate thereof filed with the Commission under the provisions of this act shall contain an endorsement or provision that the same shall not be cancelled by the obligor, shall not expire, and shall not become reduced in amount, until thirty (30) days after notice by registered United States mail

has been sent to the Commission of the intention to cancel the same, or that the same is to expire or is to be reduced in amount. Upon receipt of such notice the Commission shall immediately notify the itinerant merchant by registered United States mail, return receipt requested, of the receipt of such notice, and shall advise him that unless a new insurance policy or bond is filed to replace the one to be canceled, or to expire, or to be reduced in amount, prior to the time such cancellation, expiration or reduction becomes effective, the license of such itinerant merchant in connection with which said policy or bond was issued shall be revoked at the time such cancellation, expiration or reduction becomes effective. If a new policy or bond is not filed or the amount of the reduction restored prior to the time such cancellation, expiration or reduction becomes effective, the Commission must revoke said license at said time, and licensee shall return license and license plate to the Commission.

(c) Any person having a cause of action against the itinerant merchant arising out of the matters described in paragraphs (1) and (2) of subsection (a) of this section may join said itinerant merchant and the surety on his bond in the same action, or may sue said surety without joining said itinerant merchant in the action if the itinerant merchant is deceased or if it is impossible to obtain jurisdiction of his person within the state where the cause of action arose.

Added by Laws 1941, p. 206, § 5. Amended by Laws 2004, c. 519, § 35, eff. Nov. 1, 2004.

§47-426. Appointment of Secretary of Commission as agent to accept service of summons.

Before a license shall be issued the applicant shall sign and file with the Commission an irrevocable power of attorney appointing the Secretary of the Commission his agent to accept service of summons for all causes of action against him arising out of the conduct of his business as an itinerant merchant and the operation of the motor vehicle described in the application.

Laws 1941, p. 207, § 6.

§47-427. Summons or notice of suit - Form - Service.

The original summons or notice of suit filed with the Secretary of the Commission, as provided in Section 6 hereof, in all actions arising under the provisions of this act, shall be in form and substance the same as now provided in suits against residents of this State, except that that part of said summons pertaining to the return day shall be in substantially the following form, to-wit:

"and unless you appear thereto and defend in the District Court of Oklahoma in and for _____ county at the Court House in _____, Oklahoma, before noon of the sixtieth day following the filing of this summons with the Secretary of the Oklahoma Tax

Commission of this State, default will be entered and judgment rendered against you by the Court in the amount of $____, if said Court is then in session in said county, and if the Court is not then in session, said default will be entered and judgment rendered by the Court on the first day of the succeeding term, or as soon thereafter as the same may be reached."

Plaintiff in any such action shall cause the original summons to be served as follows:

(a) By serving a copy of said original summons upon the Secretary of the Oklahoma Tax Commission, and

(b) By mailing to the defendant and each of the defendants, if more than one, within ten (10) days after the filing of said summons with the Secretary of the Oklahoma Tax Commission by restricted registered mail addressed to the defendant at his last-known residence or place of abode a notification of said filing with the Secretary of the Oklahoma Tax Commission.

The notification provided for in this section shall be in substantially the following form, towit:

"To _____ (here insert the name of the defendant and his residence or last known place of abode as definitely as known): You will take notice that an original summons in a suit against you, a copy of which is hereto attached, was duly served upon you at Oklahoma City, Oklahoma, by filing copy of said summons on the _____ day of _____, 19__, with the Secretary of the Oklahoma Tax Commission of the State of Oklahoma. Dated at _____, Oklahoma, this _____ day of _____, 19__.

_____

Plaintiff

By _____

Attorney for Plaintiff"

The term "restricted registered mail", as used herein, means mail which carries on the face thereof, in a conspicuous place where it will not be obliterated, the endorsement "Deliver to addressee only", and which also requires a return receipt.

Proof of the filing of a copy of said summons with the Secretary of the Oklahoma Tax Commission and proof of the mailing of said notification to said itinerant merchant shall be made by affidavit by the party doing said acts. All affidavits of service shall be endorsed upon or attached to the originals of the papers to which they relate. All proofs of service, including the return registry receipt, shall be forthwith filed with the clerk of the district court in which said cause of action is pending.

The foregoing provisions relating to service of the original summons on itinerant merchants shall not be deemed to prevent actual personal service in this state upon such itinerant merchants in the time, manner, form and under the conditions otherwise provided by law.

Laws 1941, p. 207, § 7.

§47-428. License - Issuance - Contents - Carried in vehicle - License plate.

Upon the approval and issuance of the application and upon compliance with the terms of this act, the Commission shall issue to the applicant a license as an itinerant merchant. Such license shall be numbered, shall show the amount of fees paid, shall, specifically describe the itinerant merchant and the motor vehicle as they are described in the application, and shall at all times be carried in the cab of the motor vehicle described and shall at all times be subject to inspection by any person authorized to enforce this act. The Commission shall also issue to the itinerant merchant a license plate containing the same number as the license, of distinctive color and size, which shall at all times be displayed on the rear of the motor vehicle described in the license.

Laws 1941, p. 208, § 8.

§47-429. Transfer of license or license plate.

No license or license plate issued pursuant to this Act may be sold or transferred, and no license or license plate may be transferred from one vehicle to another.

Laws 1941, p. 208, § 9.

§47-430. Revocation of license.

Upon such notice and hearing as the Commission may deem proper, it may revoke any license issued under the provisions of this act for failure to comply with any of the laws of this state, or if any judgment recovered against any itinerant merchant remains unpaid for a period of sixty (60) days, provided such judgment be not superseded by bond upon appeal from such judgment.

Laws 1941, p. 208, § 10.

§47-431. Rules for administration of act.

The Commission shall make and enforce such rules for the administration of this act as may be necessary and proper.

Laws 1941, p. 208, § 11.

§47-432. Custody and operation of motor vehicle used in violation of act.

Any motor vehicle operated in violation of this act shall be kept in the custody of any state or county officer sworn to preserve the peace, and shall not be operated except under his authority and solely for the purpose of taking it to the nearest convenient place of custody, until the provisions of this act have been complied with.

Laws 1941, p. 208, § 12.

§47-433. Disposition of fees.

All fees paid under Section 4(a) of this act to the Oklahoma Tax Commission shall be paid to the State Treasurer and placed in the General Revenue Fund of the state, and be paid out only by direct appropriation of the Legislature.

Laws 1941, p. 208, § 13.

§47-434. Authority of county or municipal corporation not affected.

Nothing in this act shall be construed to repeal or amend any statute delegating authority to any county or municipal corporation to license, tax, or regulate peddlers or itinerant merchants.

Laws 1941, p. 208, § 14.

§47-435. Violation a misdemeanor - Punishment.

Any person violating any provision of this act shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one (1) year; or by both such fine and imprisonment.

Laws 1941, p. 208, § 15.

§47-436. Actions for injunctions.

(a) The Attorney General, or any district attorney, shall commence an action in any court of competent jurisdiction, in the name of the state as plaintiff on the relation of the Attorney General or such district attorney, to enjoin any person from violating any of the provisions of this act. Such action may be maintained upon due showing that the defendant has violated or is threatening to violate any of the provisions of this act.

(b) Upon being presented with the petition of any resident of this state, verified upon oath, stating facts showing that such resident has reasonable grounds to believe that some person has violated or is threatening to violate any of the provisions of this act, it shall be the duty of any district attorney of this state to commence such action for injunction within his county against the person complained of in said petition.

Laws 1941, p. 209, § 16.

§47-437. Highway Patrol and peace officers to enforce Act.

It shall be the duty of the highway patrol and all peace officers to enforce this act.

Laws 1941, p. 209, § 17.

§47-438. Partial invalidity.

It is hereby declared the intention of the Legislature that no section, paragraph, sentence, clause, phrase or word of this act is an inducement to the enactment of any other part or portion of the

same; and if any part or portion of this act should be held by any court of competent jurisdiction to be unconstitutional, such decision shall not affect the validity of the remainder of this act.
Laws 1941, p. 209, § 18.

§47-461. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-462. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-463. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-464. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-465. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-466. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-467. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-468. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-469. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-470. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-561. Necessity for regulation - Legislative finding.

The Legislature finds and declares that the distribution and sale of new motor vehicles in the State of Oklahoma vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police powers, it is necessary to regulate and to license motor vehicle manufacturers, distributors, representatives, new motor vehicle dealers and salespersons of new motor vehicles doing business in Oklahoma, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state, and in order to avoid undue control of the independent motor vehicle dealer by the motor vehicle manufacturing and distributing organizations, and in order to foster and keep alive vigorous and healthy competition by prohibiting unfair practices by which fair and honest competition is destroyed or prevented, and to protect the public against the creation or perpetuation of monopolies and practices detrimental to the public welfare, to prevent the practice of requiring the buying of special features, appliances and equipment not desired or requested by the purchaser, to prevent false and misleading advertising, to prevent unfair practices by motor vehicle dealers, manufacturers and

distributing organizations, to promote the public safety and prevent disruption of the franchise system of distribution of motor vehicles to the public and prevent deterioration of facilities for servicing motor vehicles and keeping same safe and properly functioning, and prevent bankrupting of motor vehicle dealers, who might otherwise be caused to fail because of such unfair practices.
Amended by Laws 1985, c. 229, § 3, eff. Nov. 1, 1985.

§47-562. Definitions.

The following words, terms and phrases, when used in Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Motor vehicle" means any motor-driven vehicle required to be registered under the Oklahoma Vehicle License and Registration Act. The term "motor vehicle" does not include:

   a. recreational vehicles, as defined in the Recreational Vehicle Franchise Act, or

   b. all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer;

2. "New motor vehicle dealer" means any person, firm, association, corporation or trust not excluded by this paragraph who sells, offers for sale, advertises to sell, leases or displays new motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor authorized by the manufacturer to make predelivery preparation of such vehicles sold to purchasers and to perform post-sale work pursuant to the manufacturer's or distributor's warranty. As used herein, "authorized predelivery preparation" means the rendition by the dealer of services and safety adjustments on each new motor vehicle in accordance with the procedure and safety standards required by the manufacturer of the vehicle to be made before its delivery to the purchaser. "Performance of authorized post-sale work pursuant to the warranty", as used herein, means the rendition of services which are required by the terms of the warranty that stands extended to the vehicle at the time of its sale and are to be made in accordance with the safety standards prescribed by the manufacturer. The term includes premises or facilities at which a person engages only in the repair of motor vehicles if repairs are performed pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. However, the term shall not include premises or facilities at which a new motor vehicle dealer or dealers within the area of responsibility of such dealer or dealers as defined in the manufacturer's franchise agreement of such dealer or dealers performs motor vehicle repairs pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1,

579 and 579.1 of this title, the terms "new motor vehicle dealer" and "new motor vehicle dealership" shall be synonymous. The term "new motor vehicle dealer" does not include:

a. receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment or order of any court,

b. public officers while performing or in operation of their duties, or

c. employees of persons, corporations or associations enumerated in subparagraph a of this paragraph when engaged in the specific performance of their duties as such employees;

3. "Motor vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new motor vehicle for any new motor vehicle dealer to any one or more third parties;

4. "Commission" means the Oklahoma Motor Vehicle Commission;

5. "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused motor vehicles or who engages in the fabrication or assembly of motorized vehicles of a type required to be registered in the State of Oklahoma;

6. "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who, being authorized by the original manufacturer, in whole or in part sells or distributes new and unused motor vehicles to motor vehicle dealers, or who maintains distributor representatives;

7. "Factory branch" means any branch office maintained by a person, firm, association, corporation or trust who manufactures or assembles motor vehicles for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives;

8. "Distributor branch" means any branch office similarly maintained by a distributor for the same purposes a factory branch is maintained;

9. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

10. "Distributor representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a distributor or distributor branch of motor vehicles, for the purpose of making or promoting the

sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers;

11. "Franchise" means any contract or agreement between a motor vehicle dealer and a manufacturer of a new motor vehicle or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new motor vehicles;

12. "New or unused motor vehicle" means a vehicle which is in the possession of the manufacturer or distributor or has been sold only to the holder of a valid selling agreement, franchise or contract, granted by the manufacturer or distributor for the sale of that make of new vehicle so long as the manufacturer's statement of origin has not been assigned to anyone other than a licensed franchised new motor vehicle dealer of the same line-make;

13. "Area of responsibility" means the geographical area, as designated by the manufacturer, factory branch, factory representative, distributor, distributor branch or distributor representative, in which the new motor vehicle dealer is held responsible for the promotion and development of sales and rendering of service for the make of motor vehicle for which the motor vehicle dealer holds a franchise or selling agreement;

14. "Off premises" means at a location other than the address designated on the new motor vehicle dealer's license;

15. "Sponsoring entity" means any person, firm, association, corporation or trust which has control, either permanently or temporarily, over the real property upon which the off-premise sale or display is conducted;

16. "Product" means new motor vehicles and new motor vehicle parts;

17. "Service" means motor vehicle warranty repairs including both parts and labor;

18. "Lead" means a consumer contact in response to a factory program designed to generate interest in purchasing or leasing a new motor vehicle;

19. "Sell or sale" means to sell or lease;

20. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products;

21. "Powersports vehicle" means motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles;

22. "Powersports vehicle dealer" means any person, firm, or corporation who is in the business of selling any new powersports vehicles except for retail implement dealers; and

23. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

Added by Laws 1953, p. 179, § 2, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 205, § 2, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 1 and 2, emerg. eff. May 8, 1967; Laws 1970, c. 197, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 1, emerg. eff. May 17, 1973; Laws 1977, c. 14, § 1, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 9, eff. Jan. 1, 1981; Laws 1985, c. 229, § 4, eff. Nov. 1, 1985; Laws 1998, c. 269, § 1, eff. Nov. 1, 1998; Laws 2000, c. 80, § 1, emerg. eff. April 14, 2000; Laws 2000, c. 341, § 1, eff. Nov. 1, 2000; Laws 2001, c. 148, § 1, emerg. eff. April 30, 2001; Laws 2005, c. 284, § 11, eff. July 1, 2005; Laws 2006, c. 213, § 2, eff. Nov. 1, 2006; Laws 2008, c. 315, § 2, emerg. eff. June 2, 2008; Laws 2009, c. 182, § 7, eff. Nov. 1, 2009; Laws 2011, c. 272, § 20, eff. Jan. 1, 2012; Laws 2013, c. 191, § 1, eff. Nov. 1, 2013.

§47-563. Oklahoma Motor Vehicle Commission.

A. There is hereby created the Oklahoma Motor Vehicle Commission, to be composed of nine (9) members. Seven of the members shall have been engaged in the manufacture, distribution or sale of new motor vehicles and two members shall be lay members, all to be appointed by the Governor of the State of Oklahoma, with the advice and consent of the State Senate. Such appointments shall be made within thirty (30) days after the effective date of this section. Each of the Commissioners thus appointed shall, at the time of the appointment, be a resident in good faith of the State of Oklahoma, shall be of good moral character, and each of the industry related Commissioners shall have been actually engaged in the manufacture, distribution or sale of such new motor vehicles for not less than ten (10) years next preceding such appointment. The members of the Commission shall serve at the pleasure of the Governor.

B. 1. The Commissioners shall elect a Chairman from amongst them whose term shall be for one (1) year with the right to succeed him or herself.

2. There shall be three at large members of the Commission. Six members of the Commission shall be appointed from the following geographical areas with at least one member from each area:

a. four areas of the state shall be the northwest, northeast, southwest and southeast sections designated by Interstate 35 dividing the state east and west and Interstate 40 dividing the state north and south, excluding Oklahoma County and Tulsa County, and

b. two additional areas shall be Oklahoma County and Tulsa County.

There shall not be more than two members of the Commission from any one area.

C. The terms of office of the members first appointed to the Commission shall be as follows:

1. The members appointed from the northwest, northeast and southwest areas shall serve until June 30, 1987;

2. The members appointed from the southeast area and Oklahoma County and Tulsa County shall serve until June 30, 1989; and

3. The members appointed at large shall serve until June 30, 1991.

Each member shall serve until a successor is appointed and qualifies. Thereafter, the term of office of each member of the Commission shall be for six (6) years. The term of office of any member will automatically expire if the member moves out of the geographical area from which the member was appointed. In event of death, resignation, removal, or term automatically expiring, of any person serving on the Commission, the vacancy shall be filled by appointment as provided for the unexpired portion of the term. The Commission shall meet at Oklahoma City and complete its organization immediately after the membership thereof has been appointed and has qualified. The Chairman and each member of the Commission shall take and subscribe to the oath of office required of public officers.

D. The members of the Commission shall receive reimbursement for subsistence and traveling expenses necessarily incurred in the performance of their duties as provided by the State Travel Reimbursement Act.

E. The Commission shall appoint a qualified person to serve as Executive Director thereof, which person shall have had not less than ten (10) years of experience in the motor vehicle industry. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause. The Commission shall fix the salary and prescribe the duties of the Executive Director. The Executive Director shall devote such time as necessary to fulfill the duties thereof, and before entering upon such duties shall take and subscribe to the oath of office. The Executive Director may employ such clerical, technical and other help and legal services and incur such expenses as may be necessary for the proper discharge of the duties of the Executive Director under this act. The Commission shall maintain its office and transact its business in Oklahoma City, and it is authorized to adopt and use a seal. The Executive Director is hereby authorized to hire, retain or otherwise acquire the services of an attorney to represent the Commission in any and all state and federal courts, and assist the Commission in any and all business or legal matters that may come before it. The attorney so representing the Commission shall discharge the duties under the direction of the Executive Director.

F. The Commission is hereby vested with the powers necessary to enable it to fully and effectively carry out the provisions and objects of this act, and is hereby authorized and empowered to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish such purpose. All forms used by a new motor

vehicle dealer to facilitate the delivery of a vehicle pending approval of financing shall be approved by the Commission.

G. All fees, charges and fines collected under the provisions of this act shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Motor Vehicle Commission Fund", which is hereby created, and except as hereinafter provided the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of this act. Expenditures from the fund shall be made upon vouchers approved by the Commission or its authorized officers.

At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees, fines and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the fees, fines and charges so collected and received.

All expenses incurred by the Commission in carrying out the provisions of this act, including but not limited to per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against such fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out. In no event shall liability ever accrue hereunder against this state in any sum whatsoever, or against the Oklahoma Motor Vehicle Commission Fund, in excess of the ninety percent (90%) of the fees, fines and charges deposited therein.

Added by Laws 1953, p. 180, § 3, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 206, §§ 3, 4 and 5, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 3, 4 and 5, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 2, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 3, emerg. eff. April 13, 1970; Laws 1977, c. 14, § 2; Laws 1979, c. 30, § 14, emerg. eff. April 6, 1979; Laws 1985, c. 229, § 5, eff. Nov. 1, 1985; Laws 1998, c. 269, § 2, eff. Nov. 1, 1998.

NOTE: Laws 1985, c. 178, § 21 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989.

§47-564. Licenses.

A. It shall be unlawful for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer or manufacturer or distributor of new motor vehicles, or factory branch, distributor branch or factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided for by law. Any person, firm, association, corporation or trust engaging in more than one of such capacities or having more

than one place where such business is carried on or conducted shall be required to obtain and hold a current license for each thereof. Provided that, a new motor vehicle dealer's license shall authorize one person to sell in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.

B. Applications for licenses required to be obtained under provisions of Section 561 et seq. of this title shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Oklahoma Motor Vehicle Commission and furnished to such applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in such application, or otherwise, information relating to the applicant's financial standing, the applicant's business integrity, whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license, or licenses, are applied for, and whether the applicant is able to properly conduct the business for which a license, or licenses, are applied for, and such other pertinent information consistent with the safeguarding of the public interest and the public welfare. All such applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any such application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. All licenses issued under the provisions of Section 561 et seq. of this title shall expire on June 30, following the date of issue and shall be nontransferable. All applications for renewal of a license for a new motor vehicle dealer, manufacturer, distributor or manufacturer's or distributor's representative shall be submitted by June 1 of each year, and such license or licenses will be issued by July 1. If applications have not been made for renewal of licenses at the times described in this subsection, it shall be illegal for any person to represent himself or herself and act as a dealer, manufacturer, distributor or manufacturer's or distributor's representative. Motor license agents will be notified not to accept such dealers' titles until such time as licenses have been issued by the Commission.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each factory branch or distributor branch, Four Hundred Dollars ($400.00) initial fee with annual renewal fee of Three Hundred Dollars ($300.00);

2. For each manufacturer or distributor of new motor vehicles, Four Hundred Dollars ($400.00) initial fee with annual renewal fee of Three Hundred Dollars ($300.00);

3. For each factory representative or distributor representative, One Hundred Dollars ($100.00) annually;

4. For each new motor vehicle dealer, except powersports vehicle dealers, initial fee of Three Hundred Dollars ($300.00) per franchise sold at each location licensed, with an annual renewal fee of One Hundred Dollars ($100.00) per franchise sold at each location per year; and

5. For each powersports vehicle dealer, initial fee of Three Hundred Dollars ($300.00) per manufacturer represented by the dealer at each location licensed, with an annual renewal fee of One Hundred Dollars ($100.00) per manufacturer represented by the dealer at each location licensed per year.

D. The licenses issued to each new motor vehicle dealer, manufacturer, distributor, factory branch, distributor branch or representative, if a corporation, shall specify the location of the factory, office or branch thereof. In case such location is changed, the Commission may endorse the change of location on the license without charge unless the change of address triggers a relocation of a new motor vehicle dealer pursuant to the provisions of Section 578.1 of this title. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

Every motor vehicle factory representative or distributor representative if an individual shall physically possess the license when engaged in business, and shall display same upon request. The name of the employer of such factory representative or distributor representative shall be stated on the license and, in case of a change of employer, the holder of such license shall immediately mail same to the Commission for its endorsement of such change thereon. The Commission shall endorse each such change of employer on licenses for a fee of Ten Dollars ($10.00).

E. The powersports dealer license shall only allow the sale of the specific types of powersports vehicles authorized by the manufacturer and agreed to by the powersports dealer.

Added by Laws 1953, p. 181, § 4, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 207, § 6, emerg. eff. July 16, 1959; Laws 1967, c. 251, § 6, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 3, emerg. eff. April 21, 1969; Laws 1977, c. 14, § 3, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 10, eff. Jan. 1, 1981; Laws 1982, c. 239, § 1, emerg. eff. May 4, 1982; Laws 1985, c. 229, § 6, eff. Nov. 1, 1985; Laws 2001, c. 148, § 2, emerg. eff. April 30, 2001; Laws 2009, c. 425, § 1, eff. Nov. 1, 2009; Laws 2013, c. 191, § 2, eff. Nov. 1, 2013; Laws 2019, c. 79, § 1, eff. Nov. 1, 2019.

§47-564.1. Off-premises displays of new motor vehicles.

Licensing of off-premises displays of new motor vehicles and off-premise sales of new motorized recreational vehicles.

A. The Oklahoma Motor Vehicle Commission shall provide for off-premise displays of new motor vehicles by currently licensed new motor vehicle dealers. An off-premise event may be held for display purposes only under the following conditions:

1. The motor vehicles are for display purposes only and not for sale at the off-premise display event;

2. No selling activities shall be conducted;

3. The display is in dealer's factory-approved area of sales and service responsibility;

4. The dealer must obtain written approval from the manufacturer or distributor; and

5. The dealer is required to obtain approval for the display location from the sponsoring entity.

B. The Oklahoma Motor Vehicle Commission is authorized to provide a variance to the distance requirements specified in this section, for any off-premise display event if:

1. The off-premise display is conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair; and

2. The request for the variance must be in writing to the Commission no less than thirty (30) days prior to the off-premise display event.

Added by Laws 1985, c. 229, § 7, eff. Nov. 1, 1985. Amended by Laws 1986, c. 101, § 1, emerg. eff. April 5, 1986; Laws 1993, c. 56, § 1, eff. Sept. 1, 1993; Laws 2001, c. 91, § 1, eff. Nov. 1, 2001; Laws 2005, c. 228, § 2, eff. Nov. 1, 2005; Laws 2008, c. 315, § 3, emerg. eff. June 2, 2008; Laws 2011, c. 272, § 21, eff. Jan. 1, 2012.

§47-564.2. Certificate of registration for new motor vehicle salesperson — Penalties.

It shall be punishable by an administrative fine not to exceed Five Hundred Dollars ($500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a new motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Motor Vehicle Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars ($25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

Added by Laws 2019, c. 79, § 7, eff. Nov. 1, 2019.

§47-565. Denial, revocation or suspension of license - Right of first refusal.

A. The Oklahoma Motor Vehicle Commission may deny an application for a license, or revoke or suspend a license or impose a fine not to exceed Ten Thousand Dollars ($10,000.00) against a manufacturer or distributor or a fine not to exceed One Thousand Dollars ($1,000.00) against a dealer per occurrence that any provision of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of Section 561 et seq. of this title;

2. For any material misstatement made by an applicant in any application for any license under the provisions of Section 561 et seq. of this title;

3. For any failure to comply with any provision of Section 561 et seq. of this title or any rule promulgated by the Commission under authority vested in it by Section 561 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a new motor vehicle dealer who:

a. has required a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,

b. uses any false or misleading advertising in connection with business as a new motor vehicle dealer,

c. has committed any unlawful act which resulted in the revocation of any similar license in another state,

d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a motor vehicle,

e. has been convicted of a crime involving moral turpitude,

f. has committed a fraudulent act in selling, purchasing or otherwise dealing in new motor vehicles or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a new motor vehicle or any interest therein including an option to purchase such vehicle,

g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license, or

h. completes any sale or transaction of an extended service contract, extended maintenance plan, or similar

product using contract forms that do not conspicuously disclose the identity of the service contract provider;

6. Being a new motor vehicle salesperson who is not employed as such by a licensed new motor vehicle dealer;

7. Being a new motor vehicle dealer who:

a. does not have an established place of business,

b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vehicles at the same time, and which is equipped with such parts, tools and equipment as may be requisite for the servicing of motor vehicles in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation,

c. does not hold a franchise in effect with a manufacturer or distributor of new or unused motor vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty,

d. employs or utilizes the services of used motor vehicle lots or dealers or other unlicensed persons in connection with the sale of new motor vehicles,

e. does not properly service a new motor vehicle before delivery of same to the original purchaser thereof, or

f. fails to order and stock a reasonable number of new motor vehicles necessary to meet customer demand for each of the new motor vehicles included in the new motor vehicle dealer's franchise agreement, unless the new motor vehicles are not readily available from the manufacturer or distributor due to limited production;

8. Being a factory that has:

a. either induced or attempted to induce by means of coercion or intimidation, any new motor vehicle dealer:

(1) to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities including advertising material which shall not have been ordered by the new motor vehicle dealer,

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, or

(3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, or

b. induced under threat or discrimination by the withholding from delivery to a motor vehicle dealer certain models of motor vehicles, changing or amending unilaterally the dealer's allotment of motor vehicles and/or withholding and delaying delivery of such vehicles out of the ordinary course of business, in order to induce by such coercion any such dealer to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes such as contest, "give-aways" or other so-called sales promotional devices and/or change of quotas in any sales contest; or has required motor vehicle dealers, as a condition to receiving their vehicle allotment, to order a certain percentage of the vehicles with optional equipment not specified by the new motor vehicle dealer; however, nothing in this section shall prohibit a factory from supporting an advertising association which is open to all dealers on the same basis;

9. Being a factory that:

a. has attempted to coerce or has coerced any new motor vehicle dealer to enter into any agreement or to cancel any agreement, or fails to act in good faith and in a fair, equitable and nondiscriminatory manner; or has directly or indirectly coerced, intimidated, threatened or restrained any motor vehicle dealer; or has acted dishonestly, or has failed to act in accordance with the reasonable standards of fair dealing,

b. has failed to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with manufacturer's warranty agreements. Adequate and fair compensation for parts shall be established by the dealer submitting to the manufacturer or distributor one hundred sequential nonwarranty customer-paid service repair orders which contain warranty-like parts, or ninety (90) consecutive days of nonwarranty customer-paid service repair orders which contain warranty-like parts, whichever is less, covering repairs made no more

than one hundred eighty (180) days before the submission and declaring the average percentage markup. Adequate and fair compensation for labor shall be established by the dealer submitting to the manufacturer or distributor one hundred sequential customer-paid service repair orders which contain labor charges, or ninety (90) consecutive days of customer-paid service repair orders which contain labor charges, whichever is less. When submitting repair orders to calculate a labor rate, a dealer need not include repair orders for routine maintenance. A manufacturer or distributor may, not later than thirty (30) days after submission, rebut that declared rate in writing by reasonably substantiating that the rate is inaccurate or unreasonable in light of the practices of all other franchised motor vehicle dealers in an economically similar part of the state offering the same line-make vehicles. The retail rate shall go into effect thirty (30) days following the approval by the manufacturer, subject to audit of the submitted repair orders by the franchisor and a rebuttal of the declared rate as described above. If the declared rate is rebutted, the manufacturer or distributor shall propose an adjustment in writing of the average percentage markup based on that rebuttal not later than thirty (30) days after submission. If the dealer does not agree with the proposed average percentage markup, the dealer may file a protest with the Commission not later than thirty (30) days after receipt of that proposal by the manufacturer or distributor. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the new motor vehicle dealer's submitted rate was inaccurate or unreasonable in light of the practices of all other franchised motor vehicle dealers in an economically similar part of the state. A manufacturer or distributor may not retaliate against any new motor vehicle dealer seeking to exercise its rights under this provision. A manufacturer or distributor may require a dealer to submit repair orders in accordance with this section in order to validate a dealer's retail rate for parts or labor not more often than once every twelve (12) months. All claims made by dealers for compensation for delivery, preparation and warranty work shall be paid within thirty (30) days after approval and shall be approved or disapproved within thirty (30) days after receipt. When any claim is

disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer. A factory may reasonably and periodically audit a new motor vehicle dealer to determine the validity of paid claims for dealer compensation or any charge-backs for warranty parts or service compensation. Except in cases of suspected fraud, audits of warranty payments shall only be for the one-year period immediately following the date of the payment. A manufacturer shall reserve the right to reasonable, periodic audits to determine the validity of paid claims for dealer compensation or any charge-backs for consumer or dealer incentives. Except in cases of suspected fraud, audits of incentive payments shall only be for a one-year period immediately following the date of the payment. A factory shall not deny a claim or charge a new motor vehicle dealer back subsequent to the payment of the claim unless the factory can show that the claim was false or fraudulent or that the new motor vehicle dealer failed to reasonably substantiate the claim by the written reasonable procedures of the factory. The factory shall provide written notice to a dealer of a proposed charge-back that is the result of an audit along with the specific audit results and proposed charge-back amount. A dealer that receives notice of a proposed charge-back pursuant to a factory's audit has the right to file a protest with the Commission within thirty (30) days after receipt of the notice of the charge-back or audit results, whichever is later. The factory is prohibited from implementing the charge-back or debiting the dealer's account until either the time frame for filing a protest has passed or a final adjudication is rendered by the Commission, whichever is later, unless the dealer has agreed to the charge-back or charge-backs,

c. unreasonably fails or refuses to offer to its same line-make franchised dealers all models manufactured for that line-make, or unreasonably requires a dealer to pay any extra fee, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities as a prerequisite to receiving a model or series of vehicles. The failure to deliver any such new motor

vehicle shall not be considered a violation of the section if the failure is not arbitrary or is due to lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause over which the manufacturer has no control. However, this subparagraph shall not apply to recreational vehicles or limited production model vehicles,

d. except as necessary to comply with a health or safety law, or to comply with a technology requirement which is necessary to sell or service a motor vehicle that the franchised motor vehicle dealer is authorized or licensed by the franchisor to sell or service, requires a new motor vehicle dealer to construct a new facility or substantially renovate the new motor vehicle dealer's existing facility unless the facility construction or renovation is justified by the economic conditions existing at the time, as well as the reasonably foreseeable projections, in the automotive industry. However, this subparagraph shall not apply if the factory provides money, credit, allowance, reimbursement, or additional vehicle allocation to a dealer to compensate the dealer for the cost of, or a portion of the cost of, the facility construction or renovation,

e. requires a new motor vehicle dealer to establish an exclusive facility, unless supported by reasonable business, market and economic considerations; provided, that this provision shall not restrict the terms of any agreement for such exclusive facility voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor,

f. requires a new motor vehicle dealer to enter into a site-control agreement covering any or all of the new motor vehicle dealer's facilities or premises; provided, that this provision shall not restrict the terms of any site-control agreement voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor. Notwithstanding the foregoing or the terms of any site-control agreement, a site-control agreement automatically extinguishes if all of the factory's franchises that operated from the location that are the subject of the site-control agreement are terminated by

the factory as part of the discontinuance of a product line, or

g. requires a new motor vehicle dealer to purchase goods or services for the construction, renovation, or improvement of the dealer's facility from a vendor chosen by the factory if goods or services available from other sources are of substantially similar quality and design and comply with all applicable laws; provided, however, that such goods are not subject to the factory's intellectual property or trademark rights and the new motor vehicle dealer has received the factory's approval, which approval may not be unreasonably withheld. Nothing in this subparagraph may be construed to allow a new motor vehicle dealer to impair or eliminate a factory's intellectual property, trademark rights or trade dress usage guidelines. Nothing in this section prohibits the enforcement of a voluntary agreement between the factory and the new motor vehicle dealer where separate and valuable consideration has been offered and accepted;

10. Being a factory that establishes a system of motor vehicle allocation or distribution which is unfair, inequitable or unreasonably discriminatory. Upon the request of any dealer franchised by it, a factory shall disclose in writing to the dealer the basis upon which new motor vehicles are allocated, scheduled and delivered among the dealers of the same line-make for that factory;

11. Being a factory that sells directly or indirectly new motor vehicles to any retail consumer in the state except through a new motor vehicle dealer holding a franchise for the line-make that includes the new motor vehicle. This paragraph does not apply to factory sales of new motor vehicles to its employees, family members of employees, retirees and family members of retirees, not-for-profit organizations or the federal, state or local governments. The provisions of this paragraph shall not preclude a factory from providing information to a consumer for the purpose of marketing or facilitating a sale of a new motor vehicle or from establishing a program to sell or offer to sell new motor vehicles through participating dealers;

12. a. Being a factory which directly or indirectly:

(1) owns any ownership interest or has any financial interest in a new motor vehicle dealer or any person who sells products or services to the public,

(2) operates or controls a new motor vehicle dealer, or

(3) acts in the capacity of a new motor vehicle dealer.

b. (1) This paragraph does not prohibit a factory from owning or controlling a new motor vehicle dealer while in a bona fide relationship with a dealer development candidate who has made a substantial initial investment in the franchise and whose initial investment is subject to potential loss. The dealer development candidate can reasonably expect to acquire full ownership of a new motor vehicle dealer within a reasonable period of time not to exceed ten (10) years and on reasonable terms and conditions. The ten-year acquisition period may be expanded for good cause shown.

(2) This paragraph does not prohibit a factory from owning, operating, controlling or acting in the capacity of a motor vehicle dealer for a period not to exceed twelve (12) months during the transition from one dealer to another dealer if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a factory of good cause, the Oklahoma Motor Vehicle Commission may extend the time limit set forth above; extensions may be granted for periods not to exceed twelve (12) months.

(3) This paragraph does not prohibit a factory from owning, operating or controlling or acting in the capacity of a motor vehicle dealer which was in operation prior to January 1, 2000.

(4) This paragraph does not prohibit a factory from owning, directly or indirectly, a minority interest in an entity that owns, operates or controls motor vehicle dealerships of the same line-make franchised by the manufacturer, provided that each of the following conditions are met:

(a) all of the motor vehicle dealerships selling the motor vehicles of that manufacturer in this state trade exclusively in the line-make of that manufacturer,

(b) all of the franchise agreements of the manufacturer confer rights on the dealer of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the dealer and manufacturer shall agree are appropriate,

(c) at the time the manufacturer first acquires an ownership interest or assumes operation, the distance between any dealership thus

owned or operated and the nearest unaffiliated motor vehicle dealership trading in the same line-make is not less than seventy (70) miles,

(d) during any period in which the manufacturer has such an ownership interest, the manufacturer has no more than three franchise agreements with new motor vehicle dealers licensed by the Oklahoma Motor Vehicle Commission to do business within the state, and

(e) prior to January 1, 2000, the factory shall have furnished or made available to prospective motor vehicle dealers an offering-circular in accordance with the Trade Regulation Rule on Franchising of the Federal Trade Commission, and any guidelines and exemptions issued thereunder, which disclose the possibility that the factory may from time to time seek to own or acquire, directly or indirectly, ownership interests in retail dealerships;

13. Being a factory which directly or indirectly makes available for public disclosure any proprietary information provided to the factory by a new motor vehicle dealer, other than in composite form to dealers in the same line-make or in response to a subpoena or order of the Commission or a court. Proprietary information includes, but is not limited to, information based on:

a. any information derived from monthly financial statements provided to the factory, and

b. any information regarding any aspect of the profitability of a particular new motor vehicle dealer;

14. Being a factory which does not provide or direct leads in a fair, equitable and timely manner. Nothing in this paragraph shall be construed to require a factory to disregard the preference of a consumer in providing or directing a lead;

15. Being a factory which used the customer list of a new motor vehicle dealer for the purpose of unfairly competing with dealers;

16. Being a factory which prohibits a new motor vehicle dealer from relocating after a written request by such new motor vehicle dealer if:

a. the facility and the proposed new location satisfies or meets the written reasonable guidelines of the factory. Reasonable guidelines do not include site control unless agreed to as set forth in subparagraphs e and f of paragraph 9 of this subsection,

b. the proposed new location is within the area of responsibility of the new motor vehicle dealer pursuant to Section 578.1 of this title, and

c. the factory has sixty (60) days from receipt of the new motor vehicle dealer's relocation request to approve or deny the request. The failure to approve or deny the request within the sixty-day time frame shall constitute approval of the request;

17. Being a factory which prohibits a new motor vehicle dealer from adding additional line-makes to its existing facility, if, after adding the additional line-makes, the facility satisfies the written reasonable capitalization standards and facility guidelines of each factory. Reasonable facility guidelines do not include a requirement to maintain site control unless agreed to by the dealer as set forth in subparagraphs e and f of paragraph 9 of this subsection;

18. Being a factory that increases prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers and notified the factory prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer accompanied with proof of order submission to the factory shall constitute evidence of each such order, provided that the vehicle is in fact delivered to the customer. Price differences applicable to new models or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase for purposes of this paragraph. Price changes caused by any of the following shall not be subject to the provisions of this paragraph:

a. the addition to a motor vehicle of required or optional equipment pursuant to state or federal law,

b. revaluation of the United States dollar in the case of foreign-made vehicles or components, or

c. an increase in transportation charges due to increased rates imposed by common or contract carriers;

19. Being a factory that requires a new motor vehicle dealer to participate monetarily in an advertising campaign or contest, or purchase any promotional materials, showroom or other display decoration or materials at the expense of the new motor vehicle dealer without consent of the dealer, which consent shall not be unreasonably withheld;

20. Being a factory that denies any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose, unless otherwise permitted by this chapter; or

21. Being a factory that requires a new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, such as gap products offered, endorsed or sponsored by the factory by the following means:

a. by an act or statement from the factory that will in any manner adversely impact the dealer,

b. by measuring the dealer's performance under the franchise based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.

B. Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the assets or ownership interest of the dealer of the new vehicle dealership, if such sale or transfer is conditioned upon the manufacturer or dealer entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the factory must notify the dealer in writing within sixty (60) days of receipt of the completed proposal for the proposed sale transfer;

2. The exercise of the right of first refusal will result in the dealer and the owner of the dealership receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the assets of the dealership does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The factory agrees to pay the reasonable expenses, including attorney fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients incurred by the proposed new owner and transferee prior to the exercise by the factory of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of expenses and attorney fees shall be required if the proposed new dealer or transferee has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days of receipt of the written request of the factory for such an accounting. The accounting may be requested by a factory before exercising its right of first refusal.

C. Nothing in this section shall prohibit, limit, restrict or impose conditions on:

1. Business activities, including without limitation the dealings with motor vehicle manufacturers and the representatives and affiliates of motor vehicle manufacturers, of any person that is primarily engaged in the business of short-term, not to exceed twelve (12) months, rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

a. any motor vehicle sold by that person is limited to used motor vehicles that have been previously used exclusively and regularly by that person in the conduct of business and used motor vehicles traded in on motor vehicles sold by that person,

b. warranty repairs performed by that person on motor vehicles are limited to those motor vehicles that it owns, previously owned or takes in trade, and

c. motor vehicle financing provided by that person to retail consumers for motor vehicles is limited to used vehicles sold by that person in the conduct of business; or

2. The direct or indirect ownership, affiliation or control of a person described in paragraph 1 of this subsection.

Added by Laws 1953, p. 182, § 5, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 208, § 7, emerg. eff. July 16, 1959; Laws 1969, c. 241, § 4, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 4, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 2, emerg. eff. May 17, 1973; Laws 1980, c. 85, § 11, eff. Jan. 1, 1981; Laws 1980, c. 134, § 1, emerg. eff. April 15, 1980; Laws 1985, c. 229, § 8, eff. Nov. 1, 1985; Laws 1998, c. 269, § 3, eff. Nov. 1, 1998; Laws 2000, c. 341, § 2, eff. Nov. 1, 2000; Laws 2001, c. 148, § 3, emerg. eff. April 30, 2001; Laws 2005, c. 141, § 1, emerg. eff. May 5, 2005; Laws 2008, c. 315, § 4, emerg. eff. June 2, 2008; Laws 2014, c. 402, § 1, eff. Nov. 1, 2014; Laws 2019, c. 79, § 2, eff. Nov. 1, 2019.

§47-565.1. Manufacturer's or distributor's prevention or refusal to honor succession to dealership by legal heir or devisee of new motor vehicle dealer - Procedure.

Notwithstanding the terms of any franchise agreement, and subject to the following conditions contained in paragraphs 1 through 5 of this section, any manufacturer or distributor who prevents or refuses to honor the succession to a dealership by any legal heir or devisee under the will of a new motor vehicle dealer or under the laws of descent and distribution of this state without good cause or good faith, as defined in this section, shall be subject to the following procedure:

1. Within one hundred twenty (120) days after the death of the new motor vehicle dealer, the manufacturer shall receive a written notice from any legal heir or devisee who intends to establish a successor dealership. If timely notice is not so received, then this paragraph shall not apply, and any succession shall be governed solely by the terms of the franchise;

2. Within thirty (30) days of receipt of the legal heir's or devisee's timely written notice, the manufacturer may request, and the legal heir or devisee shall, within a reasonable time, provide any information which is reasonably necessary for the manufacturer to

evaluate the proposed successor dealer and dealership, including, but not limited to, applications, proposals for facilities and financing;

3. Within sixty (60) days of receipt of such information, the manufacturer shall approve or disapprove the proposed successor dealership, and in case of disapproval shall communicate in writing such disapproval and grounds for disapproval to the legal heir or devisee;

4. Failure of the manufacturer to act in a timely manner with respect to any time period described above shall constitute a waiver of the manufacturer's right to disapprove the proposed succession;

5. Within ten (10) days of its receipt of the manufacturer's notice of disapproval, the legal heir or devisee may file a protest of the manufacturer's decision with the Oklahoma Motor Vehicle Commission and request a hearing. Such hearing shall be heard in a substantially similar manner as provided by Section 566 of this title, except that the Commission shall render a final decision within sixty (60) days of the filing of the protest. The manufacturer shall have the burden of proof to show that its disapproval was for a good cause and in good faith. A denial shall not be for good cause and in good faith unless the factory establishes that the legal heir or devisee, or the legal heir or devisee's controlling executive management, is not of good moral character or fails to meet the written, reasonable and uniformly applied requirements of the manufacturer or distributor relating to financial qualifications, general business experience, and other requirements relating to prospective franchisees. However, a legal heir that is of good moral character in accordance with the factory's qualifications and meets the factory's financial qualifications may rely on controlling executive management that is of good moral character and meets the factory's qualifications for general business experience and other requirements relating to prospective franchises. The disapproval by the manufacturer shall be final if the legal heir or devisee fails to file a timely protest of such disapproval. In the event that the Commission finds that the manufacturer's disapproval was not made for good cause, then it shall issue a final order requiring the manufacturer to honor the successor designated in the notice sent by the legal heir or devisee. Notwithstanding anything to the contrary in this section, a new motor vehicle dealer may designate any person as successor by filing a written instrument pursuant to the franchise with the manufacturer during the new motor vehicle dealer's lifetime. In such a case, the written instrument and franchise shall govern the dealership succession.

The suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon judgment or conviction in a court of competent jurisdiction for any

violation of the provisions of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title.
Added by Laws 1985, c. 229, § 9, eff. Nov. 1, 1985. Amended by Laws 2001, c. 148, § 4, emerg. eff. April 30, 2001; Laws 2014, c. 402, § 2, eff. Nov. 1, 2014.

§47-565.2. Termination, cancellation or nonrenewal of new motor vehicle dealer franchise.

A. Irrespective of the terms, provisions or conditions of any franchise, or the terms or provisions of any waiver, no manufacturer shall terminate, cancel or fail to renew any franchise with a licensed new motor vehicle dealer unless the manufacturer has satisfied the notice requirements as provided in this section and has good cause for cancellation, termination or nonrenewal. The manufacturer shall not attempt to cancel or fail to renew the franchise agreement of a new motor vehicle dealer in this state unfairly and without just provocation or without due regard to the equities of the dealer or without good faith as defined herein. As used herein, "good faith" means the duty of each party to any franchise agreement to act in a fair and equitable manner toward each other, with freedom from coercion or intimidation or threats thereof from each other.

B. Irrespective of the terms, provisions or conditions of any franchise, or the terms or provisions of any waiver, good cause shall exist for the purpose of a termination, cancellation, or nonrenewal when:

1. The new motor vehicle dealer has failed to comply with a provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, or the new motor vehicle dealer has failed to comply with reasonable performance criteria for sales or service established by the manufacturer, and the dealer has been notified by written notice from the manufacturer; and

2. The new motor vehicle dealer has received written notification of failure to comply with the manufacturer's reasonable sales performance standards, capitalization requirements, facility commitments, business related equipment acquisitions or other such remediable failings exclusive of those reasons enumerated in paragraph 1 of subsection C of this section, and the new motor vehicle dealer has been afforded a reasonable opportunity of not less than six (6) months to comply with such a provision or criteria.

C. Irrespective of the terms, provisions or conditions of any franchise agreement prior to the termination, cancellation or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation or nonrenewal to the new motor vehicle dealer and the Oklahoma Motor Vehicle Commission as follows:

1. Not less than ninety (90) days prior to the effective date of such termination, cancellation or nonrenewal unless for a cause described in paragraph 2 of this subsection;

2. Not less than fifteen (15) days prior to the effective date of such termination, cancellation or nonrenewal with respect to any of the following:

a. insolvency of the new motor vehicle dealer, or the filing of any petition by or against the motor vehicle dealer under any bankruptcy or receivership law,

b. failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, provided that such failure to conduct business shall not be due to an act of God or circumstances beyond the direct control of the new motor vehicle dealer, or

c. conviction of the new motor vehicle dealer of any felony which is punishable by imprisonment or a violation of the Federal Odometer Act; and

3. Not less than one hundred eighty (180) days prior to the effective date of such termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.

The notification required by this subsection shall be by certified mail, return receipt requested, and shall contain a statement of intent to terminate, to cancel or to not renew the franchise, a statement of the reasons for the termination, cancellation or nonrenewal and the date the termination shall take effect.

D. Upon the affected new motor vehicle dealer's receipt of the aforementioned notice of termination, cancellation or nonrenewal, the new motor vehicle dealer shall have the right to file a protest of such threatened termination, cancellation or nonrenewal with the Commission within thirty (30) days and request a hearing. Such hearing shall be held in accordance with the provisions of the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes, to determine if the threatened cancellation, termination or nonrenewal of the franchise has been for good cause and if the factory has complied with its obligations pursuant to subsections A, B and C of this section and the factory shall have the burden of proof. If the Commission finds that the threatened cancellation, termination or nonrenewal of the franchise has not been for good cause or violates subsection A, B or C of this section, then it shall issue a final order stating that the threatened termination is wrongful. A factory shall have the right to appeal such order. During the pendency of the hearing and after the decision, the franchise shall remain in full force and effect,

including the right to transfer the franchise. If the Commission finds that the threatened cancellation, termination or nonrenewal is for good cause and does not violate subsection A, B or C of this section, the new motor vehicle dealer shall have the right to an appeal. During the pendency of the action, including the final decision or appeal, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the new motor vehicle dealer prevails in the threatened termination action, the Commission shall award to the new motor vehicle dealer the attorney fees and costs incurred to defend the action.

E. If the factory prevails in an action to terminate, cancel or not renew any franchise, the new motor vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer for:

1. New current and previous model year vehicle inventory which has been acquired from the manufacturer, and which is unused and has not been damaged or altered while in the dealer's possession;

2. Supplies and parts which have been acquired from the manufacturer, for the purpose of this section, limited to any and all supplies and parts that are listed on the current parts price sheet available to the dealer;

3. Equipment and furnishings, provided the new motor vehicle dealer purchased them from the manufacturer or its approved sources; and

4. Special tools, with such fair and reasonable compensation to be paid by the manufacturer within ninety (90) days of the effective date of the termination, cancellation or nonrenewal, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

a. For the purposes of paragraph 1 of this subsection, fair and reasonable compensation shall be no less than the net acquisition price of the vehicle paid by the new motor vehicle dealer.

b. For the purposes of paragraphs 2, 3 and 4 of this subsection, fair and reasonable compensation shall be the net acquisition price paid by the new motor vehicle dealer less a twenty-percent (20%) straight-line depreciation for each year following the dealer's acquisition of the supplies, parts, equipment, furnishings and/or special tools.

F. If a factory prevails in an action to terminate, cancel or not renew any franchise and the new motor vehicle dealer is leasing the dealership facilities, the manufacturer shall pay a reasonable rent to the lessor in accordance with and subject to the provisions of subsection G of this section. Nothing in this section shall be construed to relieve a dealer of its duty to mitigate damages.

G. 1. Such reasonable rental value shall be paid only to the extent the dealership premises are recognized in the franchise and only if they are:

a. used solely for performance in accordance with the franchise. If the facility is used for the operation of more than one franchise, the reasonable rent shall be paid based upon the portion of the facility utilized by the franchise being terminated, canceled or nonrenewed, and

b. not substantially in excess of facilities recommended by the manufacturer.

2. If the facilities are owned by the new motor vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation or nonrenewal the manufacturer will either:

a. locate a qualified purchaser who will offer to purchase the dealership facilities at a reasonable price,

b. locate a qualified lessee who will offer to lease the premises for the remaining lease term at the rent set forth in the lease, or

c. failing the foregoing, lease the dealership facilities at a reasonable rental value for the portion of the facility that is recognized in the franchise agreement for one (1) year.

3. If the facilities are leased by the new motor vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation or nonrenewal the manufacturer will either:

a. locate a tenant or tenants satisfactory to the lessor, who will sublet or assume the balance of the lease,

b. arrange with the lessor for the cancellation of the lease without penalty to the dealer, or

c. failing the foregoing, lease the dealership facilities at a reasonable rent for the portion of the facility that is recognized in the franchise agreement for one (1) year.

4. The manufacturer shall not be obligated to provide assistance under this section if the new motor vehicle dealer:

a. fails to accept a bona fide offer from a prospective purchaser, subleases or assignee,

b. refuses to execute a settlement agreement with the lessor if such agreement with the lessor would be without cost to the dealer, or

c. fails to make written request for assistance under this section within ninety (90) days after the effective date of the termination, cancellation or nonrenewal.

5. The manufacturer shall be entitled to occupy and use any space for which it pays rent required by this section.

H. In addition to the repurchase requirements set forth in subsections E and G of this section, in the event the termination or cancellation is the result of a discontinuance of a product line, the manufacturer or distributor shall compensate the new motor vehicle dealer in an amount equivalent to the fair market value of the terminated franchise as of the date of the manufacturer's or distributor's announcement or provide the new motor vehicle dealer with a replacement franchise on substantially similar terms and conditions as those offered to other same line-make dealers. The dealer may immediately request payment under this provision following the announcement in exchange for cancelling any further franchise rights, except payments owed to the dealer in the ordinary course of business, or may request payment under this provision upon the final termination, cancellation or nonrenewal of the franchise. In either case, payment under this provision shall be made not later than ninety (90) days after the fair market value is determined. If the factory and dealer cannot agree on the fair market value of the terminated franchise or agree to a process to determine the fair market value, then the factory and dealer shall utilize a neutral third party mediator to resolve the disagreement.
Added by Laws 1985, c. 229, § 10, eff. Nov. 1, 1985. Amended by Laws 2000, c. 341, § 3, eff. Nov. 1, 2000; Laws 2014, c. 402, § 3, eff. Nov. 1, 2014.

§47-565.3. Notice to manufacturer or distributor of proposed sale, transfer, or assignment of franchise.

A. A franchised vehicle dealer proposing a sale, transfer, or assignment of a franchise agreement or the business and assets of a dealership or an interest in a dealership to another person, hereinafter transferee, shall notify the manufacturer or distributor whose vehicles the dealer is franchised to sell of the proposed action of the dealer. The manufacturer or distributor may make written request to the transferee to submit completed application forms and related information generally utilized by a manufacturer to evaluate such a proposal and a copy of all agreements related to the proposed sale, transfer, or assignment.

B. The approval by the manufacturer or distributor of the sale, transfer, or assignment shall not be unreasonably withheld unless the transferee is not of good moral character or fails to meet the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees. Approval of the transfer shall not be made contingent upon the transferee meeting unreasonable facility requirements or performance standards, but may be made contingent upon the transferee meeting reasonable written requirements. The burden of proof shall be upon the manufacturer or distributor to show good cause existed to withhold approval. The manufacturer or distributor that has made

such a determination shall send a letter by certified mail to the dealer and the applicant of its refusal to approve the proposal, which shall include a statement of the specific grounds for refusal, within sixty (60) days after the later of:

1. Receipt by the manufacturer or distributor of the notice of the proposed sale, transfer, or assignment; or

2. Receipt by the manufacturer or distributor of the information requested from the transferee pursuant to subsection A of this section if the manufacturer or distributor has requested such information within fifteen (15) days of receipt of written notice of the proposed sale, transfer, or assignment.

C. Failure of the manufacturer or distributor to send its notice of refusal pursuant to subsection B of this section shall mean that the application for the proposed sale, transfer, or assignment is approved.

D. A dealer receiving notice of refusal of the sale, transfer, or assignment shall have the right to file a protest with the Commission within thirty (30) days of receipt of the refusal. A dealer receiving notice that the sale, transfer or assignment is contingent upon the transferee meeting facility and/or performance standards shall have the right to file a protest with the Commission within thirty (30) days of receipt of the notice. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the transferee or the transferee's controlling executive management is not of good moral character or fails to meet the written reasonable and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees or that the facility requirements are not reasonable based on the reasons set forth in subparagraph d of paragraph 9 of Section 565 of this title.

Added by Laws 1999, c. 132, § 1, emerg. eff. April 27, 1999. Amended by Laws 2014, c. 402, § 4, eff. Nov. 1, 2014.

§47-566. Procedure for denial, suspension or revocation of license or imposing fine.

The Commission may deny any application for license, or suspend or revoke a license issued or impose a fine, only after a hearing of which the applicant, or licensee affected, shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offenses of which the licensee is charged. Such notices may be served as provided by law for the service of notices, or mailing a copy by registered mail to the last-known residence or business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If such applicant or licensee is a motor

vehicle salesperson, factory representative or distributor representative, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed in proceedings before courts of the state in civil cases. Any party to such hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed.
Amended by Laws 1985, c. 229, § 11, eff. Nov. 1, 1985.

§47-566.1. Application of Administrative Procedures Act.
All rulings, orders, decisions, procedures or acts of the Oklahoma Motor Vehicle Commission shall be subject to the provisions of the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes.
Added by Laws 1985, c. 229, § 12, eff. Nov. 1, 1985.

§47-567. Injunctions.
The Oklahoma Motor Vehicle Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the State of Oklahoma on the relation of the Commission, to enforce the provisions of Sections 561 through 567, 572, 578.1, 579 and 579.1 of this title. Any licensee or other person who violates or threatens to violate any provision of this chapter or rule promulgated thereunder or order of the Commission may be enjoined from so doing.
Added by Laws 1953, p. 184, § 7, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 210, § 9, emerg. eff. July 16, 1959; Laws 1970, c. 197, § 5, emerg. eff. April 13, 1970; Laws 1985, c. 229, § 13, eff. Nov. 1, 1985; Laws 2001, c. 148, § 5, emerg. eff. April 30, 2001.

§47-572. Venue in damage actions.
Any action brought to recover any damages that may be sustained by any motor vehicle dealer may be brought in the county in which said dealer is located and in addition to the action for damages he shall be entitled to sue for and have injunctive relief against the threatened loss, damage or injury to his business or property because of any violation of Sections 565 through 566 and 579 of this title or the threatened cancellation, termination or failure to renew any franchise agreement between any factory and said dealer, and the court may grant such injunctive relief, including temporary

restraining orders, as it deems just and proper, notwithstanding any other provisions of law, and in addition to any other remedy which may be afforded under any other statute of this state.
Added by Laws 1970, c. 197, § 9, emerg. eff. April 13, 1970. Amended by Laws 1985, c. 229, § 14, eff. Nov. 1, 1985; Laws 2000, c. 341, § 4, eff. Nov. 1, 2000.

§47-573. Liberal construction.
All provisions in this chapter shall be liberally interpreted to protect the public from fraud in the business of purchasing or selling motor vehicles and to protect the investments of its citizens in motor vehicles and dealerships and to protect the transportation system of the state and shall further be interpreted to affect existing as well as future franchise agreements.
Laws 1970, c. 197, § 10, emerg. eff. April 13, 1970.

§47-576. Petty cash fund - Creation.
There is hereby created a petty cash fund not to exceed One Hundred Dollars ($100.00) for the Oklahoma Motor Vehicle Commission, which may be expended for small authorized expenses of the Commission.
Laws 1975, c. 116, § 1, emerg. eff. May 9, 1975.

§47-577. Administration.
The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.
Added by Laws 1975, c. 116, § 2, emerg. eff. May 9, 1975. Amended by Laws 2012, c. 304, § 178.

§47-578. Repealed by Laws 2000, c. 341, § 8, eff. Nov. 1, 2000.

§47-578.1. Procedures for establishing or relocating new motor vehicle dealers within certain areas.
A. Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a factory intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line-make of motor vehicle is currently represented, the factory shall provide at least sixty (60) days advance written notice to the Commission and to each new motor vehicle dealer of the same line-make in the relevant market area, of the intention of the factory to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. For purposes of this

section, the "relevant market area" means the area within a radius of fifteen (15) miles of the site of the proposed new motor vehicle dealership. The notice shall be sent by certified mail to each party and shall include the following information:

1. The specific location at which the additional or relocated motor vehicle dealer will be established;

2. The date on or after which the additional or relocated motor vehicle intends to commence business at the proposed location;

3. The identity of all motor vehicle dealers who are franchised to sell the same line-make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

4. The names and addresses of the person intended to be franchised as the proposed additional or relocated motor vehicle dealership, the principal investors in the proposed additional or relocated motor vehicle dealership, and the proposed dealer operator of the proposed additional or relocated motor vehicle dealership; and

5. The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

B. This section does not apply:

1. To the relocation of an existing new motor vehicle dealer within the relevant market area of that dealer; provided, that the relocation not be at a site within ten (10) miles of a licensed new motor vehicle dealer for the same line-make of motor vehicle;

2. To a proposed additional new motor vehicle dealer which is to be established at or within two (2) miles of a location at which a former licensed new motor vehicle dealer for the same line-make of new motor vehicle had ceased operating within the previous two (2) years;

3. To the relocation of an existing new motor vehicle dealer within two (2) miles of the existing site of the new motor vehicle dealership; or

4. To the relocation of an existing new motor vehicle dealer if the proposed site of the relocated new motor vehicle dealership is farther away from all other new motor vehicle dealers of the same line-make in that relevant market area.

C. Within thirty (30) days after receipt of the notice, or within thirty (30) days after the end of an appeal procedure provided by the factory, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the Commission protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the objection of the dealer to the proposed establishment or relocation. Upon filing of a protest, the Commission shall promptly notify the factory that a timely protest has been filed and shall schedule a hearing, which shall be held within one hundred twenty (120) days of the filing of a timely protest. The factory shall not

establish or relocate the new motor vehicle dealer until the Commission has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the Commission shall consolidate the hearings to expedite disposition of the matter.

D. The burden of proof to establish that good cause exists for permitting the proposed establishment of a new motor vehicle dealer or relocating an existing new motor vehicle dealership shall be on the applicant who seeks to establish a new motor vehicle dealership or the relocation of an existing new motor vehicle dealership.

Added by Laws 2000, c. 341, § 5, eff. Nov. 1, 2000.

§47-579. Considerations in determining good cause for establishment or relocation of additional franchise.

In determining whether good cause has been established for permitting the proposed establishment or relocation of an additional franchise for the same line-make, the Oklahoma Motor Vehicle Commission shall take into consideration, and must be persuaded, that good cause exists for entering into or relocating an additional franchise for the same line-make by the greater weight of facts and the existing circumstances, including, but not limited to:

1. Permanency of the investment of the proposed dealership;

2. Effect on the retail new motor vehicle business and the consuming public in the relevant market area;

3. Whether it is injurious to the public welfare for an additional new motor vehicle dealership to be established;

4. Whether the new motor vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel; and

5. Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest.

Added by Laws 1980, c. 134, § 4, emerg. eff. April 15, 1980. Amended by Laws 1985, c. 229, § 16, eff. Nov. 1, 1985; Laws 2000, c. 341, § 6, eff. Nov. 1, 2000.

§47-579.1. Certain vehicle brokering unlawful - Penalties.

A. It shall be unlawful to be a broker.

B. For the purposes of this section, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale of a new motor vehicle, and who is not:

1. A new motor vehicle dealer or employee of such a dealer;

2. A distributor or employee of such a distributor;

3. A motor vehicle manufacturer or employee of such a manufacturer; or

4. An auctioneer or any other person engaged in the auto auction business.

However, an individual shall not be deemed to be a broker if the individual is the owner of the new or used motor vehicle which is the object of the brokering transaction.

C. Any person convicted of being a broker as defined by this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of not more than One Thousand Dollars ($1,000.00). Any person convicted of a second or subsequent offense shall be guilty of a Schedule G felony offense, and the fine for a felony violation of this section shall be not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).

Added by Laws 1985, c. 229, § 17, eff. Nov. 1, 1985. Amended by Laws 1995, c. 324, § 1, eff. Nov. 1, 1995; Laws 1998, c. 269, § 4, eff. Nov. 1, 1998; Laws 2000, c. 341, § 7, eff. Nov. 1, 2000.

§47-580. Denial, revocation or suspension of license.

The Commission may deny an application for a license, or revoke or suspend a license after it has been granted, if any party fails to comply with Section 3 or 4 of this act.

Laws 1980, c. 134, § 5, emerg. eff. April 15, 1980.

§47-580.2. Insurance coverage on vehicles on loan from authorized motor vehicle dealer.

During the time a person is operating a motor vehicle with the express or implied permission of an authorized motor vehicle dealer, as defined in Section 562 of this title, such person's motor vehicle liability policy shall have primary coverage with the motor vehicle liability policy of the dealer having secondary coverage until the vehicle is returned. The change in financial responsibility shall be evidenced by a release signed by the person operating the vehicle with the express or implied permission of the dealer with the release to be returned to the person upon the return of the motor vehicle to the dealer. The motor vehicle liability policy of such person shall meet the minimum financial responsibility requirements found in Section 7-324 of this title.

This section shall apply only to the loan of a motor vehicle by an authorized motor vehicle dealer which loan occurs without financial remuneration in the form of a fee or lease charge.

Added by Laws 1980, c. 167, § 1, eff. Oct. 1, 1980.

§47-581. Definitions.

As used in Section 581 et seq. of this title:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission;

2. "Compensation" means anything of value including money, merchandise, rebates on purchases, trading stamps or any other thing of value;

3. "Consignment sale" means the sale of used motor vehicles belonging to another by a used motor vehicle dealer, whether or not title is transferred from the consignor to the used motor vehicle dealer;

4. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products;

5. "Manufactured home" means a residential dwelling in one or more sections built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq. and rules promulgated pursuant thereto;

6. a. "Manufactured home dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes. A valid franchise letter as proof of authorization to sell any new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall include a manufactured home auction. A manufactured home auction shall mean any person selling more than twenty-five manufactured homes in an auction or liquidation format. Only licensed manufactured home dealers shall be authorized to purchase manufactured homes at such auctions.

b. "Manufactured home dealer" shall not include any person who sells or contracts for the sale of a personally titled manufactured home or homes, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling used mobile homes as a part of a real estate business. No person shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by the person for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified

person from utilizing a single manufactured home as a sales office.

c. A holder of a lien on a manufactured home may sell, exchange, or transfer by lease-purchase the repossessed manufactured home and shall not be required to be licensed pursuant to this chapter. If the lienholder contracts with a person or company to sell the repossessed manufactured home and the person or company is not an employee, officer or principal of the lienholder, such person or company shall be licensed pursuant to this chapter.

d. "Manufactured home dealer" shall not include any person who sells mobile or manufactured homes located in a mobile or manufactured home park or community;

7. "Manufactured home salesperson" means any person who has been engaged by a manufactured home dealer to buy, sell, exchange, negotiate, or act as an agent for the purchase, sale, or exchange of an interest in a manufactured home;

8. "Manufactured home installer" means a person who is engaged in the business of installing or setting up manufactured homes and/or mobile homes as defined herein;

9. "Manufactured home manufacturer" means a person who manufactures, assembles, and sells new manufactured homes to new manufactured home retailers for resale in this state;

10. "Mobile home" means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

11. "Person" means an individual, business, corporation, partnership, association, limited liability corporation, trust, firm, or company or legal entity, but does not include any political subdivision;

12. "Ready for occupancy" means a mobile or manufactured home which is installed and anchored properly and has utilities connected to service;

13. "Rebuilder" means a used motor vehicle dealer who is engaged in the business of rebuilding repairable motor vehicles and who has paid the fee for and been issued a rebuilder certificate as provided by Section 591.5 of this title;

14. "Restricted manufactured home park dealer" means any person operating a mobile or manufactured home park who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes; provided,

every mobile or manufactured home sold pursuant to a restricted manufactured home park dealer license shall be located in the licensed mobile or manufactured home park and ready for occupancy;

15. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof;

16. "Sale" or "sell" means the act of selling, brokering, exchanging, exchanging of an interest in, or renting with the option of purchasing, a new or used manufactured home for commission, profit, or gain of money or other thing of value;

17. "Used motor vehicle" means any motor vehicle, as that term is defined in the Oklahoma Vehicle License and Registration Act, but not including any all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer, which has been sold, bargained, exchanged, given away or the title thereto transferred from the person who first took title from the manufacturer, importer, or dealer or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle". In the event of transfer, on the statement of origin, from the original franchised dealer to any other dealer or individual other than a franchised dealer of the same make of vehicle, the vehicle shall be considered a used motor vehicle and must be titled in the new owner's name;

18. "Used motor vehicle auction" means any business other than salvage pools which regularly engages in the sale or trade, or negotiates the sale or trade, of used motor vehicles by auction, whether by open or closed bid or by sale to or purchase by used motor vehicle dealers or individuals;

19. a. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by the person.

b. "Used motor vehicle dealer" shall not include:

(1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,

(2) public officers while performing their official duties,

(3) employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the

specific performance of their duties as such employees,

(4) mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if the mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus the costs of collection,

(5) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an estate auction or liquidation,

(6) any person, firm, corporation, or other legal entity who sells, or contracts for the sale of, the vehicles of the person, firm, corporation, or other legal entity when such vehicles are sold in liquidation, and any person, firm, corporation, or other legal entity who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm, corporation, or other legal entity whose business is the purchase, sale, or rental with option to purchase, of motor vehicles, or to a location used for such purposes,

(7) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an auction held at a licensed used motor vehicle dealer location. The exclusion provided in this division shall not extend to a person who auctions five or more used motor vehicles in a nonliquidation sale held at a licensed used motor vehicle dealer location which is not regularly used as a vehicle auction, or

(8) any retail implement dealer that sells all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

20. "Used motor vehicle salesperson" means a person employed by a licensed used motor vehicle dealer to sell, broker, exchange, or negotiate a purchase, sale, or rental with option to purchase, used motor vehicles or an interest in used motor vehicles. The term "used motor vehicle salesperson" shall not include any person who:

a. uses the person's own funds for such transactions, or

b. operates independently as a used motor vehicle dealer using a licensed used motor vehicle dealer's license number; and

21. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by the person.

Added by Laws 1980, c. 85, § 16, eff. Jan. 1, 1981. Amended by Laws 1982, c. 188, § 1, operative Oct. 1, 1982; Laws 1984, c. 89, § 1, eff. Nov. 1, 1984; Laws 1989, c. 57, § 1, operative July 1, 1989; Laws 1992, c. 200, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 9, eff. July 1, 1992; Laws 1993, c. 281, § 1, emerg. eff. June 3, 1993; Laws 1994, c. 115, § 1, emerg. eff. April 24, 1994; Laws 1996, c. 332, § 1, eff. Nov. 1, 1996; Laws 1997, c. 168, § 1, eff. Nov. 1, 1997; Laws 1998, c. 289, § 2, emerg. eff. May 27, 1998; Laws 1999, c. 155, § 1, eff. July 1, 1999; Laws 2000, c. 150, § 1, eff. July 1, 2000; Laws 2001, c. 148, § 6, emerg. eff. April 30, 2001; Laws 2003, c. 483, § 1, eff. June 16, 2003; Laws 2005, c. 298, § 1, eff. Nov. 1, 2005; Laws 2013, c. 145, § 1, eff. Nov. 1, 2013; Laws 2015, c. 223, § 1, eff. Nov. 1, 2015; Laws 2019, c. 79, § 3, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§47-582. Used Motor Vehicle and Parts Commission.

A. There is hereby created the Oklahoma Used Motor Vehicle and Parts Commission, to be composed of ten (10) members who shall be selected as follows:

1. One member shall be appointed from each congressional district and any remaining members, including the chair, shall be appointed from the state at large. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member; provided, the chair shall be appointed at large without regard to congressional district representation on the board;

2. All members shall be appointed by the Governor, by and with the advice and consent of the Senate;

3. a. each of the members appointed from a congressional district shall, at the time of appointment, be a resident in good faith of the congressional district from which appointed, and

b. each of the members appointed from the state at large shall, at the time of appointment and during the period of service, be residents in good faith of the state;

4. Each member shall be of good moral character and, for the ten-year period immediately preceding appointment, each of the used motor vehicle dealer representatives shall have been licensed for and actually engaged in the distribution or sale of used motor vehicles; each of the dismantler representatives shall have actually been licensed for and engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof; and the manufactured housing representative shall have been licensed for and actually engaged in the principal business of selling manufactured homes; and

5. Eight members plus the chair shall be engaged in the used motor vehicle industry or the automotive dismantler industry. There shall not be fewer than five members engaged in the principal business of the sale of used motor vehicles and there shall not be fewer than two members engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof. One of the at-large members shall be engaged in the principal business of selling manufactured homes as a licensed manufactured home dealer. Being engaged in one or more of such pursuits shall not disqualify a person otherwise qualified from serving on the Commission.

B. 1. The term of the chair shall be coterminous with that of the Governor making the appointment, and until a successor is appointed and is qualified.

2. The terms of office of each member of the Commission shall be subject to the following:

a. the Commission shall determine and certify the trade associations of manufactured home dealers that represent ten percent (10%) or more of the number of licensed manufactured home dealers in the state and shall certify each such association to the Governor. The Governor shall request a minimum of ten names from each such association and shall select one member from the manufactured home industry from the names provided,

b. each member actively serving July 1, 2000, who was appointed on or before June 30, 2000, shall remain and fulfill the term of his or her membership as set forth at the appointment,

c. except for the chair, the term of office of each member of the Commission shall be for six (6) years,

d. except for the chair and the at-large members, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed; however, if the congressional districts are modified each member shall complete the current term of office as provided in this section,

e. in event of death, resignation, or removal of any person serving on the Commission, the vacancy shall be filled by appointment as aforesaid for the unexpired portion of the term,

f. except for the chair, when the term of a member automatically expires, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years as aforesaid, except that the member shall serve until a successor is appointed and qualified.

3. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

C. The chair and members of the Commission shall receive Thirty Dollars ($30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars ($600.00) per annum to any one person.

D. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have had sufficient management and organizational experience in the automotive industry to direct the functions of the Commission.

b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.

c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.

d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

2. The Commission may employ such clerical, technical, legal and other help and incur such expenses as may be necessary for the proper discharge of its duties under Section 581 et seq. of this title.

3. The Commission shall maintain its office and transact its business in Oklahoma City, and is authorized to adopt and use a seal.

E. 1. a. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and

effectively carry out the provisions and objectives of Section 581 et seq. of this title, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish said purpose.

b. The Commission shall promulgate rules for the licensing of manufactured home installers and the installation, which is the blocking, anchoring and leveling of mobile and manufactured homes that meet the standards of the manufacturer's manual or the Commission.

c. The Commission shall promulgate rules to prescribe the contents of manufactured home sales agreements and to require that each manufactured home manufacturer issue with each new manufactured home a warranty comparable to warranties generally in use in the industry warranting the manufactured home to be free from material defects.

d. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof.

e. A copy of all rules adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

2. The Commission's powers and duties shall include, but not be limited to, the following:

a. to license used motor vehicle dealers, wholesale used motor vehicle dealers, dismantlers, manufactured home dealers, manufactured home manufacturers, and manufactured home installers,

b. to inspect used motor vehicle dealer, dismantler and manufactured home dealer locations, and manufactured home manufacturers' factories or assembly sites to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, for retail businesses, a business sign, a listed and usable telephone number, a restroom, and a sales office,

c. to inspect wholesale used motor vehicle dealer locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, a listed and usable telephone number in the dealer's name and a business office where records of the business are kept,

d. to require all dealer sales to have a condition of sale such as a warranty disclaimer, implied or written warranty or a service contract approved by the Commission,

e. to work with consumers and dealers to hear complaints on used vehicles and manufactured homes, including installation, and

f. to serve as a dispute resolution panel for binding arbitration in accordance with Section 1851 et seq. of Title 12 of the Oklahoma Statutes in contract controversies between licensed used motor vehicle dealers, dismantlers and manufactured housing dealers, manufactured home dealers, installers, and manufacturers and their consumers when, by mutual written agreement executed after the dispute between the parties has arisen, both parties have agreed to use the Commission as their arbitration panel for contract disputes.

F. 1. All fees and charges collected under the provisions of Section 581 et seq. of this title shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund is hereby created. Except as hereinafter provided, the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 581 et seq. of this title. Expenditures from the fund shall be warrants issued by the State Treasurer against claims submitted by the Commission to the Director of the Office of Management and Enterprise Services for approval.

2. At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the gross fees and charges so collected and received.

3. All expenses incurred by the Commission in carrying out the provisions of Section 581 et seq. of this title including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor Vehicle and Parts Commission Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

Added by Laws 1980, c. 85, § 17, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 2, operative July 1, 1989; Laws 1992, c. 140, § 2, eff. Sept. 1, 1992; Laws 1993, c. 281, § 2, emerg. eff. June 3, 1993; Laws 1997, c. 212, § 1, eff. Nov. 1, 1997; Laws 1999, c. 155, § 2, eff. July 1, 1999; Laws 2000, c. 150, § 2, eff. July 1, 2000; Laws 2002, c. 375, § 5, eff. Nov. 5, 2002; Laws 2003, c. 229, § 1, emerg. eff. May 20, 2003; Laws 2005, c. 298, § 2, eff. Nov. 1, 2005; Laws 2006, c. 305, § 1, eff. July 1, 2006; Laws 2012, c. 304, § 179; Laws 2019, c. 79, § 4, eff. Nov. 1, 2019.

§47-582.1. Manufactured Home Advisory Committee.

A. There is hereby created the Manufactured Home Advisory Committee which shall consist of five (5) members who shall be appointed as follows:

1. The members shall be appointed by the Governor from a list of not less than twenty names submitted by the Trade Association of Manufactured Home Dealers, as certified by the Commission, as set forth herein;

2. The members shall be appointed for terms of three (3) years; except that, for the first committee appointed, two members shall be appointed for two (2) years with terms ending June 30, 2002, two members shall be appointed for three (3) years with terms ending June 30, 2003, and one member shall be appointed for four (4) years with a term ending June 30, 2004; and

3. The members shall be licensed and primarily engaged in the manufactured housing industry.

B. The Manufactured Home Advisory Committee shall choose from their membership a person to act as the chair and shall meet as necessary.

C. The Manufactured Home Advisory Committee shall provide specific recommendations and advice to the Commission on manufactured home industry issues including, but not limited to:

1. Claims or complaints concerning noncompliances, defects, serious defects, or imminent safety hazards filed by consumers and to resolve such claims or complaints;

2. Adoption of guidelines for the installation of manufactured homes and mobile homes; and

3. Licensure requirements for manufactured home dealers, manufactured home manufacturers, and manufactured home installers.

Added by Laws 2000, c. 150, § 5, eff. July 1, 2000.

§47-583. See the following versions:

OS 47-583v1 (HB 1094, Laws 2019, c. 79, § 5).

OS 47-583v2 (SB 716, Laws 2019, c. 221, § 1).

§47-583.1. Certificate of registration for used motor vehicle or manufactured home salesperson — Penalties.

A. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars ($500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a used motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle and Parts Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars ($25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

B. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars ($500.00) for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, a manufactured home salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle and Parts Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars ($25.00) to be renewed annually. The cost of registration is to be borne by the employing entity of the new salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration.

Added by Laws 2019, c. 79, § 8, eff. Nov. 1, 2019.

§47-583v1. License required - Application - Fees - Specifications and display - Bond - Liability insurance.

A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, wholesale used motor vehicle dealer, manufactured home dealer, restricted manufactured home park dealer, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer, a manufactured home dealer, restricted manufactured home park dealer, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor

Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this subparagraph may be enforceable in the district courts of this state.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars ($500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under the provisions of the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

a. the applicant's financial standing,
b. the applicant's business integrity,
c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses shall be submitted by November 1 of each year of expiration, and licenses for completed renewals received by November 1 shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued. Beginning January 1, 2016, all licenses shall be issued for a period of two (2) years and the appropriate fees shall be assessed. The Commission shall adopt rules necessary to implement the two-year licensing provisions.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Six Hundred Dollars ($600.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be Three Hundred Dollars ($300.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be Two Hundred Dollars ($200.00) and the renewal fee shall be Two Hundred Dollars ($200.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be Four Hundred Dollars ($400.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be Two Hundred Dollars ($200.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Two Hundred Dollars ($200.00);

3. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, Two Hundred Dollars ($200.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be Two Hundred Dollars ($200.00);

4. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars ($600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars ($400.00), and

b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars ($300.00);

5. a. For each manufactured home installer's license, Four Hundred Dollars ($400.00), and

b. For each renewal of a manufactured home installer's license, Four Hundred Dollars ($400.00); and

6. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars ($1,500.00), and

b. For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars ($1,500.00).

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars ($100.00), and the fee for a change of name, Twenty-five Dollars ($25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars ($25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall

procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars ($50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars ($50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars ($25,000.00).

b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars ($500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars ($50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.

c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars ($25,000.00).

d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars ($15,000.00), in addition to any other bonds required.

e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars ($30,000.00).

f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars ($30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in

this state. A manufacturer may not sell, exchange, or lease-purchase a manufactured home to a person in this state who is not a licensed manufactured home dealer.

g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

2. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars ($25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer or restricted manufactured home park dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars ($100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars ($25,000.00) of general liability with products and completed operations insurance coverage.

Added by Laws 1980, c. 85, § 18, eff. Jan. 1, 1981. Amended by Laws 1980, c. 273, § 17, eff. Jan. 1, 1981; Laws 1989, c. 57, § 3, operative July 1, 1989; Laws 1992, c. 242, § 1, eff. July 1, 1992; Laws 1992, c. 373, § 10, eff. July 1, 1992; Laws 1996, c. 332, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 8, emerg. eff. Feb. 26, 1997; Laws 1999, c. 155, § 3, eff. July 1, 1999; Laws 2000, c. 150, § 3, eff. July 1, 2000; Laws 2000, c. 334, § 4, eff. July 1, 2000; Laws 2001, c. 60, § 1, eff. July 1, 2001; Laws 2005, c. 298, § 3, eff. Nov. 1, 2005; Laws 2006, c. 213, § 3, eff. Nov. 1, 2006; Laws 2013, c. 145, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 11, emerg. eff. April 2, 2014; Laws 2015, c. 386, § 1, eff. Nov. 1, 2015; Laws 2019, c. 79, § 5, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 249, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 75, § 1 and Laws

2000, c. 126, § 1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000. Laws 2013, c. 164, § 1 repealed by Laws 2014, c. 4, § 12, emerg. eff. April 2, 2014. Laws 2013, c. 196, § 1 repealed by Laws 2014, c. 4, § 13, emerg. eff. April 2, 2014.

§47-583v2. License required - Application - Fees - Specifications and display - Bond - Liability insurance.

A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, used motor vehicle salesperson, wholesale used motor vehicle dealer, manufactured home dealer, restricted manufactured home park dealer, manufactured home salesperson, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer and/or a used motor vehicle salesperson, a manufactured home dealer, restricted manufactured home park dealer, manufactured home salesperson, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. A used motor vehicle dealer's license shall authorize one person to sell without a salesperson's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise.

c. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor Vehicle and Parts Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this

subparagraph may be enforceable in the district courts of this state.

d. A salesperson's license may not be issued under a wholesale used motor vehicle dealer's license.

3. Any person except persons penalized by administrative fine violating the provisions of this section shall, upon conviction, be fined not to exceed Five Hundred Dollars ($500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under the provisions of the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

a. the applicant's financial standing,

b. the applicant's business integrity,

c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,

d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and

e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses shall be submitted by November 1 of each year of expiration, and licenses for completed renewals received by November 1 shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept

dealers' titles until such time as licenses have been issued. Beginning January 1, 2016, all licenses shall be issued for a period of two (2) years and the appropriate fees shall be assessed. The Commission shall adopt rules necessary to implement the two-year licensing provisions.

4. A used motor vehicle salesperson's license shall permit the licensee to engage in the activities of a used motor vehicle salesperson. Salespersons shall not be allowed to sell vehicles unless applications and fees are on file with the Commission and the motor vehicle salesperson's or temporary salesperson's license issued. A temporary salesperson's license, salesperson's renewal or reissue of salesperson's license shall be deemed to have been issued when the appropriate application and fee have been properly addressed and mailed to the Commission.

Dealers' payrolls and other evidence will be checked to ascertain that all salespersons for such dealers are licensed.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Six Hundred Dollars ($600.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be Three Hundred Dollars ($300.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be Two Hundred Dollars ($200.00) and the renewal fee shall be Two Hundred Dollars ($200.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be Four Hundred Dollars ($400.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be Two Hundred Dollars ($200.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Two Hundred Dollars ($200.00);

3. For each used motor vehicle salesperson's license and renewal, Fifty Dollars ($50.00), and for a transfer, Fifty Dollars ($50.00);

4. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, Two Hundred Dollars ($200.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be Two Hundred Dollars ($200.00);

5. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars ($600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars ($400.00), and

b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars ($300.00);

6. a. For each manufactured home installer's license, Four Hundred Dollars ($400.00), and

b. For each renewal of a manufactured home installer's license, Four Hundred Dollars ($400.00);

7. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars ($1,500.00), and

b. For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars ($1,500.00);

8. For each manufactured home salesperson's license or renewal thereof, Fifty Dollars ($50.00), and for each transfer, Fifty Dollars ($50.00);

9. Any manufactured home manufacturer who sells a new manufactured home to be shipped to or sited in the State of Oklahoma shall pay an installation inspection fee of Seventy-five Dollars ($75.00) for each new single-wide manufactured home and One Hundred Twenty-five Dollars ($125.00) for each new multi-floor manufactured home; and

10. A used manufactured home inspection fee of Seventy-five Dollars ($75.00) shall be paid by the installer at or before the time of installation of any used manufactured home sited and installed in the State of Oklahoma.

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars ($100.00), and the fee for a change of name, Twenty-five Dollars ($25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer, and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma

Used Motor Vehicle and Parts Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every used motor vehicle salesperson shall have the license upon his or her person when engaged in business, and shall display same upon request. The name of the employer of the salesperson shall be stated on the license and if there is a change of employer, the license holder shall immediately mail the license to the Commission for its endorsement of the change thereon. There shall be no penalty for not having a license upon his or her person.

4. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars ($25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars ($50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars ($50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars ($25,000.00).

b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars ($500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars ($50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.

c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars ($25,000.00).

d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars ($15,000.00), in addition to any other bonds required.

e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars ($30,000.00).

f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars ($30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale in this state. A manufacturer may not sell, exchange, or lease-purchase a manufactured home to a person in this state who is not a licensed manufactured home dealer.

g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

2. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars ($25,000.00) of single liability insurance

coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer or restricted manufactured home park dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars ($100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars ($25,000.00) of general liability with products and completed operations insurance coverage.

Added by Laws 1980, c. 85, § 18, eff. Jan. 1, 1981. Amended by Laws 1980, c. 273, § 17, eff. Jan. 1, 1981; Laws 1989, c. 57, § 3, operative July 1, 1989; Laws 1992, c. 242, § 1, eff. July 1, 1992; Laws 1992, c. 373, § 10, eff. July 1, 1992; Laws 1996, c. 332, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 8, emerg. eff. Feb. 26, 1997; Laws 1999, c. 155, § 3, eff. July 1, 1999; Laws 2000, c. 150, § 3, eff. July 1, 2000; Laws 2000, c. 334, § 4, eff. July 1, 2000; Laws 2001, c. 60, § 1, eff. July 1, 2001; Laws 2005, c. 298, § 3, eff. Nov. 1, 2005; Laws 2006, c. 213, § 3, eff. Nov. 1, 2006; Laws 2013, c. 145, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 11, emerg. eff. April 2, 2014; Laws 2015, c. 386, § 1, eff. Nov. 1, 2015; Laws 2019, c. 221, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1992, c. 140, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 249, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 75, § 1 and Laws 2000, c. 126, § 1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000. Laws 2013, c. 164, § 1 repealed by Laws 2014, c. 4, § 12, emerg. eff. April 2, 2014. Laws 2013, c. 196, § 1 repealed by Laws 2014, c. 4, § 13, emerg. eff. April 2, 2014.

§47-584. Denial, revocation or suspension of license – Fine - Grounds.

A. The Oklahoma Used Motor Vehicle and Parts Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars ($1,000.00) per occurrence and/or revoke or suspend a license after it has been granted, when any provision of Sections 581 through 588 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by Sections 581 through 588 of this title;

2. For fraud practices or any material misstatement made by an applicant in any application for license under the provisions of Sections 581 through 588 of this title;

3. For any willful failure to comply with any provision of Section 581 et seq. of this title or with any rule promulgated by the

Commission under authority vested in it by Sections 581 through 588 of this title;

4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Continued or flagrant violation of any of the rules of the Commission;

6. Being a used motor vehicle dealer, a wholesale used motor vehicle dealer, or a manufactured home dealer, a restricted manufactured home park dealer, a manufactured home installer or a manufactured home manufacturer who:

a. resorts to or uses any false or misleading advertising in connection with business as a used motor vehicle dealer, wholesale used motor vehicle dealer or a restricted manufactured home park dealer or manufactured home dealer, installer or manufacturer,

b. has committed any unlawful act which resulted in the revocation of any similar license in another state,

c. has been convicted of a crime involving moral turpitude,

d. has committed a fraudulent act in selling, purchasing or otherwise dealing in motor vehicles or manufactured homes or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a motor vehicle or manufactured home or any interest therein including an option to purchase such motor vehicles or manufactured homes,

e. has engaged in business under a past or present license issued pursuant to Sections 581 through 588 of this title, in such a manner as to cause injury to the public or to those with whom the licensee is dealing,

f. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license,

g. has failed or refused to furnish and keep in force any bond required under Sections 581 through 588 of this title,

h. has installed or attempted to install a manufactured home in an unworkmanlike manner, or

i. employs unlicensed persons in connection with the sale of manufactured homes;

7. Being a used motor vehicle dealer who:

a. does not have an established place of business,

b. employs unlicensed persons in connection with the sale of used vehicles,

c. fails or refuses to furnish or keep in force single limit liability insurance on any vehicle offered for

sale and otherwise required under the financial responsibility laws of this state, or

d. is not operating from the address shown on the license if this change has not been reported to the Commission; or

8. Being a manufactured home dealer or a restricted manufactured home park dealer who:

a. does not have an established place of business,

b. fails or refuses to furnish or keep in force garage liability and completed operations insurance, or

c. is not operating from the address shown on the license if this change has not been reported to the Commission.

B. 1. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home dealer does not meet the following guidelines and restrictions:

a. a display area for manufactured homes which is easily accessible, with sufficient parking for the public,

b. an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,

c. a place of business which meets all zoning occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm, or corporation engaged in the business of selling manufactured homes, and

d. a place of business which is separate and apart from any other dealer's location.

2. The Commission shall deny an application for a restricted manufactured home park dealer license, or revoke or suspend a license after it has been granted, if a manufactured home park dealer does not satisfy the following guidelines and restrictions:

a. only mobile or manufactured homes that are "ready for occupancy" are sold or offered for sale,

b. maintains an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,

c. maintains a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm or corporation engaged in the business of selling manufactured homes inside a park, and

d. maintains a place of business which is separate and apart from any other dealer's location.

C. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home installer:

1. Installs or attempts to install a manufactured home in a manner that is not in compliance with installation standards as set by the Commission pursuant to rule; or

2. Violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home installers.

D. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home manufacturer violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home manufacturers.

E. The Commission shall deny an application for a license by a motor vehicle manufacturer or factory if the application is for the purpose of selling used motor vehicles to any retail consumer in the state, other than through its retail franchised dealers, or acting as a broker between a seller and a retail buyer. This subsection does not prohibit a manufacturer from selling used motor vehicles where the retail customer is a nonprofit organization or a federal, state, or local government or agency. This subsection does not prohibit a manufacturer from providing information to a consumer for the purpose of marketing or facilitating the sale of used motor vehicles or from establishing a program to sell or offer to sell used motor vehicles through the manufacturer's retail franchised dealers as provided for in Sections 561 through 580.2 of this title. This subsection shall not prevent a factory from obtaining a wholesale used motor vehicle dealer's license or the factory's financing subsidiary from obtaining a wholesale used motor vehicle dealer's license.

F. If the Commission denies issuance of a license the Commission shall provide the grounds for the action to the applicant in writing and allow the applicant sixty (60) days to resolve any issues that are the grounds for the action.

G. Each of the aforementioned grounds for suspension, revocation, or denial of issuance or renewal of license shall also constitute a violation of Sections 581 through 588 of this title, unless the person involved has been tried and acquitted of the offense constituting such grounds.

The suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon a conviction at law for any violation of Sections 581 through 588 of this title.

Added by Laws 1980, c. 85, § 19, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 4, operative July 1, 1989; Laws 1992, c. 140, § 4, eff. Sept. 1, 1992; Laws 2000, c. 150, § 4, eff. July 1, 2000; Laws 2001, c. 148, § 7, emerg. eff. April 30, 2001; Laws 2005, c. 298, § 4, eff. Nov. 1, 2005; Laws 2009, c. 39, § 1, eff. Nov. 1, 2009; Laws

2013, c. 145, § 3, eff. Nov. 1, 2013; Laws 2019, c. 79, § 6, eff. Nov. 1, 2019.

§47-585. Denial, suspension or revocation of license - Fine - Appeal.

A. The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, in accordance with the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the applicant or licensee is a used motor vehicle salesperson, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom associated, or in whose association the applicant or licensee is about to enter. The Commission shall have the power to compel the production of records and papers bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person in this state, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed. If the Commission shall determine that any licensee is guilty of violation of any of the provisions of this act, the license of the licensee shall be suspended or revoked, or a fine imposed as authorized by this act.

B. The Commission may assess a fine not to exceed One Hundred Dollars ($100.00) against a used motor vehicle dealer who:

1. Willfully fails to deliver certificates of title to purchasers of used motor vehicles within thirty (30) days of the sale of the vehicles;

2. Fails to properly reassign the certificate of title to a used motor vehicle as required by law upon the sale or transfer of ownership of the used motor vehicle;

3. Sells an extended insurance warranty to a purchaser, but fails to provide a copy of the warranty to the purchaser or fails to disclose who the third party insurer will be; or

4. Delivers a used motor vehicle to a potential purchaser with the intent to sell the vehicle, but does not complete the transaction within fifteen (15) calendar days of the delivery of the used motor vehicle.

C. An appeal from the decision of the Commission to suspend or revoke a license or to impose a fine shall be taken in accordance with Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

D. Any applicant or licensee who knowingly or willfully makes or causes to be made any false statement of a fact required under the provisions of Section 581 et seq. of this title shall be subject to

an administrative fine not to exceed One Thousand Dollars ($1,000.00).
Added by Laws 1980, c. 85, § 20, eff. Jan. 1, 1981. Amended by Laws 1994, c. 121, § 1, eff. Sept. 1, 1994; Laws 1996, c. 332, § 3, eff. Nov. 1, 1996; Laws 2000, c. 126, § 2, eff. July 1, 2000; Laws 2005, c. 298, § 5, eff. Nov. 1, 2005; Laws 2009, c. 385, § 1, eff. Nov. 1, 2009.

§47-586. Injunctions.

The Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the state on the relation of said Commission, to enforce the provisions of Sections 16 through 20 of this act. Any licensee or other person who violates or threatens to violate any provision of this act or rule or regulation enacted thereunder may be enjoined from committing or continuing the violation or engaging in the business for which a license has been issued under this act, in an action brought by any person who will be or is damaged or aggrieved by the violation or threatened violation.
Laws 1980, c. 85, § 21, eff. Jan. 1, 1981.

§47-587. Petty cash fund.

A. There is hereby created a petty cash fund not to exceed One Hundred Dollars ($100.00) for the Oklahoma Used Motor Vehicle and Parts Commission, which may be expended for small authorized expenses of the Commission.

B. The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

C.
Added by Laws 1980, c. 85, § 22, eff. Jan. 1, 1981. Amended by Laws 2012, c. 304, § 180.

§47-588. Owner-installed manufactured homes.

Nothing in Section 581 et seq. of Title 47 of the Oklahoma Statutes shall be construed as prohibiting a person who has purchased a manufactured home to be used by the person for his or her own personal use from installing the manufactured home without holding a license; provided, nothing in this section shall be construed as continuing or extending any warranty otherwise terminated or voided by the owner’s installation or attempted installation.
Added by Laws 2000, c. 150, § 6, eff. July 1, 2000.

§47-591.1. Short Title.

This act shall be known and may be cited as the "Automotive Dismantlers and Parts Recycler Act".
Laws 1980, c. 273, § 1, eff. Jan. 1, 1981.

§47-591.2. Definitions.

As used in Section 591.1 et seq. of this title:

1. "Automotive dismantler and parts recycler" means a person, firm or corporation engaged in the business of purchasing, dismantling, or disassembling used motor vehicles for the purpose of selling the parts thereof, but shall not include a person who is primarily engaged in the business of rebuilding repairable motor vehicles;

2. "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck-tractor, trailer and other device which is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except such as is moved by animal power or used exclusively upon stationary rails or tracks, or an implement of husbandry;

3. "Place of business" means the place owned or leased and regularly occupied by a person, firm or corporation engaged in the business of an automotive dismantler and parts recycler, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept;

4. "Salvage pool" means any person or business which regularly conducts a salvage disposal sale;

5. "Salvage disposal sale" means a scheduled sale at auction or by private bid of wrecked or repairable motor vehicles by insurance underwriters, or insurance companies, used motor vehicle dealers or automotive dismantlers and parts recyclers, either retail or wholesale; and

6. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission; and

7. "License" means the license issued pursuant to Section 591.1 et seq. of this title to operate an automotive dismantler and parts recycler business.

Added by Laws 1980, c. 273, § 2, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 1, eff. Nov. 1, 1986; Laws 1988, c. 92, § 1, emerg. eff. March 29, 1988; Laws 1996, c. 332, § 4, eff. Nov. 1, 1996.

§47-591.3. License required - Power and authority of Commission.

A. No person, firm or corporation in this state, unless licensed pursuant to the Automotive Dismantlers and Parts Recycler Act, shall be engaged in the business of an automotive dismantler and parts recycler.

B. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out

the provisions and objectives of this act, and is hereby authorized and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose provided this authority shall in no manner restrict or alter compliance by the Commission with the Oklahoma Central Purchasing Act. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof. A copy of all rules and regulations adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.
Amended by Laws 1986, c. 220, § 2, eff. Nov. 1, 1986; Laws 1987, c. 231, § 3, eff. July 1, 1987.

§47-591.4. Application for license – Form - Grounds for refusal to issue license or B.I.D. card.

A. Every person, firm or corporation desiring to engage in the business of an automotive dismantler and parts recycler shall apply in writing, on a form to be prescribed by the Oklahoma Used Motor Vehicle and Parts Commission, which form shall contain:

1. The name of the applicant;

2. The street address of the applicant's principal place of business;

3. The type of business organization of the applicant;

4. The applicant's financial statement;

5. The legal description of the proposed place of business, together with written verification from the appropriate local authorities that the place of business meets the licensing and zoning requirements of the municipality or county where located; and

6. Such additional information as may be required by the Commission.

B. Notwithstanding subsection A of this section, the Commission may decline to issue an original license to any person, firm or corporation that does not, in good faith, meet the requirements of the Automotive Dismantlers and Parts Recycler Act; or whose proposed place of business does not meet the applicable zoning requirements; or whose proposed use is deemed inappropriate by the Commission due to surrounding property uses or objections from the immediate surrounding neighbors, such that the place of business would be deemed to be a private or public nuisance; or whose place of business is not properly screened by natural objects, plantings, opaque fences of a height not less than six (6) nor more than eight (8) feet or other appropriate sightproofing, so as to screen where possible vehicles and parts stored outside of buildings from view from immediately adjacent property.

Added by Laws 1980, c. 273, § 4, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 3, eff. Nov. 1, 1986; Laws 2004, c. 519, § 26, eff. Nov. 1, 2004; Laws 2015, c. 386, § 2, eff. Nov. 1, 2015.

§47-591.5. Fees - Amendment of application - Term of license.

An application for a license shall be accompanied by the following fees:

1. Six Hundred Dollars ($600.00) for an initial license for an applicant's established principal place of business, Three Hundred Dollars ($300.00) for a renewal license for an applicant's established place of business and Two Hundred Dollars ($200.00) for each additional place of business, if any, to which the application pertains; provided, if an applicant holds a used motor vehicle dealer's license issued pursuant to paragraph 1 of subsection C of Section 583 of this title, for an applicant's established place of business the initial license fee shall be Two Hundred Dollars ($200.00) and the renewal fee shall be Two Hundred Dollars ($200.00); provided further, if an applicant is applying simultaneously for a license under this paragraph and under paragraph 1 of subsection C of Section 583 of this title, the initial application fee shall be Four Hundred Dollars ($400.00). If an applicant for or holder of a used motor vehicle dealer's license also applies for a rebuilder certificate, the initial fee for the certificate shall be Six Hundred Dollars ($600.00) and the renewal fee shall be Three Hundred Dollars ($300.00). License fees shall be returnable only in the event that the application is denied by the Commission.

2. Any change which renders no longer accurate any information contained in an application for a license filed with the Commission shall be amended within thirty (30) days after the occurrence of the change on a form prescribed by the Commission by rule, accompanied by a fee of One Hundred Dollars ($100.00), provided, the fee for a change of name shall be Fifty Dollars ($50.00).

3. Every license issued to an automobile dismantler and parts recycler shall expire on December 31 of each year and shall be renewed on or before January 1 of the following year.

Added by Laws 1980, c. 273, § 5, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 2, eff. July 1, 1992; Laws 1998, c. 289, § 3, emerg. eff. May 27, 1998; Laws 2005, c. 163, § 1, eff. July 1, 2005; Laws 2006, c. 213, § 4, eff. Nov. 1, 2006; Laws 2015, c. 386, § 3, eff. Nov. 1, 2015.

§47-591.6. Register of purchases and sales - Inspection of parts.

Every automotive dismantler and parts recycler shall keep a register of all purchases and sales of motor vehicles for three (3) years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such registers shall

be made available for inspection by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission or identified law enforcement officers of the state, county and municipality where the business of the automotive dismantler and parts recycler is located, during reasonable business hours on business days. The inspection authority shall include the right to inspect any motor vehicle or parts thereof owned by or stored at the automotive dismantler and parts recycler's place of business.
Amended by Laws 1986, c. 220, § 4, eff. Nov. 1, 1986.

§47-591.7. Certain licenses not required.

An automotive dismantler and parts recycler may, as an end result of the conduct of his principal business, accumulate nonrecyclable hulks and parts and may scrap such nonrecyclable hulks and parts without first obtaining a separate license as a scrap processor or as a junk dealer. A licensed automotive dismantler and parts recycler shall not be required to obtain a separate license as an automobile dealer, an automobile accessory dealer, an automobile garage or shop, or a storage garage or yard, to engage in the business of an automotive dismantler and parts recycler as set forth herein.
Laws 1980, c. 273, § 7, eff. Jan. 1, 1981.

§47-591.8. Transfer of certificate of title - Salvage or junked title - Inspection of certificates of title and vehicles - Destruction of license plates - Reporting of vehicle identification numbers - Time limit.

A. An automotive dismantler and parts recycler, duly licensed by this act, shall have the authority to transfer the certificate of title to a motor vehicle as a dealer. Prior to the sale of any motor vehicles at salvage pools or salvage disposal sales, a salvage title or junked title shall be issued for any salvage or junked vehicle as defined in Section 1105 of this title.

B. Any and all certificates of title, whether original, salvage, rebuilt, or junked titles, salvage certificates, other certificates of ownership, or ownership records, as approved by the Oklahoma Tax Commission, to vehicles owned by a licensed automotive dismantler and parts recycler, which vehicles have been dismantled, destroyed, or otherwise processed so that the vehicles are no longer capable of being used as motor vehicles, shall be inspected by properly identified employees or agents of the Oklahoma Used Motor Vehicle and Parts Commission, at least annually, at the place of business of the licensed automotive dismantler and parts recycler. Upon verification that the vehicle is no longer capable of being used as a motor vehicle, the employee or agent of the Commission shall remove the license plate and the certificate of title, salvage certificate, other certificate of ownership or ownership record from the licensed automotive dismantler and parts recycler. The Commission shall

destroy the license plate and deliver the certificates and ownership records to the Oklahoma Tax Commission.

C. Each licensed automotive dismantler and parts recycler that dismantles, destroys, or otherwise processes vehicles so that the vehicles are no longer capable of being used as motor vehicles, each month, shall report the vehicle identification numbers of the vehicles to the Oklahoma Tax Commission, upon forms prescribed by the Oklahoma Tax Commission. The report shall include any vehicle which is a hull, junked, abandoned or not a complete, self-propelling vehicle, if there is a vehicle identification number for the incomplete vehicle. The Oklahoma Tax Commission shall cancel said certificates of title. The vehicle identification numbers on the certificates of titles, salvage titles, other certificates of ownership or ownership records to motor vehicles no longer capable of being used as motor vehicles shall be preserved in the computer files of the Oklahoma Tax Commission for at least five (5) years from the date the certificates of title are delivered by the Commission to the Oklahoma Tax Commission.

D. Each vehicle or incomplete vehicle required to be reported to the Oklahoma Tax Commission by this section shall be reported on or before the fifteenth day of the next succeeding month after the month in which the vehicle or incomplete vehicle was received by the licensed automotive dismantler and parts recycler. Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a licensed automotive dismantler and parts recycler on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days. The vehicle identification numbers on all reported vehicles shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years, even if the ownership records may have been previously destroyed or surrendered to the Oklahoma Tax Commission.

E. If the vehicle identification number for a vehicle, which is incapable of operation or use on the public roads and has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, is not reported to the Oklahoma Tax Commission, the licensed automotive dismantler and parts recycler shall be required to obtain a junked title for said vehicle. An Oklahoma licensed automotive dismantler and parts recycler shall not be required to obtain a junked title for a junked vehicle or any other vehicle which is dismantled, destroyed or otherwise processed so that the vehicle is no longer capable of being operated or used on the public roads, if the vehicle is reported to the Oklahoma Tax Commission.

Amended by Laws 1988, c. 201, § 6, eff. Jan. 1, 1989; Laws 1989, c. 290, § 8, emerg. eff. May 24, 1989.

§47-591.9. Refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.).

The Oklahoma Used Motor Vehicle and Parts Commission is authorized to refuse, cancel, suspend or revoke a license to any person, firm or corporation for the following reasons:

1. Failure to meet the requirements of the Automotive Dismantlers and Parts Recycler Act;

2. Failure to continue to meet the requirements of this act or of the rules promulgated by the Commission pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act;

3. Upon satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by the Automotive Dismantlers and Parts Recycler Act;

4. For the felony conviction of a state or federal law by an applicant, licensee, partner of an applicant or licensee, director, officer, or stockholder in the case of a corporate applicant or licensee, or an employee, manager, or any person having a pecuniary interest in the business involving:

a. theft,

b. violation of the Oklahoma certificate of title law or similar laws of other states,

c. alteration, obliteration, or removal of a vehicle identification number, or

d. any other act directly relating to the ability of the applicant or licensee to conduct an automotive dismantler and parts recycling business;

5. Commission of any unlawful act which resulted in the revocation of any similar license in another state; or

6. Engaging in business under a past or present license issued pursuant to the Automotive Dismantlers and Parts Recycler Act in such a manner as to cause injury to the public or to those with whom the licensee has dealt.

Added by Laws 1980, c. 273, § 9, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 5, eff. Nov. 1, 1986; Laws 1996, c. 332, § 5, eff. Nov. 1, 1996; Laws 2004, c. 519, § 27, eff. Nov. 1, 2004; Laws 2006, c. 213, § 5, eff. Nov. 1, 2006; Laws 2015, c. 386, § 4, eff. Nov. 1, 2015.

§47-591.10. Notification of refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.) - Hearing - Appeal - Fines.

A. Any person, firm or corporation who is refused a license or whose license is canceled, suspended or revoked shall be notified in person or by mail with return receipt requested to the address given on the application of the applicant or licensee and, upon written request within fifteen (15) days of receipt of such notice, shall be

given a hearing upon the proposed action. The hearing may be conducted by the Commission and shall be held no more than thirty (30) days from receipt of the written request for a hearing. The hearing may be informal and the rules of evidence of the courts of Oklahoma shall not be required. Appeals from the decision of the Commission shall be governed by the Administrative Procedures Act.

B. In addition to the cancellation, suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission, the Commission is hereby authorized to impose administrative fines for violations of the Automotive Dismantlers and Parts Recycler Act in the amounts not to exceed Five Hundred Dollars ($500.00) for a first violation, One Thousand Dollars ($1,000.00) for a second violation and Five Thousand Dollars ($5,000.00) for a third violation.

Added by Laws 1980, c. 273, § 10, eff. Jan. 1, 1981. Amended by Laws 2004, c. 519, § 28, eff. Nov. 1, 2004; Laws 2006, c. 213, § 6, eff. Nov. 1, 2006; Laws 2015, c. 386, § 5, eff. Nov. 1, 2015.

§47-591.11. Salvage pool or salvage disposal sales - Sales to unqualified buyers prohibited - Insurance company sales – Payment – Register - Consignment auction.

A. Sales at a salvage pool or salvage disposal sale may be opened only to:

1. A person who is a resident of this state;

2. A company representative of a business that is based in this state; or

3. A person who may legally purchase salvage vehicles in his or her home state or country.

B. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit the bidding by any person who is not qualified to purchase salvage vehicles as provided in subsection A of this section and, further, to refuse to sell to any person any wrecked or repairable motor vehicle if such person is not qualified to purchase salvage vehicles as provided in subsection A of this section.

C. Any salvage pool or salvage disposal sale that is facilitating in the sale of a motor vehicle for an insurance company must provide on its website the full seventeen-digit vehicle identification number (VIN) and the name of the insurance company that is selling the motor vehicle.

D. The salvage pool or salvage disposal sale shall show the buyer's identification number of the winning bidder on any sale that takes place on the Internet or by online bidding for all salvage motor vehicles being sold for an insurance company.

E. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to remit payments to the Oklahoma Used Motor Vehicle and Parts Commission. Such

payments shall be calculated by multiplying the total number of salvage vehicle sales transactions during a certain period times Two Dollars ($2.00). The first payment shall not be calculated on any sales transactions prior to November 1, 2007. The payments shall not be made more often than one payment each month. The payments shall be transmitted to the Oklahoma Used Motor Vehicle and Parts Commission at any time during the thirty (30) days immediately following the period for which the payment was calculated.

F. Every salvage pool shall keep a register of all sales of salvage vehicles showing the make, model, year, style, vehicle identification number, and names and addresses of the purchaser and seller of the motor vehicle. Such registers shall be submitted to the Oklahoma Used Motor Vehicle and Parts Commission on a regular basis.

G. The provisions of this section shall not apply to a regularly scheduled vehicle consignment auction conducted by a used motor vehicle dealer which sells salvage vehicles, damaged vehicles, wrecked vehicles or repairable vehicles for someone other than a public insurance company. Such auction may sell these vehicles as an incident to the sale of operable vehicles, but shall not constitute a primary part of the business.

Added by Laws 1980, c. 273, § 11, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 3, eff. July 1, 1992; Laws 1996, c. 332, § 6, eff. Nov. 1, 1996; Laws 2004, c. 519, § 29, eff. Nov. 1, 2004; Laws 2006, c. 107, § 1, eff. Nov. 1, 2006; Laws 2006, c. 213, § 7, eff. Nov. 1, 2006; Laws 2007, c. 56, § 1, eff. Nov. 1, 2007; Laws 2008, c. 333, § 1, eff. Nov. 1, 2008; Laws 2015, c. 386, § 6, eff. Nov. 1, 2015.

§47-591.12. Repealed by Laws 2007, c. 56, § 3, eff. Nov. 1, 2007.

§47-591.13. Violations - Penalties.

Any person violating any provision of the Automotive Dismantlers and Parts Recycler Act or operating as a rebuilder as used in Section 581 et seq. of this title without a rebuilder certificate shall be guilty of a misdemeanor and upon the first conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00) with impoundment of the vehicle until all taxes and fees are paid and upon the second conviction thereof shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) with impoundment of the vehicle until all taxes and fees are paid and upon the third or subsequent conviction thereof shall be punished by a fine of not less than One Thousand Five Hundred Dollars ($1,500.00) with impoundment of the vehicle until all taxes and fees are paid or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that

the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense. The penalties collected from the payment of the fines shall, after deduction of court costs, be paid to the Oklahoma Used Motor Vehicle and Parts Commission Fund as created by Section 582 of this title.
Added by Laws 1980, c. 273, § 13, eff. Jan. 1, 1981. Amended by Laws 2007, c. 56, § 2, eff. Nov. 1, 2007.

§47-591.14. Automotive dismantlers and parts recyclers - Engaging in business without license - Injunction - Venue.

When any person, firm or corporation is engaged in the business of an automotive dismantler and parts recycler without being licensed as required by Section 591.4 of Title 47 of the Oklahoma Statutes, the Oklahoma Used Motor Vehicle and Parts Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle and Parts Commission, any necessary action to enjoin such person, firm or corporation from continuing in the business of an automotive dismantler and parts recycler until a license has been issued to such person, firm or corporation by the Oklahoma Used Motor Vehicle and Parts Commission. Upon proper evidence, a temporary restraining order shall be issued. An injunction shall issue without requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.
Added by Laws 1989, c. 290, § 7, emerg. eff. May 24, 1989.

§47-592.1. Short title – Oklahoma Crusher Act.

This act shall be known and may be cited as the "Oklahoma Crusher Act".
Added by Laws 2014, c. 376, § 1, eff. Nov. 1, 2014.

§47-592.2. Definitions.

As used in the Oklahoma Crusher Act:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission;

2. "Crusher" means a person engaged in the business of crushing or shredding used motor vehicles, trailers, or nonmotorized recreational vehicles; and

3. "Person" means an individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity however organized.
Added by Laws 2014, c. 376, § 2, eff. Nov. 1, 2014.

§47-592.3. License required - Exemption.

A. No person shall engage in business as a crusher without first obtaining a license from the Oklahoma Used Motor Vehicle and Parts Commission specifically authorizing engagement in such business.

B. A person licensed as a scrap metal dealer in this state who is engaged primarily in the business of a scrap metal dealer and who crushes vehicles only at its licensed scrap metal dealer location shall be exempt from the licensing requirements of this act. A person licensed as a scrap metal dealer who fails to keep records of crushed vehicles as required by the Scrap Metal Dealers Act shall not be entitled to the exemption herein. Any crusher who is an independent contractor employed to crush vehicles for a scrap metal dealer shall not be exempt from the requirements of this act. Any law enforcement officer or employee of the Used Motor Vehicle and Parts Commission shall be authorized to inspect the records of any licensed scrap metal dealer pertaining to crushed vehicles to verify compliance with this provision.

Added by Laws 2014, c. 376, § 3, eff. Nov. 1, 2014.

§47-592.4. License eligibility.

A. To be eligible for a crusher license, an applicant shall:

1. Be of good moral character;

2. Have net assets of at least Twenty-five Thousand Dollars ($25,000.00); and

3. Show that the crusher operation will be operated lawfully and fairly within the purpose of the Oklahoma Crusher Act.

B. The Commission shall find ineligible an applicant who:

1. Has a felony conviction which relates to the duties and responsibilities of the occupation of crusher, or has any felony conviction less than five (5) years before the date of application for a license;

2. Is unfit to conduct the business of a crusher as determined by the Commission, taking into consideration the business integrity, financial standing, moral character, or ability to conduct the business of a crusher of the applicant; and

3. Fails to provide any information requested by the Commission in any initial or renewal application for license.

Added by Laws 2014, c. 376, § 4, eff. Nov. 1, 2014.

§47-592.5. License application.

A. Applications for a crusher license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant has more than one member, the full name and residence of each member shall be stated. The application shall give the location of the business headquarters, and shall contain such relevant information as the Commission shall require.

B. Each applicant for a crusher license at the time of filing the application shall file with the Commission a bond in the amount

of Twenty-five Thousand Dollars ($25,000.00) for each license with a surety company qualified to do business in this state. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of the Oklahoma Crusher Act or any of the rules made by the Commission hereunder in the conduct of the business for which the applicant is licensed and will pay to the state and to any person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from the obligor under and by virtue of the provisions of the Oklahoma Crusher Act during the time such bond is in effect. The bond shall run to the benefit of the state and of any person or persons who may have cause of action against the obligor of the bond under the provisions of the Oklahoma Crusher Act up to the maximum amount of the bond.

C. Each licensee shall maintain on file with the Commission a written appointment of a resident of this state as his or her agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of noncompliance, such service may be made on the Commission.

Added by Laws 2014, c. 376, § 5, eff. Nov. 1, 2014.

§47-592.6. License investigation - Fees.

A. Upon the filing of an application and bond and payment of the annual fee and an investigation fee, the Commission shall conduct an investigation. If the Commission finds that the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of this act, and the applicant meets the eligibility requirements of this act and the rules of the Commission, the Commission shall grant the application and issue to the applicant a license which will be evidence of the authority of the applicant to do business pursuant to the Oklahoma Crusher Act.

B. If the Commission does not find facts sufficient to warrant issuance of a license, the Commission may deny the application. In the event of denial of the application, the investigation fee shall be retained by the Commission, but the annual license fee shall be returned to the applicant.

C. The Commission shall prescribe by rule a fee for each initial application, investigation fee, renewal application, late fee for renewals not received by June 1, and fee for each license change, duplicate license or returned check.

Added by Laws 2014, c. 376, § 6, eff. Nov. 1, 2014.

§47-592.7. License display – Transferability – Annual fee.

A. Each license shall state the name of the licensee and the address at which the business office is located and where the records of the business are to be permanently maintained. The license shall be displayed at the business location. The license shall not be transferable.

B. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before June 1, shall pay the Commission an annual fee for the succeeding one-year licensing period, July 1 through June 30. If the annual fee remains unpaid by June 15, the license shall thereupon expire on June 30. If the renewal application is received after June 15, a late fee shall be charged.

Added by Laws 2014, c. 376, § 7, eff. Nov. 1, 2014.

§47-592.8. Proof of ownership – Restrictions – Vehicle report.

A. Prior to the purchase of a used motor vehicle, trailer, or nonmotorized recreational vehicle, the crusher shall require the following proof of ownership from the person selling the used motor vehicle, trailer, or nonmotorized recreational vehicle:

1. A certificate of title in the name of the seller that shows no outstanding liens;

2. A notarized power of attorney from the individual on the certificate of title authorizing the seller to dispose of the vehicle on behalf of the owner;

3. A bill of sale from the owner as identified by the certificate of title to the person presenting the vehicle to be crushed or shredded;

4. A statement of ownership from the seller stating that the vehicle to be crushed was purchased from the lawful owner, accompanied by a bill of sale from the lawful owner including a statement that there are no outstanding liens on the vehicle, and a statement that the vehicle is inoperable or incapable of operation or use on the highway and has no resale value except as scrap; or

5. Paperwork from a licensed wrecker operator showing that the wrecker operator has properly foreclosed its lien on the used motor vehicle, trailer or nonmotorized recreational vehicle to be crushed or shredded, and that the person selling the vehicle is the owner of the vehicle as shown on the return of sale in the foreclosure form. Provided, if the paperwork is subsequently proven to be fraudulent or falsified by the wrecker operator, the license of the wrecker operator may be suspended or revoked.

B. A crusher shall not:

1. Accept any vehicle to be crushed or shredded from a person under the age of eighteen (18) years;

2. Buy a vehicle from a person unable to supply verification of identity by photo I.D. by either a state-issued identification card, driver license or federal-government-issued identification card or by

readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher; or

3. Crush or shred any vehicle purchased until making the report and waiting the time period required herein.

C. A crusher shall:

1. Make available a copy or report within three (3) days of any purchase of a vehicle to the local law enforcement agency of the municipality or other political subdivision in which the crusher is located or temporarily operating. Such copy or report shall be shown upon request to the representative of the Commission or to any authorized peace officer;

2. Hold the vehicle in the state and condition in which it was purchased for a period of three (3) days after submitting the report required in paragraph 1 of this subsection; and

3. Include in the report:

a. the name, address and telephone number of the crusher whereby the crusher may be immediately contacted,

b. the name, address, race, sex, weight, height, date of birth and identifying number of the seller as verified by either a state-issued identification card, driver license or federal-government-issued identification card or by readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher, and

c. a description of the vehicle, the manufacturer of the vehicle, the vehicle identification numbers of the vehicle, and the date and time of the purchase of the vehicle.

D. A licensed automotive dismantler engaging the services of a crusher shall not be required to produce proof of ownership to the crusher before selling to the crusher vehicles or other property purchased by the automotive dismantler in the ordinary course of business.

E. A crusher shall not have the right of reassignment of a certificate of title.

Added by Laws 2014, c. 376, § 8, eff. Nov. 1, 2014.

§47-592.9. Rule authority – Criminal penalties – Injunctive actions.

A. Rulemaking Power. The Oklahoma Used Motor Vehicle and Parts Commission may adopt, amend and repeal such rules as are necessary for the enforcement of the provisions of the Oklahoma Crusher Act and consistent with its provisions.

B. Criminal Penalties.

1. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act or any person who receives, obtains or possesses and crushes any vehicle or other property which the person knows to

be subject to an outstanding lien shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars ($1,000.00), by confinement in the county jail for not more than six (6) months, or by both.

2. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act and who receives, obtains or possesses any vehicle or other property which he or she knows to be stolen shall be guilty of a felony offense of receiving, obtaining or possessing stolen property and, upon conviction, shall be subject to the penalties which may be imposed for such crime.

3. Any person selling a vehicle or other property to a crusher who uses false or altered identification or makes a false declaration of ownership or lien status as related to the provisions of the Oklahoma Crusher Act shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or in the county jail for a term of not more than one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

4. Any person who fails to repay a crusher the full amount received from the sale of a vehicle or other property after being officially notified by a peace officer or the Commission that the vehicle or other property the person sold to the crusher was stolen shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not to exceed six (6) months, or a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. Injunctive Action. The Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle and Parts Commission, any necessary action to enjoin any person, firm, or corporation from engaging in the business of a crusher without a license, or for any violations of this act. An injunction shall issue without the requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted. Added by Laws 2014, c. 376, § 9, eff. Nov. 1, 2014.

§47-592.10. Violations.

The Used Motor Vehicle and Parts Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars ($1,000.00) per occurrence, or revoke or suspend a license after it has been granted, when any provision of this act is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or licensee, as the case may be;

2. For fraud practices or any material misstatement made by an applicant in any application for licensure pursuant to this act;

3. For willful failure to comply with any provisions of this act or with any rule promulgated by the Commission pursuant to this act;

4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Continued or flagrant violation of any of the rules of the Commission promulgated pursuant to this act; or

6. Being a crusher or shredder who:

a. has committed any unlawful act which resulted in the revocation of any similar license in this state or another state,

b. has been convicted of a crime involving moral turpitude,

c. has committed a fraudulent act in buying, selling or otherwise dealing in used motor vehicles, trailers, or nonmotorized vehicles to be crushed or shredded, or disposed of as crushed or shredded,

d. has engaged in business under a past or present license in such a manner as to cause injury to the public or to those with whom the licensee is dealing, or

e. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license.

Added by Laws 2014, c. 376, § 10, eff. Nov. 1, 2014.

§47-595. Batteries – “Rebuilt” molded into container.

Whoever assembles or rebuilds an electric storage battery for use on automobiles, in whole or in part, out of second-hand or used material such as containers, separators, plates, groups or other battery parts and sells same or offers same for sale in the State of Oklahoma without the word "rebuilt" molded into the side of the container in letters which are at least one (1) inch high and five-eighths (5/8) inch wide, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding Two Hundred Fifty Dollars ($250.00), or be imprisoned for a term not exceeding six (6) months, or both.

Added by Laws 1961, p. 412, § 12-412. Amended by Laws 2003, c. 411, § 63, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-412 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-596. Short title.

Sections 2 through 19 of this act shall be known and may be cited as the “Recreational Vehicle Franchise Act”.

Added by Laws 2011, c. 272, § 2, eff. Jan. 1, 2012.

§47-596.1. Definitions.

As used in this act:

1. “Area of sales responsibility” means a geographical area agreed to by a dealer and the manufacturer in a dealer agreement in which the dealer has the exclusive right to display or sell the new recreational vehicles of a manufacturer of a particular line-make to the public;

2. "Camping trailer" means a vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use;

3. "Dealer" means any person, firm, corporation, or business entity licensed or required to be licensed pursuant to the provisions of this act to sell new recreational vehicles;

4. “Dealer agreement” means a written agreement or contract entered into between a manufacturer and a dealer that establishes the legal rights and obligations of the parties to that agreement or contract and pursuant to which the dealer is authorized to sell new recreational vehicles manufactured or distributed by the manufacturer;

5. “Established place of business” means a permanently enclosed building or structure, easily accessible to the public, with a paved or graveled lot for customer parking and for the showing and storage of vehicles. Established place of business shall not mean tents, temporary stands, lots, or other temporary quarters. The established place of business shall have a sign visible from the outside of the business which identifies the recreational vehicle dealership. The established place of business shall have an indoor office with public areas sufficient to conduct sales transactions with customers and have restroom facilities available for the public. The established place of business shall include a service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs;

6. “Factory campaign” means an effort by a warrantor to contact recreational vehicle owners or recreational vehicle dealers in order to address an issue concerning a recreational vehicle problem, defective part or equipment;

7. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of recreational vehicles or a factory branch for the purpose of making or promoting the sale of recreational vehicles of the manufacturer or for supervising or contacting dealers or prospective dealers of the manufacturer;

8. “Family member” means any of the following:

   a. a spouse of an individual,

   b. a child, grandchild, parent, sibling, niece, or nephew of an individual, or

c. the spouse of a child, grandchild, parent, sibling, niece, or nephew of an individual;

9. "Fifth wheel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit and is designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the rear axle of the tow vehicle;

10. “Line-make” means a specific series of recreational vehicle products that meet all of the following:

a. are identified by a common series trade name or trademark,

b. are targeted to a particular market segment based on the decor, features, equipment, size, weight, and price range,

c. have dimensions and interior floor plans that distinguish the recreational vehicles from recreational vehicles that have substantially the same decor, features, equipment, weight, and price,

d. belong to a single, distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction of the chassis, frame, and body, and

e. are authorized for sale by the dealer in the dealer agreement;

11. “Manufacturer” means a person that manufactures or wholesales recreational vehicles or that distributes or wholesales recreational vehicles to dealers;

12. "Motor home" means a motorized, vehicular unit designed to provide temporary living quarters for recreational, camping or travel use;

13. “OMVC” means the Oklahoma Motor Vehicle Commission;

14. “Person” means an individual, partnership, corporation, limited liability company, association, trust, estate, or other legal entity;

15. “Proprietary part” means a recreational vehicle part manufactured by or for a manufacturer and sold exclusively by a manufacturer;

16. "Recreational vehicle" means a vehicle that:

a. is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational or camping use,

b. is built to the standards of the National Fire Protection Association for recreational vehicles,

c. has its own motive power or is mounted on or towed by another vehicle,

d. is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment,
e. does not require a special highway use permit for operation on the highways, and
f. an individual can easily transport and set up on a daily basis.

Recreational vehicles includes motor homes, travel trailers, fifth wheel travel trailers, folding camping trailers and truck campers;

17. "Recreational vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new recreational vehicle for any new recreational vehicle dealer to any one or more third parties;

18. “Transient customer” means a person who:
a. owns a recreational vehicle,
b. is temporarily traveling through the area of sales responsibility of a dealer,
c. engages the dealer to perform service work on that recreational vehicle, and
d. requires repairs that relate to the safe operations of that recreational vehicle or, if not undertaken, are of a nature that would render that recreational vehicle unusable;

19. "Travel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle;

20. "Truck camper" means a portable unit that is constructed to provide temporary living quarters for recreational, camping or travel use and consists of a roof, floor and sides and is designed to be loaded onto and unloaded from the back of a pickup truck; and

21. “Warrantor” means a manufacturer or any other person that provides a warranty to the consumer in connection with a new recreational vehicle or parts, accessories, or components of a new recreational vehicle. The term does not include a person that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration by a dealer or other person not controlled by a warrantor.

Added by Laws 2011, c. 272, § 3, eff. Jan. 1, 2012.

§47-596.2. New recreational vehicle dealer - Licensure - License fees.

A. It shall be unlawful for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a new recreational vehicle dealer, or new

recreational vehicle salesperson in this state without first obtaining a license as provided for by law.

B. The schedule of license fees to be charged and received by the OMVC for the licenses issued hereunder shall be as follows:

1. For each manufacturer or distributor of new recreational vehicles, an initial fee of Four Hundred Dollars ($400.00) with an annual renewal fee of Three Hundred Dollars ($300.00);

2. For each factory representative, an initial fee of One Hundred Dollars ($100.00) with an annual renewal fee of One Hundred Dollars ($100.00);

3. For each new motor home dealer, an initial fee of Three Hundred Dollars ($300.00) per franchise sold at each licensed location with an annual renewal fee of One Hundred Dollars ($100.00) per franchise sold at each licensed location;

4. For each fifth wheel trailer, travel trailer, camping trailer and truck camper dealer, an initial fee of Three Hundred Dollars ($300.00) per manufacturer represented at each licensed location with an annual renewal fee of One Hundred Dollars ($100.00) per manufacturer represented at each location; and

5. For each salesperson, an initial fee of Twenty-five Dollars ($25.00) with an annual renewal fee of Twenty-five Dollars ($25.00).

C. A manufacturer shall not sell or display for sale a recreational vehicle in this state except to a dealer or through a dealer that is licensed by the OMVC to sell recreational vehicles in the State of Oklahoma. The manufacturer shall also be required to have a dealer agreement with the dealer that meets the requirements of this act and is signed by both parties.

D. A dealer shall not sell or display for sale a new recreational vehicle in this state unless the dealer is licensed by the OMVC to sell recreational vehicles in the State of Oklahoma. The dealer shall also be required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of this act and is signed by both parties.

Added by Laws 2011, c. 272, § 4, eff. Jan. 1, 2012.

§47-596.3. Dealer sales responsibility.

A. All of the following conditions shall apply to the area of sales responsibility of a dealer included in a dealer agreement between a manufacturer and a dealer:

1. The manufacturer shall designate in the dealer agreement the area of sales responsibility exclusively assigned to the dealer;

2. The manufacturer shall not change the area of sales responsibility of a dealer or establish another dealer for the same line-make in that area during the term of the dealer agreement; and

3. The area of sales responsibility may not be reviewed or changed without the consent of both parties until one (1) year after the execution of the dealer agreement.

B. A dealer may not conduct sales activity or display for sale recreational vehicles outside of its designated area of sales responsibility.

C. A dealer may sell off-premise within the area of sales responsibility of the dealer under the following circumstances:

1. At sanctioned recreational vehicle shows where the sales event is held off-premise and at least sixty-seven percent (67%) of the recreational vehicle dealers that are located within a sixty-mile radius of the location of the show participate in the show. A sanctioned recreational vehicle show may be held only under the following conditions:

a. the sponsoring entity of the sales event shall obtain a permit from the OMVC at the rate of Two Hundred Dollars ($200.00) per event. The permit shall be for a period not to exceed ten (10) consecutive days,

b. dealer permits for a sanctioned recreational vehicle show described in this paragraph shall be obtained from the OMVC at a rate of Fifteen Dollars ($15.00) for each motor home per sanctioned recreational vehicle show,

c. new recreational vehicle dealers whose manufacturer-approved area of responsibility includes the event location shall be eligible to participate in the sanctioned recreational vehicle show,

d. new recreational vehicle dealers shall obtain written approval from the manufacturer or distributor to participate in the sanctioned recreational vehicle show, and

e. the sanctioned recreational vehicle show shall be conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair; and

2. At nonsanctioned recreational vehicle shows where one or more dealers may sell recreational vehicles off-premise under the following conditions:

a. dealer permits for a nonsanctioned recreational vehicle show described in this paragraph shall be obtained from the OMVC at a rate of Fifteen Dollars ($15.00) for each recreational vehicle per nonsanctioned recreational vehicle show,

b. the location of the nonsanctioned recreational vehicle show shall be within the manufacturer-approved area of responsibility,

c. the nonsanctioned recreational vehicle show shall occur no more than five (5) consecutive days per event, excluding county, district, or state fairs,

d. each dealer may participate in no more than eight nonsanctioned recreational vehicle shows per calendar year, and

e. nonsanctioned recreational vehicle shows shall be held on privately owned property no closer than two and one-half (2 1/2) miles to any other nonparticipating recreational vehicle dealer; provided, however a nonsanctioned recreational vehicle show may be held on county or municipally owned property with no mileage barrier restriction.

D. A dealer may display a recreational vehicle within the designated area of responsibility of the dealer for promotional purposes. At an off-premise display event, no sales activities shall be conducted including, but not limited to, negotiations, financing and accepting credit applications. Sales or finance personnel shall not be permitted to participate at an off-premise display event. A permit for the off-premise display event shall not be required.

E. A dealer agreement shall include a designated principal of the dealer. A dealer agreement may identify a family member as the successor of the principal or include a succession plan of the dealer. A dealer may at any time change a designation or succession plan made in the dealer agreement by providing written notice to the manufacturer.

Added by Laws 2011, c. 272, § 5, eff. Jan. 1, 2012.

§47-596.4. Dealer agreement renewal.

In a renewal of a dealer agreement, the manufacturer may not impose on the dealer stocking requirements or retail sales targets that are inconsistent with market growth or contraction in the area of sales responsibility of the dealer.

Added by Laws 2011, c. 272, § 6, eff. Jan. 1, 2012.

§47-596.5. Manufacturer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A manufacturer, directly or through any officer, agent, or employee, may terminate or not renew a dealer agreement without good cause. If the manufacturer terminates or does not renew the dealer agreement without good cause, the manufacturer shall comply with the provisions of subsections D and E of this section. If the manufacturer terminates or does not renew the dealer agreement with good cause, the provisions of subsections D and E of this section shall not apply.

B. A manufacturer has the burden of showing good cause for terminating or not renewing a dealer agreement. All of the following factors shall be considered in determining whether there is good cause for a proposed termination or nonrenewal of a dealer agreement by a manufacturer:

1. The extent of the penetration of the dealer in the relevant market area;

2. The extent and quality of the service of the dealer under recreational vehicle warranties;

3. The nature and extent of the investment of the dealer in business of the dealer;

4. The adequacy of the service facilities, equipment, parts, supplies, and personnel of the dealer;

5. The effect of the proposed action on the community;

6. Whether the dealer fails to follow agreed-upon procedures or standards related to the overall operation of the dealership; and

7. The performance by the dealer under the terms of dealer agreement.

C. Except as otherwise provided in this section, a manufacturer shall provide a dealer with written notice of a termination or nonrenewal of a dealer agreement. All of the following conditions apply to a notice described in this subsection:

1. Except as provided in paragraph 4 or 5 of this subsection, the manufacturer shall provide written notice at least ninety (90) days before the effective date of the termination or nonrenewal of the dealer agreement;

2. The notice shall state all of the reasons for the termination or nonrenewal of the dealer agreement;

3. The notice shall state that if the dealer provides to the manufacturer a written notification of the intent of the dealer to cure all claimed deficiencies within thirty (30) days after the dealer receives the notice, the dealer shall have one hundred twenty (120) days after the date of the notice to correct the claimed deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day time period, the notice shall be deemed void and the manufacturer shall not terminate or not renew the dealer agreement because of the claimed deficiencies stated in the notice. If the dealer does not provide a notification of intent to cure deficiencies within the thirty-day time period, the termination or nonrenewal of the dealer agreement shall take effect sixty (60) days after the dealer received the notice from the manufacturer;

4. A manufacturer may reduce the notice period described in paragraph 1 of this subsection from ninety (90) days to thirty (30) days and shall not be required to allow the dealer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer are any of the specific categories of good cause described in subsection F of this section; and

5. A manufacturer shall not be required to provide notice or an opportunity to correct deficiencies under this subsection if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer includes one of the following:

a. the dealer becomes insolvent,
b. the dealer is bankrupt, or
c. the dealer makes an assignment for the benefit of creditors.

D. If a manufacturer terminates or does not renew a dealer agreement for good cause under this section the dealer, at its option, may require the manufacturer to repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months before the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes and have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within the eighteen (18) months prior to the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within the five (5) years prior to the effective date of the termination of the dealer agreement at the request of the manufacturer, if such equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.

F. As used in this section, "good cause" includes, but is not limited to, any of the following:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a dealer or an owner of a dealership of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;

2. Abandonment or permanent closing of the business operations of a dealer for twenty-one (21) consecutive business days without contacting the manufacturer prior to the closing unless the closing

is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;

3. A material misrepresentation to a manufacturer by a dealer that severely affects the business relationship between the dealer and the manufacturer;

4. Suspension or revocation of the license of a dealer or refusal to renew the license of the dealer by the OMVC;

5. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by a dealer; or

6. The dealer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

Added by Laws 2011, c. 272, § 7, eff. Jan. 1, 2012.

§47-596.6. Dealer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A dealer may terminate a dealer agreement with a manufacturer with or without good cause. If the dealer terminates or does not renew the dealer agreement with good cause, the manufacturer shall comply with the provisions of paragraphs D and E of this section. If the dealer terminates or does not renew the dealer agreement without good cause, the provisions of paragraphs D and E of this section shall not apply. A dealer that terminates a dealer agreement shall provide the manufacturer with written notice at least ninety (90) days prior to the effective date of the termination of the dealer agreement.

B. All of the following conditions shall apply to a termination of a dealer agreement under this section for good cause:

1. The notice described in subsection A of this section shall state all reasons for the proposed termination;

2. The notice described in subsection A of this section shall state that if the manufacturer provides to the dealer a written notification of intent to cure all claimed deficiencies within thirty (30) days after the manufacturer receives the notice, the manufacturer shall have one hundred twenty (120) days after the date of the notice to correct the deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day period, the notice shall be deemed void and the dealer shall not terminate the dealer agreement because of the claimed deficiencies stated in the notice. If the manufacturer does not provide a notification of intent to cure deficiencies within thirty (30) days of receiving the notice to terminate the dealer agreement, the termination shall take effect sixty (60) days after the manufacturer received from the dealer the notice to terminate;

3. A dealer may reduce the notice period described in subsection A of this section from ninety (90) days to thirty (30) days and shall not be required to allow the manufacturer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the

dealer agreement by the dealer are any of the specific categories of good cause described in subsection C of this section; and

4. A dealer is not required to provide notice or an opportunity to correct deficiencies under this section if the grounds for termination or nonrenewal of the dealer agreement by the dealer includes one of the following:

a. the manufacturer becomes insolvent,

b. the manufacturer is bankrupt, or

c. the manufacturer makes an assignment for the benefit of creditors.

C. The dealer has the burden of showing good cause. Any one of the following categories is considered good cause for a proposed termination of a dealer agreement by a dealer:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a manufacturer of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;

2. Abandonment or permanent closing of the business operations of the manufacturer for twenty-one (21) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control;

3. A material misrepresentation to the dealer by the manufacturer that severely affects the business relationship between the dealer and manufacturer;

4. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by the manufacturer;

5. A material breach of the dealer agreement by the manufacturer; or

6. The manufacturer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

D. If the manufacturer fails to cure any claimed deficiencies pursuant to subsection B of this section, the dealer may require that the manufacturer repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months prior to the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes, and that have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within eighteen (18) months prior to

the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within five (5) years prior to the effective date of the termination of the dealer agreement if such equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.
Added by Laws 2011, c. 272, § 8, eff. Jan. 1, 2012.

§47-596.7. Sale of inventory after termination of dealer agreement.

The OMVC may not prohibit a dealer from selling the remaining in stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed pursuant to the provisions of Section 7 or 8 of this act. If recreational vehicles of a line-make are not returned or required to be returned to the manufacturer, the dealer may continue to sell all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer inventory.
Added by Laws 2011, c. 272, § 9, eff. Jan. 1, 2012.

§47-596.8. Sale of business assets - Conditions.

A. All of the following conditions shall apply to a proposed sale of the business assets, transfer of the stock, or other transaction that will result in a change of ownership of a dealer, except a transaction described in subsection B of this section:

1. The dealer shall provide written notice to the manufacturer at least ninety (90) days prior to the proposed closing of the transaction;

2. If the dealer is not in breach of the dealer agreement or in violation of the provisions of this act at the time the dealer provides the notice described in paragraph 1 of this subsection, the manufacturer shall not object to the proposed transaction, unless the prospective transferee meets one or more of the following:

a. the prospective transferee was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated,

b. in the preceding ten (10) years, the prospective transferee was convicted of a felony crime or any crime of fraud, deceit or moral turpitude,

c. the prospective transferee does not have an application for a recreational vehicle dealer license pending with the OMVC or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state,

d. the prospective transferee does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or

e. in the preceding ten (10) years, the prospective transferee was bankrupt or insolvent, made a general assignment for the benefit of creditors, or a receiver, trustee, or conservator was appointed to take possession of the business or property of the prospective transferee;

3. If the manufacturer objects to the proposed transaction, the manufacturer shall give written notice of an objection, including the reasons by the manufacturer for objecting, to the dealer within thirty (30) days after receiving the notice described in paragraph 1 of this subsection. If the manufacturer does not give notice of an objection within the thirty-day time period, the proposed transaction shall be considered approved by the manufacturer; and

4. For purposes of paragraph 3 of this subsection, the manufacturer has the burden of demonstrating why the manufacturer objects to the proposed transaction.

B. All of the following conditions apply concerning the death, incapacity, or retirement of the designated principal of a dealer:

1. The manufacturer shall provide the dealer an opportunity to designate, in writing, a family member as a successor to the dealer in the event of the death, incapacity, or retirement of the designated principal;

2. The manufacturer shall not prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal of that dealer unless the manufacturer previously provided written notice to the dealer of any objections to the succession plan of the dealer within thirty (30) days after receiving the succession plan of the dealer or any modification of the succession plan of the dealer;

3. Except as provided in paragraph 5 of this subsection, unless the dealer is in breach of the dealer agreement, a manufacturer shall not object to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal, unless the successor meets one or more of the following:

a. in the preceding ten (10) years, the successor was convicted of a felony crime or any crime of fraud, deceit or moral turpitude,
b. in the preceding ten (10) years, the successor was bankrupt, insolvent, or made an assignment for the benefit of creditors,
c. the successor was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated for a breach of a dealer agreement,
d. the successor does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or
e. the successor does not have an application for a recreational vehicle dealer license pending with the OMVC or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state;

4. The manufacturer has the burden of proof regarding any objection to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal; and

5. The consent of the manufacturer shall be required for the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal if the succession involves a relocation of the business or an alteration of the terms and conditions of the dealer agreement.

Added by Laws 2011, c. 272, § 10, eff. Jan. 1, 2012.

§47-596.9. Warrantor obligations - Approval of claims.

A. A warrantor has all of the following obligations to each dealer engaged in the sale or lease of products that are covered by a warranty from that warrantor:

1. To specify in writing to the dealer the obligations of the dealer, if any, for preparation, delivery, and warranty service on its products;

2. To compensate the dealer for warranty service required of the dealer by the warrantor;

3. To provide the dealer with a schedule of compensation the warrantor will pay for warranty work and the time allowances of the warrantor for the performance of that work. All of the following conditions apply to the schedule of compensation required under this paragraph:

a. reasonable compensation for diagnostic work and warranty labor,
b. time allowances in the schedule for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed, and

c. the compensation of a dealer for warranty labor shall be the actual retail labor rates charged by the dealer in the community in which the dealer is doing business;

4. To reimburse the dealer for warranty parts at actual wholesale cost, plus a minimum thirty percent (30%) handling charge and any freight costs to return warranty parts to the warrantor; and

5. To deny dealer claims for warranty compensation only for cause, including, but not limited to, performance of nonwarranty repairs, material noncompliance with the published policies and procedures of the warrantor, lack of material documentation of claims, fraud, or misrepresentation.

B. A warrantor may conduct audits of the records of a dealer that sells or leases its warranted products on a reasonable basis.

C. A dealer shall submit warranty claims to a warrantor within sixty (60) days after completing all warranty work on a warranted product.

D. A dealer shall notify the warrantor in writing if the dealer is unable to perform material or repetitive warranty repairs as soon as is reasonably possible.

E. A warrantor shall approve or disapprove a warranty claim on a warranted product in writing within thirty (30) days after the date the dealer submits the claim, if the claim is submitted in the manner and in the form prescribed by the warrantor. If a claim that is properly submitted is not specifically disapproved in writing by a warrantor within the thirty-day time period, the claim shall be considered approved by the warrantor and the warrantor shall pay the amount of the claim to the dealer within sixty (60) days after the dealer submitted the claim.

Added by Laws 2011, c. 272, § 11, eff. Jan. 1, 2012.

§47-596.10. Warrantor prohibited acts.

A. A warrantor shall not do any of the following:

1. Fail to perform all of its warranty obligations with respect to a warranted product;

2. In any written notice of a factory campaign to recreational vehicle owners and dealers, fail to include the expected date by which necessary parts and equipment, including tires and chassis or chassis parts if required, will be available to dealers to perform the factory campaign work. The warrantor shall provide sufficient parts to the dealer to perform the factory campaign work. If the number of parts provided to the dealer pursuant to this paragraph exceed the requirements of the dealer to perform the factory campaign work, the dealer may return unused parts to the warrantor for credit after completion of the factory campaign;

3. Subject to the provisions of Section 14 of this act, fail to compensate a dealer for authorized repairs of warranted products

damaged during the manufacturing process or damaged while in transit to the dealer if the warrantor selected the carrier;

4. Fail to compensate a dealer for authorized warranty service under this section in accordance with the applicable schedule of compensation provided to the dealer pursuant to Section 11 of this act if the warranty service is performed in a timely and competent manner;

5. Intentionally misrepresent in any way to a purchaser of a warranted product that any warranty concerning the manufacture, performance, or design of the warranted product is made by the dealer either as a warrantor or cowarrantor; or

6. Require a dealer to make warranties to customers in any manner related to the manufacture of a warranted product.

B. A warrantor shall indemnify the dealer for any money paid or costs incurred by a dealer in connection with a claim or cause of action asserted against the dealer to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the warrantor. A warrantor shall not limit the obligation to indemnify described in this subsection by agreement with the dealer. The dealer shall provide a warrantor with a copy of any claim or complaint in which an allegation described in this subsection is made within ten (10) days after receiving that claim or complaint.

C. As used in this section and Section 13 of this act:

1. "Products" mean new recreational vehicles or parts, accessories, or components of new recreational vehicles; and

2. "Warranted products" mean products subject to a warranty from a specific warrantor.

Added by Laws 2011, c. 272, § 12, eff. Jan. 1, 2012.

§47-596.11. Dealer prohibited acts.

A. A dealer shall not do any of the following:

1. If a transient customer requests service work on a recreational vehicle of a line-make that the dealer is authorized to display and sell, fail to perform any warranty service work authorized by a warrantor in a reasonably competent and timely manner if failure to make such repairs would result in a safety related issue or might render the recreational vehicle unusable;

2. Make a fraudulent warranty claim to a warrantor; or

3. Misrepresent the terms of any warranty.

B. A dealer shall indemnify a warrantor for any money paid or costs incurred by a warrantor in connection with a claim or cause of action asserted against the warrantor to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the dealer. A dealer shall not limit the obligation to indemnify described in this subsection by agreement with the warrantor. The warrantor shall provide a dealer with a copy of any claim or

complaint in which an allegation described in this subsection is made within ten (10) days after receiving the claim or complaint.
Added by Laws 2011, c. 272, § 13, eff. Jan. 1, 2012.

§47-596.12. Damaged recreational vehicle prior to shipment.

A. All of the following conditions apply if a new recreational vehicle is damaged before it is shipped to a dealer, or is damaged in transit to the dealer and the manufacturer selected the carrier or means of transportation:

1. The dealer shall notify the manufacturer of the damage within the time period specified in the dealer agreement and do one of the following:

a. in the notice, request authorization to replace the components, parts, and accessories damaged, or otherwise correct the damage, from the manufacturer, or

b. reject the recreational vehicle within the time period specified in the dealer agreement;

2. If the manufacturer refuses or fails to authorize repair of the damage within ten (10) days after receiving notice under paragraph 1 of this subsection or if the dealer rejects the recreational vehicle because of the damage within the time period specified in the dealer agreement, ownership of the recreational vehicle reverts to the manufacturer; and

3. The dealer shall exercise due care in the custody of the damaged recreational vehicle; provided, the dealer shall have no financial or other obligation with respect to that recreational vehicle.

B. A dealer agreement shall include a time period for inspection and rejection of damaged recreational vehicles under subsection A of this section that is not less than two (2) business days after the physical delivery of the recreational vehicle to the dealer.

C. If a dealer determines that a new recreational vehicle has an unreasonable number of miles on the odometer at the time the recreational vehicle is delivered to the dealer, the dealer may reject the recreational vehicle and said ownership of the recreational vehicle shall revert to the manufacturer. However, if the number of miles on the odometer of the recreational vehicle is less than the sum of the distance between the dealer and the factory of the manufacturer or point of distribution plus one hundred (100) miles, the dealer may not consider the number of miles on the odometer unreasonable for purposes of this subsection.
Added by Laws 2011, c. 272, § 14, eff. Jan. 1, 2012.

§47-596.13. Coercion by manufacturer.

A. A manufacturer shall not coerce or attempt to coerce a dealer to purchase a product or service that the dealer did not order.

B. A manufacturer shall not coerce or attempt to coerce a dealer to enter into any agreement with the manufacturer.

C. A manufacturer shall not coerce or attempt to coerce a dealer to enter into an agreement with the manufacturer or any other person that requires the dealer to submit any disputes by the dealer to binding arbitration or otherwise waive the rights or responsibilities of the dealer under the provisions of this act.

D. As used in this section, the term "coerce" includes, but is not limited to:

1. Threatening to terminate or not renew a dealer agreement without good cause;

2. Threatening to withhold line-makes or other product lines the dealer is entitled to display and sell under the dealer agreement; or

3. Delay delivery of recreational vehicles as an inducement to amend the dealer agreement.

Added by Laws 2011, c. 272, § 15, eff. Jan. 1, 2012.

§47-596.14. Denial of application for license.

The Oklahoma Motor Vehicle Commission may deny an application for a license, revoke or suspend a license, impose a fine against a manufacturer or distributor in an amount not to exceed Ten Thousand Dollars ($10,000.00) per occurrence, or impose a fine against a dealer in an amount not to exceed One Thousand Dollars ($1,000.00) per occurrence if any provision of the Recreational Vehicle Franchise Act of Title 47 of the Oklahoma Statutes is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

2. For any material misstatement made by an applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

3. For any failure to comply with any provision of the Recreational Vehicle Franchise Act or any rule promulgated by the OMVC under authority vested to the OMVC pursuant to the Recreational Vehicle Franchise Act;

4. A change of condition after a license is granted resulting in the failure to maintain the qualifications for a license;

5. Being a new recreational vehicle dealer or new recreational vehicle salesperson who:

a. has required a purchaser of a new recreational vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,

b. uses any false or misleading advertising in connection with business as a new recreational vehicle dealer or vehicle salesperson,

c. has committed any unlawful act which resulted in the revocation of any similar license in another state,

d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a recreational vehicle,

e. has been convicted of a crime involving moral turpitude,

f. has committed a fraudulent act in selling, purchasing or otherwise dealing in new recreational vehicles or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a new recreational vehicle or any interest therein including an option to purchase such vehicle, or

g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;

6. Being a new recreational vehicle salesperson who is not employed as such by a licensed new recreational vehicle dealer;

7. Being a new recreational vehicle dealer who:

a. does not have an established place of business,

b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more recreational vehicles at the same time and equipped with tools, equipment, and replacement parts as may be necessary for the servicing of recreational vehicles in such a manner as to make such vehicles comply with the safety laws of this state and properly fulfill the warranty obligation of the dealer or manufacturer,

c. does not hold a dealer agreement in effect with a manufacturer or distributor of new or unused recreational vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and perform authorized postsale work pursuant to the warranty of the manufacturer or distributor,

d. employs unlicensed salespersons or employs or utilizes the services of used recreational vehicle lots, dealers or other unlicensed persons in connection with the sale of new recreational vehicles; or

8. Being a factory that has:

a. induced or attempted to induce by means of coercion or intimidation any new recreational vehicle dealer:

(1) to accept delivery of any recreational vehicle or vehicles, parts or accessories for recreational vehicles, or any other commodities including advertising material which shall not have been ordered by the new recreational vehicle dealer,

(2) to order or accept delivery of any recreational vehicle with special features, appliances, accessories or equipment not included in the list price of the recreational vehicles as publicly advertised by the manufacturer of the recreational vehicle, or

(3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever,

b. induced under threat or discrimination by the withholding from delivery to a recreational vehicle dealer certain models of recreational vehicles, changing or amending unilaterally the allotment of recreational vehicles of a dealer or withholding and delaying delivery of such vehicles out of the ordinary course of business, in order to induce a dealer by such coercion to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes including contests, giveaways, other sales promotional devices, or change of quotas in any sales contest, or

c. required recreational vehicle dealers, as a condition of receiving the vehicle allotment of the dealer, to order a certain percentage of the recreational vehicles with optional equipment not specified by the new recreational vehicle dealer; however, nothing in this paragraph shall prohibit a factory from supporting an advertising association which is open to all dealers on the same basis.

The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, only after a hearing for which the applicant or licensee affected shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offense which the licensee is alleged to have committed. The notice may be served as provided by law for the service of notices, or mailing a copy by registered mail to the last-known residence or business address of the applicant or licensee. The hearing on alleged violations shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If the applicant or licensee is a motor vehicle salesperson, factory representative or distributor

representative, the Commission shall in like manner additionally notify the person, firm, association, corporation or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed in the proceedings before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his or her behalf upon designating to the Commission the person or persons sought to be subpoenaed.
Added by Laws 2011, c. 272, § 16, eff. Jan. 1, 2012.

§47-596.15. Cause of action - Damages - Mediation.

A. A dealer, manufacturer, or warrantor injured by another party who has violated a provision of this act may bring a civil action in court for the recovery of actual damages. The court shall award attorney fees and costs to the prevailing party in a civil action under this section.

B. Venue for a civil action filed pursuant to this section shall be the county in which the business of the dealer is located. In an action involving more than one dealer, any county in which the business of any dealer that is party to the action is located is a proper venue for that action.

C. Before bringing a civil action under this section, the party bringing suit for an alleged violation of this act shall serve a written demand for mediation on the offending party. The demand for mediation shall include a brief statement of the dispute and the relief sought by the party making the demand. The party making the demand for mediation shall serve the demand by certified mail to one of the following addresses:

1. In an action between a dealer and a manufacturer, the address stated in the dealer agreement between the parties;

2. In an action between a dealer and a warrantor that is not a manufacturer, the address stated in any agreement between the parties; or

3. In an action between two dealers, the address of the offending dealer in the records of the OMVC.

D. Within twenty (20) days after a demand for mediation is served under subsection C of this section, the parties shall mutually select an independent mediator who is approved by the OMVC, and meet with that mediator for the purpose of attempting to resolve the dispute at a location in this state selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or if the parties agree to the extension.

E. The service of a demand for mediation under subsection C of this section tolls the time for the filing of any complaint, petition, protest, or other action under this act until representatives of both parties have met with the mediator selected pursuant to subsection D of this section for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, if all of the parties to the proceeding or action stipulate in writing that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate. The court may modify, extend, or revoke a suspension order issued under this subsection if it considers that action appropriate.

F. Each of the parties to the mediation under this section is responsible for its own attorney fees. The parties shall equally divide the cost of the mediator.

Added by Laws 2011, c. 272, § 17, eff. Jan. 1, 2012.

§47-596.16. Remedies.

A. In addition to any remedy available under the provisions of this act or otherwise available by law, a manufacturer, warrantor, or dealer may apply to the court for the grant, after a hearing and for cause shown, of a temporary or permanent injunction or other equitable relief restraining any person from doing any of the following:

1. Acting as a dealer without a proper license;

2. Violating or continuing to violate the provisions of this act. A single violation of the provisions of this act shall be a sufficient basis for the court to grant equitable relief under this section; or

3. Failing or refusing to comply with any requirement of the provisions of this act.

B. The court may not require a bond as a condition to the grant of equitable relief under this section.

C. If, on January 1, 2011, a dealership does not meet the requirements of the definition of established place of business as defined in Section 3 of this act, the dealership shall be eligible for licensing by the OMVC for that location. If the dealership moves the dealership to a new location, the new dealership shall comply with the requirements of the definition of established place of business as defined in Section 3 of this act.

Added by Laws 2011, c. 272, § 18, eff. Jan. 1, 2012.

§47-601. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-602. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-603. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-604. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-605. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-606. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-607. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-608. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-609. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-610. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-611. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-701. Guaranteed arrest bond certificates - Automobile clubs or associations.

(a) Any automobile club or other association may issue guaranteed arrest bond certificates valid for one (1) year from date of issue as provided in this act in an amount not to exceed Five Hundred Dollars ($500.00) on each undertaking, provided such certificates have been fully guaranteed or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the automobile club or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability insurance policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the automobile clubs, association or companies with respect to the quaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed Five Hundred Dollars ($500.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken

to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insured and contains a printed statement that such automobile club, association or insurance company and a surety company or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the person whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person in an amount not exceeding Five Hundred Dollars ($500.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact both automobile liability insurance and surety business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed Five Hundred Dollars ($500.00) as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony committed prior to the date of expiration on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing each chief of municipal police department, each county sheriff and each judge of the district court of this state, the name of each surety, insurance company, automobile club or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall

be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification. Amended by Laws 1987, c. 226, § 8, operative July 1, 1987.

§47-702. Guaranteed arrest bond certificates - Trucking associations.

(a) Any trucking association may issue guaranteed arrest bond certificates valid for one (1) year from January 1 of the year of issue as provided in this act in an amount not to exceed One Thousand Dollars ($1,000.00) on each undertaking, provided such certificates have been fully guaranteed by the trucking association or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the trucking association or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. The guarantee by the trucking association shall, at the discretion of the Insurance Commissioner, be secured by a deposit with the Insurance Commissioner of up to Fifty Thousand Dollars ($50,000.00), either cash or bond at the discretion of the Commissioner, to guarantee performance of said undertaking. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the trucking association, association or companies with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed One Thousand Dollars ($1,000.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by a trucking association, association or insurance company to any of its members or insured, which card or certificate is signed by the member or insured and contains a printed statement that such trucking association, association or insurance company and a surety company or an insurance company authorized to transact automobile liability insurance business, guarantee the appearance of the person whose signature appears on the card or certificate and that they will, in the event of failure of the person to appear in court at the time of

trial, pay any fine or forfeiture imposed on the person in an amount not exceeding One Thousand Dollars ($1,000.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact automobile liability insurance business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed One Thousand Dollars ($1,000.00) as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, committed prior to the date of expiration on such guaranteed arrest bond certificates, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing the State Commissioner of Public Safety, each chief of municipal police department, each county sheriff of this state, the name of each surety, insurance company, trucking association, or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification, at least ten (10) days prior to such disqualification.

Amended by Laws 1987, c. 226, § 9, operative July 1, 1987.

§47-751. Implied consent to breath test, blood test or other test for determining presence or concentration of alcohol or other intoxicating substance.

A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within this state shall be deemed to have given consent to a test or tests of such person's

blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a traffic accident that resulted in the immediate death or serious injury of any person and is removed from the scene of the accident to a hospital or other health care facility outside the State of Oklahoma before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a motor vehicle while under the influence may direct the administration of or administer the test or tests.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. The law enforcement agency by which the arresting officer is employed may designate, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, hereinafter referred to as the Board, whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

In the event that law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Board.

In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other

intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person's blood or breath to determine the alcohol concentration thereof, or to a test of such person's blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person's own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person's own recognizance must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the

withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 752 of this title.

G. The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

Added by Laws 1967, c. 86, § 1, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 1, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 4, operative Oct. 1, 1982; Laws 1982, c. 294, § 2, operative July 1, 1982; Laws 1994, c. 387, § 6, eff. July 1, 1995; Laws 1995, c. 313, § 4, eff. July 1, 1995; Laws 1999, c. 106, § 6, emerg. eff. April 19, 1999; Laws 2002, c. 410, § 1, eff. Nov. 1, 2002; Laws 2004, c. 548, § 2, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 58, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 2, eff. Nov. 1, 2005; Laws 2006, c. 173, § 4, eff. July 1, 2006; Laws 2017, c. 392, § 10, eff. Nov. 1, 2017; Laws 2019, c. 400, § 12, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 418, § 20 repealed by Laws 2005, c. 1, § 59, emerg. eff. March 15, 2005.

§47-752. Administration of tests - Authorization - Liability - Laboratories - Independent analysis - Costs.

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, physician's assistant, certified by the State Board of Medical Licensure and Supervision, an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or other qualified person authorized by the Board of Tests for Alcohol and Drug Influence acting at the request of a law enforcement officer may withdraw blood for the purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this title.

B. If the person authorized to withdraw blood as specified in subsection A of this section is presented with a written statement:

1. Authorizing blood withdrawal signed by the person whose blood is to be withdrawn;

2. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;

3. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has been placed under arrest and that the officer has probable cause to believe that the person, while intoxicated, has operated a motor vehicle in such manner as to have caused the death or serious physical injury of another person, or the person has been involved in a traffic accident and has been removed from the scene of the accident that resulted in the death or great bodily injury, as defined in subsection B of Section 646 of Title 21

of the Oklahoma Statutes, of any person to a hospital or other health care facility outside the State of Oklahoma before the law enforcement officer was able to effect an arrest for such offense; or

4. In the form of an order from a district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. No person specified in subsection A of this section, no employer of such person, and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer by the provisions of Section 751 or 753 of this title, or when acting in reliance upon a signed statement or court order as provided in this section, if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection A of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer under the provisions of Section 751 or 753 of this title or when acting pursuant to a court order.

D. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by the Board, or tested by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, to determine the alcohol concentration thereof, or the presence or concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a motor vehicle safely.

E. When blood is withdrawn or saliva or urine is collected for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood, saliva or urine specimen shall be retained by a laboratory approved by the Board, in accordance with the rules and regulations of the Board, or by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, for sixty (60) days from the date of collection. At any time within that period, the tested person or his or her attorney may direct that such blood, saliva or urine specimen be sent or delivered to a laboratory of his or her own

choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood, saliva or urine specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. When a test of breath is performed for the purpose of determining the alcohol concentration thereof, except when such test is performed by means of an automated analyzer as designated by the Board, a sufficient quantity of breath, or of the alcohol content of a fixed or measured quantity of breath, shall be obtained, in accordance with the rules and regulations of the Board, to enable the tested person, at his or her own option and expense, to have an independent analysis thereof, except the analyst performing the independent analysis and agents of the analyst.

G. The costs of collecting blood, breath, saliva or urine specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer; provided, if the person is convicted for any offense involving the operation of a motor vehicle while under the influence of or while impaired by alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of blood, saliva or urine specimens, an amount equal to the costs shall become a part of the court costs of the person and shall be collected by the court and remitted to the law enforcement agency bearing the costs. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood, breath, saliva or urine for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood, breath, saliva or urine shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

H. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood, breath, saliva or urine, to be considered valid and admissible in evidence under the provisions of this title, shall have been administered or performed in accordance with the rules and regulations of the Board, or performed by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title.

I. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood, breath, saliva or urine which is appropriate as determined by the Board for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

J. Any agency or laboratory certified by the Board or any agency or laboratory that is exempt from the Board rules pursuant to Section 759 of this title, which analyses breath, blood, or urine shall make available a written report of the results of the test administered by or at the direction of the law enforcement officer to:

1. The tested person, or his or her attorney;
2. The Commissioner of Public Safety; and
3. The Fatality Analysis Reporting System (FARS) analyst of the state, upon request.

The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

Added by Laws 1967, c. 86, § 2, eff. Jan. 1, 1969. Amended by Laws 1982, c. 273, § 5, operative Oct. 1, 1982; Laws 1982, c. 294, § 3, operative July 1, 1982; Laws 1986, c. 75, § 1, eff. Nov. 1, 1986; Laws 1987, c. 118, § 4, operative July 1, 1987; Laws 1989, c. 134, § 1, eff. Nov. 1, 1989; Laws 1990, c. 274, § 1, emerg. eff. May 25, 1990; Laws 1991, c. 87, § 1, emerg. eff. April 22, 1991; Laws 1992, c. 382, § 8, emerg. eff. June 9, 1992; Laws 2002, c. 410, § 2, eff. Nov. 1, 2002; Laws 2004, c. 418, § 21, eff. July 1, 2004; Laws 2005, c. 394, § 15, emerg. eff. June 6, 2005; Laws 2006, c. 173, § 5, eff. July 1, 2006; Laws 2009, c. 214, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 11; Laws 2017, c. 392, § 11, eff. Nov. 1, 2017; Laws 2019, c. 400, § 13, eff. Nov. 1, 2019.

§47-753. Refusal to submit to test.

A. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given except upon the issuance of a search warrant or unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner as authorized by Section 752 of this title. The Commissioner of Public Safety, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or that the person had refused to submit to the test or tests, shall revoke the license to drive and any nonresident operating privilege for a period provided by Section 6-205.1 of this title. If the person is a resident or nonresident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety shall deny to the person the issuance of a license or permit for a period provided by Section 6-205.1 of this title subject to a review as provided in Section 754 of this title. The revocation or denial shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer or by the Department of Public Safety as provided in Section 754 of this title.

B. The Department shall immediately reinstate the driving privilege of the person if:

1. The arrested person was required to submit to the testing of his or her blood or breath pursuant to the provisions of a search warrant despite his or her refusal to submit to testing; and

2. The Department receives a written blood or breath test report that reflects the arrested person did not have any measurable quantity of alcohol, or any other intoxicating substance, or the combination of alcohol and any other intoxicating substance in the blood or breath of the arrested person.

Added by Laws 1967, c. 86, § 3, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 2, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 6, operative Oct. 1, 1982; Laws 1982, c. 294, § 4, operative July 1, 1982; Laws 1985, c. 118, § 1, eff. Nov. 1, 1985; Laws 1988, c. 242, §

10, eff. Nov. 1, 1988; Laws 1993, c. 238, § 6, emerg. eff. May 26, 1993; Laws 1999, c. 106, § 7, emerg. eff. April 19, 1999; Laws 2006, c. 173, § 6, eff. July 1, 2006; Laws 2015, c. 131, § 1, eff. Nov. 1, 2015; Laws 2017, c. 392, § 12, eff. Nov. 1, 2017; Laws 2019, c. 400, § 14, eff. Nov. 1, 2019.

§47-754. Seizure of license - Temporary driving privileges - Administrative revocation.

A. Any arrested person who is under twenty-one (21) years of age and has any measurable quantity of alcohol in the person's blood or breath, or any person twenty-one (21) years of age or older whose alcohol concentration is eight-hundredths (0.08) or more as shown by a breath test administered according to the provisions of this title, or any arrested person who has refused to submit to a breath or blood test, shall immediately surrender his or her driver license, permit or other evidence of driving privilege to the arresting law enforcement officer. The officer shall seize any driver license, permit, or other evidence of driving privilege surrendered by or found on the arrested person during a search.

B. If the evidence of driving privilege surrendered to or seized by the officer has not expired and otherwise appears valid, the officer shall issue to the arrested person a dated receipt for that driver license, permit, or other evidence of driving privilege on a form prescribed by the Department of Public Safety. This receipt shall be recognized as a driver license and shall authorize the arrested person to operate a motor vehicle for a period not to exceed thirty (30) days. The receipt form shall contain and constitute a notice of revocation of driving privilege by the Department effective in thirty (30) days. The evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the officer and shall be submitted by mail or in person to the Department within seventy-two (72) hours of the issuance of the receipt. The failure of the officer to timely file this report shall not affect the authority of the Department to revoke the driving privilege of the arrested person.

C. Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the blood or breath of the person, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title, unless the person has successfully

completed or is currently participating in the Impaired Driver Accountability Program. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer as provided in this section or by the Department as provided in Section 2-116 of this title.

D. The appeal hearing before the district court shall be conducted in accordance with Section 6-211 of this title. The hearing shall cover the issues of whether the officer had reasonable grounds to believe the person had been operating or was in actual physical control of a vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance as prohibited by law, and whether the person was placed under arrest.

1. If the revocation or denial is based upon a breath or blood test result and a sworn report from a law enforcement officer, the scope of the hearing shall also cover the issues as to whether:

a. if timely requested by the person, the person was not denied a breath or blood test,

b. the specimen was obtained from the person within two (2) hours of the arrest of the person,

c. the person, if under twenty-one (21) years of age, was advised that driving privileges would be revoked or denied if the test result reflected the presence of any measurable quantity of alcohol,

d. the person, if twenty-one (21) years of age or older, was advised that driving privileges would be revoked or denied if the test result reflected an alcohol concentration of eight-hundredths (0.08) or more, and

e. the test result in fact reflects the alcohol concentration.

2. If the revocation or denial is based upon the refusal of the person to submit to a breath or blood test, reflected in a sworn report by a law enforcement officer, the scope of the hearing shall also include whether:

a. the person refused to submit to the test or tests, and

b. the person was informed that driving privileges would be revoked or denied if the person refused to submit to the test or tests.

E. After the hearing, the district court shall order the revocation or denial either rescinded or sustained.

Added by Laws 1967, c. 86, § 4, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 3, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 7, operative Oct. 1, 1982; Laws 1982, c. 294, § 5, operative July 1, 1982; Laws 1986, c. 279, § 24, operative July 1, 1986; Laws 1988, c. 242, § 11, eff. Nov. 1, 1988; Laws 1993, c. 238, § 7, emerg. eff. May

26, 1993; Laws 1994, c. 387, § 7, eff. July 1, 1995; Laws 1995, c. 313, § 5, eff. July 1, 1995; Laws 1996, c. 309, § 7, eff. Nov. 1, 1996; Laws 1997, c. 2, § 9, emerg. eff. Feb. 26, 1997; Laws 1997, c. 227, § 1, emerg. eff. May 20, 1997; Laws 1999, c. 106, § 8, emerg. eff. April 19, 1999; Laws 2001, c. 437, § 24, eff. July 1, 2001; Laws 2004, c. 418, § 22, eff. July 1, 2004; Laws 2005, c. 394, § 16, emerg. eff. June 6, 2005; Laws 2017, c. 392, § 13, eff. Nov. 1, 2017; Laws 2019, c. 400, § 15, eff. Nov. 1, 2019.
NOTE: Laws 1996, c. 199, § 4 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-754.1. Modification of revocation or denial if no other adequate means of transportation exists - Ignition interlock device - Rules.

A. Modification of a revocation or denial arising under the provisions of Section 6-205.1 of this title or under the provisions of Sections 751 through 754 or 761 of this title shall apply to Class D driver licenses only.

B. As a prerequisite and condition of any modification, the person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at the person's own expense, upon any motor vehicle operated by the person. The Department shall require, as a condition of modification, the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the employer, except when the employer requests the ignition interlock device not be installed. The request shall be in writing and notarized on the official letterhead of the employer and provided by the person to the Department; provided, a request shall not be accepted by the Department under the following circumstances:

1. When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle;

2. When the person is employed by a relative who either is within the first degree of consanguinity or who resides in the same household; or

3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title.

The person shall comply with all provisions of law and rule regarding ignition interlock devices.

C. Upon the issuance of a modification order pursuant to this section, Section 17 of this act, or under the provisions of paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of subsection B of Section 6-205.1 of this title, for a violation of this title, the person shall pay a modification fee of One Hundred Seventy-five Dollars ($175.00) to the Department. For each modification fee

collected pursuant to the provisions of this subsection, One Hundred Dollars ($100.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury and Seventy-five Dollars ($75.00) shall be remitted to the State Treasurer to be credited to the Department of Public Safety Restricted Revolving Fund. All monies accruing to the credit of the Department of Public Safety Restricted Revolving Fund from modification fees shall be budgeted and expended solely for the purpose of administering the provisions of this section and Section 17 of this act.

D. The Board of Tests for Alcohol and Drug Influence shall promulgate such rules as are necessary to implement and administer the provisions of this subsection relating to ignition interlock devices and the providers of such devices.

Added by Laws 1985, c. 229, § 1, emerg. eff. July 8, 1985. Amended by Laws 1985, c. 338, § 10, eff. Nov. 1, 1985; Laws 1986, c. 279, § 25, operative July 1, 1986; Laws 1987, c. 5, § 162, emerg. eff. March 11, 1987; Laws 1988, c. 242, § 12, eff. Nov. 1, 1988; Laws 1993, c. 314, § 3, emerg. eff. June 7, 1993; Laws 1995, c. 313, § 6, eff. July 1, 1995; Laws 1996, c. 309, § 8, eff. Nov. 1, 1996; Laws 1997, c. 420, § 6, emerg. eff. June 13, 1997; Laws 1999, c. 106, § 9, emerg. eff. April 19, 1999; Laws 2004, c. 418, § 23, eff. July 1, 2004; Laws 2005, c. 1, § 60, eff. Sept. 1, 2005; Laws 2005, c. 394, § 17, eff. Sept. 1, 2005; Laws 2009, c. 388, § 4, eff. Nov. 1, 2009; Laws 2010, c. 345, § 3, eff. Nov. 1, 2010; Laws 2012, c. 283, § 14, eff. July 1, 2012; Laws 2013, c. 393, § 4, eff. Oct. 1, 2013; Laws 2017, c. 392, § 14, eff. Nov. 1, 2017; Laws 2019, c. 400, § 16, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 390, § 16 repealed by Laws 2005, c. 1, § 61, eff. Sept. 1, 2005.

§47-754.2. District court order to modify a revocation or denial.

The district court shall modify, upon request, the revocation or denial occurring pursuant to Section 753 or 754 of Title 47 of the Oklahoma Statutes. The district court shall enter a written order directing the Department of Public Safety to allow driving, subject to the limitations of Section 6-205.1 of Title 47 of the Oklahoma Statutes and the requirement of an ignition interlock device as provided in Section 754.1 of Title 47 of the Oklahoma Statutes; provided, any modification under this paragraph shall apply to Class D driver licenses only.

Added by Laws 2019, c. 400, § 17, eff. Nov. 1, 2019.

§47-755. Repealed by Laws 2017, c. 392, § 16, eff. Nov. 1, 2017.

§47-756. Admission of evidence shown by tests.

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while

driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of Sections 752 and 759 of this title or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of Sections 752 and 759 of this title is admissible. Evidence that the person has refused to submit to a test or tests is also admissible. For the purpose of this title, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person is under the influence of alcohol in violation of Section 11-906.4 of this title. For persons twenty-one years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

2. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle while such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this title, "alcohol concentration" means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

D. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while

driving or in actual physical control of a motor vehicle while under the influence of alcohol, the following may be considered as evidence that the test of the breath of the person was validly administered in accordance with the rules of the Board of Tests for Alcohol and Drug Influence:

1. A report, test result or other documentation indicating the test was performed by an operator holding a permit issued by the Board of Tests for Alcohol and Drug Influence;

2. A report, test result or other documentation indicating the test was performed after the installation of a dry gas cylinder by the Board of Tests for Alcohol and Drug Influence and before the expiration date of the cylinder;

3. A report, test result or other documentation reflecting the results of two breath samples within 0.03g/210L of each other; or

4. A report, test result or other documentation reflecting a control test within 0.01g/210L of the target value of the control.

E. Results of the test of a the breath or blood of the person, if admissible, shall be admitted without reference to measurement uncertainty.

F. 1. At any hearing, documents retained by the Board of Tests of Alcohol and Drug Influence to reflect maintenance on an instrument maintained by the Board for the measurement of alcohol concentration in a person's breath, which have been made available to the accused by the office of the district attorney at least ten (10) days prior to the hearing, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to paragraph 2 of this subsection, orders the person making the report to appear.

2. The court, upon motion of the state or the accused at least five (5) days prior to the hearing, shall order the attendance of the person making a report intended to be submitted as evidence, pursuant to paragraph 1 of this subsection, when it appears there is a substantial likelihood that material evidence not contained in such report may be produced by the testimony of the person having prepared the report.

Added by Laws 1967, c. 86, § 6, eff. Jan. 1, 1969. Amended by Laws 1972, c. 192, § 1; Laws 1982, c. 294, § 6, operative July 1, 1982; Laws 1984, c. 217, § 1, eff. Nov. 1, 1984; Laws 1994, c. 387, § 8, eff. July 1, 1995; Laws 1995, c. 313, § 8, eff. July 1, 1995; Laws 1996, c. 309, § 10, eff. Nov. 1, 1996; Laws 2000, 1st Ex. Sess., c. 8, § 21, eff. July 1, 2000; Laws 2001, c. 437, § 25, eff. July 1, 2001; Laws 2006, c. 173, § 7, eff. July 1, 2006; Laws 2017, c. 392, § 15, eff. Nov. 1, 2017.

§47-757. Other competent evidence - Admissibility.

The provisions of Sections 751 through 761 of this title do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance.

Amended by Laws 1982, c. 294, § 7, operative July 1, 1982.

§47-758. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-759. Board of Tests for Alcohol and Drug Influence - Powers and duties – Revolving fund.

A. There is hereby re-created, to continue until July 1, 2022, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug Influence to be composed of the following members beginning July 1, 2015:

1. The Dean of the Oklahoma State University College of Osteopathic Medicine, or a designee;

2. The Dean of the University of Oklahoma College of Medicine, or a designee;

3. The Commissioner of Public Safety, or a designee;

4. The Director of the Oklahoma State Bureau of Investigation, or a designee;

5. The State Commissioner of Health, or a designee;

6. The Director of the Council on Law Enforcement Education and Training, or a designee;

7. One certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace Officers Association; and

8. One person selected by the Oklahoma Association of Chiefs of Police.

Members shall serve without pay other than reimbursement of necessary and actual expenses as provided in the State Travel Reimbursement Act. Each member shall receive an appointment in writing which shall become a permanent part of the records of the Board. The chair and vice-chair shall be elected from the membership of the Board every two (2) years. The Board is authorized to appoint a State Director of Tests for Alcohol and Drug Influence and other employees, including, but not limited to, persons to conduct training and provide administrative assistance as necessary for the performance of its functions, subject to available funding and authorized full-time equivalent employee limitations. The Board may expend appropriated funds for purposes consistent with Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes. The Legislature shall appropriate funds to the Department of Public Safety for the support of the Board of Tests For Alcohol and Drug Influence and its employees, if any. Upon the transfer of

any employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests For Alcohol and Drug Influence on July 1, 2003, all funds of the Unit appropriated and budgeted shall be transferred to the Board, and may be budgeted and expended to support the functions and personnel of the Board.

B. Collection and analysis of a person's blood, breath, saliva or urine, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence and by an individual possessing a valid permit issued by the Board for this purpose or shall have been performed by a laboratory accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited by the American Board of Forensic Toxicology (ABFT).

C. The Board of Tests for Alcohol and Drug Influence is authorized to approve laboratories for the analysis, provided by the provisions of this title, of specimens of blood, breath, saliva and urine, and to administer a program for regular monitoring of such laboratories. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment and records for tests and analyses and to prescribe and approve the requisite education and training for the performance of such tests and analyses. The Board shall establish standards for and ascertain the qualifications and competence of individuals to administer and conduct such tests and analyses, and to issue permits to laboratories and to individuals which shall be subject to suspension or revocation at the discretion of the Board. The Board is authorized to prescribe uniform standards, conditions, methods, procedures, techniques, devices, equipment and records for the collection, handling, retention, storage, preservation and delivery of specimens of blood, breath, saliva and urine obtained for the purpose of determining the alcohol concentration thereof or the presence or concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend and repeal such other rules consistent with this chapter as the Board shall determine proper. Laboratories accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited by the American Board of Forensic Toxicology (ABFT) are exempt from the provisions of this subsection.

D. The Board shall promulgate rules adopting uniform standards and conditions and rules approving devices, equipment, methods, procedures, techniques, and records for screening tests administered for the purpose of determining the presence or concentration of

alcohol or any other intoxicating substance in a person's blood, breath, saliva or urine. Such screening tests shall be performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence.

E. The Board may set rules and charge appropriate fees for operations incidental to its required duties and responsibilities.

F. There is hereby created in the State Treasury a revolving fund for the Board of Tests for Alcohol and Drug Influence to be designated the "Board of Tests for Alcohol and Drug Influence Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to the provisions of subsection E of this section and any funds previously deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board of Tests for Alcohol and Drug Influence for operating expenses of the Board. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1967, c. 86, § 9, eff. Jan. 1, 1969. Amended by Laws 1969, c. 244, § 1, emerg. eff. April 21, 1969; Laws 1978, c. 282, § 1, emerg. eff. May 10, 1978; Laws 1982, c. 294, § 8, operative July 1, 1982; Laws 1988, c. 225, § 6; Laws 1991, c. 248, § 9, eff. Sept. 1, 1991; Laws 1994, c. 107, § 1, eff. July 1, 1994; Laws 2000, c. 90, § 1; Laws 2003, c. 461, § 12, eff. July 1, 2003; Laws 2004, c. 129, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 24, eff. July 1, 2004; Laws 2006, c. 55, § 1; Laws 2006, c. 173, § 8, eff. July 1, 2006; Laws 2012, c. 304, § 181; Laws 2013, c. 15, § 32, emerg. eff. April 8, 2013; Laws 2015, c. 125, § 1, eff. July 1, 2015.

NOTE: Laws 2012, c. 61, § 1 repealed by Laws 2013, c. 15, § 33, emerg. eff. April 8, 2013.

§47-759.1. Abolition of Alcohol Drug Countermeasures Unit - Transfer of powers, duties, and responsibilities.

A. Notwithstanding any other provision of law, effective July 1, 2003, the Alcohol Drug Countermeasures Unit of the Department of Public Safety is hereby abolished. The powers, duties, and responsibilities exercised by the Unit listed in this section pursuant to law shall be transferred to the Board of Tests for Alcohol and Drug Influence. All records, property, matters pending, obligations and funds of the Unit shall be transferred to the Board of Tests for Alcohol and Drug Influence pursuant to the provisions of this section.

B. The employees of the Alcohol Drug Countermeasures Unit of the Department of Public Safety whose duties are transferred pursuant to this section shall be transferred to the Board of Tests for Alcohol

and Drug Influence or may accept another position with the Department of Public Safety. Employees transferred pursuant to this section shall not be required to accept a lesser grade or salary than entitled to on the effective date of the transfer. No entrance exam shall be required for any employee transferred pursuant to this section. All employees transferred shall retain sick and annual time accrued and any retirement benefits which have accrued during their tenure with the Department of Public Safety. The transfer of employees pursuant to this section between agencies shall be coordinated with the Office of Personnel Management.
Added by Laws 2003, c. 461, § 9, eff. July 1, 2003.

§47-761. Operation of motor vehicle while impaired - Penalties - Suspensions - Violations not bondable.

A. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions shall be subject to a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. Upon the receipt of any person's record of conviction of driving while impaired, when such conviction has become final, the Department of Public Safety shall suspend the driving privilege of such person, as follows:

1. The first suspension shall be for thirty (30) days;

2. The second suspension shall be for a period of six (6) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only; and

3. The third or subsequent suspension shall be for twelve (12) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

Provided, however, the Department shall not suspend such privilege pursuant to this subsection if said person's driving privilege has been revoked based upon a test result or test refusal pursuant to Section 753 or Section 754 of this title arising from the same circumstances which resulted in the conviction.

C. The violations as set out in this section shall not be bondable under Section 1115.3 of Title 22 of the Oklahoma Statutes.

D. Any person who is found guilty of a violation of the provisions of this section or pleading guilty or nolo contendere for a violation of any provision of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel

certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the assessment and evaluation. The fee for an assessment and evaluation shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including a deferred sentence and a suspended sentence, require the person to follow all recommendations identified by the assessment and evaluation and ordered by the court. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this section for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.
Added by Laws 1972, c. 192, § 2. Amended by Laws 1975, c. 119, § 5, emerg. eff. May 13, 1975; Laws 1978, c. 109, § 1; Laws 1987, c. 224, § 16, eff. Nov. 1, 1987; Laws 1992, c. 217, § 17, eff. July 1, 1992; Laws 1994, c. 387, § 9, eff. July 1, 1995; Laws 1995, c. 1, § 18, emerg. eff. March 2, 1995; Laws 1999, c. 395, § 2, eff. Nov. 1, 1999; Laws 2003, c. 178, § 4, eff. July 1, 2003; Laws 2010, c. 345, § 4, eff. Nov. 1, 2010.
NOTE: Laws 1994, c. 308, § 4 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§47-762. Repealed by Laws 1995, c. 313, § 10, eff. July 1, 1995.

§47-781. Enactment - Text.

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE 1. FINDINGS AND DECLARATION OF POLICY

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of a bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code,

or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION

(a) The licensing authority in the home state, for the purpose of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The

licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all the party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force

and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.
Added by Laws 1967, c. 162, § 1, eff. July 1, 1967.

§47-782. Licensing authority.
As used in the Compact, the term "licensing authority" with reference to this state, shall mean the Department of Public Safety. Said Department of Public Safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the Compact.
Laws 1967, c. 162, § 2, eff. July 1, 1967.

§47-783. Compensation and expenses of administrator.
The Compact administrator provided for in Article VII of the Compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office of employment.
Laws 1967, c. 162, § 3, eff. July 1, 1967.

§47-784. Executive head.
As used in the Compact, with reference to this state, the term "executive head" shall mean the Governor.
Laws 1967, c. 162, § 4, eff. July 1, 1967.

§47-785. Reports to Department of Public Safety.
Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Department of Public Safety within ten (10) days on forms furnished by said Department.
Added by Laws 1967, c. 162, § 5, eff. July 1, 1967.

§47-786. Enforcement of Article IV.
The Department of Public Safety shall enforce the provisions of Article IV of this Compact under authority granted by 47 O.S.1961, Sections 6-202, 6-203, 6-205 and 6-206.
Laws 1967, c. 162, § 6, eff. July 1, 1967.

§47-787. Review of act or omission.
Any act or omission of any official or employee of this state done or omitted pursuant to, or in enforcing, the provisions of the Driver License Compact shall be subject to review in the district

court of Oklahoma County, but any review of the validity of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.
Laws 1967, c. 162, § 7, eff. July 1, 1967.

§47-789. Short title.
This act may be known and may be cited as the "Nonresident Violator Compact".
Added by Laws 1985, c. 70, § 1, eff. Jan. 1, 1986.

§47-790. Nonresident Violator Compact.
The Nonresident Violator Compact, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. FINDINGS, DECLARATION OF POLICY AND PURPOSE

A. The party jurisdictions find that:

1. In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

a. must post collateral or bond to secure appearance for trial at a later date; or

b. if unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or

c. is taken directly to court for his trial to be held.

2. In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

3. The purpose of the practices described in paragraphs 1 and 2 is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

4. A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

5. The practice described in paragraph 1 causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

6. The deposit of a driver's license as a bail bond, as described in paragraph 2, is viewed with disfavor.

7. The practices described herein consume an undue amount of law enforcement time.

B. It is the policy of the party jurisdictions to:

1. Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

2. Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

3. Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

4. Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

C. The purpose of this compact is to:

1. Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated, in paragraph B, in a uniform and orderly manner.

2. Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II. DEFINITIONS

A. In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

B. 1. "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

2. "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

3. "Court" means a court of law or traffic tribunal.

4. "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

5. "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

6. "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

7. "Jurisdiction" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

8. "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

9. "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

10. "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

11. "Terms of the citation" means those options expressly stated upon the citation.

ARTICLE III. PROCEDURE FOR ISSUING JURISDICTION

A. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph B of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

B. Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

C. Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

D. Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

E. The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

F. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

G. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

ARTICLE IV. PROCEDURE FOR HOME JURISDICTION

A. Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.

B. The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

ARTICLE V. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI. COMPACT ADMINISTRATOR PROCEDURES

A. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

B. Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

C. The board shall elect annually, from its membership, a chairman and a vice-chairman.

D. The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

E. The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

F. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm or corporation, or any private nonprofit organization or institution.

G. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions

of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

ARTICLE VII. ENTRY INTO COMPACT AND WITHDRAWAL

A. This compact shall become effective when it has been adopted by at least two jurisdictions.

B. 1. Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

2. The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

a. a citation of the authority by which the jurisdiction is empowered to become a party to this compact.

b. agreement to comply with the terms and provisions of the compact.

c. that compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

3. The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty (60) days after notice has been given, by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

C. A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

ARTICLE VIII. EXCEPTIONS

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

ARTICLE IX. AMENDMENTS TO THE COMPACT

A. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

B. Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty (30) days after the date of the last endorsement.

C. Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty (120) days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person or circumstance the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.
Added by Laws 1985, c. 70, § 2, eff. Jan. 1, 1986.

§47-801. Definitions.

As used in Section 801 et seq. of this title:

(A) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination given by the state for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and charging a consideration or tuition for such services.

(B) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and any person who supervises the work of any other such instructor.

(C) "Commissioner" means the Commissioner of Public Safety.
Added by Laws 1967, c. 167, § 1. Amended by Laws 1993, c. 314, § 5, emerg. eff. June 7, 1993; Laws 1995, c. 23, § 16, eff. Nov. 1, 1995.

§47-802. Administration and enforcement – Human trafficking information and course of study.

A. The Commissioner shall adopt and prescribe such regulations concerning the administration and enforcement of Section 801 et seq. of this title as are necessary to carry out the intent of this act and to protect the public. The Commissioner or his authorized representative shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

B. The Commissioner shall administer and enforce the provisions of this act, and may call upon the State Superintendent of Public Instruction for assistance in developing and formulating appropriate regulations.

C. 1. The Commissioner may require that the course of study for training students for Class A, B or C commercial licenses shall include training on the recognition, prevention and reporting of human trafficking. If required, the Commissioner shall regularly review and update the training to take into account changes and trends in human trafficking. The Commissioner shall collaborate with organizations that specialize in the recognition and prevention of human trafficking.

2. The Commissioner may identify and establish industry specific materials for use in the instruction required on the recognition, prevention and effective reporting of human trafficking by people training to obtain a Class A, B or C commercial license.

Added by Laws 1967, c. 167, § 2. Amended by Laws 2018, c. 48, § 1, eff. Nov. 1, 2018; Laws 2019, c. 279, § 1, eff. Nov. 1, 2019.

§47-803. School license.

(A) No commercial driver training school shall be established nor any such existing school continued on or after the effective date of this act, unless such school applies for and obtains from the Commissioner a license in the manner and form prescribed by the Commissioner.

(B) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe for the protection of the public.

(C) Every school offering instruction for a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title must provide for a minimum number of hours of actual classroom and field driving instruction as determined by the Commissioner.

Laws 1967, c. 167, § 3; Laws 1993, c. 314, § 6, emerg. eff. June 7, 1993.

§47-804. Instructor’s license.

A. No person shall act as an instructor unless such person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

B. Rules promulgated by the Commissioner shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as the Commissioner may prescribe for the protection of the public.

Added by Laws 1967, c. 167, § 4. Amended by Laws 1995, c. 320, § 4, eff. July 1, 1995; Laws 1997, c. 201, § 4, eff. Nov. 1, 1997; Laws 2001, c. 131, § 10, eff. July 1, 2001.

§47-805. License fees.

All licenses shall expire on the last day of the calendar year and may be renewed upon application to the Commissioner as prescribed by his regulation. Each application for an original or renewal school license shall be accompanied by a fee of Twenty-five Dollars ($25.00). Each application for an original or renewal instructor's license shall be accompanied by a fee of Five Dollars ($5.00). The license fees collected pursuant to Sections 801 through 808 of this title shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury. No license fee shall be refunded in the event that the license is rejected, suspended, or revoked.

Amended by Laws 1983, c. 286, § 28, operative July 1, 1983; Laws 1987, c. 5, § 163, emerg. eff. March 11, 1987.

§47-806. Suspension or revocation of license.

The Commissioner may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case where he finds the licensee or applicant has not complied with, or has violated, any of the provisions of this Act or any regulation adopted by the Commissioner hereunder. Any canceled, suspended or revoked license shall be returned to the Commissioner by the licensee, and its holder shall not be eligible to apply for a license under this act until three (3) months have elapsed since the date of suspension or revocation.

Added by Laws 1967, c. 167, § 6.

§47-807. Persons and schools exempt.

The provisions of this act shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, or to schools or classes conducted by colleges, universities and high schools for regularly enrolled, full-time students as a part of the normal program for such institutions.

Laws 1967, c. 167, § 7.

§47-808. Penalties.

Violation of any provision of this act or any regulation promulgated pursuant hereto, shall constitute a misdemeanor, and any person, firm, or corporation, upon conviction therefor, shall be punished by a fine of not more than One Hundred Dollars ($100.00) or imprisonment for not more than thirty (30) days in the county jail, or by both such fine and imprisonment.

Laws 1967, c. 167, § 8.

§47-851. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-852. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-853. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854.1. Renumbered as § 2-143 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001.

NOTE: Renumbering by Laws 2001, c. 435, § 15 was editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-855. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-855.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001 and by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

NOTE: Laws 2001, c. 153, § 9 repealed this section without reference to amendment by Laws 2001, c. 33, § 38, eff. July 1, 2001, which reads as follows:

§47-855.1. Official inspectors – License – Revocation or suspension.

A. 1. The Commissioner of Public Safety shall designate official inspectors and shall issue licenses for and furnish instructions and all necessary forms to said official inspectors for the inspection of vehicles and the issuance of official certificates of inspection or rejection.

2. Application for a license as an official inspector shall be made upon an official form and shall be granted only when the Commissioner of Public Safety, after appropriate training, examination and investigation, is satisfied that the applicant is eligible in accordance with the requirements as prescribed by the Commissioner to make such inspections. The Commissioner shall prescribe by rule the training requirements for all official inspectors, and the applicant shall complete all training requirements, including any subsequent additional training requirements which the Commissioner deems necessary for licensed official inspectors.

3. The Commissioner and the Oklahoma Department of Career and Technology Education may enter into an interlocal agreement to carry out the requirements of this subsection.

B. Any employee of a station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels, as defined by Section 130.2 of Title 74 of the Oklahoma Statutes, may be authorized by the Commissioner to perform inspections as provided in Chapter 70 of this title. Subject to the application requirements specified in this section, the Commissioner of Public Safety shall issue an official inspector license to any such person who qualifies for a license as an official inspector.

C. The Commissioner of Public Safety shall properly supervise and cause inspections to be made of the performance of persons licensed under this section and shall suspend or revoke and require the surrender of the license issued to the person who is not properly conducting inspections.

D. No license shall be revoked or suspended except upon notice to the licensee and to the employer of the licensee and after an opportunity to be heard by the Commissioner. A license may be temporarily suspended without notice pending any investigation or hearing. Whenever any license has been revoked, no license shall be reissued to an applicant until after the expiration of a period of one (1) year from the date of such revocation.

§47-856. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1A. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.2. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.3. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.4. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.5. Repealed by Laws 1996, c. 287, § 3.

§47-857. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858.1. Repealed by Laws 1998, c. 158, § 5, eff. Nov. 1, 1998.

§47-859. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-860. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.
NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-901. Abandonment unlawful - Determination.

It shall be unlawful to abandon a motor vehicle on a highway or other public property. Any member of the Oklahoma Highway Patrol or any qualified sheriff, deputy sheriff or any member of any city police department shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of a vehicle when found upon any portion of the highway, shoulder, or right-of-way, if after a period of forty-eight (48) hours there is no evidence of an apparent owner who intends to remove the vehicle.

Laws 1967, c. 363, § 1, emerg. eff. May 22, 1967.

§47-902. Authorization to remove abandoned vehicle.

If such officer has reasonable cause to believe a vehicle has been abandoned in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately. At the time of ordering the removal of an abandoned vehicle, the authorizing officer shall also determine the sale value of the vehicle and certify that amount on the removal order.

Amended by Laws 1987, c. 233, § 2, eff. Nov. 1, 1987.

§47-903. Notice of impoundment - Civil liability.

Any such officer who has directed the impoundment of any vehicle, or an authorized person in the employing agency of the officer, shall within seventy-two (72) hours of the impoundment notify the Department of Public Safety of such impoundment. The notice of impoundment shall contain the name and address of the owner, if known, the make, model, vehicle identification number, registration number, date stored, place stored and the estimated value of the vehicle as determined by the officer. Upon receipt of such notice of impoundment, the Department of Public Safety shall, within seventy-two (72) hours, request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the owner of and any lienholder on the vehicle and shall within three (3) days from receipt of the requested information send a notice to the owner and any lienholder by regular mail, postage prepaid, at the addresses furnished by the Tax Commission or motor license agent, of the location of the vehicle. This section shall not be construed to create any civil liability upon the state, any agency of the state or employee thereof for failure to provide such notice to the owner or lienholder.

Added by Laws 1967, c. 363, § 3, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 1, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 3, eff. Nov. 1, 1987; Laws 1988, c. 290, § 17, operative July 1, 1988; Laws 2010, c. 440, § 5, eff. Nov. 1, 2010.

§47-903A. Contest of removal or storage - Hearing - Exemptions.

A. After the removal or storage of any abandoned or wrecked vehicle at the request of a public agency, the registered or legal owner of the vehicle, or their agent, may contest the validity of the removal or storage, by filing a written request for a hearing with the public agency. The written request may be filed before or after the vehicle is retrieved from the storage operator. Provided, however, the public agency shall not be required to conduct a hearing if the request is received more than ten (10) days following actual

or constructive notice to the owner or driver of the vehicle that said vehicle has been so removed or stored. Any such hearing shall be scheduled within seventy-two (72) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person who directed the removal or storage of the vehicle. The public agency may, with the consent of the person requesting the hearing, schedule the hearing by telephone and conduct the hearing on the merits by telephone conference call.

The hearing officer shall apply the law to the evidence and make a determination whether the vehicle removal and storage was justified. If deemed unjustified, the public agency shall bear the cost of hookup and tow mileage, and the operator shall waive all storage costs in such cases as a condition of eligibility to respond to a service call request from a public agency. The vehicle owner or agent shall not be charged any type of fee or costs relating to impoundment or storage in such case. If the tow and storage is deemed justified, the owner or agent shall bear the cost of reasonable tow and storage. In either case, prior to the release of the vehicle to the owner or agent, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, shall be furnished to the public agency.

B. Failure of either the registered or legal owner, or their agent, to timely request or to timely appear upon a scheduled hearing shall satisfy the hearing requirement of this section.

C. The hearing conducted by the public agency pursuant to this section shall not be governed by the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes. The owner of a stored vehicle may, either in lieu of such hearing or after such hearing, file a petition in the district court of the county wherein the vehicle is stored. The district court is vested with original jurisdiction to conduct a de novo hearing and determine the validity of removal and storage.

D. The provisions of this section shall not apply to the removal of vehicles abated pursuant to Section 954A of this title.

Added by Laws 1986, c. 144, § 8, emerg. eff. April 21, 1986. Amended by Laws 1987, c. 233, § 5, eff. Nov. 1, 1987. Renumbered from § 963 by Laws 1987, c. 233, § 6, eff. Nov. 1, 1987. Amended by Laws 1993, c. 153, § 2, eff. Sept. 1, 1993.

§47-904. Payment of cost of removal and storage.

The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle or insurer accepting liability for paying a claim on a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner which shall

have been lawfully removed from any highway or other public property may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle. The operator is authorized to collect all lawful fees from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim on the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

The cost of removal and storage shall be paid to the wrecker or towing service.

Added by Laws 1967, c. 363, § 4, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 2, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 4, eff. Nov. 1, 1987; Laws 1988, c. 290, § 18, operative July 1, 1988; Laws 1993, c. 153, § 3, eff. Sept. 1, 1993; Laws 1996, c. 175, § 1, eff. July 1, 1997; Laws 2000, c. 303, § 1, eff. July 1, 2000; Laws 2002, c. 133, § 2, eff. Nov. 1, 2002; Laws 2006, c. 158, § 1, emerg. eff. May 15, 2006.

NOTE: Laws 1987, c. 205, § 70 repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-904.1. Lienholder defined.

A lienholder as used in Sections 903, 904 and 954A of this title shall mean those lienholders as shown on the vehicle title.

Added by Laws 1985, c. 140, § 4, emerg. eff. June 7, 1985. Amended by Laws 2002, c. 387, § 1.

§47-907. Special liens.

Every person lawfully in possession of an abandoned vehicle shall have a special lien thereon for the compensation due him from the owner of such abandoned vehicle for all expenses incurred.

Laws 1968, c. 167, § 1, emerg. eff. April 11, 1968.

§47-908. Foreclosure of lien - Notice.

Said lien may be foreclosed by a sale of such abandoned vehicle upon giving notice and in the manner following: The notice shall contain:

(a) The name of the party bringing action and the name of the owner or any person claiming any interest therein.

(b) A full description of the vehicle, giving all available information as to the make, year, serial number, license tag with year and the state from which the tag was issued.

(c) A full statement of all the facts.

(d) The amount of the claim, giving a full description of the work, labor, storage or any other costs involved.

(e) The date, time and place of the sale.

(f) The notice shall be posted in three public places in the county in which the vehicle is to be sold at least ten (10) days before the time specified therein for such sale, and a copy of said notice shall be mailed to the owner and any other person claiming any interest in the abandoned motor vehicle, at their last-known mailing address, by registered mail on the same date of posting said notice.
Laws 1968, c. 167, § 2, emerg. eff. April 11, 1968.

§47-909. Time to commence proceedings.

Proceedings for such sale under this act shall not be commenced until ten (10) days after said lien has accrued.
Laws 1968, c. 167, § 3, emerg. eff. April 11, 1968.

§47-910. Return of sale.

A return of such sale shall be made at the time of sale and proof of posting and mailing of the notice of sale of abandoned vehicle.
Laws 1968, c. 167, § 4, emerg. eff. April 11, 1968.

§47-911. Disposition of proceeds of sale.

The proceeds from the sale of an abandoned vehicle made pursuant to Section 908 of this title shall be applied in the following order:

1. to the reasonable cost incurred in the sale of the abandoned vehicle;

2. to the satisfaction of the special lien provided for in Section 907 of this title;

3. to the satisfaction of any indebtedness secured by a subordinate security interest or lien in the vehicle;

4. to the owner if such owner is known, and if such owner or the address of such owner is not known, to the Oklahoma Tax Commission to be remitted to the State Treasurer and by him deposited in the General Revenue Fund.
Amended by Laws 1988, c. 67, § 1, emerg. eff. March 25, 1988.

§47-951. Definitions.

As used in Sections 951 through 965 of this title and Sections 1 through 3 of this act:

1. "Wrecker or wrecker vehicle" means any motor vehicle that is equipped with any device designed to tow another vehicle or combination of vehicles. The use of the term "wrecker" or "wrecker vehicle" shall be construed to include a combination wrecker or combination wrecker vehicle, as defined in paragraph 2 of this section, unless a specific differentiation is otherwise described;

2. "Combination wrecker" or "combination wrecker vehicle" means any wrecker vehicle which is designed and equipped with two separate and distinct devices to tow simultaneously two or more other vehicles or combinations of vehicles, whether or not both devices are in use simultaneously. One of the devices shall allow another vehicle to be loaded onto and transported upon the wrecker vehicle, and one of the devices shall allow another vehicle to be attached to and pulled by the wrecker vehicle;

3. "Tow" or "towing" means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of:

a. attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or

b. loading the vehicle onto and transporting the vehicle upon the wrecker vehicle;

4. "Rollback equipment" means a towing device or equipment upon which the towed vehicle is loaded and transported, removing the towed vehicle completely from the surface of the roadway. The term "rollback equipment" shall include car haulers;

5. "Dolly" means a towing device or equipment which lifts and suspends one axle of the towed vehicle above the surface of the roadway;

6. "Wrecker or towing service" means engaging in the business of or performing the act of towing or offering to tow any vehicle, except:

a. where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE",

b. where the service is performed by a transporter as defined in Section 1-181 of this title,

c. where service is performed in conjunction with the transportation of household goods and property,

d. where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or

e. where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, the vehicle is not involved in a collision, and is being towed:

(1) in either direction across the border between Oklahoma and a neighboring state, or

(2) through Oklahoma in transit to another state;

provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law;

7. "Commissioner" means the Commissioner of Public Safety;

8. "Commission" means the Corporation Commission;

9. "Department" means the Department of Public Safety;

10. “Nonconsensual tow” means the transportation of a vehicle without the consent or knowledge of the vehicle’s owner, possessor, agent, insurer, lienholder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner;

11. "Operator" means any person owning or operating a wrecker vehicle or wrecker or towing service;

12. "Officer" means any duly authorized law enforcement officer;

13. "Roadway" means any public street, road, highway or turnpike or the median, easement or shoulder of a roadway;

14. "Service call" means the act of responding to a request for service with a wrecker vehicle in which a service is performed; and

15. "Vehicle" shall:

a. have the same meaning as defined in Section 1-186 of this title, and

b. for the purposes of this chapter when referring to a vehicle or combination of vehicles being towed or stored, include a vessel. The term "vessel" shall have the same meaning as defined in Section 4002 of Title 63 of the Oklahoma Statutes.

Added by Laws 1970, c. 323, § 1. Amended by Laws 1982, c. 170, § 1, operative Oct. 1, 1982; Laws 1983, c. 109, § 1, eff. Nov. 1, 1983; Laws 1986, c. 144, § 1, emerg. eff. April 21, 1986; Laws 1988, c. 290, § 19, operative July 1, 1988; Laws 1995, c. 50, § 1, emerg. eff. April 10, 1995; Laws 1999, c. 125, § 2, emerg. eff. April 26, 1999; Laws 2002, c. 66, § 1; Laws 2003, c. 279, § 8, emerg. eff. May 26, 2003; Laws 2004, c. 418, § 25, eff. July 1, 2004; Laws 2011, c. 355, § 4, eff. Nov. 1, 2011.

§47-952. Rulemaking authority - Requests for service by political subdivisions - Official rotation logs.

A. Except for the rates established by the Corporation Commission and other provisions as provided for by law, the Department of Public Safety shall have the power and authority necessary to license, supervise, govern and control wrecker vehicles and wrecker or towing services.

B. The Department of Public Safety shall adopt and prescribe such rules as are necessary to carry out the intent of Section 951 et seq. of this title.

The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage in such sum and with such provisions as the Department deems necessary to adequately protect the interests of the public, and such other matters as the Department may prescribe for the protection of the public.

C. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. Requests for service may be alternated or rotated among all such licensed wrecker or towing services which are located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker or towing services located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. The police chief of any municipality and the county sheriff of each county shall keep rotation logs on all requested tows, except where there are insufficient licensed wrecker or towing services available to rotate such services or services are contracted after a competitive bid process. Rotation logs shall be made available for public inspection upon request. Any calls made from cell phones or two-way radios by any law enforcement officer or employee of any municipality or county to any wrecker service shall be listed on the rotation or call logs and made available for public inspection. A wrecker service shall not be removed from rotation without notification to the wrecker operator stating the reason for removal from the rotation log. All notification for removal from a rotation log shall be mailed to the wrecker service owner at least ten (10) days before removal from the rotation log and shall state the procedure and requirements for reinstatement.

D. Except as otherwise provided in this subsection, the Department and any municipality, county or other political subdivision of this state shall not place any wrecker or towing service upon an official rotation log for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department or municipality, county or political subdivision unless the service meets the following requirements:

1. Principal business facilities are located within Oklahoma;

2. Tow trucks are registered and licensed in Oklahoma; and

3. Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation.

In the event a licensed wrecker or towing service is not located within a county, a wrecker or towing service that is located outside

of the county or this state and does not meet the above qualifications may be placed on the rotation log for the county or any municipality or political subdivision located within the county.

When performing services at the request of any officer, no operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state, including incorporated and unincorporated areas, as established by the Commission.

E. The Department shall place a licensed Class AA wrecker service on the Highway Patrol Rotation Log in a highway patrol troop district in which the place of business and the primary storage facility of the wrecker service are located upon written request filed by the wrecker service with the Department. Upon further request of the wrecker service, the Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services may place a wrecker service on the Highway Patrol Rotation Log in a district adjacent to the district in which the place of business and the primary storage facility of the wrecker service are located if the wrecker service is in proximity to and within a reasonable radius of the boundary of the district. When a wrecker service is placed on the rotation log in a district, the Department shall notify the wrecker service and the troop commander of the district.

F. The Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services shall be responsible for establishing geographical areas of rotation within the troop districts and for notifying each wrecker service of the geographical areas of rotation to which the service is assigned.

G. The Department shall make all rotation logs available for public inspection at the state office and shall make rotation logs for a highway patrol troop district available for public inspection at the district office.

Added by Laws 1970, c. 323, § 2. Amended by Laws 1982, c. 170, § 2, operative Oct. 1, 1982; Laws 1983, c. 109, § 2, eff. Nov. 1, 1983; Laws 1986, c. 144, § 2, emerg. eff. April 21, 1986; Laws 1995, c. 50, § 2, emerg. eff. April 10, 1995; Laws 2001, c. 255, § 2, eff. July 1, 2001; Laws 2002, c. 387, § 2; Laws 2003, c. 316, § 1, emerg. eff. May 28, 2003; Laws 2005, c. 193, § 1, eff. Nov. 1, 2005; Laws 2011, c. 355, § 5, eff. Nov. 1, 2011.

§47-953. Licenses - Fees - Renewal - Disciplinary actions - Civil enforcement actions.

A. No operator shall be permitted nor shall any employee of any operator be permitted, allowed or caused to solicit business or make service calls without the operator first having obtained from the Department of Public Safety a license to operate a wrecker or towing service. The number of the license shall be displayed, in

conformance with rules of the Department, on both sides of every wrecker vehicle operated by the wrecker or towing service.

B. The license fee required by this section shall be in lieu of the motor carrier filing fee as required in Section 165 of this title. No applicant for a wrecker license shall be required to prove public convenience and necessity, file notices, nor shall a public hearing be held. The fee for such license shall be One Hundred Dollars ($100.00), of which Ten Dollars ($10.00) shall be allocated to the Department for the administration of the Nonconsensual Towing Act of 2011.

C. All licenses shall expire on the last day of the calendar year and may be renewed annually at a cost of Fifty Dollars ($50.00) upon application to the Department as prescribed by rule. No license fee shall be refunded in the event that the license is suspended or revoked.

D. The Department shall issue a letter of reprimand, cancel, suspend, revoke, or refuse to issue or renew the license of an operator when it finds the licensee or applicant has not complied with or has violated any of the provisions of the Nonconsensual Towing Act of 2011, or any rules adopted by the Department. A suspension or revocation shall be for a period of time deemed appropriate by the Department for the violation. Any canceled, suspended, or revoked license shall be returned to the Department by the operator, and the operator shall not be eligible to apply for another license until the period of suspension or revocation has elapsed.

E. The provisions of the Administrative Procedures Act are expressly made applicable to the Nonconsensual Towing Act of 2011.

F. In any civil action to enforce the equal application of the alternation or rotation of wrecker or towing services regulated by a political subdivision of the state, the prevailing party shall be allowed attorney fees determined by the court, to be taxed and collected as costs.

G. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as provided by subsection H of this section.

H. Fees allocated to the Department by this section shall be deposited in the Department of Public Safety Restricted Revolving Fund.

Added by Laws 1970, c. 323, § 3. Amended by Laws 1977, c. 73, § 1, emerg. eff. May 25, 1977; Laws 1980, c. 11, § 1, eff. Oct. 1, 1980; Laws 1982, c. 170, § 3, operative Oct. 1, 1982; Laws 1983, c. 286, § 32, operative July 1, 1983; Laws 1984, c. 264, § 9, operative July 1, 1984; Laws 1986, c. 144, § 3, emerg. eff. April 21, 1986; Laws 1987, c. 5, § 167, emerg. eff. March 11, 1987; Laws 1995, c. 50, § 3,

emerg. eff. April 10, 1995; Laws 2004, c. 418, § 26, eff. July 1, 2004; Laws 2012, c. 283, § 15, eff. July 1, 2012.

§47-953.1. Maximum fees and charges.

A. The rates established by the Corporation Commission shall determine the nonconsensual tow maximum fees and charges for wrecker or towing services performed in this state, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety when that service appears on the rotation log of the Department or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any fee which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law and costs to collect such fees. Any wrecker or towing service is authorized to collect from the owner, lienholder, agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of any towed or stored vehicle, the fee required by Section 904 of this title including environmental remediation fees and services.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by order of the Commission;

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;

3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services and costs to collect such fees. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or, in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through G of this section shall be applicable until superseded by rates established by the Commission.

D. Distance rates.

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the operator of the wrecker vehicle. Hourly rates, as provided in subsection E of this section, may be applied in lieu of distance rates. Hourly rates may be applied from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. When the hourly rate is applied in lieu of distance towing rates, the operator may not apply the two-hour minimum prescribed in subsection E of this section nor may hookup or mileage charges, as prescribed in this section, be applied.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply,

b. in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,

c. when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or

d. when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)		Distance Towed	Rate Per Mile
Single vehicle:	8,000 or less	25 miles or less	$3.00
Single vehicle:	8,000 or less	Over 25 miles	$2.50
Single vehicle:	8,001 to 12,000	25 miles or less	$3.40
Single vehicle:	8,001 to 12,000	Over 25 miles	$3.00
Single vehicle:	12,001 to 40,000	Any	$5.75
Single vehicle:	40,000 or over	Any	$6.75

Combination of vehicles	Any	$6.75

E. Hourly Rates.

1. Rates in this subsection shall apply for the use of a wrecker vehicle and shall include services of the operator of such wrecker, except as provided in paragraph 4 of this subsection. Rates shall apply for all wrecker or towing services performed that are not otherwise provided for in this section, including, but not limited to, waiting and standby time, but shall not include the first fifteen (15) minutes of service following the hookup of a vehicle when a hookup fee is assessed, as provided in subsection F of this section.

Hourly rates shall apply from the time the vehicle or labor is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. Whenever a wrecker vehicle is used to tow a vehicle subject to distance rates, as provided in subsection D of this section, hourly rates shall apply only for the time such wrecker is used in the performance of services other than transportation, except when such hourly rates are used in lieu of such distance rates.

As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one-half (7 1/2) minutes. However, if the service subject to an hourly rate is performed in less than two (2) hours, the charge applicable for two (2) hours may be assessed, except as provided for in subsection D of this section.

2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, when rates for such services are not otherwise provided for by law, shall be as follows:

Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
Single vehicle: 8,000 or less	$60.00	$15.00
Single vehicle: 8,001 to 24,000	$80.00	$20.00
Single vehicle: 24,001 to 44,000	$120.00	$30.00
Single vehicle: 44,001 or over	$180.00	$45.00
Combination of vehicles	$180.00	$45.00

3. Maximum hourly rates for all other wrecker or towing services, when rates for such other services are not otherwise provided for by law, shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used as follows:

GVWR of Wrecker Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
8,000 or less	$60.00	$15.00
8,001 to 24,000	$80.00	$20.00
24,001 to 44,000	$120.00	$30.00
44,001 or over	$180.00	$45.00

Combination wrecker vehicle with GVWR of 24,000 or over	$180.00	$45.00

4. a. Maximum hourly rates for extra labor shall be Thirty Dollars ($30.00) per person per hour.

b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator’s cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.

F. Hookup Rates.

1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when such hookup is performed in connection with a wrecker or towing service described in this section. Such hookup rate shall include the first fifteen (15) minutes of such service, for which there shall be no additional fee charged, but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish such hookup, for which an additional fee may be charged as provided in subsection G of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.

2. Maximum hookup rates shall be as follows:

Weight of Vehicle Being Hooked Up (In pounds, including equipment and lading)	Rate
Single vehicle: 8,000 or less	$65.00
Single vehicle: 8,001 to 12,000	$75.00
Single vehicle: 12,001 to 24,000	$85.00
Single vehicle: 24,001 or over	$95.00
Combination of vehicles	$95.00

G. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services:

a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,

b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or

c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when

neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed: Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	Rate Per Service Performed		
8,000 or less	$10.00	$15.00	$25.00
8,001 to 12,000	$15.00	$20.00	$30.00
	Rate Per 15 Minutes of Service Performed		
12,001 or over	$20.00	$20.00	Not applicable

H. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

I. Wrecker fees, including maximum distance, hourly, and hookup rates shall be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the Department of Energy “weekly retail on-highway diesel prices” for the “Midwest region” using Two Dollars ($2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and ten cents ($2.10) per gallon.

J. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five percent (25%) gross profit markup or gross profit margin shall be allowed to cover overhead costs for such labor and will be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.

K. Wrecker operators shall be allowed to obtain ownership and insurer information, including accident reports and other public records, from the Oklahoma Tax Commission or other states' motor vehicle agencies or from law enforcement agencies for the purpose of determining ownership and responsibility for wrecker fees. In the event a state of origin is not known, the Department of Public Safety and the Oklahoma Tax Commission shall assist in providing such information. The wrecker operator is authorized to collect lawful fees for such costs and services from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the owner of any towed or stored vehicle.

Added by Laws 1995, c. 50, § 4, emerg. eff. April 10, 1995. Amended by Laws 1998, c. 413, § 1, eff. Nov. 1, 1998; Laws 2000, c. 303, § 2, eff. July 1, 2000; Laws 2002, c. 133, § 3, eff. Nov. 1, 2002; Laws 2004, c. 360, § 2, emerg. eff. May 27, 2004; Laws 2006, c. 158, § 2, emerg. eff. May 15, 2006; Laws 2011, c. 355, § 6, eff. Nov. 1, 2011.

§47-953.2. Fees and charges for storage and after-hours release of towed vehicles.

A. The rates established by order of the Corporation Commission shall determine the maximum fees and charges for the storage and after-hours release of nonconsensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety. No wrecker or towing service shall charge any fee for nonconsensual towed vehicles and storage which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law, including environmental remediation fees and services.

B. 1. Storage or after-hours release of a towed vehicle, or both, provided by a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department.

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided storage or after-hours release of a towed vehicle, or both, to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services.

3. This section shall not be construed to require an operator to charge a fee for the storage or after-hours release, or both, of any towed vehicle.

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent of the towed vehicle or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through F of this section shall be applicable until superseded by rates established by the Commission.

D. Outdoor Storage Rates.

1. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor storage; provided, the

maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	$20.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	$25.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	$35.00

E. Indoor Storage Rates:

1. Rates in this subsection shall apply to the indoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought into the indoor storage facility premises. Rates shall apply to each calendar day of indoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	$25.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	$30.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	$35.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	$45.00

3. For purposes of this subsection, “indoor storage” means the vehicle is kept in an enclosed facility.

F. After-Hours Release Rate.

1. The rate in this subsection shall apply to the release of a towed vehicle to the owner, lienholder, or agent when such release occurs at a time other than normal business hours.

2. As used in this subsection:

a. "after-hours release rate" shall mean the rate charged for the release of a towed vehicle between the hours of midnight and 8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday through Friday, or any time on Saturday, Sunday or a national holiday, and

b. "national holiday" shall mean New Year's Day, Martin Luther King Day, George Washington's Birthday, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which falls on a Sunday.

3. The maximum after-hours release rate shall be Fifteen Dollars ($15.00) per quarter hour for the release of any single vehicle or combination of vehicles.

G. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer accepting liability for paying the claim for the towed vehicle or purchasing the towed vehicle. Fees for which the operator is being reimbursed, or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate the payment to the third party.

Added by Laws 1998, c. 413, § 2, eff. Nov. 1, 1998. Amended by Laws 2000, c. 303, § 3, eff. July 1, 2000; Laws 2002, c. 133, § 4, eff. Nov. 1, 2002; Laws 2002, c. 387, § 3; Laws 2004, c. 360, § 3, emerg. eff. May 27, 2004; Laws 2011, c. 355, § 7, eff. Nov. 1, 2011.

§47-954. Enforcement.

A. The Department of Public Safety shall be charged with the duty of enforcing the provisions of Section 951 et seq. of this title for licensed wreckers and towing services operating in this state.

B. Duly appointed peace officers of the political subdivisions of this state shall have authority to detain and arrest any person operating a wrecker or tow truck or offering towing services to the public for a charge without a valid license issued pursuant to the provisions of Section 951 et seq. of this title. Such officers, upon reasonable belief that any wrecker or tow truck is being operated without proper authority or without a valid license issued pursuant to Section 951 et seq. of this title, shall be authorized to require the operator thereof to stop and exhibit such documentation as may be required to establish his or her authority to tow or transport another vehicle or to prove possession of a valid wrecker or tow

service license issued in this state. Any person convicted of operating a wrecker or tow truck or offering towing services to the public for a charge in this state without a license shall be guilty of a misdemeanor and punished with a fine of One Thousand Dollars ($1,000.00). Law enforcement shall impound the tow truck being used in violation of this section.
Added by Laws 1970, c. 323, § 4. Amended by Laws 1980, c. 11, § 2, eff. Oct. 1, 1980; Laws 1986, c. 144, § 4, emerg. eff. April 21, 1986; Laws 2010, c. 211, § 1, eff. July 1, 2010; Laws 2019, c. 391, § 2, eff. Nov. 1, 2019.

§47-954A. Abandoned motor vehicle - Removal.

A. In addition to any procedure provided by local ordinance, whenever the owner or legal possessor of real property or an authorized agent has reasonable cause to believe that a vehicle has been abandoned thereon, said vehicle having been on said property for a minimum of forty-eight (48) hours, or whenever a vehicle is left upon said real property without express or implied permission, such vehicle may be removed as provided in this section.

B. 1. The owner, legal possessor or authorized agent may request any licensed Class AA wrecker service within the county wherein the real property is located to remove the abandoned vehicle from the premises by signing a Tow Request and Authorization Form prescribed by the Department of Public Safety and furnished to licensed Class AA wrecker service operators as hereinafter provided.

2. If the owner, legal possessor or authorized agent of the property owner is unable to obtain the services of a licensed Class AA wrecker service to remove the abandoned vehicle in a reasonable amount of time, the owner, legal possessor or authorized agent may contact and request that a licensed Class AA wrecker service from an adjacent county perform the service. A notation shall be made on the Tow Request and Authorization Form that a licensed Class AA wrecker service in the county in which the real property is located was contacted but the licensed Class AA wrecker service was not able to perform the removal in a reasonable amount of time.

C. A licensed Class AA wrecker service removing an abandoned vehicle pursuant to this section shall be subject to the maximum rates established by the Corporation Commission.

D. The Department shall design and promulgate a suitable Tow Request and Authorization Form to be completed in quadruplicate, containing space for the following information:

1. A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;

2. The name, address and business telephone number of the licensed Class AA wrecker service;

3. The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;

4. Inventory of personal property within the vehicle to be towed;

5. Time and date the form is completed; and

6. Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property.

The Department or the Commission may require additional information on the Tow Request and Authorization Form. The driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent shall not be disclosed by the Department or the Commission to any entity inquiring about services performed without a court order or without written consent from the property owner, legal possessor or authorized agent.

E. The real property owner, legal possessor or authorized agent and the wrecker vehicle driver shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle and each shall accordingly sign a statement on the form reflecting this requirement has been fulfilled. In the event an inventory cannot be completed, the reasons therefor shall be clearly stated on the form.

F. A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver’s copy for not less than one (1) year, or longer if required by the Department or the Commission. The licensed Class AA wrecker service shall forthwith send the completed original Tow Request and Authorization Form to the Department and the remaining copy of the completed form to the local police department of the municipality in which the real property is located, or the sheriff’s office of the county from which the vehicle was towed, if the real property is located outside of an incorporated municipality. A facsimile copy of the Tow Request and Authorization Form shall be considered the original form if a printed or digital confirmation of the facsimile transmission is available.

G. Within three (3) business days of the time indicated on the form, the licensed Class AA wrecker service shall request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner of and any lienholder upon the vehicle. The Tax Commission or appropriate motor license agent shall respond in person or by certified mail to the licensed Class AA wrecker service within five (5) business days from the receipt of the request for information. The Department and the Oklahoma Tax Commission shall render assistance to ascertain ownership, if needed. The licensed Class AA wrecker service shall, within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a

notice of the location of the vehicle by certified mail, postage prepaid, at the addresses furnished, to the owner and any lienholder of the vehicle. The owner or lienholder may regain possession of the vehicle in accordance with rules of the Department upon payment of the licensed Class AA wrecker services, costs of certified mailing and the reasonable cost of towing and storage of the vehicle. If the licensed Class AA wrecker service has not complied with the notification procedures required by this subsection, the owner or lienholder shall not be required to pay for storage of the vehicle.

H. No licensed Class AA wrecker service or operator of a licensed Class AA wrecker service shall tow or cause to be towed a vehicle pursuant to this section until the form furnished by the Department has been appropriately completed by the parties as required by rules of the Department.

Added by Laws 1982, c. 170, § 6, operative Oct. 1, 1982. Amended by Laws 1983, c. 109, § 3, eff. Nov. 1, 1983; Laws 1985, c. 140, § 3, emerg. eff. June 7, 1985; Laws 1995, c. 50, § 5, emerg. eff. April 10, 1995; Laws 1999, c. 215, § 1, eff. July 1, 1999; Laws 2001, c. 175, § 1, eff. July 1, 2001; Laws 2010, c. 82, § 1, eff. Nov. 1, 2010; Laws 2011, c. 355, § 8, eff. Nov. 1, 2011; Laws 2013, c. 137, § 1, eff. Nov. 1, 2013.

§47-955. Towing of vehicle from roadway - Grounds and licensed wrecker liability.

A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon public roads, highways, streets, turnpikes, private parking lots accessible to the public, other public places or upon any private road, street, alley or lane which provides access to one or more single-family or multifamily dwellings when:

1. Report has been made that the vehicle has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of this title;

3. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, if the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

5. The officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

6. The officer has probable cause that the vehicle has been used in the commission of a felony offense and the officer has obtained a search warrant authorizing the search and seizure of the vehicle;

7. The officer has probable cause that the vehicle is not insured as required by the Compulsory Insurance Law of this state; or

8. The vehicle is involved in a fatal motor vehicle collision and is needed for evidentiary purposes.

No vehicle shall be released after impoundment unless the owner provides to the storing facility proof of valid insurance or an affidavit of nonuse on the roadway, or in the event of a release request from an insurer or the representative of the insurer who has accepted liability for the vehicle, no such proof of insurance or affidavit of nonuse on the roadway shall be required.

B. A licensed wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer, unless there is failure to exercise reasonable care in the performance of the act or for conduct that is willful or malicious.

C. Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection A of this section. The requests for services may be alternated or rotated among all licensed wrecker operators who are located within a reasonable radius of each other. In like manner, the officer shall advise any person requesting information as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all licensed wrecker operators located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all licensed wrecker operators located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. In counties bordering other states, if the officer deems safety and time considerations warrant, the officer may call a wrecker or towing service that is not on the rotation log.

D. Any officer of the Department who has been requested by a person in need of wrecker or towing service to call a specific wrecker or towing service for such person, and who calls a different wrecker or towing service other than the one requested, without the consent of the person, except where hazardous conditions exist, shall be suspended from the Department, without compensation, for a period of thirty (30) days, except in instances where a vehicle is removed from the roadway under the authority of paragraphs 3, 4 and 6 of subsection A of this section.

E. Operators conducting a tow under this section shall release all personal property within the vehicle to an insurer or representative of the insurer who has accepted liability for the

vehicle, or to any person upon proof of ownership of the vehicle and an Oklahoma driver license or other state or federally issued photo identification. Upon the release of personal property to an insurer or representative of the insurer, wrecker operators shall be exempt from all liability and shall be held harmless for any losses or claims of loss. Personal property shall include everything in a vehicle except the vehicle, the attached or installed equipment, vehicle keys or devices to start and unlock the vehicle, and the spare tire and tools to change the tire. Interlock devices may be removed pursuant to Section 11-902a of this title. If release of personal property occurs during normal business hours as prescribed by the Corporation Commission, it shall be at no cost to the registered owner or the owner prior to the repossession. After-hour fees may be assessed as prescribed by this Chapter or by the Corporation Commission, when the release of property is made after the prescribed normal business hours.

F. The operator of a wrecker or towing service may request a person offering proof of ownership of personal property and any interlock device to execute a form provided by the operator exempting the operator from liability for such release.

Added by Laws 1970, c. 323, § 5. Amended by Laws 1982, c. 170, § 4, operative Oct. 1, 1982; Laws 1995, c. 50, § 6, emerg. eff. April 10, 1995; Laws 2002, c. 387, § 4; Laws 2005, c. 220, § 1, eff. Nov. 1, 2005; Laws 2009, c. 14, § 1, eff. Nov. 1, 2009; Laws 2010, c. 369, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 17, emerg. eff. March 18, 2011; Laws 2013, c. 222, § 1, eff. Nov. 1, 2013; Laws 2014, c. 283, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2010, c. 440, § 6 repealed by Laws 2011, c. 1, § 18, emerg. eff. March 18, 2011.

§47-956. Gifts prohibited - Financial interest of officers.

A. No operator, employee, or contractor of a wrecker or towing service or of a person or business that derives any business or income from a wrecker or towing service shall offer, and no officer or employee of the Corporation Commission, Department of Public Safety or any political subdivision of the state shall accept, directly or indirectly, any compensation, gift, loan, favor or service given for the purpose of influencing the officer or employee in the discharge of official duties of the person.

B. Except as provided in subsection C of this section, no officer of the Commission, Department or any law enforcement officer of any political subdivision of the state shall have any interest, financial or otherwise, in a wrecker or towing service, or with a person or in a business that derives business or income from a wrecker or towing service, nor shall a wrecker or towing service or a person or business that derives any business or income from a wrecker or towing service employ such officer.

C. An officer of the Commission, Department or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service when the sole purpose and only business of the wrecker or towing service is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record.
Added by Laws 1970, c. 323, § 6. Amended by Laws 1982, c. 170, § 5, operative Oct. 1, 1982; Laws 1983, c. 109, § 4, eff. Nov. 1, 1983; Laws 1995, c. 50, § 7, emerg. eff. April 10, 1995; Laws 2002, c. 474, § 3, emerg. eff. June 6, 2002; Laws 2005, c. 179, § 1, eff. July 1, 2005; Laws 2011, c. 355, § 9, eff. Nov. 1, 2011.

§47-957. Independent employment of wrecker or towing services.
The provisions of Section 951 et seq. of this title shall not preclude any person from employing or contracting with any wrecker or towing service of his own choice, except where hazardous conditions exist.
Added by Laws 1970, c. 323, § 7. Amended by Laws 1995, c. 50, § 8, emerg. eff. April 10, 1995.

§47-958. Violations and penalties.
Violation of any provision of Section 951 et seq. of this title or any regulation promulgated pursuant hereto shall constitute a misdemeanor, and any person, upon conviction therefor, shall be punished by a fine of not less than One Hundred Dollars ($100.00) or imprisonment for not more than thirty (30) days in the county jail, or both such fine and imprisonment.
Amended by Laws 1986, c. 144, § 5, emerg. eff. April 21, 1986.

§47-961. Referral fees - Misdemeanor.
It shall be unlawful and constitute a misdemeanor offense for any person, firm, corporation or association to charge, directly or indirectly, any wrecker service operator any fee or other compensation for referral of service calls to such operator.
Laws 1977, c. 73, § 2, emerg. eff. May 25, 1977.

§47-962. Possessory lien - Foreclosure - Collection of wrecker or towing fees.
A. Every person legally entitled to compensation for the removal or storage of any vehicle subject to registration, which vehicle's removal has been authorized by any public agency, has a lien on the vehicle, dependent on possession. The lien is deemed to arise on the date of possession of the vehicle. Any person perfecting a lien under this section shall foreclose this lien according to the provisions for sale under Sections 908 through 911 of this title.

B. Every owner of such vehicle towed or stored pursuant to Section 955 of this title shall be responsible for the total amount of the debt for services rendered.

C. Any wrecker or towing service is authorized to collect from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle, the fee authorized by Section 904 of this title.

Added by Laws 1986, c. 144, § 7, emerg. eff. April 21, 1986. Amended by Laws 2003, c. 214, §2, eff. July 1, 2003; Laws 2006, c. 158, § 3, emerg. eff. May 15, 2006.

§47-964. Report of vehicles parked or stored more than 30 days.

Whenever a vehicle that is subject to registration in this state has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for a period of thirty (30) days, the owner of the garage, trailer park or lot shall, within five (5) days after the expiration of that period, report the make, motor and serial number of the vehicle to the Department of Public Safety. Provided, these provisions shall not apply where arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored, and where the owner of said motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage or parking lot. Any person who fails to report a vehicle as required under this section shall forfeit all claims for storage of the vehicle, and shall be subject to a fine not to exceed Twenty-five Dollars ($25.00), and each day's failure to make a report as required by this section shall constitute a separate offense.

Added by Laws 1986, c. 144, § 9, emerg. eff. April 21, 1986. Amended by Laws 2003, c. 279, § 9, emerg. eff. May 26, 2003.

§47-965. Notification of law enforcement after repossession.

Any wrecker or towing service that repossesses a vehicle at the request of the lienholder of record shall, within two (2) hours of the time the vehicle is repossessed, notify either the local law enforcement authority or sheriff’s office of the county where the vehicle was located. The wrecker or towing service operator shall furnish the law enforcement agency with information concerning the tow including, but not limited to, a description of the vehicle, the physical address or approximate location of where the vehicle was repossessed, the name of the owner of the vehicle and the name of the lienholder of the vehicle. The wrecker or towing service operator shall further be required to provide to the law enforcement agency the name, address and business telephone number of the wrecker or towing service provider.

Added by Laws 2010, c. 39, § 5, eff. Nov. 1, 2010.

§47-966. Nonconsensual Towing Act of 2011 - Application of act - Rates.

A. This act shall be known and may be cited as the "Nonconsensual Towing Act of 2011".

B. The provisions of this act shall apply to every wrecker operating within the State of Oklahoma removing and storing vehicles from Oklahoma roads and highways or private property as a result of a nonconsensual tow.

C. The Corporation Commission, by Commission order, shall have the power and authority necessary:

1. To establish wrecker rates for the transportation and storage of motor vehicles removed due to a nonconsensual tow from Oklahoma roads and highways or private property;

2. To supervise and enforce such rates; and

3. To mediate and adjudicate complaints that may arise from charges assessed as a result of such vehicle removal.

D. Rates as specified in Sections 953.1 and 953.2 of Title 47 of the Oklahoma Statutes shall remain in effect until rates are established by order of the Commission.

E. Rates established by the Commission shall be fair and reasonable.

F. The Commission may assess fines or other penalties to any wrecker or towing service for failure to comply with prescribed rates as established by the Commission, failure to pay a levied assessment or comply with any applicable order of the Commission. Repeat violations by a wrecker or towing service are cause for revocation of its license issued by the Department of Public Safety.

G. The Department shall cooperate with the Commission to implement this act and may enter into agreements to facilitate this act.

Added by Laws 2011, c. 355, § 1, eff. Nov. 1, 2011.

§47-967. Assessments - Budgetary limits.

A. The Corporation Commission is hereby authorized to assess a fee upon each wrecker or towing service licensed by the Department of Public Safety and placed upon an official rotation log, as specified in Section 952 of Title 47 of the Oklahoma Statutes, to perform nonconsensual tows.

B. Each wrecker or towing service shall pay the assessment, levied pursuant to this section, on an annual basis.

C. The assessment shall be predicated upon the number of wrecker or towing vehicles utilized by the wrecker or towing service to conduct its Department-licensed operations.

D. Commencing with assessments made after June 30, 2017, failing to pay the wrecker or towing services assessment by the due date established by the Corporation Commission shall result in an

additional penalty of twenty-five percent (25%) per vehicle. The Transportation Division Director, or designee, may waive the penalty for good cause shown. Failure to pay the assessment and penalty within thirty (30) days of the notice of penalty issued by the Corporation Commission shall result in revocation of the wrecker or towing license issued by the Department.

E. Beginning fiscal year 2013, the Legislature shall establish budgetary limits for the Commission to fulfill the duties of the Nonconsensual Towing Act of 2011. The total assessments levied pursuant to this section shall not exceed the amount of the budgetary limits and indirect costs for related support functions established by the Legislature for any fiscal year. Annual budgetary limits shall stay in effect unless superseded by action of the Legislature.
Added by Laws 2011, c. 355, § 2, eff. Nov. 1, 2011. Amended by Laws 2017, c. 141, § 1, eff. July 1, 2017.

§47-968. Appointment of unclassified employees.

The Corporation Commission is authorized to appoint unclassified employees to perform the duties and responsibilities associated with the Nonconsensual Towing Act of 2011.
Added by Laws 2011, c. 355, § 3, eff. Nov. 1, 2011.

§47-1001. Short title.

This act shall be known as the "Oklahoma Ridesharing Act".
Laws 1980, c. 184, § 1, eff. Oct. 1, 1980.

§47-1002. Ridesharing arrangement defined.

As used in this act, ridesharing arrangement means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ridesharing arrangements known as carpools, vanpools and buspools. Provided, however, a ridesharing arrangement shall not be construed for any purpose as a common carrier or common carrier for hire.
Laws 1980, c. 184, § 2, eff. Oct. 1, 1980.

§47-1003. Non-liability of employer.

An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.
Laws 1980, c. 184, § 3, eff. Oct. 1, 1980.

§47-1004. Money or other benefits received by driver not to constitute income for tax purposes.

Money and other benefits, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle with a seating

capacity for not more than fifteen (15) persons, including the driver, shall not constitute income for the purpose of Sections 2351 et seq. of Title 68, imposing taxes on income.
Laws 1980, c. 184, § 4, eff. Oct. 1, 1980.

§47-1005. Certain ridesharing vehicles not to be construed as motor bus or taxicab for registration purposes.

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be construed as a motor bus or taxicab for purposes of registration, equipment requirements or rules of the road under Chapter 56 of Title 47.
Laws 1980, c. 184, § 5, eff. Oct. 1, 1980.

§47-1006. Rideshare drivers not deemed commercial operators or drivers.

The driver in a ridesharing arrangement shall not be deemed a commercial operator or driver nor shall he be deemed to be transporting persons for compensation under the driver licensing provisions of Title 47 of the Oklahoma Statutes.
Added by Laws 1980, c. 184, § 6, eff. Oct. 1, 1980. Amended by Laws 1995, c. 23, § 17, eff. Nov. 1, 1995.

§47-1010. Short title - Oklahoma Transportation Network Company Services Act.

This act shall be known and may be cited as the "Oklahoma Transportation Network Company Services Act".
Added by Laws 2015, c. 279, § 1, eff. July 1, 2015.

§47-1011. Definitions.

As used in the Oklahoma Transportation Network Company Services Act:

1. "Digital network" means any online-enabled application, software, website or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers;

2. "Personal vehicle" means a vehicle that is used by a TNC driver in connection with providing prearranged rides and is:

   a. owned, leased or otherwise authorized for use by the TNC driver, and

   b. not a taxicab, limousine, or other similar for-hire vehicle of a motor carrier service;

3. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include shared expense

carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to state law;

4. "Transportation network company (TNC)" means a business entity licensed pursuant to this act and operating in Oklahoma that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC does not provide taxicab, limousine, or other similar for-hire motor carrier service. A TNC shall not be deemed to control, direct or manage the personal vehicles or participating drivers that connect to its digital network, except where agreed to by written contract. Further, a transportation network company shall not include an individual, corporation, partnership, sole proprietorship, or other entity solely arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with a governmental entity or managed care organization;

5. "Transportation network company driver (TNC driver)" means an individual who:

a. receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC, and

b. uses a personal vehicle to provide prearranged rides to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee; and

6. "Transportation network company passenger (TNC passenger)" means an individual or persons who use a digital network to connect with a TNC driver who provides prearranged rides to the passenger in the driver's personal vehicle between points chosen by the passenger.
Added by Laws 2015, c. 279, § 2, eff. July 1, 2015.

§47-1012. Application of act to persons and entities.

Transportation network companies or transportation network company drivers shall not be considered motor carriers of persons as defined in Section 230.23 of Title 47 of the Oklahoma Statutes, nor shall TNCs or TNC drivers be considered to provide taxicab, limousine, or similar for-hire motor carrier service.
Added by Laws 2015, c. 279, § 3, eff. July 1, 2015.

§47-1013. Permits – Rules – Commission authority.

A. A person shall not operate a transportation network company in Oklahoma without first having obtained a permit from the Oklahoma Corporation Commission (Commission).

B. The Commission shall issue a permit to each applicant that presents proof, in a form prescribed by the Commission, that the applicant meets the requirements for a TNC set forth in this act, and

proof of insurance required by this act and pays to the Commission an annual permit fee of Five Thousand Dollars ($5,000.00).

C. The Commission shall promulgate rules as needed to implement the provisions of this act. The Commission may also set additional fees and assess fines for noncompliance with this act or with promulgated rules.

D. The authority of the Commission shall be limited to permitting and regulation of TNCs to ensure compliance by TNCs with the provisions of this act and shall not include jurisdiction to adjudicate private causes of action arising from the provision of prearranged rides.

E. The Commission shall have the authority to examine the records of TNCs for the purpose of enforcement of this act, including a random sample of the TNC's records related to prearranged rides and TNC drivers at the Oklahoma City offices of the Commission, unless an alternative location is agreed to by the Commission and the TNC. Such examinations shall not occur more than two times per year unless necessary to investigate a complaint. Records obtained by the Commission pursuant to this act shall not be subject to disclosure under the Oklahoma Open Records Act and shall be kept confidential by the Commission, except as may be required in a Commission proceeding.

F. Failure of a TNC to comply with the provisions of this act may result in the denial or revocation of the TNC permit or fines as assessed by the Commission.

Added by Laws 2015, c. 279, § 4, eff. July 1, 2015.

§47-1014. Agent for service of process.

Transportation network companies shall maintain an agent for service of process in the State of Oklahoma.

Added by Laws 2015, c. 279, § 5, eff. July 1, 2015.

§47-1015. Fares and rates.

Transportation network companies may determine and charge a fare for the services provided to passengers; provided, that if a fare is charged the TNC shall disclose to passengers the fare-calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle.

Added by Laws 2015, c. 279, § 6, eff. July 1, 2015.

§47-1016. Driver photograph - License plate information - Company logo or emblem.

A transportation network company’s software application or website shall display a picture of the TNC driver and the license plate number of the motor vehicle utilized for providing the prearranged ride before the passenger enters the TNC driver’s

vehicle. A TNC that voluntarily elects to require TNC drivers to display the TNC company emblem or logo while in operation to identify the TNC vehicle and driver shall not in any way alter the contractual relationship between the parties or create an employer/employee relationship where one was not intended to exist by the parties.
Added by Laws 2015, c. 279, § 7, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 1, eff. Nov. 1, 2017.

§47-1017. Electronic receipt.

Within a reasonable period of time, as established by the Oklahoma Corporation Commission, following the completion of a trip, the transportation network company shall transmit an electronic receipt to the passenger that lists:

1. The origin and destination of the trip;
2. The total time and distance of the trip; and
3. An itemization of the total fare paid, if any.

Added by Laws 2015, c. 279, § 8, eff. July 1, 2015.

§47-1018. Zero tolerance policy for drugs or alcohol - Complaints.

A. Transportation network companies shall implement a zero-tolerance policy against TNC drivers operating under the influence of drugs or alcohol while providing prearranged rides or while logged into the TNC's digital network but not providing prearranged rides, and shall provide notice of this policy on its digital network, as well as procedures to report a complaint about a driver with whom a passenger was matched and who the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

B. Upon receipt of such passenger complaint alleging a violation of the zero-tolerance policy, the TNC shall immediately suspend such TNC driver's access to the TNC's digital network, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

C. TNCs shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.
Added by Laws 2015, c. 279, § 9, eff. July 1, 2015.

§47-1019. Driver applications – Background check - Updates.

A. Prior to permitting an individual to act as a transportation network company driver on its digital network, the TNC shall:

1. Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

2. Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include a check of:

a. the Multi-State/Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation through a primary source search, and

b. the National Sex Offender Registry database; and

3. Obtain and review a driving history research report for such individual.

B. TNCs shall not permit an individual to act as a TNC driver on its digital network who:

1. Has had more than three moving violations in the prior three-year period, or one major violation, including but not limited to attempting to evade the police, reckless driving, or driving on a suspended or revoked license, in the prior three-year period;

2. Has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, theft, acts of violence, or acts of terror;

3. Is a match in the National Sex Offender Registry database;

4. Does not possess a valid driver license;

5. Does not possess current proof of motor vehicle registration for the motor vehicle(s) used to provide prearranged rides;

6. Does not possess proof of the automobile liability insurance required by law or rule for the motor vehicle(s) used to provide prearranged rides; or

7. Is not at least nineteen (19) years of age.

C. TNCs shall implement a procedure for periodic information updates for each TNC driver's vehicle(s) and motor vehicle insurance and for rechecks of each TNC driver for the criminal background and driving record information required by paragraph A of this section to ensure continued compliance by each driver with the requirements of paragraph B of this section.

Added by Laws 2015, c. 279, § 10, eff. July 1, 2015.

§47-1020. Vehicle equipment standards.

Transportation network companies shall require that any motor vehicle(s) that a TNC driver will use to provide prearranged rides meets the equipment standards required of private motor vehicles under Section 12-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2015, c. 279, § 11, eff. July 1, 2015.

§47-1021. Acceptance of rides - Payments.

A. Transportation network companies shall implement a policy requiring TNC drivers to exclusively accept rides booked through a TNC's digital network or software application service and prohibiting

solicitation of street hails or acceptance of unsolicited street hails.

B. TNCs shall implement a policy prohibiting solicitation or acceptance of cash payments from passengers. A TNC may accept payment for prearranged rides made electronically using the TNC's digital network or software application or by check mailed to the TNC at an address provided by the TNC.

Added by Laws 2015, c. 279, § 12, eff. July 1, 2015. Amended by Laws 2019, c. 129, § 1, emerg. eff. April 23, 2019.

§47-1022. Seating capacity - Passengers.

Transportation network companies shall adopt a policy prohibiting the provision of prearranged rides in any vehicle with a manufacturer's designed seating capacity of more than fifteen persons, including the driver, and prohibiting the transportation of multiple passengers in numbers exceeding the manufacturer's designed seating capacity.

Added by Laws 2015, c. 279, § 13, eff. July 1, 2015.

§47-1023. Nondiscrimination and accessibility.

A. Transportation network companies shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age with respect to passengers and potential passengers and notify TNC drivers of such policy.

B. TNCs shall require TNC drivers to comply with all applicable laws regarding nondiscrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age.

C. TNCs shall require TNC drivers to comply with all applicable laws relating to accommodation of service animals.

D. TNCs shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

E. TNCs shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange a wheelchair-accessible prearranged ride in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

Added by Laws 2015, c. 279, § 14, eff. July 1, 2015.

§47-1024. Recordkeeping.

Transportation network companies shall maintain:

1. Individual trip records for at least two (2) years from the date each trip was provided; and

2. TNC driver records at least until the two-year anniversary of the date on which a TNC driver's activation on the TNC digital network has ended.

Added by Laws 2015, c. 279, § 15, eff. July 1, 2015.

§47-1025. Insurance requirements.

A. On or before July 1, 2015, and thereafter, a transportation network company driver or TNC on the TNC driver’s behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

1. While the driver is both logged on to and available to receive transportation requests on the TNC’s digital network; or

2. While the driver is engaged in providing prearranged rides.

B. The following automobile insurance requirements shall apply while a TNC driver is both logged on to the TNC’s digital network and available to receive transportation requests but is not engaged in prearranged rides:

1. Primary automobile liability insurance in the amount of at least Fifty Thousand Dollars ($50,000.00) for death and bodily injury per person, One Hundred Thousand Dollars ($100,000.00) for death and bodily injury per incident, and Twenty-five Thousand Dollars ($25,000.00) for property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

C. The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

1. Primary automobile liability insurance that provides at least One Million Dollars ($1,000,000.00) for death, bodily injury, and property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

D. If insurance maintained by a TNC driver in subsection B or C of this section has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by

this section beginning with the first dollar of a claim and have the duty to defend such claim.

E. Coverage under an automobile insurance policy maintained by the TNC shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

F. Insurance required by this section may be placed with an insurer authorized to do business in this state or with a surplus lines insurer eligible under Section 1100 et seq. of Title 36 of the Oklahoma Statutes.

G. Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of this title, while the TNC driver is logged into the network.

H. A TNC driver shall carry proof of coverage satisfying subsections B and C of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. Proof of coverage may be presented in electronic format. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Section 7-102 et seq. of this title. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.
Added by Laws 2015, c. 279, § 16, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 2, eff. Nov. 1, 2017.

§47-1026. Insurance disclosures to drivers.

The transportation network company shall disclose in writing to TNC drivers the following before they are allowed to accept a request for a prearranged ride on the TNC's digital network:

1. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network; and

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the TNC's digital network and is available to receive transportation requests or is engaged in prearranged rides depending on its terms.
Added by Laws 2015, c. 279, § 17, eff. July 1, 2015.

§47-1027. Coverage exclusions by insurers.

A. Insurers that write automobile insurance in Oklahoma may exclude any and all coverage afforded under the owner's insurance

policy for any loss or injury that occurs while a transportation network company driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

1. Liability coverage for bodily injury and property damage;
2. Uninsured and underinsured motorist coverage;
3. Medical payments coverage;
4. Comprehensive physical damage coverage; and
5. Collision physical damage coverage.

B. Such exclusions shall apply notwithstanding any requirement under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of Title 47 of the Oklahoma Statutes. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation.

Nothing shall be deemed to preclude an insurer from providing coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

C. Automobile insurers that exclude coverage as permitted in Section 16 of this act shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy already in use or approved for use in this state prior to the enactment of this act that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

An automobile insurer that defends or indemnifies a claim against a TNC driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements of Section 16 of this act at the time of loss.

D. In a claims coverage investigation, TNCs and any insurer potentially providing coverage under Section 16 of this act shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under Section 16 of this act.
Added by Laws 2015, c. 279, § 18, eff. July 1, 2015.

§47-1028. Claim payments.

If a transportation network company's insurer makes a payment for a claim covered under comprehensive or collision insurance coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder.
Added by Laws 2015, c. 279, § 19, eff. July 1, 2015.

§47-1029. Disclosure of passenger information.

Transportation network companies shall not disclose a passenger's personally identifiable information to a third party unless:

1. The passenger consents;
2. Disclosure is required by a legal obligation; or
3. Disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

In addition, a TNC shall be permitted to share a passenger's name and telephone number with the TNC driver providing prearranged rides to such passenger only to facilitate correct identification of the passenger by the TNC driver, or to facilitate communication between the passenger and the driver regarding prearranged rides. TNCs shall prohibit the use by TNC drivers of a passenger's name, telephone number, or other personal information for any purpose other than those listed in this section.
Added by Laws 2015, c. 279, § 20, eff. July 1, 2015.

§47-1030. Exclusive jurisdiction of the Oklahoma Corporation Commission.

Notwithstanding any other provision of law, the regulation, licensing or permitting of transportation network companies for the provisions of prearranged rides is within the exclusive jurisdiction of the Oklahoma Corporation Commission as set forth in the Oklahoma Transportation Network Company Services Act and any rules promulgated by the Commission consistent with the act. No political subdivision of the state may impose a tax on, or require a license for, a TNC or a TNC driver for the provision of prearranged rides or subject a TNC to the political subdivision's rate requirement, entry requirement, operational requirement or other requirements.
Added by Laws 2015, c. 279, § 21, eff. July 1, 2015.

§47-1101. Short title.

Sections 4 through 58 of this act shall be known and may be cited as the "Oklahoma Vehicle License and Registration Act".
Added by Laws 1985, c. 179, § 4, operative July 1, 1985.

§47-1102. Definitions.

As used in the Oklahoma Vehicle License and Registration Act:

1. "All-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

10. "Construction machinery" means machines or devices drawn as trailers which are designed and used for construction, tree trimming and waste maintenance projects, which derive no revenue from the

transportation of persons or property, whose use of the highway is only incidental and which are not mounted or affixed to another vehicle; provided, construction machinery shall not include implements of husbandry as defined in Section 1-125 of this title;

11. "Dealer" means any person, firm, association, corporation or trust who sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

12. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cu cm) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

13. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

14. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

15. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

16. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500;

17. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle as defined in this section;

18. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and

a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

19. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

20. "Motor license agent" means any person appointed, designated or authorized by the Oklahoma Tax Commission to collect the fees and to enforce the provisions provided for in the Oklahoma Vehicle License and Registration Act;

21. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

22. "Nonresident" means any person who is not a resident of this state;

23. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this title, when such motorcycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

24. "Owner" means any person owning, operating or possessing any vehicle herein defined;

25. "Park model recreational vehicle" means a vehicle that is:

a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,

b. not permanently affixed to real property for use as a permanent dwelling,

c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and

d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;

26. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county,

city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

27. "Rebodied vehicle" means a vehicle:

a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front end clip or rear end clip,

b. which is not a salvage, rebuilt, or junked vehicle as defined by paragraph 1, 2, or 6 of subsection A of Section 1105 of this title, and

c. for which the Tax Commission has assigned or will assign a new identifying number;

28. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, and being sixty-five (65) inches or less in width;

29. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle. Recreational vehicle shall include park model recreational vehicles as defined in this section;

30. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 6, respectively, of subsection A of Section 1105 of this title;

31. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

32. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

33. "State" means the State of Oklahoma;

34. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

35. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacational use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

36. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

37. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

38. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

39. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

40. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined

in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's Social Security number on the rear of the implement of husbandry shall not be required; and

41. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles.

Added by Laws 1985, c. 179, § 5, operative July 1, 1985. Amended by Laws 1988, c. 167, § 1, emerg. eff. May 24, 1988; Laws 1988, c. 281, § 22, operative July 1, 1988; Laws 1991, c. 308, § 1, eff. July 1, 1991; Laws 1992, c. 104, § 1, eff. Sept. 1, 1992; Laws 1993, c. 93, § 1, eff. July 1, 1993; Laws 1994, c. 278, § 3, eff. Sept. 1, 1994; Laws 1998, c. 199, § 1, eff. Nov. 1, 1998; Laws 2000, c. 150, § 7, eff. July 1, 2000; Laws 2001, c. 5, § 25, emerg. eff. March 21, 2001; Laws 2001, c. 243, § 4, eff. Nov. 1, 2001; Laws 2002, c. 22, § 14, emerg. eff. March 8, 2002; Laws 2004, c. 534, § 1, eff. Nov. 1, 2004; Laws 2005, c. 284, § 1, eff. July 1, 2005; Laws 2006, c. 295, § 2, eff. July 1, 2006; Laws 2007, c. 177, § 1, eff. Nov. 1, 2007; Laws 2008, c. 98, § 5, eff. July 1, 2008; Laws 2008, c. 127, § 1, eff. Nov. 1, 2008; Laws 2008, c. 302, § 6, emerg. eff. June 2, 2008; Laws 2010, c. 312, § 1, eff. Nov. 1, 2010; Laws 2011, c. 110, § 1, eff. Nov. 1, 2011; Laws 2011, c. 148, § 1, eff. Nov. 1, 2011; Laws 2013, c. 52, § 1, eff. Nov. 1, 2013; Laws 2013, c. 191, § 3, eff. Nov. 1, 2013; Laws 2014, c. 229, § 1, eff. July 1, 2014; Laws 2016, c. 57, § 1, eff. Nov. 1, 2016.

NOTE: Laws 2000, c. 80, § 2 repealed by Laws 2001, c. 5, § 26, emerg. eff. March 21, 2001. Laws 2001, c. 149, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2008, c. 297, § 2 repealed by Laws 2009, c. 2, § 11, emerg. eff. March 12, 2009.

§47-1103. Legislative intent.

It is the intent of the Legislature that the owner or owners of every vehicle in this state shall possess a certificate of title as proof of ownership and that every vehicle shall be registered in the name of the owner or owners thereof. All registration and license fees and mileage taxes imposed by this act shall be for the purpose of providing funds for the general governmental functions of the state, counties, municipalities and schools and for the maintenance and upkeep of the avenues of public access of this state. Such registration and license fees shall apply to every vehicle operated upon, over, along or across any avenue of public access within this state and when paid in full, shall be in lieu of all other taxes, general and local, unless otherwise specifically provided.

Added by Laws 1985, c. 179, § 6, operative July 1, 1985.

§47-1104. Apportionment of fees, taxes and penalties collected.

A. Unless otherwise provided by law, all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title shall be apportioned and distributed monthly by the Oklahoma Tax Commission in accordance with this section.

B. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various school districts in accordance with paragraph 2 of this subsection:

a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, thirty-six and twenty one-hundredths percent (36.20%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various school districts so that each district shall receive an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless the district makes an ad valorem tax levy of fifteen (15)

mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, is authorized to maintain ten (10) years of instruction.

C. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury:

1. From October 1, 2000, until June 30, 2001, forty-five and ninety-seven one-hundredths percent (45.97%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

3. For the year beginning July 1, 2002, and for the subsequent fiscal years ending June 30, 2007, forty-four and eighty-four one-hundredths percent (44.84%);

4. For the year beginning July 1, 2007, and ending June 30, 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

5. For the year beginning July 1, 2008, and ending June 30, 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

6. For the period beginning July 1, 2009, and ending December 31, 2012, twenty-nine and eighty-four one-hundredths percent (29.84%);

7. For the period beginning January 1, 2013, and ending June 30, 2013, twenty-nine and thirty-four one-hundredths percent (29.34%);

8. For the year beginning July 1, 2013, and ending June 30, 2014, twenty-six and eighty-four one-hundredths percent (26.84%); and

9. For the year beginning July 1, 2014, through the year ending June 30, 2019, twenty-four and eighty-four one-hundredths percent (24.84%).

D. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the State Transportation Fund:

1. From October 1, 2000, until June 30, 2001, thirty one-hundredths percent (0.30%);

2. For the year beginning July 1, 2001, through the year ending on June 30, 2015, thirty-one one-hundredths percent (0.31%);

3. For the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund; and

4. For the year beginning July 1, 2019, and all subsequent years, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and

Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

E. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this section:

a. from October 1, 2000, until June 30, 2001, seven and nine one-hundredths percent (7.09%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, seven and eighteen one-hundredths percent (7.18%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, seven and twenty-four one-hundredths percent (7.24%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned as follows: forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Census or the most recent annual estimate provided by the United States Bureau of the Census. The funds shall be used for the purpose of constructing and maintaining county highways; provided, however, the county treasurer may deposit so much of the funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such

deposits to the sinking fund shall not exceed forty percent (40%) of the funds allocated to a county pursuant to this paragraph.

F. 1. The following percentages of the monies referred to in subsection A of this section shall be remitted to the county treasurers of the respective counties and by them deposited in a separate special revenue fund to be used by the county commissioners in accordance with paragraph 2 of this subsection:

a. from October 1, 2000, until June 30, 2001, two and fifty-three one-hundredths percent (2.53%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, two and fifty-six one-hundredths percent (2.56%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, two and fifty-nine one-hundredths percent (2.59%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be used for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

G. 1. The following percentages of the monies referred to in subsection A of this section shall be transmitted by the Tax

Commission to the various counties as set forth in paragraph 2 of this subsection:

a. from October 1, 2000, until June 30, 2001, three and fifty-five one-hundredths percent (3.55%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, three and fifty-nine one-hundredths percent (3.59%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and sixty-two one-hundredths percent (3.62%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be transmitted to the various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program Funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. The funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties.

H. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

a. from October 1, 2000, until June 30, 2001, eighty-one one-hundredths percent (0.81%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, eighty-two one-hundredths percent (0.82%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, eighty-three one-hundredths percent (0.83%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government.

I. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various cities and incorporated towns as set forth in paragraph 2 of this subsection:

a. from October 1, 2000, until June 30, 2001, three and four one-hundredths percent (3.04%),

b. for the year beginning July 1, 2001, and ending June 30, 2002, three and eight one-hundredths percent (3.08%),

c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and ten one-hundredths percent (3.10%),

d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer.

J. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund:

1. From October 1, 2000, until June 30, 2001, one and twenty-two one-hundredths percent (1.22%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, one and twenty-three one-hundredths percent (1.23%); and

3. For the year beginning July 1, 2002, and all subsequent years, one and twenty-four one-hundredths percent (1.24%).

K. Three one-hundredths of one percent (3/100 of 1%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of the funds shall be used for fish habitat restoration and twenty-five percent (25%) of the funds shall be used in the fish hatchery system for fish production.

L. 1. For the year beginning July 1, 2007, and ending June 30, 2008, five percent (5%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

2. For the year beginning July 1, 2008, and ending June 30, 2009, ten percent (10%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

3. For the period beginning July 1, 2009, and ending December 31, 2012, fifteen percent (15%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

4. For the period beginning January 1, 2013, and ending June 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

5. For the year beginning July 1, 2013, and ending June 30, 2014, eighteen percent (18%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

6. For the year beginning July 1, 2014, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

7. For the year beginning July 1, 2015, through the year ending on June 30, 2019, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars ($120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars ($120,000,000.00) shall be placed to the credit of the General Revenue Fund.

8. For the year beginning July 1, 2019, and all subsequent years, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars ($120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars ($120,000,000.00) shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

M. Twenty-four and eighty-four one-hundredths percent (24.84%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

N. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the previous year's income from such source; provided, not more than fifteen percent (15%) can be encumbered during any month.

O. Notwithstanding any other provisions of this section, for the fiscal year beginning July 1, 2003, the first One Hundred Thousand Dollars ($100,000.00) of the monies collected or received by the Tax Commission pursuant to the registration of motorcycles and mopeds in this state shall be placed to the credit of the Oklahoma Tax Commission Revolving Fund.

Added by Laws 1985, c. 179, § 7, operative July 1, 1985. Amended by Laws 1985, c. 197, § 1, operative July 1, 1985; Laws 1985, c. 351, § 13, emerg. eff. July 31, 1985; Laws 1986, c. 72, § 1, emerg. eff. April 2, 1986; Laws 1986, c. 152, § 1, operative July 1, 1986; Laws 1986, c. 223, § 27, operative July 1, 1986; Laws 1986, c. 295, § 1, eff. July 1, 1986; Laws 1987, c. 5, § 139, operative March 31, 1987; Laws 1989, c. 58, § 1, operative July 1, 1989; Laws 1989, c. 352, § 1, operative July 1, 1989; Laws 1989, 1st Ex. Sess., c. 1, § 6, eff. July 1, 1990; Laws 1989, 1st Ex. Sess., c. 2, § 94, emerg. eff. April 25, 1990; Laws 1990, c. 298, § 9; Laws 1991, c. 261, § 1, eff. Sept. 1, 1991; Laws 1995, c. 305, § 1, eff. July 1, 1995; Laws 1997, c. 294, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 2, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2003, c. 139, § 1, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 45, § 1, eff. July 1, 2007; Laws 2012, c. 347, § 1, eff. July 1, 2012; Laws 2015, c. 350, § 1, eff. July 1, 2015; Laws 2017, c. 272, § 1; Laws 2018, 2nd Ex. Sess., c. 18, § 2, eff. July 1, 2019.

NOTE: Section 4 of House Bill No. 1014, c. 18, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature states that the provisions of this section shall be contingent upon the enactment of the provisions of House Bill No. 1010, c. 8, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature. House Bill No. 1010 was signed by the Governor on March 29, 2018.

NOTE: Laws 1989, c. 44, § 1 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989 and by Laws 1989, c. 346, § 76, emerg. eff. June 3, 1989 and by Laws 1989, c. 352, § 10, operative July 1, 1989. Laws 1989, c. 290, § 9 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1989, c. 346, § 71 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1986, c. 284, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§47-1104.1. University or college supporter license plate fees - Adoptive Grant Program for Oklahomans with Intellectual Disabilities - Revolving fund - Annual report.

A. Twenty-three Dollars ($23.00) of the fee authorized by Section 1135.5 of this title for university or college supporter license plates which are received each year by the Oklahoma Tax Commission or its motor license agents shall be apportioned as follows:

1. Twenty Dollars ($20.00) of the fee for each license plate designating a particular state university or college shall be apportioned to the particular state university or college so designated on the license plate. Twenty Dollars ($20.00) of the fee for each license plate designating a particular private university or college shall be apportioned to the particular private university or college so designated on the license plate and may be used by the private university or college as compensation for use of the symbols, words, or letters authorized by the private university or college for use on the license plate; and

2. Three Dollars ($3.00) shall be deposited to the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund created by this section to be used for educational purposes.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the "Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of paragraph 2 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Human Services for the administration of the Adaptive Grant Program for Oklahomans with Intellectual Disabilities.

C. The Director of the Department of Human Services is hereby directed to promulgate rules to create the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Program to provide financial assistance in adaptation of furnishings, fixtures, vehicles, equipment or structures in order to meet any special needs of Oklahomans with intellectual disabilities; provided, recipients of grants awarded pursuant to the program shall be limited to those programs, projects or persons not otherwise qualifying for state or federal funding. The Department of Human Services is authorized to contract with a statewide private, nonprofit foundation certified to be a 501(c)(3) organization by the Internal Revenue Service for administration of the program.

D. The Director of Human Services shall prepare an annual report on the Program. Such report shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Added by Laws 1990, c. 228, § 2, eff. Sept. 1, 1990. Amended by Laws 1996, c. 313, § 2, eff. Nov. 1, 1996; Laws 2004, c. 504, § 1, eff.

July 1, 2004; Laws 2010, c. 413, § 11, eff. July 1, 2010; Laws 2019, c. 475, § 32, eff. Nov. 1, 2019.

§47-1104.2. Environmental Education Revolving Fund.

A. Twenty-four Dollars ($24.00) of the fee authorized by Section 14 of this act for environmental awareness license plates which are received each year by the Oklahoma Tax Commission or its motor license agents shall be deposited to the Environmental Education Revolving Fund created by this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Environmental Quality to be designated the "Environmental Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Environmental Quality for environmental education programs.

Added by Laws 1992, c. 112, § 2, eff. Sept. 1, 1992. Amended by Laws 1993, c. 145, § 352, eff. July 1, 1993; Laws 2004, c. 504, § 2, eff. July 1, 2004.

§47-1104.3. Agricultural awareness special license plate fee – Ag in the Classroom Education Revolving Fund.

A. Twenty-four Dollars ($24.00) of the fee authorized by Section 1135.5 of this title for Agricultural Awareness license plates shall be deposited to the Ag in the Classroom Education Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Agriculture to be designated the "Ag in the Classroom Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of Ag in the Classroom Education Program. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 367, § 3, eff. Nov. 1, 1999. Amended by Laws 2004, c. 504, § 3, eff. July 1, 2004; Laws 2012, c. 304, § 182.

§47-1104.4. OSU Extension Service License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Four-H license plates shall be deposited in

the OSU Extension Service License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for Oklahoma State University Extension Service to be designated the "OSU Extension Service License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma State University Extension Service pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Extension Service for the purpose of expenses related to agricultural programs for youth. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2000, c. 233, § 2, eff. Nov. 1, 2000. Amended by Laws 2004, c. 504, § 4, eff. July 1, 2004; Laws 2012, c. 304, § 183.

§47-1104.5. Special license plate fee – Urban Forestry and Beautification Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Urban Forestry and Beautification license plates shall be deposited to the Urban Forestry and Beautification Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Forestry Division of the State Department of Agriculture to be designated "Urban Forestry and Beautification Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of paragraph 1 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Division for the purpose of contracting with or providing grants to nonprofit organizations that develop and operate programs to encourage urban forestry and beautification. Such organizations may apply to the Department for grants to be paid from the fund, or the Department may solicit bids for contracts for particular services related to urban forestry and beautification to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2001, c. 323, § 2, eff. Nov. 1, 2001. Amended by Laws 2004, c. 504, § 5, eff. July 1, 2004; Laws 2012, c. 304, § 184.

§47-1104.6. Choose Life Assistance Program Revolving Fund – Applications for funds – Restrictions on use of funds.

A. Twenty Dollars ($20.00) of the fee authorized by Section 14 of this act for Choose Life license plates shall be deposited to the Choose Life Assistance Program created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the Choose Life Assistance Program. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the Department of Human Services pursuant to the provisions of Section 14 of this act. All monies accruing to the credit of the fund are appropriated and shall be distributed at the beginning of each fiscal year in a pro rata share to all nonprofit organizations that provide services to the community that include counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Any unused funds in excess of ten percent (10%) of the funds allocated to a nonprofit organization shall be returned to the Choose Life Assistance Program Revolving Fund at the end of the fiscal year to be aggregated and distributed with the next fiscal year distribution.

C. To apply for and receive the funds available through the Choose Life Assistance Program, an organization must deliver to the Department of Human Services an affidavit signed by a duly appointed representative of the organization that states the following:

1. The organization is a nonprofit organization;

2. The organization does not discriminate for any reason, including, but not limited to, race, marital status, gender, religion, national origin, handicap or age;

3. The organization counsels pregnant women who are committed to placing their children for adoption;

4. The organization is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;

5. The organization does not charge women for any services received;

6. The organization understands that sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

7. The organization understands that no funds may be used for administrative expenses, legal expenses, or capital expenditures;

8. The organization understands that any unused funds at the end of the fiscal year that exceed ten percent (10%) of the funds received by the organization during the fiscal year must be returned to the Choose Life Assistance Program Revolving Fund to be aggregated and distributed with the next fiscal year distribution; and

9. The organization understands that each organization that receives such funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed by statute.

D. Funds may not be distributed to any organization that is involved or associated with abortion activities, including counseling for or referral to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising, and funds may not be distributed to any organization that charges women for services received.

E. Sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

F. Each organization that receives funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed in this section.

Added by Laws 2002, c. 179, § 2, eff. Nov. 1, 2002. Amended by Laws 2004, c. 504, § 6, eff. July 1, 2004.

§47-1104.7. Future Farmers of America special license plate - Fee.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Future Farmers of America license plates shall be deposited to the Oklahoma Department of Career and Technology Education Agriculture Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Career and Technology Education to be designated the "Oklahoma Department of Career and Technology Education Agriculture Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of funding programs and services to encourage students to consider agriculture as a

career choice. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2002, c. 319, § 2, eff. July 1, 2002. Amended by Laws 2004, c. 504, § 7, eff. July 1, 2004; Laws 2012, c. 304, § 185.

§47-1104.8. Color Oklahoma Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Color Oklahoma license plates shall be deposited to the Color Oklahoma Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Native Plant Society to be designated the "Color Oklahoma Revolving Fund" and administered by the Oklahoma Department of Tourism and Recreation. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Tourism and Recreation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Tourism and Recreation pursuant to a contract with the Oklahoma Native Plant Society for the purpose of preserving and planting wildflowers and native plants in Oklahoma and promoting wildflower heritage through education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2004, c. 504, § 8, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 1, eff. Nov. 1, 2005; Laws 2012, c. 304, § 186.

§47-1104.9. Oklahoma Central Cancer Registry Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Fight Cancer license plates shall be deposited to the Oklahoma Central Cancer Registry Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Central Cancer Registry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the implementation of the Oklahoma Central Cancer Registry. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the

Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2004, c. 504, § 9, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 187.

§47-1104.10. Animal Friendly Revolving Fund.

A. The fee authorized by Section 1135.5 of this title shall be deposited to the Animal Friendly Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the "Animal Friendly Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Agriculture, Food, and Forestry for the purpose of contracting with or providing grants to organizations of veterinary clinics that develop and operate programs that provide dog or cat spaying and neutering services and nonprofit organizations that provide shelter to unwanted stray dogs and cats. Such organizations may apply to the Department for grants to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2004, c. 504, § 18, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 188.

§47-1104.11. Patriot License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Patriot License Plate shall be deposited in the Patriot License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Military Department of Oklahoma to be designated the "Patriot License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Military Department of Oklahoma pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Military Department of Oklahoma for any deployment-related purpose for members of the Oklahoma National Guard or the production of historical documents, displays, videos, and books that capture the National Guard's involvement in overseas deployments and domestic operations within the United States for members of the Oklahoma National Guard, Oklahoma public school

libraries, and civic leaders, as determined by the Adjutant General. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2005, c. 416, § 2, eff. Nov. 1, 2005. Amended by Laws 2012, c. 304, § 189; Laws 2015, c. 316, § 1, emerg. eff. May 12, 2015.

§47-1104.12. Oklahoma Quarter Horse Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Quarter Horse License Plate shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission to be designated the "Oklahoma Quarter Horse Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Horse Racing Commission pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Horse Racing Commission for the support of any statewide organization dedicated to promoting the American Quarter Horse in Oklahoma through sharing information, events, and activities for the amateur, youth, and professional horsemen. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 152, § 3, eff. July 1, 2006. Amended by Laws 2012, c. 304, § 190.

§47-1104.13. Oklahoma Zoological Society Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Oklahoma City Zoo license plates shall be deposited to the Oklahoma Zoological Society Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Wildlife Conservation to be designated the "Oklahoma Zoological Society Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Wildlife Conservation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Wildlife Conservation for grants to the Oklahoma Zoological Society for the purpose of contributing to an understanding and preservation

of the earth's natural resources through positive recreational and educational experiences and conducting and participating in scientifically-based conservation programs that benefit animal and plant communities. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 275, § 4, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 191.

§47-1104.14. Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma March of Dimes license plate shall be deposited to the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the State Department of Health pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of the fund are appropriated and may be budgeted and expended by the State Department of Health at the beginning of each fiscal year for the purpose of providing grants to the Oklahoma Chapter of March of Dimes for purposes of preventing birth defects, premature birth and infant mortality. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 275, § 5, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 192.

§47-1104.15. Oklahoma Association for the Deaf License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Association for the Deaf License Plate shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Rehabilitation Services to be designated the "Oklahoma Association for the Deaf License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the

Department of Rehabilitation Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Rehabilitation Services to promote the interests of the deaf and to advance the social, educational, cultural, and economic well being of the deaf. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2006, c. 311, § 22, emerg. eff. June 8, 2006. Amended by Laws 2012, c. 304, § 193.
NOTE: This section was editorially renumbered from § 1104.13 of this title to avoid duplication in numbering.

§47-1104.16. Buffalo Soldier License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Buffalo Soldier license plates shall be deposited to the Buffalo Soldier License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Buffalo Soldier License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Veterans Affairs pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Veterans Affairs for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is to establish and maintain a plaza in this state as a lasting tribute and memorial to the African-American members of the 9th and 10th Horse Cavalry and to interface with regional museums and sites to gather and share historical and artistic data to honor those soldiers. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2010, c. 366, § 4, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 194.

§47-1104.17. Prevent Blindness Oklahoma License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Prevent Blindness Oklahoma license plates shall be deposited to the Prevent Blindness Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Prevent Blindness Oklahoma License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is providing vision screenings to school age children in all seventy-seven counties in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2010, c. 366, § 5, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 195.

§47-1104.18. Oklahoma Friends of the Capitol License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma State Capitol Restoration License Plate shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "Oklahoma Friends of the Capitol License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Management and Enterprise Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Office of Management and Enterprise Services for restoration of the Oklahoma State Capitol. Before the Office makes any expenditure from the fund, the expenditure shall be approved by the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2010, c. 366, § 6, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 196.

§47-1104.19. Pancreatic Cancer Research License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by paragraph 47 of subsection B of Section 1135.5 of this title for pancreatic cancer research license plates shall be deposited to the Pancreatic Cancer Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Pancreatic Cancer Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health to provide grants to the University of Oklahoma Foundation, Pancreatic Cancer Research Fund for the purpose of funding research into early detection and treating and curing of pancreatic cancer in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the University of Oklahoma Foundation, Pancreatic Cancer Research Fund provides an important service to the inhabitants of this state as a community and further finds that the services performed by the University of Oklahoma Foundation, Pancreatic Cancer Research Fund are adequate consideration for the funds received pursuant to this section.
Added by Laws 2011, c. 248, § 3, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 197.

§47-1104.20. Alzheimer's Research License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Alzheimer's Research license plates shall be deposited to the Alzheimer's Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Alzheimer's Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapter of the Alzheimer's Association for purposes of eliminating Alzheimer's disease through the advancement of research, to provide and enhance

care and support those with Alzheimer's and to reduce the risk of dementia through the promotion of brain health. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Alzheimer's Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Alzheimer's Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 4, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 198.

§47-1104.21. Hospice and Palliative Care License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Hospice and Palliative Care license plates shall be deposited to the Hospice and Palliative Care License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Hospice and Palliative Care License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Hospice and Palliative Care Association for the purposes of leading the efforts to unify Oklahoma hospices with the resources and information that will promote each hospice to provide quality hospice care to their community. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Oklahoma Hospice and Palliative Care Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Oklahoma Hospice and Palliative Care Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 5, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 199.

§47-1104.22. Juvenile Diabetes Research License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of this title for Juvenile Diabetes Research license plates shall be deposited to the Juvenile Diabetes Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Juvenile Diabetes Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapters of the Juvenile Diabetes Research Foundation for purposes of finding a cure for type 1 diabetes and its complications through the support of research and working to develop new and better treatments to improve the lives of people who have type 1 diabetes and keep them as healthy as possible. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Juvenile Diabetes Research Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Juvenile Diabetes Research Foundation are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 6, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 200.

§47-1104.23. Deer Creek Schools Foundation License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Deer Creek Schools Foundation license plates shall be deposited to the Deer Creek Schools Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Deer Creek Schools Foundation License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Education pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing grants to the Deer Creek Schools Foundation for purposes of promoting and funding the academic and artistic

achievement of all students and teachers of Deer Creek Public Schools. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Deer Creek Schools Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Deer Creek Schools Foundation are adequate consideration for the funds received pursuant to this section.

Added by Laws 2013, c. 197, § 3, eff. Nov. 1, 2013.

§47-1104.24. Oklahoma Lupus License Plate Revolving Fund.

A. Twenty-five Dollars ($25.00) of the fee authorized by Section 1135.5 of this title for Lupus Awareness and Education license plates shall be deposited to the Oklahoma Lupus License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Lupus License Plate Revolving Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and shall be budgeted and expended by the State Department of Health for the purpose of providing grants to the Lupus Foundation of Oklahoma for the purpose of lupus awareness, education, outreach, referral, research or treatment in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Lupus Foundation of Oklahoma provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Lupus Foundation of Oklahoma are adequate consideration for the funds received pursuant to this section.

Added by Laws 2013, c. 197, § 4, eff. Nov. 1, 2013.

§47-1104.25. Oklahoma Association of Chiefs of Police License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by paragraph 51 of subsection B of Section 1135.5 of Title 47 of the Oklahoma Statutes for Chiefs of Police license plates shall be deposited to the Oklahoma Association of Chiefs of Police License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Public Safety to be designated the "Oklahoma Association of Chiefs of Police License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Public Safety pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Public Safety to assist with funding for training and education for law enforcement agencies throughout the state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2013, c. 365, § 1, eff. Nov. 1, 2013.

NOTE: Editorially renumbered from Title 47, § 1104.23 to avoid a duplication in numbering.

§47-1104.26. Oklahoma Nurses License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Oklahoma Nurses license plates shall be deposited to the Oklahoma Nurses License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Nursing to be designated the "Oklahoma Nurses License Plate Revolving Fund". The fund shall consist of all monies received by the Oklahoma Board of Nursing pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Board of Nursing for the purpose of providing grants to the Oklahoma Nurses Foundation to fulfill its mission. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2014, c. 372, § 4, eff. Nov. 1, 2014.

§47-1104.27. Oklahoma Concerns of Police Survivors License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Remembering Fallen Heroes license plates shall be deposited to the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety to be designated the "Oklahoma Concerns of Police Survivors License Plate Revolving

Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Public Safety for the purpose of providing programs and services to surviving families of Oklahoma's fallen law enforcement officers. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2015, c. 378, § 3, eff. Nov. 1, 2015.

§47-1104.28. Piedmont Public Schools Education Foundation License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Piedmont Education Foundation license plates shall be deposited to the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Piedmont Public Schools Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Piedmont Public Schools Education Foundation to fund scholarships and teacher grants to Piedmont School District's students and teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2017, c.97, § 3 eff. Nov. 1, 2017.

§47-1104.29. Prisoner of War and Missing in Action License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Prisoner of War and Missing in Action License Plate shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Prisoner of War and Missing in Action License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby

appropriated and may be budgeted and expended by the Department for any purpose related to Oklahoma residents who are American veterans. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2017, c. 331, § 5, eff. Nov. 1, 2017.
NOTE: Editorially renumbered from § 1104.28 of this title to avoid duplication in numbering.

§47-1104.30. Down Syndrome Association of Central Oklahoma License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Down Syndrome Association of Central Oklahoma license plates shall be deposited to the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Human Services to be designated the "Down Syndrome Association of Central Oklahoma License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Human Services for grants to the Down Syndrome Association of Central Oklahoma to raise awareness and provide resources, as well as promote acceptance and inclusion for people with Down Syndrome. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2018, c. 226, § 3, eff. Nov. 1, 2018.

§47-1104.31. Elk City Education Foundation License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Elk City Education Foundation plates shall be deposited to the Elk City Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Elk City Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Elk City Education Foundation to fund scholarships and teacher grants to Elk City School District's

students and teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2018, c. 226, § 4, eff. Nov. 1, 2018.

§47-1104.32. Extraordinary Educators License Plate Revolving Fund.

A. Twenty Dollars ($20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Extraordinary Educators License Plate shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Extraordinary Educators License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of providing grants to school superintendents for distribution to educators who propose extraordinary activities, projects or lessons for students from kindergarten through eighth grade. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2018, c. 226, § 5, eff. Nov. 1, 2018.

§47-1105. Definitions - Certificate of title - Application - Evidence of ownership and compliance with federal law - Liens and encumbrances - Fees - Notice of nonuse or theft.

A. As used in the Oklahoma Vehicle License and Registration Act:

1. "Salvage vehicle" means any vehicle which is within the last ten (10) model years and which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, as defined by Section 1111 of this title, immediately prior to the damage. For purposes of this section, actual repair costs shall only include labor and parts for actual damage to the suspension, motor, transmission, frame or unibody and designated structural components;

2. "Rebuilt vehicle" means any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title;

3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle which was damaged by flooding or a vehicle which was submerged at a level to or above the dashboard of the vehicle and on which an amount of loss was paid by the insurer;

4. "Unrecovered-theft vehicle" means a vehicle which has been stolen and not yet recovered;

5. "Recovered-theft vehicle" means a vehicle, including a salvage or rebuilt vehicle, which was recovered from a theft; and

6. "Junked vehicle" means any vehicle which is incapable of operation or use on the highway, has no resale value except as a source of parts or scrap and has an eighty percent (80%) loss in fair market value.

B. The owner of every vehicle in this state shall possess a certificate of title as proof of ownership of such vehicle, except those vehicles registered pursuant to Section 1120 of this title and trailers registered pursuant to Section 1133 of this title, previously titled by anyone in another state and engaged in interstate commerce, and except as provided in subsection M of this section. Except for owners that possess an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, the owner of an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2005, and the owner of a utility vehicle used exclusively off roads and highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of ownership. Any person possessing an agricultural exemption permit and owning an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of ownership. Upon receipt of proper application information by such owner, the Oklahoma Tax Commission shall issue an original or transfer certificate of title. Until July 1, 2008, any security interest in an all-terrain vehicle that attached and was perfected before July 1, 2005, and that has not otherwise terminated shall remain perfected, and shall take priority over any subsequently perfected security interest in the same all-terrain vehicle, notwithstanding that a certificate of title may have been issued with respect to the same all-terrain vehicle on or after July 1, 2005, and that a lien may have been recorded on said certificate of title. There shall be eight types of certificates of title:

1. Original title for any motor vehicle which is not a remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or junked vehicle;

2. Salvage title for any motor vehicle which is a salvage vehicle or is specified as a salvage vehicle or the equivalent thereof on a certificate of title from another state;

3. Rebuilt title for any motor vehicle which is a rebuilt vehicle;

4. Junked title for any motor vehicle which is a junked vehicle or is specified as a junked vehicle or the equivalent thereof on a certificate of title from another state;

5. Classic title for any motor vehicle, except a junked vehicle, which is twenty-five (25) model years or older;

6. Remanufactured title for any vehicle which is a remanufactured vehicle;

7. Unrecovered-theft title for any motor vehicle which has been stolen and not recovered; and

8. Rebodied title for any motor vehicle which is a rebodied vehicle.

Application for a certificate of title, whether the initial certificate of title or a duplicate, may be made to the Tax Commission or any motor license agent. When application is made with a motor license agent, the application information shall be transmitted either electronically or by mail to the Tax Commission by the motor license agent. If the application information is transmitted electronically, the motor license agent shall forward the required application along with evidence of ownership, where required, by mail. Where the transmission of application information cannot be performed electronically, the Tax Commission is authorized to provide postage paid envelopes to motor license agents for the purpose of mailing the application along with evidence of ownership, where required. The Tax Commission shall upon receipt of proper application information issue an Oklahoma certificate of title. The certificates may be mailed to the applicant. Upon issuance of a certificate of title, the Tax Commission shall provide the appropriate motor license agent with confirmation of such issuance.

C. 1. The application for certificate of title shall be upon a blank form furnished by the Tax Commission, containing:

a. a full description of the vehicle,

b. the manufacturer's serial or other identification number,

c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,

d. any distinguishing marks,

e. a statement of the applicant's source of title,

f. any security interest upon the vehicle, and

g. such other information as the Tax Commission may require.

2. The application for a certificate of title for a vehicle which is within the last seven (7) model years shall require a declaration as to whether the vehicle has been damaged by collision or other occurrence and whether the vehicle has been recovered from theft and the extent of the damage to the vehicle. The declaration shall be made by the owner of a vehicle if:

a. the vehicle has been damaged or stolen,

b. the owner did or did not receive any payment for the loss from an insurer, or

c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements specified in paragraph 1 of this subsection. The Tax Commission shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required declaration, completed and signed by the owner of the vehicle. Upon receipt of an application without the properly completed declaration, the Tax Commission shall return the application to the applicant with notice that the title may not be issued without the required declaration. Nothing in this paragraph shall prohibit the Tax Commission from recognizing the type of or brand on a title or other ownership document issued by another state or the inspection conducted in another state and issuing the appropriate certificate of title for the vehicle.

3. The certificate of title shall have the following security features:

a. intaglio printing or security thread, with or without watermark,

b. latent images,

c. fluorescent inks,

d. micro print,

e. void background, and

f. color coding.

4. Each title issued pursuant to the provisions of the Oklahoma Vehicle License and Registration Act shall be color coded as determined by the Tax Commission.

5. The certificate of title shall be of such size and design and color as the Tax Commission may direct pursuant to the provisions of this section. The title shall be on colored paper or other material as designated by the Tax Commission and be of such intensity or hue as will allow easy identification as to whether the title is an original title, a salvage title, a rebuilt title, remanufactured title, rebodied title or a junked title. The type of title shall be identified on the front of the certificate of title. The original title, rebuilt title, remanufactured title, an unrecovered-theft title, rebodied title or classic title shall be identified by the word "Original", "Rebuilt", "Remanufactured", "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper right quadrant of the certificate of title, in the space which is currently captioned "type of title". A rebodied title shall also identify on the front of the title the year, make and model of the originally manufactured vehicle

which has been rebodied and display a notation that reads as follows: "This vehicle has been assembled with new major components licensed by the original manufacturer".

D. 1. To obtain an original certificate of title for a vehicle that is being registered for the first time in this state which has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by the Tax Commission. A manufacturer's certificate of origin shall contain:

a. the manufacturer's serial or other identification number,
b. date on which first sold by the manufacturer to the dealer,
c. any distinguishing marks including model and the year same was made,
d. a statement of any security interests upon the vehicle, and
e. such other information as the Tax Commission may require.

2. The manufacturer's certificate of origin shall have the following security features:

a. intaglio printing or security thread, with or without watermark,
b. latent images,
c. fluorescent inks,
d. micro print, and
e. void background.

E. In the absence of a dealer's or manufacturer's number, the Tax Commission may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by the Tax Commission. The Tax Commission shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The motor license agent, at the time of inspection of the rebuilt vehicle pursuant to Section 1111 of this title, shall identify the make, model, and year for the body to accurately describe the rebuilt vehicle. At the time of the inspection, an appropriate identifying number shall be permanently stamped, burned, pressed, or attached on the rebuilt vehicle. The assigned identifying number shall be recorded on the certificate of title for the rebuilt vehicle. The dealer's or manufacturer's vehicle identification number on the

rebuilt vehicle shall be preserved in the computer files of the Tax Commission for at least five (5) years.

F. When registering for the first time in this state a vehicle which was not originally manufactured for sale in the United States, to obtain a certificate of title, the Tax Commission shall require the applicant to deliver:

1. As evidence of ownership, if the vehicle has not previously been titled in the United States, the documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a notarized translation of any such documents; and

2. As evidence of compliance with federal law, copies of the bond release letters for the vehicle issued by the United States Environmental Protection Agency and the United States Department of Transportation, together with a receipt issued by the Internal Revenue Service indicating that the applicable federal gas guzzler tax has been paid.

The Tax Commission shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required documentation from agencies of the United States and evidence of ownership. Upon receipt of an application without the required documentation, the Tax Commission shall return the application to the applicant with notice that the certificate of title may not be issued without the required documentation. Nothing in this paragraph shall prohibit the Tax Commission from issuing certificates of title for antique or classic vehicles not driven upon the public streets, roads, or highways, for mini-trucks registered pursuant to Section 1151.3 of this title, or for medium-speed electric vehicles.

G. When registering in this state a vehicle which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, or such state certificate is being held by the secured party in that state or any other state, the Tax Commission or the motor license agent shall complete a lien entry form as prescribed by the Tax Commission. The owner of such vehicle shall file an affidavit with the Tax Commission or the motor license agent stating that title to the vehicle is being held by a secured party, has not been issued pursuant to the laws of the state where titled, and that there is an existing lien or encumbrance on the vehicle. The current name and address of the secured party or lienholder shall also be stated in the affidavit. The form of the affidavit shall be prescribed by the Tax Commission and contain any other information deemed necessary by the Tax Commission. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 1110 of this title. For completing the

lien entry form and recording the security interest on the certificate of title, the Tax Commission or the motor license agent shall collect a fee of Three Dollars ($3.00) which shall be in addition to other fees provided by the Oklahoma Vehicle License and Registration Act. The fee, if collected by the motor license agent pursuant to this subsection, shall be retained by the motor license agent.

H. The charge for each certificate of title issued, except for junked titles as defined in paragraph 4 of subsection B of this section, shall be Eleven Dollars ($11.00), which charge shall be in addition to any other fees or taxes imposed by law for such vehicle. One Dollar ($1.00) of each such charge shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. However, the charge shall not apply to any vehicle which is to be registered in this state pursuant to the provisions of Section 1120 or 1133 of this title and which was registered in another state at least sixty (60) days prior to the time it is required to be registered in this state. When an insurer requests a salvage or junk title in the name of the insurer resulting from the settlement of a total loss claim and upon presentation of appropriate proof of loss documentation as required by the Commission, such transfer may be processed as one title transaction, without first requiring issuance of a replacement certificate of title in the name of the vehicle owner. The fee shall be Twenty-two Dollars ($22.00). Two Dollars ($2.00) of this fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

I. The vehicle identification number of a junked vehicle shall be preserved in the computer files of the Tax Commission for a period of not less than five (5) years. The charge of junked titles as defined in paragraph 4 of subsection B of this section shall be Four Dollars ($4.00). The fee remitted to the Tax Commission shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

J. If a vehicle is sold to a resident of another state destroyed, dismantled, or ceases to be used as a vehicle, the owner shall immediately notify the Tax Commission. Absent evidence to the contrary, failure to notify the Tax Commission shall be prima facie evidence that the vehicle has been in continuous operation in this state.

K. If a vehicle is stolen, the owner shall immediately notify the appropriate law enforcement agency. Immediately after receiving such notification, the law enforcement agency shall notify the Tax Commission.

L. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively for off-road use, no title for an out-of-state vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate

commerce, shall be issued without an inspection of such vehicle and payment of a fee of Four Dollars ($4.00) for such inspection; provided, the Tax Commission may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;

2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or

3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall include a comparison of the vehicle identification number on the vehicle with the number recorded on the ownership records and the recording of the actual odometer reading on the vehicle. The four-dollar fee shall be collected by the motor license agent or Tax Commission when the title is issued. The motor license agent shall retain Two Dollars ($2.00). The remaining Two Dollars ($2.00) shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

The Tax Commission may allow the inspection to be performed at a location out-of-state by another state's department of motor vehicles or state police.

M. No title for any out-of-state vehicle offered for sale at salvage pools, salvage disposal sales, or an auction, or by a dealer or a licensed automotive dismantler and parts recycler, shall be issued without an inspection to compare the vehicle identification number on the vehicle with the number recorded on the ownership record and to record the actual odometer reading on the vehicle. Upon request of the seller, person or entity conducting an auction, dealer or licensed dismantler, the inspection shall be conducted at the location or place of business of the sale, auction, dealer, or the dismantler. The inspection shall be conducted by any motor license agent or a duly authorized employee thereof; provided, if the vehicle identification number on the vehicle offered for sale at salvage pools, salvage disposal sales or a classic or antique auction does not match the number recorded on the ownership record, the inspection may be conducted at the location of or place of business of such sale or auction by any state, county or city law enforcement officer. The Tax Commission may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;

2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or

3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall be certified upon forms prescribed by the Tax Commission. The name and other identification of the authorized person conducting the inspection shall be legibly printed or typed on the form. Prior to any inspection by any employee of a motor license agent, the motor license agent shall notify the Tax Commission of the name and any other identification information requested by the Tax Commission of the authorized person. A signature specimen of the authorized person shall be submitted to the Tax Commission by the employing motor license agent. If the authorization to inspect vehicles is withdrawn or the employer-employee relationship is terminated, the motor license agent, immediately, shall notify the Tax Commission and return any remaining inspection forms to the Tax Commission. The fee for the inspection shall be Four Dollars ($4.00). The motor license agent shall retain Three Dollars ($3.00) of the fee. Fees received by a motor license agent or an authorized employee thereof shall be handled and accounted for in the manner as prescribed by law for any other fees paid to or received by a motor license agent. Out-of-state vehicles brought into this state by a person licensed in another state to sell new or used vehicles to be sold within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions shall not be required to be inspected, unless the vehicle is purchased by an Oklahoma dealer. Any person licensed in another state to sell new or used motor vehicles, who offers a motor vehicle for sale within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions, shall not be within the definition of "owner" in Section 1102 of this title, for purposes of Section 1101 et seq. of this title.

N. A licensed motor vehicle dealer, upon payment of a fee of Fifteen Dollars ($15.00), may reassign an out-of-state certificate of title to a used motor vehicle provided such dealer obtains the appropriate inspection form required by either subsection L or M of this section and attaches the form to the out-of-state certificate of title. Motor license agents shall be allowed to retain Two Dollars and twenty-five cents ($2.25) of the fee plus an additional Two Dollars ($2.00) or Three Dollars ($3.00) as provided in subsections L and M of this section for performance of the inspection. Two Dollars ($2.00) of the fee shall be deposited in the Tax Commission Reimbursement Fund. An out-of-state vehicle which has been rebuilt shall be inspected pursuant to the provisions of Section 1111 of this title. The Tax Commission shall train motor license agents in interpreting vehicle identification numbers to assure that it accurately describes the vehicle and to detect rollback or alteration of the odometer. Failure of a motor license agent to inspect the vehicle and make the required notations shall be a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00) for the first offense and Five Thousand Dollars ($5,000.00) for the second offense or subsequent offense, or by

imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

O. The ownership of any unrecovered vehicle which has been declared a total loss by an insurer because of theft shall be transferred to the insurer by an unrecovered-theft vehicle title; provided, the ownership of any such vehicle which has been declared a total loss by an insurer licensed by the Insurance Department of the State of Oklahoma and maintaining a multi-state motor vehicle salvage processing center in this state shall be transferred to the insurer by a salvage or an unrecovered-theft title without the requirement of a visual inspection of the vehicle identification number by the insurer. Upon recovery of the vehicle, the ownership shall be transferred by an original title, salvage title, or junked title, as may be appropriate based upon an estimate of the amount of loss submitted by the insurer.

P. When an insurance company makes a total loss settlement on a total loss vehicle and the insurance company or a salvage pool authorized by the insurance company is unable to obtain the properly endorsed certificate of ownership or other evidence of ownership acceptable to the Oklahoma Tax Commission within thirty (30) days following acceptance by the owner of an offer of an amount in settlement of a total loss, that insurance company or salvage pool, on a form provided by the Oklahoma Tax Commission and signed under penalty of perjury, may request the Oklahoma Tax Commission to issue the applicable salvage title for the vehicle. The request shall include information declaring that the requester has made at least two written attempts to obtain the certificate of ownership or other acceptable evidence of title.

Q. The owner of any vehicle which is incapable of operation or use on the public roads and has no resale value, except as parts, scrap or junk, may deliver the certificate of title to the vehicle to the Tax Commission for cancellation. Upon verification that any perfected lien against the vehicle has been released, the certificate of title shall be canceled without any fee, charge, or cost required from the owner. The vehicle identification numbers on the certificates of title shall be preserved in the computer files of the Tax Commission for at least five (5) years from the date of cancellation of the certificate of title. The Tax Commission shall prescribe and provide an affidavit form to be completed by the owner of any vehicle for which the certificate of title is canceled. No title or registration shall subsequently be issued for a vehicle for which the certificate of title has been surrendered pursuant to this subsection. The Tax Commission shall prescribe a form for the transfer of ownership of a vehicle for which the certificate of title has been canceled.

R. The owner of a vehicle which is not within the last ten (10) model years, not roadworthy and not capable of repair for operation

or use on the roads and highways, or a vehicle which is being sold to a scrap metal dealer pursuant to Section 11-92 of Title 2 of the Oklahoma Statutes, shall transfer the vehicle only upon a certificate of ownership prescribed by the Tax Commission, if the certificate of title to the vehicle is lost, has been canceled, or otherwise not available. The prescribed ownership form shall include the names and addresses of the buyer and seller, the driver license number or social security number of the seller, the make and model of the vehicle, and the public vehicle identification number. If there is no public vehicle identification number, the vehicle shall be inspected by a law enforcement officer to verify the absence of the number on the vehicle and the prescribed ownership form shall include a signed statement, by such officer, verifying the absence of the number.

The certificate of ownership shall be completed in triplicate. The buyer and seller shall each retain a copy. Within thirty (30) days of the transaction, the seller shall submit one copy to the Tax Commission or a motor license agent accompanied with a fee of Four Dollars ($4.00). One Dollar ($1.00) shall be retained by the motor license agent and Three Dollars ($3.00) shall be deposited in the Oklahoma Tax Commission Reimbursement Fund in the State Treasury.

Upon receipt of the certificate, the Tax Commission shall verify that any perfected lien upon the vehicle has been released. If the lien is not released, the Tax Commission shall mail notice of the transfer to the lienholder at the lienholder's last-known address. If a certificate of title has been issued, it shall be canceled and the vehicle identification number shall be preserved in the computer of the Tax Commission for at least five (5) years. The buyer of the vehicle may not be sued and shall not be liable for monetary damages to the lienholder, however, the vehicle shall be subject to a valid repossession by a lienholder.

S. The Tax Commission shall notify the chief administrative officer of the agency or department responsible for issuing motor vehicle certificates of title in each state in the United States of the types of motor vehicle certificate of title effective in Oklahoma on and after January 1, 1989.

T. When registering for the first time in this state a remanufactured vehicle which has not been registered in any other state since its remanufacture, before issuing a certificate of title, the Tax Commission shall require the applicant to deliver a statement of origin from the remanufacturer.

U. If a vehicle is sold to a foreign buyer pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act, the licensed seller shall stamp the title with: "EXPORT ONLY. NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall supply the Tax Commission the title number, the vehicle identification number and the foreign buyer's bid identification

number on a form prescribed by the Tax Commission. The Tax Commission shall cancel the title, and the vehicle identification number shall be preserved in the computer files of the Tax Commission for a period of not less than five (5) years.

V. The Tax Commission shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a vehicle, wherein the Tax Commission's only involvement would be to issue title, and the court shall issue an order dismissing the Tax Commission from the pending action. In the event no other party or lienholder can be identified as to ownership or claim, the Tax Commission shall accept an affidavit of ownership from the party claiming ownership and issue proper title thereon.

Added by Laws 1985, c. 179, § 8, operative July 1, 1985. Amended by Laws 1986, c. 147, § 4, eff. Nov. 1, 1986; Laws 1988, c. 163, § 3, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 7, eff. Jan. 1, 1989; Laws 1988, c. 240, § 2, eff. Jan. 1, 1989; Laws 1989, c. 58, § 2, operative July 1, 1989; Laws 1989, c. 290, § 10, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 1, emerg. eff. June 3, 1989; Laws 1990, c. 181, § 1, eff. Sept. 1, 1990; Laws 1991, c. 74, § 3, eff. Sept. 1, 1991; Laws 1991, c. 153, § 2, eff. Sept. 1, 1991; Laws 1992, c. 375, § 2, eff. Sept. 1, 1992; Laws 1994, c. 301, § 1, eff. Sept. 1, 1994; Laws 1995, c. 101, § 1, eff. Nov. 1, 1995; Laws 1995, c. 208, § 2, eff. July 1, 1995; Laws 1998, c. 413, § 3, eff. Nov. 1, 1998; Laws 2000, c. 80, § 3, emerg. eff. April 14, 2000; Laws 2000, c. 250, § 3, eff. Oct. 1, 2000 (State Question No. 691, Legislative Referendum No. 319, adopted at election held Aug. 22, 2000); Laws 2002, c. 454, § 1, eff. July 1, 2002; Laws 2003, c. 233, § 1, eff. Nov. 1, 2003; Laws 2003, c. 431, § 4, eff. Nov. 1, 2003; Laws 2004, c. 519, § 30, eff. Nov. 1, 2004; Laws 2005, c. 1, § 62, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 2, eff. July 1, 2005; Laws 2006, c. 295, § 3, eff. July 1, 2006; Laws 2007, c. 202, § 1, eff. Nov. 1, 2007; Laws 2008, c. 60, § 1, eff. Nov. 1, 2008; Laws 2008, c. 98, § 6, eff. July 1, 2008; Laws 2008, c. 127, § 2, eff. Nov. 1, 2008; Laws 2008, c. 297, § 3, eff. Nov. 1, 2008; Laws 2011, c. 148, § 2, eff. Nov. 1, 2011; Laws 2012, c. 158, § 1, eff. July 1, 2012; Laws 2016, c. 133, § 2, eff. Nov. 1, 2016.

NOTE: Laws 1988, c. 179, § 3 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989. Laws 1991, c. 25, § 1 repealed by Laws 1991, c. 153, § 3, eff. Sept. 1, 1991. Laws 2004, c. 534, § 2 repealed by Laws 2005, c. 1, § 63, emerg. eff. March 15, 2005.

NOTE: Laws 2008, c. 297, § 5 repeals Laws 2008, c. 60, § 1; however, Laws 2008, c. 60, § 1 was previously superseded by Laws 2008, c. 98, § 6 then Laws 2008, c. 127, § 2 and then Laws 2008, c. 297, § 3.

§47-1105.1. Definitions.

In addition to the terms defined by the Oklahoma Vehicle License and Registration Act, for the purposes of Sections 1 and 2 of this act:

1. "Completed vehicle" means a multi-stage vehicle that does not require any additional manufacturing operations to perform its intended functions, except addition of readily attachable components or minor finishing operations;

2. "Final-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle so that it becomes a completed vehicle;

3. "First-stage manufacturer" means a person who initially manufactures an incomplete vehicle;

4. "Incomplete vehicle" means an assemblage of power train, steering system, and braking system to the extent that those systems are to be a part of the completed vehicle and that requires additional manufacturing operations, except addition of readily attachable components or minor finishing operation, to become a completed vehicle;

5. "Minor finishing operations" includes painting, upholstering, or other cosmetic modifications;

6. "Multi-stage vehicle" means a vehicle that requires manufacturing operations, performed by separate manufacturers, to produce a completed vehicle;

7. "Multi-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle;

8. "Readily attachable components" includes any mirror, extra light, or tire and rim assembly; and

9. "Vehicle identification number" or "VIN" means the number assigned to the vehicle by the first-stage manufacturer.

Added by Laws 1986, c. 147, § 1, eff. Nov. 1, 1986.

§47-1105.2. Vehicle identification numbers and certificate of origin for multi-stage vehicles - Transfer of ownership - Certificate of title.

A. The first-stage manufacturer of a vehicle shall assign a vehicle identification number (VIN) to each completed or incomplete vehicle it manufactures.

B. The VIN identifying the completed vehicle after multi-stage manufacture shall be the first-stage manufacturer's VIN, and shall be the only VIN which is recorded or data-entered in the files of the Oklahoma Tax Commission.

C. Transfer of ownership of a completed vehicle shall be made on the final-stage manufacturer's certificate of origin prescribed by the Commission pursuant to this act. All manufacturer's certificates of origin for a multi-stage vehicle shall accompany the application for title and the title document shall reflect the first-stage

manufacturer's VIN and the final-stage manufacturer's make, name and model year.

D. Transfer of ownership of a multi-stage vehicle by first-stage manufacturer, multi-stage manufacturers, and final-stage manufacturers shall be made as provided in this subsection.

1. At the time that any first-stage manufacturer transfers to a multi-stage manufacturer an incomplete vehicle that is to be sold, or registered for the first time in this state, the first-stage manufacturer shall give the multi-stage manufacturer a manufacturer's certificate of origin for the incomplete vehicle assigned to the multi-stage manufacturer by the first-stage manufacturer. Ownership of the incomplete vehicle shall be transferred to the multi-stage manufacturer on the manufacturer's certificate of origin issued by the first-stage manufacturer; and

2. At the time that any final-stage manufacturer transfers to a dealer, distributor, or other purchaser a completed vehicle that is to be sold, or registered for the first time in this state, the final-stage manufacturer shall give the dealer, distributor, or other purchaser all manufacturer's certificates of origin. Ownership of the completed vehicle shall be transferred from the final-stage manufacturer to its dealers or distributors or any other purchaser on the manufacturer's certificate of origin issued by the final-stage manufacturer. Subsequent transfers between a dealer and a retail purchaser shall occur on the manufacturer's certificate of origin issued by the final-stage manufacturer.

E. To obtain an original certificate of title for a multi-stage vehicle that is being registered for the first time in this state a vehicle that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, all manufacturer's certificates of origin and shall otherwise comply with the provisions of Section 1105 of Title 47 of the Oklahoma Statutes.

Added by Laws 1986, c. 147, § 2, eff. Nov. 1, 1986.

§47-1105.3. Necessity of vehicle identification number - Obliteration, erasure, etc.

Every vehicle shall have and contain a vehicle identification number, which number shall not be obliterated, erased, mutilated, removed, or missing. This section shall not affect those persons authorized by law to have in their possession a motor vehicle on which the manufacturer's number or numbers have been obliterated, erased, mutilated, removed, or missing.

Added by Laws 1986, c. 147, § 3, eff. Nov. 1, 1986.

§47-1105.4. Repealed by Laws 2019, c. 172, § 2, eff. Nov. 1, 2019.

§47-1105.5. Background checks.

The Oklahoma Tax Commission shall be authorized to require employees of the Commission in positions that have access to sensitive law enforcement data to supply all information and documentation required in order to be subjected to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Commission shall be the recipient of the results of the record check.

No employee of the Commission shall be eligible to enroll in the Oklahoma Law Enforcement Telecommunications System training course until the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported to the Commission that the person has no felony record and the Commission has reported to the Department of Public Safety that the applicant does not have a felony record and is not participating in a deferred sentence or deferred prosecution agreement for a felony. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal history record with a fingerprint analysis.

The Commission shall request searches of the online and off-line files of the National Crime Information Center (NCIC), or any successor federal agency which supplies such information, to identify vehicles which have been reported stolen. Such searches will be requested only by Commission employees who have satisfied the background check provisions of this section.

The Commission is authorized to promulgate rules necessary to implement the provisions of this section.

Added by Laws 2013, c. 333, § 1, eff. Nov. 1, 2013.

§47-1106. Refusal or revocation of title

A. 1. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of a vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle.

2. The Oklahoma Tax Commission may for a similar reason, after ten (10) days' notice and a hearing, revoke the registration and the certificate of title already acquired on any outstanding certificate of title. Said notice may be served in person or by registered mail.

B. 1. The Oklahoma Tax Commission may refuse registration and issuance of a certificate of title of a commercial motor vehicle, or any transfer of title and registration of a commercial motor vehicle, to a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. The Oklahoma Tax Commission may revoke the registration, certificate of title, and license plate of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor

carrier whose ability to operate has been terminated or denied by a federal agency.

C. The Corporation Commission may revoke, suspend or deny registration of and/or issuance of license plates for a commercial motor vehicle licensed pursuant to the jurisdiction of the Corporation Commission and whose ability to operate has been terminated or denied by a state or federal agency.

Added by Laws 1985, c. 179, § 9, operative July 1, 1985. Amended by Laws 2004, c. 390, § 18, eff. July 1, 2004; Laws 2006, c. 238, § 7, emerg. eff. June 6, 2006; Laws 2016, c. 235, § 1, eff. July 1, 2016.

§47-1107. Sale or transfer of ownership of vehicle - Violations - Penalties.

A. In the event of the sale or transfer of the ownership of a vehicle for which a certificate of title has been issued as provided by Section 1105 of this title, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on the vehicle, sworn to before a notary public or some other person authorized by law to take acknowledgments, and deliver same to the purchaser or transferee at the time of delivery to the purchaser or transferee of the vehicle; provided, a transfer of the ownership of a vehicle to an insurer resulting from the settlement of a total loss claim shall not require a notarized signature on the certificate of title. The purchaser or transferee, unless such person is a bona fide used motor vehicle dealer licensed by this state, a retail implement dealer in connection with the purchase or transfer of off-road vehicles or a charitable organization shall, within thirty (30) days from the time of delivery to the purchaser or transferee of the vehicle, present the assigned certificate of title and the insurance security verification to the vehicle to the Oklahoma Tax Commission, or one of its motor license agents, accompanied by a fee of Eleven Dollars ($11.00), together with any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title, shall be issued to the assignee. One Dollar ($1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Any charitable organization utilizing the exemption authorized by this subsection shall receive training as prescribed by the Oklahoma Used Motor Vehicle and Parts Commission.

B. A licensed dealer, a retail implement dealer in connection with the sale or disposal of off-road vehicles or a charitable organization shall, on selling or otherwise disposing of a vehicle, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned. Thereupon, the purchaser of the vehicle shall present the reassigned certificate to the Commission, or a motor license agent, accompanied by a fee of Eleven Dollars

($11.00), and any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title will be issued to the purchaser. One Dollar ($1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. The certificate, when so assigned and returned to the Commission, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vehicle designated therein. Provided, when the ownership of any motor vehicle shall pass by operation of law, the person owning the vehicle may, upon furnishing satisfactory proof to the Commission of ownership, procure a title to the motor vehicle, regardless of whether a certificate of title has ever been issued. The dealer shall execute and deliver to the purchaser bills of sale on forms prescribed by the Commission for all new vehicles sold by the dealer. On presentation of a bill of sale executed on forms prescribed by the Commission, by a manufacturer or dealer for a new vehicle sold in this state, accompanied by remittance in the sum of Eleven Dollars ($11.00), together with any motor vehicle excise tax or license fee that may be due, a certificate of title shall be issued in accordance with the provisions of the Oklahoma Vehicle License and Registration Act. One Dollar ($1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. For purposes of this subsection, "charitable organization" shall mean any organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is registered as a charitable organization with the Oklahoma Secretary of State and the Oklahoma Attorney General's office; "off-road vehicles" means all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use; "retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon the first conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500.00), with impoundment of the vehicle until all taxes and fees are paid. A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), with impoundment of the vehicle until all taxes and fees are paid. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense.

Added by Laws 1985, c. 179, § 10, operative July 1, 1985. Amended by Laws 1985, c. 197, § 2, operative July 1, 1985; Laws 1986, c. 172, § 1, eff. July 1, 1986; Laws 1988, c. 163, § 4, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 8, eff. Jan. 1, 1989; Laws 1989, c. 290, § 1, emerg. eff. May 24, 1989; Laws 1990, c. 337, § 10; Laws 1993, c. 153, § 4, eff. Sept. 1, 1993; Laws 1996, c. 128, § 1, eff. Nov. 1, 1996; Laws 1999, c. 178, § 1, eff. Nov. 1, 1999; Laws 2005, c. 381, § 5, eff. July 1, 2005; Laws 2015, c. 223, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 21, emerg. eff. April 26, 2016.
NOTE: Laws 1989, c. 57, § 5 repealed by Laws 1990, c. 337, § 26. Laws 2015, c. 318, § 1 repealed by Laws 2016, c. 210, § 22, emerg. eff. April 26, 2016.

§47-1107.1. Verification and certification of mileage - Disclosure statement.

A. In addition to requirements of Section 1107 of this title, the transferor of any vehicle shall verify the mileage at the time of transfer of such vehicle and the mileage so stated shall be shown on the face of the certificate of title to be issued to the transferee. The transferor shall disclose the mileage to the transferee in writing on the title or separate document attached to the title in a form to be determined by the Commission.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or

2. the odometer reading does not reflect actual mileage; or

3. the mileage is in excess of the mechanical limits of the odometer.

C. The transferor and transferee shall sign the disclosure statement and print their name.

Added by Laws 1989, c. 290, § 2, emerg. eff. May 24, 1989.

§47-1107.2. Odometer disclosure statement - Exempted vehicles.

A transferor of any of the following vehicles shall not be required to execute an odometer disclosure statement;

1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds;

2. A vehicle that is not self-propelled;

3. A vehicle that is ten (10) years old or older;

4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications;

5. An all-terrain vehicle;

6. A motorcycle used exclusively off-road;

7. A new motor vehicle prior to its transfer to the first retail purchaser; or

8. A utility vehicle.

Added by Laws 1989, c. 290, § 3, emerg. eff. May 24, 1989. Amended by Laws 2005, c. 284, § 3, eff. July 1, 2005; Laws 2008, c. 98, § 7, eff. July 1, 2008.

§47-1107.3. Certificate of title - Terms to stamp in accordance with odometer disclosure statement.

The Commission or motor license agent shall use the following terms to stamp the certificate of title in accordance with the odometer disclosure statement:

1. ACTUAL;
2. NOT ACTUAL;
3. EXCEEDS MECHANICAL LIMITS; OR
4. ODOMETER DISCREPANCY.

The stamp "ODOMETER DISCREPANCY" shall be used if the mileage verified in any disclosure statement is an amount less than the mileage depicted on the title to be transferred.

Added by Laws 1989, c. 290, § 4, emerg. eff. May 24, 1989.

§47-1107.4. Written notice of transfer – Fee – Presumptions.

A. Upon the transfer of a vehicle, the transferor may file a written notice of transfer with the Tax Commission or a motor license agent. On receipt of a written notice of transfer, the Commission shall indicate the transfer on the vehicle records maintained by the Commission. The written notice of transfer shall contain the following information:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if any;
3. The full name and address of the transferor;
4. The full name and address of the transferee;
5. The date the transferor delivered possession of the vehicle to the transferee; and
6. The signature of the transferor.

B. There shall be assessed a fee of Ten Dollars ($10.00) when filing the notice of transfer. Seven Dollars ($7.00) of the fee shall be retained by the motor license agent. Three Dollars ($3.00) of the fee shall be apportioned to the Oklahoma Tax Commission Reimbursement Fund.

C. After the date of the transfer of the vehicle as shown on the records of the Commission, the transferee of the vehicle shown on the records is rebuttably presumed to be:

1. The owner of the vehicle; and
2. Subject to civil and criminal liability arising out of the use, operation, or abandonment of a vehicle, to the extent that ownership of the vehicle subjects the owner of the vehicle to civil or criminal liability pursuant to law.

D. This section does not impose or establish any civil or criminal liability on the owner of a vehicle who transfers ownership of the vehicle but does not file a written notice of transfer with the Commission.
Added by Laws 2005, c. 381, § 6, eff. July 1, 2005.

§47-1107.5. Transfer of title in transfer-on-death form

A. The title of a motor vehicle that is not subject to any lien or other encumbrance may be transferred in transfer-on-death form by filing with the Tax Commission a written notice of transfer signed by the transferor and designating the transferee. Such notice shall transfer ownership of the vehicle to the transferee upon the death of the transferor. The notice shall include:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if any;
3. The full name and address of the transferor;
4. The full name and address of the transferee; and
5. The signature of the transferor. The signature or consent of or notice to the transferee shall not be required for any purpose during the lifetime of the transferor.

B. A designation of the transferee may be revoked or changed at any time prior to the death of the transferor by filing an amended notice with the Tax Commission.

C. To accept a certificate of title of a motor vehicle pursuant to notice filed under subsection A of this act, the designated transferee shall execute an affidavit verifying the death of the transferor owner and submit to the Tax Commission. After the date of the transfer of the vehicle as evidenced by the submitted affidavit and the records of the Commission, the Commission shall issue a title reflecting the transfer of ownership.
Added by Laws 2016, c. 105, § 1, eff. Nov. 1, 2016.

§47-1108. Lost title - Replacement.

With the exception of an insurer applying for a salvage or junk certificate of title resulting from the settlement of a total loss claim, as provided in subsection H of Section 1105 of this title, in case of a lost certificate of title, the loss of which is accounted for to the satisfaction of the Commission or one of its motor license agents, the Commission or one of its motor license agents may issue duplicates. There shall be a replacement fee of Eleven Dollars ($11.00) for such duplicate title. One Dollar ($1.00) of each such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.
Added by Laws 1985, c. 179, § 11, operative July 1, 1985. Amended by Laws 1988, c. 201, § 9, eff. Jan. 1, 1989; Laws 2012, c. 158, § 2, eff. July 1, 2012.

§47-1109. Confidentiality of information - Disclosure - Fees - Construction - Penalty for violation.

A. All information contained in certificates of title, applications therefor, vehicle registration records and computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Oklahoma Tax Commission or the Corporation Commission in the regular course of their employment, except as provided in subsection B of this section. As used in this section, "personal information" means information that identifies an individual including name, address (excluding the five-digit zip code) and telephone number, but does not include information on vehicular accidents, driving violations and driver's status.

B. Personal information referred to in subsection A of this section shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purpose of Titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331 of Title 49 of the United States Code and may be disclosed as follows:

1. For use by any governmental agency, including but not limited to any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state or local governmental agency in carrying out its functions. Information relating to motor vehicle insurance, including the insurer and insurance policy numbers, may be released to law enforcement officers investigating an accident pursuant to the provisions of Section 10-104 of this title;

2. For use by any motor vehicle manufacturer or an authorized representative thereof in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. The confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Tax Commission or Corporation Commission shall be authorized to review the use of and the measures employed to safeguard the information; and provided, further, that the manufacturer or representative shall bear the cost incurred by the Tax Commission or Corporation Commission in the production of the information requested. If the confidentiality provisions, as set out

above, are violated, the provisions of subsection D of Section 205 of Title 68 of the Oklahoma Statutes shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or representative violating the provisions of this paragraph, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00);

3. For use by any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a reasonable fee as determined by the Tax Commission or the Corporation Commission;

4. For use by a wrecker or towing service licensed pursuant to the provisions of Section 951 et seq. of this title for use in providing notice to the owners and secured parties of towed or impounded vehicles, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

5. For use by a legitimate business or its agents, employees, or contractors for use in the normal course of business, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent, but only:

a. to verify the accuracy of personal information submitted by the individual to whom the information pertains to the business or its agents, employees, or contractors, or

b. to obtain the correct information, if such information submitted by the individual to whom the information pertains to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;

6. For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent;

9. For use by a requester, upon payment of a fee of One Dollar ($1.00) per vehicle record page to the Tax Commission, the Corporation Commission or any motor license agent, if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;

10. For use in connection with the operation of private toll transportation facilities; or

11. For furnishing the name and address of all commercial entities who have current registrations of any particular model of vehicle; provided, this exception shall not allow the release of personal information pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

The Tax Commission shall collect a reasonable fee to recover the costs of providing the data. As used in this section, the term "vehicle record page" means a computer-generated printout of the motor vehicle inquiry screen. Information provided on the motor vehicle inquiry screen printout shall include the current vehicle owner name and address, vehicle make, model and year, identifying numbers for the vehicle license plate, certificate of title and vehicle identification number, relevant dates relating to the vehicle registration and certificate of title, lienholder information and lien status.

C. In addition to the information provided on the vehicle record page, the Tax Commission or Corporation Commission may, upon written request, release to any requester authorized by the provisions of this section to obtain individual motor vehicle information, corresponding copies of vehicle certificates of title, applications therefor, vehicle registration records and computer data files.

There shall be an informational search and retrieval fee of Five Dollars ($5.00) per vehicle computer record search. If the Tax Commission or Corporation Commission performs a manual search, the fee shall be Seven Dollars and fifty cents ($7.50) per vehicle. The Tax Commission is authorized to promulgate rules whereby motor license agents, when requesting such documentation in the performance of their duties, are exempt from this retrieval fee. Certified copies of vehicle certificates of title and applications therefor shall be included within the informational search and retrieval by the Tax Commission or Corporation Commission for a fee of Ten Dollars ($10.00). Such duly certified copies may be received in evidence with the same effect as the original when the original is not in the possession or under the control of the party desiring to use the same.

D. Requesters authorized by this section to receive information shall submit to the Tax Commission, Corporation Commission or motor license agent an affidavit supported by such documentation as the Tax Commission or Corporation Commission may require, on a form prescribed by the Tax Commission or Corporation Commission certifying that the information is requested for a lawful and legitimate purpose and will not be further disseminated.

E. Notwithstanding the foregoing, the Tax Commission or Corporation Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

The Tax Commission or Corporation Commission shall allow the release of such information upon payment of a reasonable fee to be determined by the Tax Commission or Corporation Commission. The information released as authorized by this subsection may only be used for purposes of detecting odometer rollback or odometer tampering, for determining the issuance in this state or any other state of salvage or rebuilt titles for vehicles or for determining whether a vehicle has been reported stolen in this state or any other state.

F. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, the Tax Commission or Corporation Commission may inform a secured party that taxes and fees are delinquent with respect to a vehicle upon which the secured party has a perfected lien.

G. Fees received by a motor license agent pursuant to the provisions of this section shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title.

H. All funds collected by the Tax Commission pursuant to the provisions of this section shall be deposited in the Oklahoma Tax Commission Revolving Fund. All funds collected by the Corporation Commission pursuant to the provisions of this section shall be apportioned as provided in subsection C of Section 3 of this act.

I. It is further provided that the provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the files and records of the Tax Commission or Corporation Commission.

J. It shall be unlawful for any person to commit any of the following acts:

1. To knowingly obtain or disclose personal information from a motor vehicle record for any use not expressly permitted by this section; or

2. To make false representation to obtain any personal information from an individual's motor vehicle record.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment. Where applicable, a person convicted of a violation of the provisions of this section shall be removed or dismissed from office or state employment. No liability whatsoever, civil or criminal, shall attach to any member or employee of the Tax Commission or Corporation Commission for any error or omission in the disclosure of such information.

Added by Laws 1985, c. 179, § 12, operative July 1, 1985. Amended by Laws 1986, c. 147, § 5, eff. Nov. 1, 1986; Laws 1988, c. 67, § 2, emerg. eff. March 25, 1988; Laws 1989, c. 159, § 1, eff. July 1, 1989; Laws 1991, c. 261, § 2, eff. Sept. 1, 1991; Laws 1997, c. 294, § 2, eff. July 1, 1997; Laws 1998, c. 355, § 1, emerg. eff. June 5, 1998; Laws 2000, c. 314, § 2, eff. July 1, 2000; Laws 2004, c. 534, § 3, eff. Nov. 1, 2004; Laws 2005, c. 1, § 64, emerg. eff. March 15, 2005; Laws 2006, c. 295, § 4, eff. July 1, 2006; Laws 2007, c. 330, § 2; Laws 2010, c. 389, § 1, emerg. eff. June 7, 2010.

NOTE: Laws 2004, c. 522, § 11 repealed by Laws 2005, c. 1, § 65, emerg. eff. March 15, 2005.

§47-1110. Perfection of security interest - Release - Filing and indexing - Effectiveness, duration, assignment or termination - Priority in manufactured home.

A. 1. Except for a security interest in vehicles held by a dealer for sale or lease, a vehicle registered by a federally recognized Indian tribe as provided in subsection G of this section, and a vehicle being registered in this state which was previously registered in another state and which title contains the name of a secured party on the face of the other state certificate or title, and except as otherwise provided in subsection B of Section 1105 of this title, a security interest in a vehicle as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Tax Commission or to a motor license agent. As used in this section, the

term "dealer" shall be defined as provided in Section 1-112 of this title and the term "security interest" shall be defined as provided in paragraph (35) of Section 1-201 of Title 12A of the Oklahoma Statutes. When a vehicle title is presented to a motor license agent for transferring or registering and the documents reflect a lien holder, the motor license agent shall perfect the lien pursuant to subsection G of Section 1105 of this title. For the purposes of this section, the term "vehicle" shall not include special mobilized machinery, machinery used in highway construction or road material construction and rubber-tired road construction vehicles including rubber-tired cranes. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 1-9-311 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission, except as to vehicles held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission.

2. Whenever a person creates a security interest in a vehicle, the person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Tax Commission, and the manufacturer's certificate of origin. The secured party shall deliver the lien entry form and the required lien filing fee within twenty-five (25) days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin to the Tax Commission or to a motor license agent. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin are delivered to the Tax Commission or to a motor license agent within twenty-five (25) days after the date of the lien entry form, perfection of the security interest shall begin from the date of the execution of the lien entry form, but otherwise, perfection of the security interest shall begin from the date of the delivery to the Tax Commission or to a motor license agent.

3. a. For each security interest recorded on a certificate of title, or manufacturer's certificate of origin, such person shall pay a fee of Ten Dollars ($10.00), which shall be in addition to other fees provided for in the Oklahoma Vehicle License and Registration Act. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's

certificate of origin, a motor license agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments. Of the ten-dollar fee, the motor license agent shall retain Two Dollars ($2.00) for recording the security interest lien.

b. It shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger and for acting as the agent or representative of another person in applying for the recording of a security interest or for the registration of a motor vehicle and obtaining the license plates or for the issuance of a certificate of title therefor unless the Tax Commission has appointed and approved the person to perform such acts; and before acting as a messenger, any such person shall furnish to the Tax Commission a surety bond in such amount as the Tax Commission shall determine appropriate.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) days from the date of purchase of the vehicle.

5. Any person creating a security interest in a vehicle that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of the certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, the agent shall make a report thereof to the Tax Commission upon the forms and in the manner as may be prescribed by the Tax Commission.

7. The Tax Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on the vehicle.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of the security interest, furnish directly or by mail a release of a security interest to the Tax Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used motor vehicle dealer to whom the motor vehicle has been transferred,

the secured party shall also, within seven (7) business days after such satisfaction, mail an additional copy of the release to the dealer. If the secured party fails to furnish the release as required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars ($100.00). Following the seven (7) business days after satisfaction of the lien and upon receipt by the lienholder of written communication demanding the release of the lien, thereafter the penalty shall increase to One Hundred Dollars ($100.00) per day for each additional day beyond seven (7) business days until accumulating to One Thousand Five Hundred Dollars ($1,500.00) or the value of the vehicle, whichever is less, and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Tax Commission or to a motor license agent:

a. a release signed by the secured party, an application for new certificate of title and the proper fees, or

b. by submitting to the Tax Commission or the motor license agent an affidavit, supported by such documentation as the Tax Commission may require, by the owner on a form prescribed by the Tax Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Tax Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied. The Tax Commission shall accept a release of a security interest in any form that identifies the debtor, the secured party, and the vehicle, and contains the signature of the secured party. The Tax Commission shall not require any particular form for the release of a security interest.

The words "security interest" when used in the Oklahoma Vehicle License and Registration Act do not include liens dependent upon possession.

C. The Tax Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vehicle designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the Tax Commission as to the existence or nonexistence of security interest in the vehicle.

D. 1. Any security interest in a vehicle properly perfected prior to July 1, 1979, may be continued as to its effectiveness or

duration as provided by Sections 1-9-501 and 1-9-515 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 1-9-512, 1-9-513 and 1-9-514 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date the security interest was originally perfected under the prior law.

2. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender the certificate of title to the secured party and shall do such other acts as may be required to perfect the security interest under this section.

E. If a manufactured home is permanently affixed to real estate, the original document of title may be surrendered to the Tax Commission or a motor license agent for cancellation. When the document of title is surrendered, the owner shall provide the legal description or the appropriate tract or parcel number of the real estate and other information as may be required on a form provided by the Tax Commission. The Tax Commission may not cancel a document of title if a lien has been registered or recorded. The Tax Commission or motor license agent shall notify the owner and any lienholder that the title has been surrendered to the Tax Commission and that the Tax Commission may not cancel the title until the lien is released. Such notification shall include a description of the lien and such notification to the owner shall be accompanied by the return of title surrendered. Permanent attachment to real estate does not affect the validity of a lien recorded or registered with the Tax Commission before the document of title is cancelled pursuant to this section. The rights of a prior lienholder pursuant to a security agreement or the provisions of a credit transaction and the rights of the state pursuant to a tax lien are preserved. The Tax Commission or motor license agent shall forward the information to the county assessor of the county where the real estate is located and indicate whether the original document of title has been canceled. A fee of Five Dollars ($5.00) shall accompany the application for cancellation of title. When the fee is paid by a person making an application directly with the Tax Commission, the fee shall be deposited in the Oklahoma Tax Commission Revolving Fund. A fee paid to a motor license agent shall be retained by the agent. The owner of a manufactured home upon which the document of title has been properly surrendered, may apply to the Tax Commission for issuance of a new original certificate of title upon submission of: (1) an attestation from the homeowner indicating ownership of the manufactured home and the nonexistence of any security interest or lien of record in the manufactured home, and (2) a title opinion by a licensed attorney, determining that the owner of the manufactured home has marketable title to the real property upon which the manufactured home is located and that no

documents filed of record in the county clerk's office concerning the real property contain a mortgage, recorded financial statement, judgment, or lien of record. Persons or entities to whom the title opinion is addressed may rely on the title opinion. A security interest in a manufactured home perfected pursuant to this section shall have priority over a conflicting interest of a mortgagee or other lien encumbrancer, or the owner of the real property upon which the manufactured home became affixed or otherwise permanently attached. The holder of the security interest in the manufactured home, upon default, may remove the manufactured home from such real property. The holder of the security interest in the manufactured home shall reimburse the owner of the real property who is not the debtor and who has not otherwise agreed to access the real property for the cost of repair of any physical injury to the real property, but shall not be liable for any diminution in value to the real property caused by the removal of the manufactured home, trespass, or any other damages caused by the removal. The debtor shall notify the holder of the security interest in the manufactured home of the street address, if any, and the legal description of the real property upon which the manufactured home is affixed or otherwise permanently attached and shall sign such other documents, including any appropriate mortgage, as may reasonably be requested by the holder of such security interest.

F. In the case of motor vehicles or trailers, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

G. A security interest in vehicles registered by a federally recognized Indian tribe shall be deemed valid under Oklahoma law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.

Added by Laws 1985, c. 179, § 13, operative July 1, 1985. Amended by Laws 1988, c. 167, § 2, emerg. eff. May 24, 1988; Laws 1989, c. 58, § 3, operative July 1, 1989; Laws 1991, c. 117, § 134, eff. Jan. 1, 1992; Laws 1991, c. 335, § 16, emerg. eff. June 15, 1991; Laws 1995, c. 126, § 1; Laws 1996, c. 38, § 1, eff. Nov. 1, 1996; Laws 1999, c. 92, § 3, eff. Nov. 1, 1999; Laws 2000, c. 371, § 173, eff. July 1, 2001; Laws 2001, c. 25, § 1, eff. July 1, 2001; Laws 2001, c. 358, § 4, eff. July 1, 2001; Laws 2002, c. 417, § 2, eff. July 1, 2002; Laws 2004, c. 85, § 1, emerg. eff. April 13, 2004; Laws 2007, c. 37, § 1, eff. Nov. 1, 2007; Laws 2007, c. 202, § 2, eff. Nov. 1, 2007; Laws 2015, c. 224, § 1, eff. Nov. 1, 2015.

NOTE: Laws 1988, c. 166, § 12 repealed by Laws 1989, c. 58, § 4, operative July 1, 1989. Laws 1991, c. 107, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1111. Salvage title - New title.

A. As used in this section:

1. "Loss" means the cost, in dollars, to repair or replace a vehicle which has been damaged by collision or other occurrence. The amount paid by an insurer to a holder of the certificate of title for repair of a damaged vehicle shall be prima facie evidence of the amount of the loss. The amount paid by an insurer to a holder of the certificate of title for replacement of a damaged vehicle less the resale value of the damaged vehicle shall be prima facie evidence of the amount of the loss;

2. "Fair market value" means the value of a vehicle as listed in the current National Auto Dealers Association guidebook or other similar guidebook or the actual cash value, whichever is greater;

3. "Resale value" means the amount, in dollars, paid to the holder of a certificate of title by a willing buyer for a vehicle damaged by collision or other occurrence or recovered from theft;

4. "Total loss" means a loss which is equal to the fair market value of the vehicle immediately prior to the damage to or theft of the vehicle; and

5. "Vehicle" means a vehicle, as defined in paragraph 40 of Section 1102 of this title, manufactured within the last ten (10) model years.

B. Any insurance company that pays a total loss on a claim for any vehicle including, but not limited to, a flood-damaged vehicle or recovered-theft vehicle, any junk dealer who receives a motor vehicle which is to be used for junk or for parts, or any other person permanently dismantling or junking a vehicle shall receive the certificate of title from the current holder of the certificate of title, shall detach the license plate from the vehicle, and shall return the license plate and the certificate of title to the Oklahoma Tax Commission or a motor license agent within thirty (30) days from receipt of the certificate, or insurance companies may provide alternate documentation within thirty (30) days pursuant to subsection P of Section 1105 of this title. The Tax Commission shall cancel the certificate of title to the vehicle used for junk or parts and shall preserve the vehicle identification numbers on the certificate of title in the computer files for at least five (5) years. No certificate of title may be reissued on a junked vehicle as defined in Section 1105 of this title, unless reissued pursuant to paragraph 3 of subsection C of this section. The Tax Commission shall transfer ownership of a stolen vehicle, not recovered from theft at the time of transfer, by salvage or unrecovered-theft title to the insurer. The Tax Commission shall transfer ownership of a vehicle damaged by flooding or other occurrence to the insurer by an original title, salvage title, or junked title, as may be appropriate, based upon an estimate of the amount of loss submitted

by the insurer. All license plates surrendered to the Tax Commission shall be destroyed.

C. 1. If an insurance company pays a claim for a loss which is less than a total loss but the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, or if any vehicle not insured is damaged to the extent that the cost of repair for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, any holder of the certificate of title for the vehicle shall return the certificate of title to the Tax Commission or a motor license agent within thirty (30) days from receipt of payment for the loss.

2. Upon receipt of the certificate, the Tax Commission or motor license agent shall issue a salvage title for the vehicle. The title for any vehicle damaged by flooding shall be stamped with the words "Flood Damaged", and for any such vehicle which was recovered from a theft, the salvage title or rebuilt title shall be stamped with the words "Recovered Theft". A licensed dealer subject to the provisions of the Automotive Dismantlers and Parts Recycler Act, Section 591.1 et seq. of this title, shall not be required to pay registration fees, excise taxes, back taxes, or penalties on a vehicle as a prerequisite to obtaining a salvage title.

3. If the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as defined in this section, the certificate of title shall be reissued to the holder and the vehicle shall not be subject to inspection as required under this section. The actual documented cost of repairing the vehicle pursuant to this paragraph shall be certified by the insurance company paying the loss.

D. If a motor vehicle with a salvage title is placed in operative condition, application shall be made to the Tax Commission or a motor license agent for a rebuilt title. A visual inspection of the vehicle and examination of the vehicle identification numbers shall be conducted prior to the issuance of a rebuilt title. At the time of issuance, the salvage title shall be returned to the Tax Commission by the owner, or by the motor license agent if the motor license agent issues the rebuilt title. A visual inspection shall also be made of any out-of-state vehicle to be registered and titled in this state if the vehicle is within the class of vehicles for which a rebuilt title is required and a similar inspection has not been conducted by another state. The certificate of title for the rebuilt vehicle shall be stamped with the words, "This Rebuilt Vehicle Has Been Inspected by the Appropriate State Official".

E. 1. The visual inspections and examination of vehicle identification numbers shall include, but not be limited to:

a. comparison of the vehicle identification numbers with the number recorded on the ownership records,
b. inspection of the vehicle identification numbers and the VIN plate to detect possible alteration or other fraud,
c. interpretation of the vehicle identification number recorded on the ownership documents to assure that it accurately describes the motor vehicle in question, and
d. inspection of the odometer of the vehicle to detect rollback or alteration.

2. All vehicle damage shall be repaired before the examination is conducted. The following paperwork shall be presented to the motor license agent: the salvage title and original receipts for all parts placed on the vehicle. Components such as doors, motor, and transmission shall indicate the serial number or the vehicle identification number (VIN) of the auto the part was purchased from or removed from.

F. The visual inspection and vehicle identification numbers examination shall be performed by a motor license agent at the location designated by the motor license agent. If the location of the inspection is not the place of business of the rebuilder, the motor license agent shall issue a permit authorizing the applicant to operate the vehicle upon the public streets, roads, and highways in route to and from the designated location for the inspection. The inspection and examination shall be performed within ten (10) working days after the owner of the vehicle requests the inspection and examination. Requests shall be made by completing the request form prescribed and provided by the Tax Commission.

G. Inspection and examination of a rebuilt vehicle shall be performed by a person employed by a motor license agent.

H. The fee for the examination by the motor license agent shall be Twenty-five Dollars ($25.00), which shall be paid at the time of issuance of the certificate of title for the rebuilt vehicle. The motor license agent shall retain Five Dollars ($5.00) and shall remit Twenty Dollars ($20.00) to the Tax Commission which shall retain Ten Dollars ($10.00) and transmit Ten Dollars ($10.00) to the State Treasurer for deposit in the Department of Public Safety Revolving Fund. The motor license agent and its employees and agents may not be sued for and shall not be liable for any damages allegedly arising out of the inspection of a vehicle or any acts or omissions in the performance of the inspection. The motor license agent may be held liable for any damages to the vehicle caused by the negligent acts or omissions in the performance of the inspection. Any person may be liable for any damages to a vehicle caused by the intentional acts or omissions in the performance of the inspection.

I. The rebuilt title and any subsequent transfers of such title shall also reflect that the vehicle was a salvage vehicle, flood-

damaged vehicle or recovered-theft vehicle, if applicable, and also shall include the salvage date.

J. Any title for a motor vehicle issued pursuant to the laws of any other state which reflects that such vehicle is a salvage vehicle, a rebuilt vehicle or a junked vehicle or has any other brand or classification notation by that state shall be retained on the new title issued by the Tax Commission unless the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as provided by this section.

K. When the insurance company pays a loss on a vehicle which is registered at the time of mishap, accident, burning, or flooding, the appropriate certificate of title shall be issued without the payment of additional registration fees or excise taxes, upon the submission of a police report or insurance adjuster's report and a declaration by the insurer that the vehicle is held for sale to a dealer. If the owner of the vehicle or other insured retains ownership of the damaged vehicle, the Tax Commission shall notify the owner or insured of the requirements of this section.

L. Any insurance company that pays a claim for a loss where the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the market value of the vehicle or pays a claim for a flood-damaged vehicle as defined in Section 1105 of this title shall notify, in writing, the holder of the certificate of title of the requirements of this section and shall notify the Tax Commission of the payment of such claim. The notice shall include the estimated total damage percentage determination of the actual cash value made by the insurance company to repair the vehicle for safe operation on the highway. The insurance company shall also send a copy of the notification to the holder of the title. The Tax Commission shall provide notice to the owner of the vehicle in writing requiring the owner to surrender the title along with the fee to the Tax Commission or one of its motor license agents within thirty (30) days from the receipt of notice for the issuance of the appropriate title based on the amount of loss. The Tax Commission shall reissue the appropriate title with the words "Flood Damaged" on the face of the title in the case of a flood-damaged vehicle; provided, no insurance company shall pay a claim for less than the amount to which the holder of the certificate of title is rightfully entitled in order to avoid compliance with this section.

M. Except as provided for in subsection N of this section, any person, firm, corporation, or other legal entity convicted of violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Three Hundred Dollars ($300.00) or by incarceration in the county jail for not more than six (6) months, or by both the fine and incarceration.

N. Any owner of a titled vehicle who has knowledge that the title is not the proper type for the vehicle and, with intent to misrepresent the vehicle, fails to make the appropriate title changes, shall be guilty of a misdemeanor. Any person who has knowledge that the title is not the proper type for the vehicle, and with intent to misrepresent the vehicle, buys or receives any vehicle for which the appropriate title changes have not been made as required by this act shall be guilty of a misdemeanor. Any person found guilty in accordance with the provisions of this subsection shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) for the first offense or Five Thousand Dollars ($5,000.00) for the second or subsequent offense, or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

O. Any owner of a salvage or junked vehicle shall submit the certificate of title to the Tax Commission or motor license agent for issuance of an appropriate title. Any holder of a certificate of title issued by this state, to a vehicle which no longer exists, shall surrender the certificate of title to the Tax Commission for cancellation. The vehicle identification number on the canceled certificate of title shall be preserved in the computer of the Tax Commission for at least five (5) years.

Nothing in this section shall be construed to prevent the transfer of ownership of a vehicle by assignment of the title to a used car dealer, wholesale used car dealer, or a licensed automotive dismantler or parts recycler.

Added by Laws 1985, c. 179, § 14, operative July 1, 1985. Amended by Laws 1985, c. 352, § 1, eff. Nov. 1, 1985; Laws 1988, c. 163, § 5, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 10, eff. Jan. 1, 1989; Laws 1988, c. 240, § 3, eff. Jan. 1, 1989; Laws 1989, c. 290, § 11, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 3, emerg. eff. June 3, 1989; Laws 1994, c. 301, § 2, eff. Sept. 1, 1994; Laws 1995, c. 208, § 3, eff. July 1, 1995; Laws 1995, c. 324, § 2, eff. Nov. 1, 1995; Laws 1998, c. 289, § 4, emerg. eff. May 27, 1998; Laws 2001, c. 358, § 5, eff. July 1, 2001; Laws 2005, c. 355, § 2, eff. Nov. 1, 2005; Laws 2008, c. 60, § 2, eff. Nov. 1, 2008; Laws 2010, c. 321, § 2, eff. Nov. 1, 2010; Laws 2012, c. 158, § 3, eff. July 1, 2012; Laws 2019, c. 172, § 1, eff. Nov. 1, 2019.

§47-1112. Application for registration - Information required - False statements.

A. Every owner of a vehicle possessing a certificate of title shall, before using the same in this state, make an application for the registration of such vehicle with a motor license agent. The application shall contain such information as shall be required by the Oklahoma Tax Commission. Every owner, when making application for registration, shall furnish the following information:

1. A full description of the vehicle including the make, model, color, manufacturer's serial or other identification number, any security interest upon the vehicle, an odometer reading of the vehicle when applicable, and the insurance security verification to the vehicle;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vehicle is to be registered resides, the driver license number of the owner if the owner has a driver license or the Federal Employers Identification Number of the owner if such owner is not an individual, and such other information as may be prescribed by the Commission; and

3. a. The name of the carrier of the owner's insurance policy for such vehicle,

   b. The policy number of the owner's policy for such vehicle, if available, or the name of the agent or office where the existence of security may be verified, if other than the carrier,

   c. The effective dates of the owner's policy for such vehicle, and

   d. A statement of the existence of a nonuse affidavit if filed by the vehicle owner pursuant to the provisions of Section 7-607 of this title.

B. Any owner or lessee of a noncommercial vehicle possessing a certificate of title may, at the time of initial application for registration or application for renewal, inform the Tax Commission that the owner, lessee or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic or suffers from Apraxia or a communication disorder. That information, if provided, shall be available to law enforcement through the Tax Commission's vehicle registration system to assist law enforcement in identifying the operator of the vehicle as possibly being deaf, hard-of-hearing, autistic or suffering from Apraxia or a communication disorder. As used in this section, "communication disorder" is defined as impairment in the ability to receive, send, process and comprehend concepts or verbal, nonverbal and graphic symbol systems.

C. In every case where a vehicle has been registered upon an application containing any false statement of a fact required in this section to be shown in an application for the registration thereof, the Commission shall give written notice of at least five (5) days to the owner of the vehicle, and shall require the owner to appear before it for the purpose of showing cause why the registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, the Commission shall cancel the registration. The owner of the vehicle shall then be required to immediately reregister the vehicle and pay the required fees. The owner shall not be entitled to refund or credit for the

fees paid for registration of the motor vehicle made under the application which contained any false statement of fact.

D. The Commission shall insert in the application forms appropriate notice to the applicant that any false statement of a fact required to be shown in such application for registration subjects the applicant to prosecution.

Added by Laws 1985, c. 179, § 15, operative July 1, 1985. Amended by Laws 1989, c. 290, § 12, emerg. eff. May 24, 1989; Laws 1990, c. 298, § 10; Laws 1991, c. 342, § 4, emerg. eff. June 15, 1991; Laws 2000, c. 250, § 4, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000. Amended by Laws 2018, c. 208, § 1, eff. July 1, 2019; Laws 2019, c. 325, § 1, eff. Nov. 1, 2019.

§47-1112.1. Motor vehicle dealers - Disclosure of certain vehicle damage.

A. Every dealer shall disclose in writing to the purchaser of a new or previously unregistered motor vehicle, prior to entering into a contract for the vehicle or, if unknown at that time, prior to delivery of the vehicle, the following information:

1. Any material damage known by the dealer to have been sustained by the vehicle and subsequently repaired; and

2. Any damage, including but not limited to material damage or flood damage, known by the dealer to have been sustained by the vehicle and not repaired.

B. For purposes of this section, "material damage" means damage sustained by a motor vehicle as follows:

1. The damage required repairs having a value, including parts and labor calculated at the repairer's cost, exceeding three percent (3%) of the manufacturer's suggested retail price of the vehicle or Five Hundred Dollars ($500.00), whichever is greater. The replacement of damaged or stolen components, excluding the cost of repainting or refinishing those components, if replaced by the installation of new original manufacturer's equipment, parts, or accessories that are bolted or otherwise attached as a unit to the vehicle, including but not limited to, the hood, bumpers, fenders, mechanical parts, instrument panels, moldings, glass, tires, wheels, and electronic instruments, shall be excluded from damage calculation, except that any damage having a cumulative repair or replacement value which exceeds ten percent (10%) of the manufacturer's suggested retail price of the vehicle shall be deemed material damage;

2. The damage was to the frame or drive train of the motor vehicle;

3. The damage occurred in connection with a theft of the entire vehicle; or

4. The damage was to the suspension of the vehicle requiring repairs other than wheel balancing or alignment.
Added by Laws 1991, c. 49, § 1, eff. July 1, 1991.

§47-1112.1A. Registration of vintage vehicles.

A. As used in this section "vintage vehicle" means a passenger automobile or truck having no more than two axles and for which no Oklahoma certificate of title exists in the records of the Oklahoma Tax Commission prior to January 1, 1980, and which has not been registered in the records of the Oklahoma Tax Commission or any other state for a period of fifteen (15) or more years prior to the date as of which the application for the certificate of title is made.

B. A person or other legal entity may register a vintage vehicle and obtain an Oklahoma certificate of title for the vehicle upon payment of a fee of Two Hundred Fifty Dollars ($250.00) and providing a verified statement, under oath, submitted to the Oklahoma Tax Commission with the following information:

1. The name of the person or other legal entity to which the certificate of title will be issued;

2. The personal or business address at which the vehicle will be located when not in use on the roads and highways of the state;

3. The manufacturer of the vehicle whether or not the manufacturer is still conducting business;

4. The model of the vehicle using either the designation provided by the original manufacturer or an equivalent designation;

5. The Vehicle Identification Number (VIN) if the vehicle had a VIN at the time of its original manufacture;

6. The price at which the vintage vehicle was acquired by the person or other legal entity making application for a vintage vehicle title; and

7. A statement that the vehicle is not currently subject to the lien of any person or other legal entity for the purchase price of the vehicle, for expenses associated with repair or refurbishment of the vehicle, storage charges or any other purpose.

C. The fee prescribed by subsection B of this section shall be nonrefundable even if the Oklahoma Tax Commission denies the issuance of a certificate of title for the vintage vehicle for any reason.

D. Upon review of the information contained in the application for a certificate of title, the Oklahoma Tax Commission shall determine whether or not the title may be issued.

E. If a vintage vehicle certificate of title is issued, the person or other legal entity making application shall make payment of the motor vehicle excise tax required by Section 2103 of Title 68 of the Oklahoma Statutes and the applicable rate of sales tax imposed pursuant to Section 1354 of Title 68 of the Oklahoma Statutes.

F. Once a certificate of title has been issued for a vintage vehicle as provided by this section, the vehicle shall be subject to

the annual registration requirements in the same manner and subject to the same fees as provided by law for other motor vehicles. Added by Laws 2019, c. 47, § 1, eff. Nov. 1, 2019.

§47-1112.2. Transferability of license plates.

A. Effective July 1, 2019, the registration license plate and certificate of registration shall be issued to, and remain in the name of, the owner of the vehicle registered and the license plates shall not be transferable between motor vehicle owners. When a vehicle is sold or transferred in the state, the following registration procedures shall apply:

1. When a current and valid Oklahoma motor vehicle license plate has been obtained for use on a motor vehicle and the vehicle has been sold or otherwise transferred to a new owner, the license plate shall be removed from the vehicle and retained by the original plate owner.

2. In the event an owner purchases, trades, exchanges, or otherwise acquires another vehicle of the same license registration classification, the Oklahoma Tax Commission shall authorize the transfer of the current and valid license plate previously obtained by the owner to the replacement vehicle for the remainder of the current registration period. In the event the owner acquires a vehicle requiring payment of additional registration fees, the owner shall request a transfer of the license plate to the newly acquired vehicle and pay the difference in registration fees. The fee shall be calculated on a monthly prorated basis. The owner shall not be entitled to a refund:

a. when the registration fee for the vehicle to which the plate(s) is to be assigned is less than the registration fee for that vehicle to which the license plate(s) was last assigned, or

b. if the owner does not have or does not acquire another vehicle to which the license plate may be transferred.

3. In the event the owner of a license plate purchases, trades, exchanges or otherwise acquires a vehicle for which a license plate has been issued during the current registration period, and the license plate has not been removed by the previous owner in accordance with this section, the new owner of the vehicle shall remove and return the license plate to the Tax Commission or a motor license agent. However, if the license plate has expired, the new owner shall not be required to surrender the license plate.

4. If a person purchases a motor vehicle from which the number plates have been removed pursuant to this section, the person may operate the motor vehicle for five (5) days from the date of purchase without number plates if a dated notarized bill of sale is carried in the motor vehicle.

B. 1. The new owner of a motor vehicle shall, within thirty (30) calendar days from the date of vehicle purchase or acquisition,

make application to record the registration of the vehicle by the transfer to, or purchase of, a license plate for the newly acquired vehicle with the Tax Commission or motor license agent and shall pay all taxes and fees provided by law.

2. Any person failing to register a motor vehicle by timely transferring the license plate as provided by this section shall pay the penalty levied in Section 1132 of Title 47 of the Oklahoma Statutes.

C. A surviving spouse, desiring to operate a vehicle devolving from a deceased spouse, shall present an application for certificate of title to the Tax Commission or motor license agent in his or her name within thirty (30) days of obtaining ownership. The Tax Commission or motor license agent shall then transfer the license plate to the surviving spouse.

D. The Oklahoma Tax Commission shall be authorized to promulgate such rules as may be required to implement the license plate transfers authorized by this section; including, but not limited to, such rules as may be required for a system under which the license plate is registered to an individual and not a vehicle for all license plates issued on or after July 1, 2019.

Added by Laws 2018, c. 208, § 2, eff. July 1, 2019.

§47-1112.3. Documentation required in possession or in vehicle.

A. Except as otherwise provided in subsection B of this section, at all times while a vehicle is being used or operated on the roads of this state, the operator of the vehicle shall have in his or her possession or carry in the vehicle and exhibit upon demand to any peace officer of the state or duly authorized employee of the Department of Public Safety, either a:

1. Registration certificate or an official copy thereof;

2. True copy of rental or lease documentation issued for a motor vehicle;

3. Registration certificate or an official copy thereof issued for a replacement vehicle in the same registration period;

4. Temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or

5. Cab card issued for a vehicle registered under the International Registration Plan.

B. The provisions of subsection A of this section shall not apply to the first thirty (30) days after purchase of a replacement vehicle.

Added by Laws 2018, c. 208, § 3, eff. July 1, 2019.

§47-1113. Issuance of certificate of registration, license plates and decals - Requirements and specifications for license plates - Issuance of license plates without documentary evidence of ownership

- Registration certificate to be in possession of commercial vehicle operator - Manufactured homes.

A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission or Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. The Oklahoma Tax Commission shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, the Tax Commission shall issue a yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, the Tax Commission shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as the Tax Commission may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section. Before the effective date of this act, the Tax Commission shall also issue a monthly decal which shall include a two-letter abbreviation corresponding to the county in which the vehicle is registered. The Tax Commission shall issue all decals in the possession of the Tax Commission on the effective date of this act before issuing any decals which do not contain the county abbreviation.

2. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. The Tax Commission may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle

license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle in this state, regardless of where such vehicle is registered, upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

3. Upon payment of the annual registration fee provided in Section 1133 of this title, the Tax Commission or Corporation Commission, as applicable, or a motor license agent may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, the Tax Commission or Corporation Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through electronic means, such qualified owners of one hundred or more commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

4. Every vehicle owned by an agency of this state shall be exempt from the payment of registration fees required by this title. Provided, such vehicle shall be registered and shall otherwise comply with the provisions of the Oklahoma Vehicle License and Registration Act.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, the Tax Commission shall design appropriate official license plates for all

state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates;

6. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Military Department. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OMD" followed by the state seal and three numbers or letters as designated by the Adjutant General. The words "Oklahoma Military Department" shall also be included on such license plates;

7. Within the limits prescribed in this section, the Tax Commission shall design appropriate official license plates for vehicles of the Oklahoma Department of Corrections. Such license plates shall contain the letters "DOC" followed by the Department of Corrections badge and three numbers or letters or combination of both as designated by the Director of the agency. The words "Department of Corrections" shall also be included on such license plates; and

8. Within the limits prescribed in this section, the Oklahoma Tourism and Recreation Department shall design any license plates required by the initiation of a license plate reissuance by the Oklahoma Tax Commission at the request of the Department of Public Safety pursuant to the provisions of Section 1113.2 of this title. Any such new designs shall be submitted by the Oklahoma Tourism and Recreation Department to the Department of Public Safety for its approval prior to being issued by the Oklahoma Tax Commission.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by the Tax Commission or Corporation Commission, as applicable. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by

the Tax Commission or Corporation Commission, as applicable, shall be carried at all times in or upon all vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with the Tax Commission or a motor license agent pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, the Tax Commission shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a receipt upon payment of ad valorem taxes due on the home. The Tax Commission shall make sufficient plates and decals available to the various motor license agents of the state in order for an owner of a manufactured home to acquire the plate or decal. A one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The decal shall be easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. A duplicate manufactured home registration decal shall be

affixed inside the window nearest the front door of the manufactured home. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed inside the window nearest the front door as evidence of payment of ad valorem taxes. The Tax Commission shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, the Tax Commission shall obtain:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. A legal description or address of the location for the home;

4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;

5. The certificate of title number for the home; and

6. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by the Tax Commission to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

Added by Laws 1985, c. 179, § 16, operative July 1, 1985. Amended by Laws 1986, c. 198, § 1, eff. July 1, 1987; Laws 1987, c. 216, § 1, eff. Nov. 1, 1987; Laws 1988, c. 80, § 1, eff. Jan. 1, 1989; Laws 1988, c. 281, § 18, operative Jan. 1, 1989; Laws 1990, c. 116, § 1, operative July 1, 1990; Laws 1992, c. 368, § 1, eff. July 1, 1992; Laws 1993, c. 266, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 16, emerg. eff. March 2, 1994; Laws 1995, c. 101, § 2, eff. Nov. 1, 1995; Laws 1995, c. 358, § 5, eff. Nov. 1, 1995; Laws 1996, c. 22, § 4, eff. July 1, 1996; Laws 1997, c. 192, § 1, eff. Jan. 1, 1998; Laws 1998, c. 403, § 1, emerg. eff. June 10, 1998; Laws 1999, c. 1, § 14, emerg. eff. Feb. 24, 1999; Laws 1999, c. 367, § 1, eff. Nov. 1, 1999; Laws 2000, c. 189, § 8, eff. July 1, 2000; Laws 2000, c. 314, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 11, eff. July 1, 2001; Laws 2002, c. 417, § 3, eff. July 1, 2002; Laws 2004, c. 222, § 3, eff. Nov. 1, 2004; Laws 2004, c. 534, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 66, emerg. eff. March 15, 2005; Laws 2005, c. 190, § 14, eff. Sept. 1, 2005; Laws 2005, c. 284, § 4, eff. July 1, 2005; Laws 2008,

c. 98, § 8, eff. July 1, 2008; Laws 2008, c. 335, § 3, eff. July 1, 2008; Laws 2009, c. 183, § 14, eff. Nov. 1, 2009; Laws 2009, c. 426, § 1, eff. Nov. 1, 2009; Laws 2017, c. 98, § 1; Laws 2017, c. 331, § 1, eff. Nov. 1, 2017; Laws 2018, c. 208, § 4, eff. July 1, 2019.
NOTE: Laws 1993, c. 262, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1995, c. 18, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995. Laws 1995, c. 58, § 1 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995. Laws 1998, c. 355, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 522, § 12 repealed by Laws 2005, c. 1, § 67, emerg. eff. March 15, 2005.

§47-1113.2. Reissue of official vehicle license plates.

A. The Executive Director of the Oklahoma Tax Commission shall initiate the reissue of the official vehicle license plates and substitute therefor a new license plate designed by the Oklahoma Tourism and Recreation Department with the approval of the Department of Public Safety.

B. 1. In addition to all other vehicle registration fees specified by law, beginning July 1, 2016, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of Five Dollars ($5.00) upon every vehicle to be registered.

2. Beginning July 1, 2016, and ending June 30, 2017:

a. eighty percent (80%) of all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission in the State Treasury to the credit of the State Public Safety Fund created in Section 2-147 of this title, and

b. twenty percent (20%) of all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission to the credit of the Oklahoma Tax Commission Fund created in Section 221 of Title 62 of the Oklahoma Statutes.

3. Beginning July 1, 2017, all monies collected under the provisions of this subsection shall be deposited by the Oklahoma Tax Commission to the credit of the State Public Safety Fund created in Section 2-147 of this title.

C. In addition to the monies apportioned by Section 1104 of this title, the following amounts of monies shall be placed to the credit of the Oklahoma Tax Commission Fund for the purpose of conducting a new general issue of license plates commencing January 1, 2017:

1. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first One Million Eight Hundred Thousand Dollars ($1,800,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act; and

2. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the first Two Million Dollars ($2,000,000.00) collected or received by the Tax Commission pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act.

D. Subject to the Oklahoma Tax Commission Fund receiving credit for the funds referenced in subsection C of this section, the Executive Director shall devise a numbering system suitable for a new general issue of license plates commencing January 1, 2017. Unless otherwise provided by the Oklahoma Vehicle License and Registration Act, new license plates will be issued to all registrants applying for an original or renewal registration on or after January 1, 2017, and will continue until all previously issued license plates have been replaced. Upon receipt of the new general issue license plate, registrants shall replace any previously issued Oklahoma general issue license plate currently displayed on their vehicle.

E. The Tax Commission shall have the authority to promulgate any rules necessary to implement such a new general issue.

F. Except for vehicles registered pursuant to the provisions of Section 1120 of this title and certain official special license plates, the new license plate design provided for in subsection A of this section shall be a part of all license plates issued on or after January 1, 2017. The Oklahoma Tax Commission may establish procedures for the purpose of allowing current registrants to reserve their present general issue or personalized license plate numbers for a fee of Fifteen Dollars ($15.00), provided payment of the fees is received by the Tax Commission on or before November 1, 2016. The fees shall be deposited into the Oklahoma Tax Commission Reimbursement Fund for the purpose of conducting the new general issue of license plates.

G. The license plates shall be issued with identification numbers and letters in a color that provides a distinct contrast with a light-colored background in the plate identification area. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued.

H. In furtherance of the public safety of Oklahoma drivers, the Department of Public Safety may request that the Oklahoma Tax Commission initiate subsequent reissues of the official vehicle license plate. Provided however, such request shall not occur more frequently than five (5) years following the most recent reissue. Upon such request and subject to the Tax Commission receiving the necessary funds the Tax Commission shall initiate the reissue.

Added by Laws 2008, c. 335, § 1, eff. July 1, 2008. Amended by Laws 2016, c. 359, § 1; Laws 2017, c. 1, § 7, emerg. eff. March 2, 2017.

§47-1113.3. Oklahoma License Plate Design Task Force.

A. There is hereby created, to continue until December 31, 2007, the "Oklahoma License Plate Design Task Force".

B. The task force shall consist of six (6) members:

1. Two members shall be appointed by the Governor;

2. Two members shall be appointed by the Speaker of the Oklahoma House of Representatives; and

3. Two members shall be appointed by the President Pro Tempore of the State Senate.

C. The Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate shall each designate one member to serve as cochairs of the task force. The cochairs shall convene the first meeting of the task force. The members of the task force shall elect any other officers during the first meeting and upon a vacancy in any office. The task force shall meet as often as necessary.

D. Appointments to the task force shall be made by July 15, 2007. Vacancies in any position shall be filled in the same manner as the original appointment.

E. A majority of the members of the task force shall constitute a quorum. A majority of the members present at a meeting may act for the task force.

F. Nonlegislative members of the task force shall be reimbursed by their appointing agencies or respective agencies for necessary travel expenses incurred in the performance of duties pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the task force shall be reimbursed for necessary travel expenses incurred in the performance of duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

G. Administrative support for the task force including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the task force shall be provided by the Oklahoma Tax Commission to be supplemented, if necessary, by the state agencies involved in the task force, and the staff of the Oklahoma House of Representatives and the State Senate. All participating state agencies shall provide for any administrative support requested by the task force.

H. The task force shall study and choose the design of a new official Oklahoma license plate in consultation with the Tax Commission and the Department of Public Safety.

I. The task force shall publish a final report by December 31, 2007.

J. The final decision of the task force shall be communicated to the Tax Commission which shall, contingent upon statutory authorization, implement the license plate reissue using the design selected by the task force.

Added by Laws 2007, c. 348, § 2, emerg. eff. June 4, 2007.

§47-1113A. Definitions.

A. As used in this section:

1. "First vehicle" means the vehicle from which a license plate is removed and transferred to a second vehicle;

2. "Second vehicle" means the vehicle to which a license plate is transferred after removal from a first vehicle; and

3. "Vehicle" means a passenger vehicle and does not include farm or commercial vehicles.

B. A person may retain the license plate of any vehicle registered to such person for purposes of transferring such license plate to a second vehicle registered to such person. The license plate removed from the first vehicle may be transferred to a new or used second vehicle. The procedure for transfer shall be as follows:

1. If the license plate removed from the first vehicle is transferred to a new motor vehicle, the owner shall obtain a replacement license plate from the Commission or one of its motor license agents upon payment of the fee required for a replacement plate and an additional Ten Dollars ($10.00). The replacement plate shall bear an expiration date that corresponds to the expiration date on the license plate removed from the first vehicle. The replacement plate shall be affixed to the first vehicle immediately upon removal of the existing license plate. The license plate removed from the first vehicle shall be affixed to the second vehicle upon payment by the owner of all applicable registration and license fees. Transfer of a license plate to a new motor vehicle as authorized by this paragraph shall not relieve the owner of payment for registration or license fees applicable to such new motor vehicle as required by this title.

2. If the license plate removed from the first vehicle is transferred to a second vehicle already displaying a license plate, the owner shall obtain the replacement license plate required by paragraph 1 of this subsection. The replacement plate shall be affixed to the first vehicle and shall bear the expiration date of the license plate removed from the first vehicle. The license plate from the second vehicle shall be removed and returned to the Commission or one of its motor license agents. The license plate removed from the first vehicle shall then be affixed to the second vehicle. The removed plate from the first vehicle shall bear an expiration date identical to the plate removed from the second vehicle.

C. The Oklahoma Tax Commission shall be authorized to promulgate such rules or regulations as may be required to implement the license plate transfers authorized by this section.

D. In the event a person fails to obtain a replacement license plate as provided for in this section within the time prescribed for

the registration of the new or used second vehicle, a penalty of twenty-five cents ($0.25) per day shall be assessed from the day following the period prescribed for registration to the date of acquisition of the replacement license plate, such penalty to accrue for no more than thirty (30) days, at the end of which time the penalty shall be twice the registration cost of such vehicle.
Added by Laws 1986, c. 198, § 2, eff. July 1, 1987.

§47-1114. Lost, mutilated or destroyed license plate or decal - Replacement - Prohibition of issuance.

In the event of loss, mutilation, or destruction of a license plate or decal, the owner of such registered vehicle shall file an affidavit showing such fact and obtain another plate or decal. Provided, that the Oklahoma Tax Commission shall have the authority to prohibit the issuance of any replacement plate or decal if the license plate was seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title for failure to comply with the Compulsory Insurance Law until the owner or operator of the vehicle from which the license plate was seized complies with division 2 of subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title. The charge shall be Four Dollars ($4.00) for each replacement plate or decal.
Added by Laws 1985, c. 179, § 17, operative July 1, 1985. Amended by Laws 2014, c. 404, § 1, emerg. eff. June 3, 2014.

§47-1114.1. Computation of annual license fee.

In computing the annual registration and licensing fees for any vehicle in this state, the amount of such fee plus any other statutory fees shall be rounded to the nearest dollar.
Amended by Laws 1989, c. 346, § 72, eff. Jan. 1, 1990

§47-1114.2. Residency requirements for motor license agent.

Any motor license agent appointed according to the provisions of Section 1140 of this title shall have been a resident of the county in which the agency is located for a period of six (6) months prior to appointment. If a motor license agent moves his or her residence to a place outside the county in which the agency is located, the agent shall forfeit the appointment. Provided, if the incorporated limits of a municipality encompass an area in more than one county, the provisions of this section shall not prohibit a motor license agent from moving the agency to a county in which the agent does not reside, with the consent of the Oklahoma Tax Commission, as long as the agency continues to be located in the same municipality and as long as other requirements of this title applicable to motor license agents are met.
Added by Laws 1985, c. 345, § 12, emerg. eff. July 30, 1985. Amended by Laws 2001, c. 149, § 2, eff. Nov. 1, 2001.

§47-1115. Vehicles required to be registered - Registration schedule - Delinquent registration - Penalties.

A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;

2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;

3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and

4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year unless otherwise provided in this section. After the end of the month following the expiration date, the license and registration fees for the new registration period shall become delinquent.

2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles shall have a one-time option of registering for a period of not less than six (6) months nor greater than eighteen (18) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time

option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of registration. The Oklahoma Tax Commission shall notify in writing, prior to December 1, 2003, all owners of motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

5. Any three or more commercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which they were previously registered. The month in which the commercial vehicles are newly registered shall be the month in which their registration is renewed annually. If a commercial vehicle is registered pursuant to this paragraph in the same calendar year in which it was previously registered, license and registration fees shall be prorated to account for the difference between the previous renewal month and the new renewal month and those fees shall be due at the time of registration pursuant to this paragraph.

C. The following penalties shall apply for delinquent registration fees:

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Corporation Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars ($200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Corporation Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

2. For commercial vehicles registered under the provisions of subsection B of this section, except those vehicles registered pursuant to Section 1133.1 of this title, a penalty shall be assessed after the last day of the month following the registration expiration date. A penalty of twenty-five cents ($0.25) per day shall be added to the license fee of such vehicle and shall accrue for one (1) month. Thereafter, the penalty shall be thirty percent (30%) of the

annual registration fee, or Two Hundred Dollars ($200.00), whichever is greater;

3. For new or used manufactured homes, not registered within thirty (30) days from date of purchase or date such manufactured home was brought into this state, a penalty equal to the registration fee shall be assessed; or

4. For all vehicles a penalty shall be assessed after the last day of the month following the expiration date and no penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided for in subsection H of Section 1133 and subsection C of Section 1127 of this title. A penalty of One Dollar ($1.00) per day shall be added to the license fee of such vehicle, provided that the penalty shall not exceed One Hundred Dollars ($100.00). Of each dollar penalty collected pursuant to this subsection:

a. twenty-one cents ($0.21) shall be apportioned as provided in Section 1104 of this title,

b. twenty-one cents ($0.21) shall be retained by the motor license agent, and

c. fifty-eight cents ($0.58) shall be deposited in the General Revenue Fund.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, the following penalties shall be imposed and collected by any Enforcement Officer of the Corporation Commission upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

The penalties shall apply to any commercial vehicle found to be operating in violation of the following provisions:

1. A penalty of not less than Fifty Dollars ($50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license plate or registration credentials expire without the current year license plate or registration credential displayed. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;

2. A penalty of not less than Fifty Dollars ($50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such

penalties shall be apportioned as provided in Section 1167 of this title; and

3. A penalty of not less than One Hundred Dollars ($100.00) shall be imposed for any person that fails to register any commercial vehicle subject to the Oklahoma Vehicle License and Registration Act. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

E. The Tax Commission, or Corporation Commission with respect to vehicles registered under Section 1120 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars ($20.00) upon a finding by an enforcement officer that:

1. The registration of a vehicle registered pursuant to Section 1132 of this title is expired and it is sixty (60) or more days after the end of the month of expiration; or

2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this title have not been paid.

Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax, transfer fees, and penalties and interest. However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such vehicle.

Added by Laws 1985, c. 179, § 18, operative July 1, 1985. Amended by Laws 1985, c. 197, § 3, operative July 1, 1985; Laws 1987, c. 6, § 6, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 3, emerg. eff. July 5, 1987; Laws 1988, c. 163, § 6, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 11, emerg. eff. June 10, 1988; Laws 1988, c. 240, § 4, emerg. eff. June 24, 1988; Laws 1990, c. 116, § 2, operative July 1, 1990; Laws 1997, c. 13, § 1, eff. Nov. 1, 1997; Laws 1999, c. 232, § 2, eff. July 1, 1999; Laws 2000, c. 6, § 12, emerg. eff. March 20, 2000; Laws 2000, c. 288, § 1, eff. July 1, 2000; Laws 2003, c. 139, §

2, eff. July 1, 2003; Laws 2004, c. 534, § 5, eff. Nov. 1, 2004; Laws 2005, c. 1, § 68, emerg. eff. March 15, 2005; Laws 2006, c. 238, § 8, emerg. eff. June 6, 2006; Laws 2009, c. 443, § 1, eff. July 1, 2009; Laws 2010, c. 412, § 18, eff. July 1, 2010; Laws 2011, c. 1, § 19, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 1; Laws 2012, c. 337, § 1; Laws 2019, c. 14, § 1, eff. Nov. 1, 2019.
NOTE: Laws 1999, c. 178, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 522, § 13 repealed by Laws 2005, c. 1, § 69, emerg. eff. March 15, 2005. Laws 2010, c. 335, § 1 repealed by Laws 2011, c. 1, § 20, emerg. eff. March 18, 2011.

§47-1115.1. Seizure of vehicles not bearing or displaying proper license plate - Sale.

In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, the Corporation Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Office of Management and Enterprise Services shall proceed to sell the vehicle by posting not fewer than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as

junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be immediately registered; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act.

Added by Laws 1986, c. 144, § 10, emerg. eff. April 21, 1986. Amended by Laws 1987, c. 6, § 7, emerg. eff. March 16, 1987; Laws 1991, c. 331, § 52, eff. Sept. 1, 1991; Laws 1993, c. 153, § 5, eff. Sept. 1, 1993; Laws 1998, c. 423, § 1; Laws 1999, c. 1, § 15, emerg. eff. Feb. 24, 1999; Laws 2004, c. 522, § 14, eff. July 1, 2004; Laws 2009, c. 181, § 1, eff. July 1, 2009; Laws 2012, c. 304, § 201.

NOTE: Laws 1998, c. 293, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-1115.2. Preemption of orders, ordinances, or regulations of municipalities or other political subdivisions – Exceptions.

A. The Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the enforcement of registration and licensing of automobiles to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance, or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited by Sections 1101 through 1151.1 of Title 47 of the Oklahoma Statutes, but the provisions of such order, ordinance, or regulation by a municipality shall not be more stringent than those of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 178, § 3, eff. Nov. 1, 2004.

§47-1115.3. All-terrain vehicles, utility vehicles, and motorcycles - Registration.

A. Except as otherwise provided by this section, all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads or highways shall be registered once with the Oklahoma Tax Commission within thirty (30) days after purchase.

B. For all-terrain vehicles or motorcycles used exclusively off roads or highways purchased prior to July 1, 2005, registration, as otherwise required by Section 1115 of this title, shall not be required, but shall be allowed at the option of the owner of the all-terrain vehicle or motorcycle used exclusively off roads or highways.

C. For utility vehicles used exclusively off roads or highways purchased prior to July 1, 2008, registration, as otherwise required

by Section 1115 of this title, shall not be required but shall be allowed at the option of the owner of the utility vehicle used exclusively off roads or highways.

D. All-terrain vehicles, utility vehicles or motorcycles used exclusively off roads or highways owned or purchased by a person that possesses an agricultural exemption pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes may be registered as provided by this section, but shall not require registration.

Added by Laws 2005, c. 284, § 5, eff. July 1, 2005. Amended by Laws 2008, c. 98, § 9, eff. July 1, 2008.

§47-1116. Registration periods.

Twelve registration periods shall be established for vehicles required to be registered on a staggered basis. The registration periods shall start on the first day of each calendar month and shall end on the last day of that month. Unless otherwise provided, all such vehicles where the date of execution of transfer of ownership occurs in this state at any time during a calendar month shall be subject to registration and payment of the fee for the registration period commencing the first day of the month of such date of execution of transfer.

A person who registers more than one vehicle may have all of such vehicles initially registered at the same time or at separate times. Any person who obtains a vehicle may, upon registration, have the registration period adjusted to allow future registration of all such vehicles at the same period or at a different period.

Added by Laws 1985, c. 179, § 19, operative July 1, 1985.

§47-1116.1. New vehicles - Dealer license plate or decal - Registration period.

A license plate or decal bearing an expiration date of four (4) months from the date of registration shall be issued for a vehicle registered in the name of a manufacturer or dealer of new motor vehicles. Such license plate or decal shall be issued if the vehicle so registered is exempt from the vehicle excise tax pursuant to the provisions of subsection (k) of Section 2105 of Title 68 of the Oklahoma Statutes. It shall be unlawful for any person other than a manufacturer, licensed dealer, person contemplating purchase of the vehicle or person holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission to operate the vehicle after the expiration of the four-month registration period.

Added by Laws 1988, c. 34, § 2, emerg. eff. March 17, 1988.

§47-1116.2. Operation of golf carts by persons with physical disability.

A. Notwithstanding any other provision of law, any person with a physical disability as defined by Section 15-112 of Title 47 of the

Oklahoma Statutes shall be authorized to operate golf carts to the extent that the physically disabled person is capable as determined by a physician as defined by Section 15-112 of Title 47 of the Oklahoma Statutes if:

1. Such operation is within the boundaries of a park owned by this state;

2. Operation occurs during daylight hours only;

3. The golf cart does not exceed the speed limit in such area as determined by the Oklahoma Tourism and Recreation Department;

4. The golf cart is not operated on roadways within park boundaries with posted speed limits greater than twenty-five (25) miles per hour;

5. The operator of such golf cart possesses a valid driver license; and

6. The operator of such golf cart shall provide certified proof of his or her disability.

B. The Tourism and Recreation Commission shall designate areas of operation for golf carts in each state park as appropriate, and establish rules for the safe operation of golf carts pursuant to this act.

Added by Laws 2002, c. 318, § 1, eff. Nov. 1, 2002. Renumbered from Title 47, § 1151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1117. Manufactured home - Registration - Certificate of title.

A. Unless otherwise provided by law, any person purchasing a new or used manufactured home or owning a manufactured home which has not been registered in this state shall register such manufactured home pursuant to the provisions of subsection B of this section and obtain a certificate of title as provided in Section 1105 of this title.

B. The application for registration and certificate of title shall be made to the Oklahoma Tax Commission or to a motor license agent. Such application shall be accompanied by the registration fees required by Section 1135 of this title and any penalties thereon. The application for registration and certificate of title shall include:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. A legal description or address of the location;

4. The actual retail selling price of the manufactured home excluding Oklahoma taxes; and

5. Any other information which the Tax Commission deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located.

Upon the filing of an application for registration and certificate of title, the payment of fees as required by Section 1133 of this title, the excise tax as provided for in Section 2104.3 of Title 68 of the Oklahoma Statutes and the furnishing of proof satisfactory to the Tax Commission or motor license agent that all ad valorem taxes have been paid, the Tax Commission or motor license agent shall assign the manufactured home a distinctive number and shall issue to the owner of the manufactured home a certificate of title, a manufactured home registration receipt, Manufactured Home Registration Decal, a vehicle registration decal and an excise tax receipt. The certificate of title number shall be recorded in the computer data system required by Section 1113 of this title in order to collect and store information concerning the subsequent ad valorem tax payments for such manufactured home. The receipts and Manufactured Home Registration Decal shall be permanently attached to the title by the Tax Commission or agent. An excise tax receipt so attached shall constitute evidence of payment of the excise tax required by the provisions of Section 2104.3 of Title 68 of the Oklahoma Statutes. Thereafter, the owner of a manufactured home shall be assessed the ad valorem tax as provided in Section 2801 et seq. of Title 68 of the Oklahoma Statutes. A duplicate Manufactured Home Registration Decal shall be affixed inside the window nearest the front door of the manufactured home before it is moved upon any public roadway.

C. If an applicant has satisfactorily shown to the Tax Commission or to a motor license agent, that the applicant owns the manufactured home sought to be registered, but is unable to produce the documentary evidence of title, the Tax Commission or motor license agent may issue a manufactured home registration receipt, Manufactured Home Registration Decal, vehicle registration decal and excise tax receipt to the applicant. In such instances, the Tax Commission or motor license agent shall indicate on the receipt given the applicant the reason for not issuing a certificate of title. It shall be the duty of the applicant to immediately take all necessary steps to obtain an Oklahoma certificate of title. It shall be unlawful for such applicant to sell the manufactured home until such title has been obtained by the applicant. After receiving a certificate of title, the applicant shall then take such title, registration and excise tax receipts and Manufactured Home Registration Decal to the Tax Commission or motor license agent for permanent attachment of the receipts to the title.

D. The Department of Public Safety shall issue a permit immediately to the holder of a perfected security interest or licensed representative thereof, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home shall be

required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home shall not be issued pursuant to a repossession prior to the furnishing of proof satisfactory to the Tax Commission or motor license agent that all ad valorem taxes due have been paid.

E. The Department shall issue a permit immediately to a licensed manufactured home dealer to move a trade-in to a secure location with a trade-in affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home trade-in shall be required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home trade-in shall not be issued prior to the furnishing of proof satisfactory to the Tax Commission or a motor license agent that all ad valorem taxes due have been paid. A receipt evidencing payment of ad valorem taxes for the current year shall constitute satisfactory proof that all ad valorem taxes due have been paid.

Added by Laws 1985, c. 179, § 20, operative July 1, 1985. Amended by Laws 1988, c. 80, § 2, eff. Jan. 1, 1989; Laws 1990, c. 24, § 1, operative July 1, 1990; Laws 1997, c. 192, § 2, eff. Jan. 1, 1998; Laws 1998, c. 403, § 2, emerg. eff. June 10, 1998; Laws 2002, c. 417, § 4, eff. July 1, 2002.

§47-1118. Issuance of certificates of title for manufactured homes - School district maps - Commission not party in lawsuits to determine ownership.

A. The Oklahoma Tax Commission and motor license agents shall issue a certificate of title which conforms to the provisions of Section 1117 of this title to any person applying for a certificate of title for a manufactured home.

B. The Tax Commission shall provide each motor license agent with a school district map of the county designating the boundaries of each school district and the code number of each district.

C. The State Department of Education shall provide the Tax Commission with a school district map designating the boundaries of each school district and the code number of each district.

D. The Tax Commission shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a manufactured home, wherein the Tax Commission’s only involvement would be to issue title, and the court shall issue an order dismissing the Tax Commission from the pending action.

Added by Laws 1985, c. 179, § 21, operative July 1, 1985. Amended by Laws 1988, c. 80, § 3, eff. Jan. 1, 1989; Laws 1997, c. 192, § 3, eff. Jan. 1, 1998; Laws 2006, c. 295, § 5, eff. July 1, 2006.

§47-1119. Manufactured home - Information to be furnished county assessor in county of location.

Upon proper registration and receipt of a certificate of title pursuant to the provisions of Section 1117 of this title by the person owning a new or used manufactured home, the Oklahoma Tax Commission shall furnish by June 1 and by December 31 of each year to the county assessor in the county in which the manufactured home is or is to be located the following information:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;

3. The legal description, the address, or the location where the manufactured home is to be located;

4. The actual retail selling price of the manufactured home, excluding Oklahoma state taxes;

5. The registration number issued for the manufactured home; and

6. Any other information necessary to enable the county assessor to list and assess the proper ad valorem tax required by Section 2801 et seq. of Title 68 of the Oklahoma Statutes. If ownership of such a manufactured home has passed by operation of law and a new certificate of title has been issued for such home, the Tax Commission shall also furnish such information to the appropriate county assessors.

Added by Laws 1985, c. 179, § 22, operative July 1, 1985. Amended by Laws 1985, c. 238, § 2, emerg. eff. July 8, 1985; Laws 1988, c. 80, § 4, eff. Jan. 1, 1989; Laws 1997, c. 192, § 4, eff. Jan. 1, 1998.

§47-1120. Proportional registration

A. The Corporation Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted for vehicles engaged in interstate commerce or combined interstate and intrastate commerce. Any action taken by the Oklahoma Tax Commission with respect to the International Registration Plan or other such compacts or agreements prior to July 1, 2004, shall remain in effect unless altered by the Corporation Commission pursuant to its authority to do so after the effective date of this act.

B. The Corporation Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the reporting period in proportion to the total fleet miles operated both within and without Oklahoma. If the registrant did not incur mileage during the preceding reporting period, the registrant shall pay fees for its future operations in accordance with the International Registration Plan. Such percentage figure, so

determined by the Corporation Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Corporation Commission shall first compute the license fees for the entire fleet and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

C. Upon receipt of the Oklahoma license and registration tax, which shall be paid by cash and/or certified funds, as computed under the provisions of the Oklahoma Vehicle License and Registration Act, the Corporation Commission shall register all such fleet vehicles, and shall issue a license plate, cab card or decal for each of such vehicles identifying it as part of an interstate fleet. The Corporation Commission may, upon satisfactory review of the payment history of an applicant, waive the requirement for payment in cash or certified funds.

D. Vehicles so registered on a prorated basis shall be considered fully licensed in Oklahoma and shall be exempt from all further registration or license fees under the provisions of the Oklahoma Vehicle License and Registration Act; provided that such fleet vehicles are proportionally licensed in some other state, territory or possession of the United States or some foreign province, state or country with which the Corporation Commission has entered into a prorationing compact or agreement.

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar month, the replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section 14-109 of this title, if the replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar month, credit shall be allowed as otherwise provided in this section.

E. Vehicles subsequently added to a proportionally registered fleet after commencement of the registration year shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.

F. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from service, credit shall be allowed. Such credit shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in the registration year, reduced by those months elapsing since the beginning of the registration year. The credit may be applied

against subsequent additions to the fleet, with the exception of vehicles removed from a renewal fleet and later added back to the same fleet, to be prorated or for other additional registration fees assessed. In no event shall credit be allowed for fees beyond such registration year, nor shall any such amount be subject to refund. Provided, further, that vehicles removed from a prorated fleet or sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

G. The records of total mileage operated in all states upon which the application is made for a period of three (3) years following the year upon which the application is based shall be preserved. Upon request of the Corporation Commission, such records shall be made available for audit as to accuracy of computation and payments. The Corporation Commission may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such records.

H. The Corporation Commission may enter into compacts or agreements with other states or other countries or subdivisions of such countries allowing reciprocal privileges to vehicles based in such other states and operating in interstate commerce if the vehicles are properly registered therein.

I. Interchanged vehicles properly registered in another state may be granted reciprocal privileges when engaged in a continuous movement in interstate commerce, but must register in this state if used in intrastate commerce.

J. In addition to those taxes or fees imposed by the Oklahoma Vehicle License and Registration Act, the same or substantially the same type or category of tax or fee may be imposed upon an out-of-state resident as is imposed upon residents of Oklahoma for the same or substantially similar use of a vehicle in such other state in the amount, or approximate total amount, of any fee or tax, including property, motor fuel, excise, sales, use or mileage tax required by the laws of such other state to be paid by a resident of this state making the same or similar use of a like vehicle in such state.

The Corporation Commission shall have the authority to promulgate rules which provide procedures for implementation of comparable regulatory fees and taxes for vehicles used in this state by residents of other states.

Any revenue derived from this subsection shall be apportioned in the same manner as provided in Section 1104 of this title.

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Corporation Commission diligently monitor the motor vehicle registration and licensing fees

assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.
Added by Laws 1985, c. 179, § 23, operative July 1, 1985. Amended by Laws 1987, c. 6, § 9, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 2, emerg. eff. May 9, 1989; Laws 1995, c. 24, § 1, eff. Nov. 1, 1995; Laws 1997, c. 294, § 3, eff. July 1, 1997; Laws 1999, c. 232, § 3, eff. July 1, 1999; Laws 2001, c. 358, § 6, eff. July 1, 2001; Laws 2004, c. 522, § 15, eff. July 1, 2004; Laws 2008, c. 168, § 2, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 2, eff. Nov. 1, 2009; Laws 2016, c. 235, § 2, eff. July 1, 2016.
NOTE: Laws 2004, c. 534, § 6 repealed by Laws 2005, c. 1, § 70, emerg. eff. March 15, 2005.

§47-1120.1. Entry into International Registration Plan or other compacts or agreements - Assessment and payment of fees.

A. The Corporation Commission, when in the interest of the State of Oklahoma and its residents, may enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any motor vehicle to be used as a rental motor vehicle as defined in the International Registration Plan.

B. The Tax Commission or Corporation Commission, as applicable, shall require that each rental motor vehicle be assessed the following registration fees in lieu of the fee schedule set forth in Section 1132 of this title:

1. A fee of Fifteen Dollars ($15.00) shall be assessed for the first year of registration in this or any other state; and

2. A fee of Ten Dollars ($10.00) shall be assessed in the first year and each subsequent year of registration in this or any other state.

C. Upon registration and payment of the fees required by this section, the owner shall receive a license plate which shall be valid until the vehicle is permanently withdrawn from the rental fleet of the owner.
Added by Laws 1991, c. 331, § 61, eff. Sept. 1, 1991. Amended by Laws 2004, c. 534, § 7, eff. Nov. 1, 2004; Laws 2005, c. 1, § 71, emerg. eff. March 15, 2005.
NOTE: Laws 2004, c. 522, § 16 repealed by Laws 2005, c. 1, § 72, emerg. eff. March 15, 2005.

§47-1120.2. Transfer of International Registration Plan revenues collected.

On a monthly basis, the Corporation Commission shall transfer to the Oklahoma Tax Commission the amount of net revenue collected under the International Registration Plan to be apportioned by the Tax

Commission in accordance with the provisions of Section 1104 of Title 47 of the Oklahoma Statutes.
Added by Laws 2005, c. 479, § 2, eff. July 1, 2005.
NOTE: Laws 2005, c. 411, § 1 repealed by Laws 2006, c. 16, § 33, emerg. eff. March 29, 2006.

§47-1121. Dishonored checks - Collection - Cancellation of license.

A. When, at the time of registration of any vehicle, payment is made by check for fees and taxes and the check is not paid by the bank on which drawn for any reason, after said check has been presented for payment a second time, such certificate of registration and other such instruments issued at the time of registration of such vehicle shall be invalid. The motor license agent shall transmit all documents and the dishonored check to the Oklahoma Tax Commission for credit to the motor license agent's account. The Commission may enter into a contract for the collection of dishonored checks and canceled instruments. In all such cases, such vehicles shall be subject to the license fees and penalties provided in this act as though no attempt to register the vehicle had been made and the motor license agent shall charge the person issuing the check a fee of Twenty-five Dollars ($25.00) for each check to cover the costs of processing each returned check. An individual who subsequently purchases any such vehicle shall not be required, as a condition for registration of the vehicle, to pay any tax, fee or penalty due resulting from the dishonored check.

A mortgagee who repossesses any such vehicle shall not be required, as a condition for registration of said vehicle, to pay the dishonored check penalties which had accrued as of the date of such repossession.

B. Whenever payment is made by check for any Oklahoma driver license and the check is not paid by the bank on which drawn for any reason, after said check has been presented for payment a second time, such driver license shall be invalid and all driving privileges of the holder of the driver license shall be canceled. The motor license agent shall transmit the dishonored check to the Oklahoma Tax Commission for credit to the motor license agents account. The Commission may enter into a contract for the collection of dishonored checks. The motor license agent shall charge the person issuing the check a fee of Twenty-five Dollars ($25.00) for each check to cover the cost of processing each returned check. The motor license agent shall transmit a copy of all documents associated with the application and issuance of the driver license and a copy of the dishonored check to the Department of Public Safety.
Added by Laws 1985, c. 179, § 24, operative July 1, 1985. Amended by Laws 1987, c. 43, § 1, eff. Nov. 1, 1987; Laws 1989, c. 284, § 1, emerg. eff. May 22, 1989; Laws 1993, c. 294, § 1, eff. Sept. 1, 1993;

Laws 1994, c. 128, § 1, eff. July 1, 1994; Laws 2008, c. 378, § 1, eff. July 1, 2009.

§47-1122. Temporary license - Fee.

A. Whenever any nonresident owning any motor bus, truck, truck-tractor, trailer or semitrailer, which has been registered under the laws of another state and bears a current registration from such state, brings such vehicle into this state, for the purpose of using the vehicle for hire or other commercial purpose, for a temporary period of time not to exceed ninety (90) days, such person may, immediately after entering this state, upon the filing of an application therefor with the Commission, and the payment of a license fee equal to one-eighth (1/8) of the annual license fee required of such vehicle, register same for a period of thirty (30) days in lieu of obtaining an annual registration and license therefor; he may upon payment of one-fourth (1/4) of the annual license fee register it for a period of sixty (60) days or for ninety (90) days upon the payment of three-eighths (3/8) of the annual license fee in lieu of obtaining annual registration and license therefor. Upon failure of any person to obtain or renew this temporary license when first available, the fee due for the remaining portion of the year shall become due and must be paid.

B. It will not be necessary for such person to obtain an Oklahoma certificate of title evidencing ownership of such vehicle, if the applicant therefor has been issued a valid certificate of title or ownership for such vehicle by his home state. The Commission will issue a certificate of registration covering each temporary license provided by the terms of this section.

C. Provided, however, that the provisions of this section for temporary licenses shall not apply to the residents of any other state when the laws of such other state do not provide temporary licensing for approximately comparable license fees for vehicles being used in such other state by residents of Oklahoma under the same or substantially similar purposes, terms and conditions; and, provided further that, irrespective of the amount of the temporary license fees provided in this section, the amount of any temporary license fee for a vehicle of a resident of any such state shall be determined and fixed by the Commission in the amount, or the approximate total amount, of any license fee and any other taxes, including property and mileage taxes, required by the laws of such other state to be paid by a resident of Oklahoma making the same use of a similar vehicle in such state.

Added by Laws 1985, c. 179, § 25, operative July 1, 1985.

§47-1123. Reciprocal compacts and agreements.

The Oklahoma Tax Commission is hereby authorized and empowered to enter into andmake reciprocal compacts and agreements when the

Commission deems same to be in the interest of the residents of the State of Oklahoma, with the proper authorities of other states, concerning all motor vehicles engaged in foreign and interstate commerce upon and over the public highways.

Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to Oklahoma residents; provided, that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of this state applying to vehicles operated intrastate in this state. Privileges so granted shall extend only to persons who comply with the laws of the state of their residence. Such compacts and agreements shall not operate to supersede or suspend the application of any laws of this state, except insofar as they apply to the payment of vehicle license fees or other motor vehicle taxes charged residents of the states with which such compacts and agreements are made; provided, however, that the power and authority and discretion of the Corporation Commission to make and enforce rules and regulations governing motor carriers for hire, or to grant or deny certificates or permits to motor carriers for hire shall not be superseded or suspended by any such compact and agreement.
Added by Laws 1985, c. 179, § 26, operative July 1, 1985.

§47-1124. Temporary permit - Fee.

A. Any person, firm or corporation owning or possessing a commercial vehicle who:

1. Is a resident of the United States;

2. Is required to register the vehicle under the laws of this state;

3. Is not authorized to drive the vehicle on the public roads of this state for lack of registration or reciprocity of this state's laws with the laws of the state in which the vehicle is registered; and

4. Operates the vehicle for commercial purposes;

may receive a temporary permit from the Corporation Commission. The permit shall be recognized in lieu of registration in this state. The permit shall indicate the time and date of its issuance and shall be valid for a period not to exceed seventy-two (72) hours from such indicated time.

B. A fee of Twelve Dollars ($12.00) shall be charged for the issuance of the temporary permit which shall be apportioned in the same manner as other vehicle license fees are apportioned under the terms of the motor vehicle license and registration laws of this state.

C. The temporary permit shall not be issued to any person, firm or corporation owning or possessing a commercial vehicle, truck, truck-tractor, trailer, semitrailer or motor bus, who has been apprehended for violating the registration laws of this state. If

apprehended, the vehicle shall be immediately subject to such registration laws. Possession of the temporary permit shall not affect any liability or duty which the owner or operator of a vehicle might otherwise have by law. An operator of a vehicle possessing an expired, altered or undated temporary permit shall be deemed to be operating an unregistered motor vehicle and shall be subject to registration and penalties therefor as provided by law.

D. The Corporation Commission may enter into an agreement with any person or corporation located within or without the state for transmission of temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

E. The Corporation Commission may enter into an agreement with any state for transmission of that state's temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

F. Any provision of this act providing for proportional registration under reciprocal agreements and the International Registration Plan that relate to the promulgation of rules shall not be subject to the provisions of Section 1151 of this title. The Corporation Commission may promulgate such rules as it deems necessary to administer the provisions of this section. The Corporation Commission may prescribe an application form for the temporary permit and such other forms as it deems appropriate.

G. The provisions of this section shall not apply to vehicles entering this state for the express purpose of transporting the resources and equipment necessary to support production activities of the motion picture, television and video film industries operating within the state. Any such vehicle properly registered under the laws of another state or not registered with this state pursuant to the provisions of the International Registration Plan and used for the above-stated purpose shall not be subject to the registration requirements as set forth in Section 1101 et seq. of this title while conducting said business.

Added by Laws 1985, c. 179, § 27, operative July 1, 1985. Amended by Laws 1987, c. 6, § 8, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 3, emerg. eff. May 9, 1989; Laws 1995, c. 11, § 1, emerg. eff. Mar. 27, 1995; Laws 2004, c. 522, § 17, eff. July 1, 2004; Laws 2008, c. 168, § 3, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 3, eff. Nov. 1, 2009.

§47-1124.1. Temporary permit or authorization for vehicle subject to proportional registration.

The Corporation Commission is authorized to issue temporary permits or authorization for any vehicle to be proportionally registered in this state or which is currently proportionally

registered in this state under the provisions of the International Registration Plan. Temporary permits may be issued for vehicles added to the fleet, duplicate cab cards, corrected cab cards, replacement license plates, adding jurisdictions, and weight increases to established accounts in good standing. New accounts may be issued temporary permits only after all fees are paid. Such temporary permit or authorization shall authorize a vehicle to be driven on the public roads of this state pending completion by the Corporation Commission of an application for proportional registration of such vehicle. The temporary permit or authorization shall be recognized in lieu of registration in this state. The temporary permit or authorization shall clearly indicate the date of issuance and the date of expiration, which shall be forty-five (45) days, including the day of issuance. The Corporation Commission may enter into reciprocal agreements with other states for recognition of temporary permits or authorizations.

The Corporation Commission may assign the temporary permits or authorization to registrants subject to proportional registration and such registrants may issue the temporary permits or authorization as needed for the operation of vehicles that will be operated as a fleet of proportionally registered vehicles. Registrants shall be accountable for all temporary permits or authorization assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The Corporation Commission may enter into an agreement with any person located within or without the state for the distribution and issuance of temporary permits or authorizations for any vehicle which is currently proportionally registered in this state under the provisions of the International Registration Plan when the Corporation Commission determines that such agreement is in the best interest of the state. Any such person or corporation shall be accountable for all temporary permits or authorizations assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The phrase “currently proportionally registered”, as used in this section, shall be defined as any prorate account for which a properly completed original application has been received by the Corporation Commission and all corresponding and assessed fees have been paid in full.

Self-issue temporary permits or authorizations may be issued to a maximum of twenty-five percent (25%) of the size of the registrant’s fleet, and any registrant with a fleet of fewer than six vehicles may be assigned one self-issue permit.

An application shall be filed with the Corporation Commission within fifteen (15) days to proportionally register any vehicle for which a temporary permit or authorization has been issued.

Any registrant that has entered into such an agreement with the Corporation Commission, that is unable to produce, or refuses to produce, upon request by the Corporation Commission, any unissued temporary permit or authorization assigned to such registrant, shall be subject to the following penalty:

A fee of One Hundred Eighty Dollars ($180.00) which is an amount equal to the fee for the number of seventy-two-hour temporary permits, provided for in Section 1124 of this title, that would be required for the operation of a vehicle for a forty-five-day period.

If, as the result of an audit, it is determined that any registrant that has entered into such an agreement with the Corporation Commission has used temporary permits or authorizations to avoid payment of proportional registration fees, all remaining unissued temporary permits or authorizations in the possession of such registrant that has entered into such an agreement with the Corporation Commission shall be returned to the Corporation Commission, and the Corporation Commission may deny further use of temporary permits or authorizations by such registrant that has entered into such an agreement with the Corporation Commission for a minimum period of six (6) months.

Added by Laws 1986, c. 269, § 9, operative July 1, 1986. Amended by Laws 1987, c. 6, § 10, emerg. eff. March 16, 1987; Laws 1997, c. 294, § 4, eff. July 1, 1997; Laws 2001, c. 358, § 7, eff. July 1, 2001; Laws 2004, c. 534, § 8, eff. Nov. 1, 2004; Laws 2005, c. 1, § 73, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 4, emerg. eff. May 12, 2008.

NOTE: Laws 2004, c. 522, § 18 repealed by Laws 2005, c. 1, § 74, emerg. eff. March 15, 2005.

§47-1124.2. Hunters permits.

A. The Corporation Commission shall be authorized to issue permits, commonly known as “hunters permits”, for any vehicles to be proportionally registered pursuant to the provisions of Section 1120 of this title. This temporary registration shall be honored by all member jurisdictions of the International Registration Plan.

B. The permit authorized by this section shall be issued in a manner that will allow an owner, not operating as a lessor, to move an empty vehicle from one lessee-carrier fleet to another without violating general registration laws.

C. The permit authorized by this section shall be valid for a period of forty-five (45) days, including the day of issuance. A fee in the amount of Twenty-five Dollars ($25.00) shall be charged for the issuance of the permit. All fees collected from the issuance of the permits shall be apportioned pursuant to Section 1104 of this title.

D. A separate permit shall be required for each proportionally registered power unit and trailer and shall not be issued for a

registered gross weight in excess of the empty weight of such vehicle or trailer.

E. The permits authorized by this section may be obtained from the Corporation Commission, or any person or corporation located within or without the state if the Corporation Commission has entered into an agreement for transmission of these permits with such person or corporation upon determination that an agreement shall be in the best interest of the state.

Added by Laws 2001, c. 358, § 8, eff. July 1, 2001. Amended by Laws 2008, c. 168, § 5, emerg. eff. May 12, 2008.

§47-1125. Certain nonresident vehicle owners required to register vehicle - Exceptions.

A. If the owner of a vehicle becomes employed in this state, the vehicle is deemed to be subject to tax in this state and, within thirty (30) days from the date of employment, shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. However, the owner of the vehicle who is employed in this state and commutes daily from an adjoining state shall be exempt from the provisions in this section. The penalty for failure to register the vehicle in the manner provided in this subsection shall be equal to the license or registration fee due, and any such vehicle may be seized and held at any time for any such delinquency and sold for nonpayment of the license or registration fees in the same manner that domestic vehicles may be seized and sold at any time of the year upon ten (10) days' notice.

If the vehicle is detained by a law enforcement officer of this state and it is determined that the owner of such vehicle has failed to comply with the provisions of this subsection, a penalty of Ten Dollars ($10.00) shall be assessed in addition to the penalties previously provided in this section. This penalty of Ten Dollars ($10.00) shall be paid to the pension fund of the law enforcement officer, as defined in Section 1-147 of Title 47 of the Oklahoma Statutes, who detained the vehicle.

B. Any student certified as a full-time-equivalent student by an institution of higher learning in this state and being a nonresident of Oklahoma, presently attending any institution of higher learning, shall not be required to purchase an Oklahoma license plate, provided that the state of residence of such student affords a similar exemption to Oklahoma students attending institutions of higher learning in such state. This exception for nonresident students does not apply when such student registers to vote as a resident in Oklahoma.

C. Any vehicle, including a manufactured home, other than a commercial truck which is owned by a visiting nonresident and is properly registered in its native state for the current year and

remains here for any period in excess of sixty (60) days shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. Any vehicle within this state, owned by a nonresident which is not properly registered in its native state for the current year, shall be registered under the same terms and conditions as such domestic vehicles are required to be registered.
Added by Laws 1985, c. 179, § 28, operative July 1, 1985. Amended by Laws 1987, c. 212, § 1, eff. Nov. 1, 1987; Laws 1988, c. 290, § 20, operative July 1, 1988.

§47-1126. Repossessed vehicle - Registration.

A. At any time that a mortgagee repossesses a vehicle on which the registration has become delinquent as of the date of such repossession, the mortgagee shall not be required, as a condition for registration of said vehicle, to pay the penalties which had accrued as of the date of such repossession otherwise prescribed in this act. Provided that said penalties shall not be waived unless such vehicle is registered by the mortgagee within five (5) days after it is repossessed. Provided further, that if the mortgagor, or spouse, becomes the owner of the vehicle within ninety (90) days from the date of repossession, the penalty shall reattach and be paid when the new title is applied for.

B. Upon each vehicle repossessed by a mortgagee, a fee of Forty-six Dollars ($46.00) shall be assessed. This fee shall be in lieu of any applicable vehicle excise tax and registration fees. Each motor license agent accepting applications for certificates of title for such vehicles shall receive Seven Dollars ($7.00) to be deducted from the license fee specified in this subsection for each application accepted.
Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1991, c. 261, § 3, eff. Sept. 1, 1991.

§47-1127. Military personnel - Registration of vehicles - Exemption from penalties.

A. All vehicles owned by members of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, and the Oklahoma National Guard or their spouses assigned to duty in this state in compliance with official military or naval orders or owned by the spouse, who resides in Oklahoma, of a member of the Armed Forces of the United States serving in a foreign country, which vehicles are not being used in a trade or business or for any commercial purpose, are hereby classified specially for vehicle license and registration purposes in this state. Any such vehicle which is not registered and licensed for the current year in

the state of residence or domicile of the service member, Guardsman, or Reservist or of the spouse owning the vehicle must be registered for the current year in Oklahoma as herein provided, except that any such vehicle which has been licensed in some other state by such service member, Guardsman, Reservist, or spouse while the service member, Guardsman, or Reservist was stationed in the other state may be operated in this state for the remainder of the year or period for which it is licensed. If such vehicle currently is registered with the Armed Forces of the United States rather than being registered in a state and the service member, Guardsman, or Reservist is transferred to a duty station within this state pursuant to military orders, the service member, Guardsman, Reservist, or spouse owning the vehicle shall not be required to register the vehicle in this state for a period of thirty (30) days after the date the service member, Guardsman, or Reservist is required to report for duty pursuant to the military.

The service member, Guardsman, Reservist, or spouse applying for the registration of any such vehicle shall submit an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration. The application shall be accompanied by a registration fee of Fifteen Dollars ($15.00).

B. Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States or their spouse shall be entitled to register his or her vehicle or vehicles in this state for the same registration fee afforded members of the Armed Forces of the United States assigned to duty in this state pursuant to subsection A of this section. Such Oklahoma resident or their spouse who is stationed out of state due to an official assignment of the Armed Forces of the United States shall be exempt from the vehicle inspection requirements of Section 1105 of this title; provided, such Oklahoma resident or his or her spouse who is stationed out of state presents valid documentation acceptable to the Oklahoma Tax Commission evidencing that such inspection has been made by an out-of-state authority acceptable to the Tax Commission.

Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States may

authorize a designated representative to register his or her vehicle or vehicles as provided for in this subsection if the service member, Guardsman, or Reservist is not able to register the vehicle at the appropriate time.

C. Any Oklahoma resident who is a member of the Armed Forces of the United States, Reserve Corps of the Armed Forces of the United States or the Oklahoma National Guard stationed outside of the state due to official assignment of the Armed Forces of the United States, or his or her spouse, shall be exempt from the penalties assessed pursuant to paragraph 4 of subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title for the duration of such official assignment and for a period of sixty (60) days after such assignment ends. If registration is not completed after the sixtieth day, the expiration date and the period for assessment of penalties shall commence on the sixty-first day. The exemption provided for in this section shall be granted only if the service member, Guardsman, Reservist, or spouse registering such vehicle submits an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location outside the state in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration.

D. The reduced registration fee provided herein shall not apply to vehicles owned by retired members of the Armed Forces, inactive members of the Reserve Corps of the Armed Forces, inactive members of the Oklahoma National Guard and other members and former members of the Armed Forces of the United States who are not actively serving.

Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1990, c. 337, § 11; Laws 1993, c. 17, § 1, eff. July 1, 1993; Laws 2006, c. 60, § 1, eff. Nov. 1, 2006; Laws 2010, c. 335, § 2, eff. Nov. 1, 2010; Laws 2014, c. 413, § 1, eff. Nov. 1, 2014; Laws 2016, c. 209, § 1, eff. Nov. 1, 2016; Laws 2017, c. 273, § 2, eff. Nov. 1, 2017.

NOTE: Laws 1989, c. 161, § 2 repealed by Laws 1990, c. 337, § 26.

§47-1128. Manufacturer's or dealer's license - In-transit license plates.

A. Every person manufacturing or having a contract to sell new vehicles in this state shall file a verified application for a general distinctive number for all new vehicles owned or controlled by the manufacturer or dealer; provided, the Oklahoma Tax Commission shall issue a license to sell such new motor vehicles only for those types of new vehicles for which the applicant has a sales contract or franchise; provided, further, that no license shall be issued to any applicant that has not complied with the provisions of Sections 561 through 568 of this title and does not hold a current license issued by the Oklahoma Motor Vehicle Commission pursuant thereto. A separate manufacturer's or dealer's license shall be required for each separate county within which such manufacturer or dealer has an established place of business and upon payment of a license fee of Ten Dollars ($10.00) there shall be assigned and issued to such manufacturer or dealer a Certificate of Registration and one license plate which shall be displayed upon each vehicle of such manufacturer or dealer when same is operated, driven, or displayed on any street, road, or highway, in the same manner as hereinbefore provided for vehicles owned by other persons. Such a manufacturer or dealer in new vehicles may obtain as many additional license plates as may be desired, upon the payment of the sum of Ten Dollars ($10.00) for each additional plate; provided that no such license plate issued to any manufacturer or dealer shall be used or displayed upon any secondhand or used vehicle, or upon any new vehicle which is used for a service car, or private use, or for hire. Any person, with consent of the dealer, may operate a motor vehicle, with the dealer's tag affixed, while contemplating purchase, so long as this intent is limited to a consecutive seventy-two-hour period, or a weekend. An individual holding a valid salesman's license issued by the Oklahoma Motor Vehicle Commission shall not be subject to this limitation. If such person also buys and sells used vehicles, he shall, after obtaining his new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, also obtain a used motor vehicle dealer's license, from the Used Motor Vehicle and Parts Commission, the cost of which shall be as prescribed in Section 1101 et seq. of this title.

B. Each dealer and used motor vehicle dealer shall keep a record of the purchase and sale of each motor vehicle he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vehicle purchased or sold, and such other information as the Commission may prescribe.

C. Application for manufacturer's or dealer's license must show that such dealer or manufacturer has not violated any of the provisions of this section; and such license shall be nonassignable; and any such license may be suspended temporarily or revoked by the

Commission for violation or failure to comply with this section; provided, the holder of such license shall be given ten (10) days' notice of hearing to suspend or cancel such license. If any such person subject to any of the licenses required in this section fails to obtain it when due, a penalty of twenty-five cents ($0.25) per day on each such license shall be charged in the same manner as is now provided on delinquent motor vehicle registrations, and after a period of thirty (30) days such penalty shall be equal to the license fee. It shall be the duty of every person licensed to sell new or used motor vehicles to advise each purchaser in writing about his title requirements and payment of any taxes due. Each used motor vehicle must display a proper Oklahoma license plate or a used dealer's license plate.

D. Every person engaged in the business of transporting and delivering new or used vehicles by driving, either singly or by towbar, saddle mount or full mount method, engaging in drive-away operations as defined in Section 3 of Title 85 of the Oklahoma Statutes, or any combination thereof, from the manufacturer or shipper to the dealer or consignee and using the public highways of this state shall file with the Commission a verified application for in-transit license plates to identify such vehicles. The application shall provide for a general distinctive number for all vehicles so transported. Upon payment of a license fee of Ten Dollars ($10.00) there shall be assigned and issued to such person one in-transit plate. Such in-transit plate shall be used by such person only on vehicles when so transported. Such person may obtain as many additional in-transit plates as desired upon payment of a fee of Ten Dollars ($10.00) for each additional plate. Provided, a used motor vehicle dealer shall use a used dealer license plate in lieu of the in-transit license plate for transporting a used motor vehicle and, in such cases, shall be exempt from making application for an in-transit license plate. Provided further, only a person who possesses a valid motor carrier authority issued by the Federal Motor Carrier Safety Administration, or a valid for-hire authority issued by the Corporation Commission may use the in-transit license plates obtained by them as herein authorized for transporting new or used manufactured homes from one location to another location within Oklahoma or from a point in another state to a point in this state. Nothing contained in this section shall relieve any person from the payment of license fees otherwise provided by law. When the Commission deems it advisable and in the public interest, it may require the holder of any in-transit license, or any person making application therefor, to file a proper surety bond in any amount it deems proper, not to exceed Ten Thousand Dollars ($10,000.00).

E. The Oklahoma Tax Commission shall issue dealer licenses to new and used manufactured home dealers, new and used travel trailer dealers and new and used commercial trailer dealers.

F. All licenses provided for in this section shall expire on December 31 of each year.

Added by Laws 1985, c. 179, § 31, operative July 1, 1985. Amended by Laws 1985, c. 238, § 3, emerg. eff. July 8, 1985; Laws 1986, c. 172, § 2, eff. July 1, 1986; Laws 1988, c. 167, § 3, emerg. eff. May 24, 1988; Laws 1990, c. 315, § 4, eff. July 1, 1990; Laws 1993, c. 93, § 2, eff. July 1, 1993; Laws 1997, c. 188, § 2, eff. Nov. 1, 1997; Laws 2008, c. 378, § 2, eff. July 1, 2008; Laws 2016, c. 159, § 1, eff. Nov. 1, 2017.

§47-1129. Special mobilized machinery - Registration procedure - Exemptions.

A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Oklahoma Tax Commission or their authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars ($25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars ($550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars ($550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars ($1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined. Provided, however, the fee for qualifying equipment registered in another state and utilized for emergency or temporary service, not to exceed thirty (30) days, shall be calculated in the same manner as set forth in subsection A of Section 1122 of this title.

D. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. In addition, the registration, fees, and licensing provisions of the laws of this state shall not apply to special mobilized equipment temporarily brought into the state, with subsequent movement back out of the state, solely for fabrication, repair, testing, alteration, modification, refurbishing, or maintenance. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.
Added by Laws 1985, c. 179, § 32, operative July 1, 1985. Amended by Laws 1993, c. 252, § 4, emerg. eff. May 26, 1993; Laws 1996, c. 220, § 3, emerg. eff. May 23, 1996; Laws 2000, c. 189, § 9, eff. July 1, 2000; Laws 2004, c. 390, § 19, eff. July 1, 2004.

§47-1130. Oklahoma Tax Commission Fund - Deposit of fees for use in mailings.

Any fees received by the Commission designated by law to be used for mailing of vehicle title registration or licenses as a result of the vehicle notification program shall be placed to the credit of the Oklahoma Tax Commission Fund.
Added by Laws 1985, c. 179, § 33, operative July 1, 1985. Amended by Laws 1986, c. 269, § 14, operative July 1, 1986.

§47-1131. Order renewal - Notification.

The Oklahoma Tax Commission shall annually notify all persons within the state who have a previous registration on record of the period for registration renewal. The Tax Commission shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address then the Tax Commission shall notify the person through the mail. The notifications shall contain all necessary information for such registration and licensing including a breakdown of all charges to be paid by the owner and shall contain instructions as to the procedure for renewal upon presentation to a motor license agent or by return mail to the Commission's state office. The content and form of the notice shall be determined by the Commission. Use of a postcard or electronic mail type renewal notice is specifically permitted. The Commission shall provide information on its public website instructing persons on the procedure for obtaining an annual notification via electronic mail, outlining all charges and fees associated with the registration of a vehicle, as well as an explanation of the apportionment of vehicle fees and penalties. The cost of mailing shall be One Dollar ($1.00) for license plates and fifty cents ($0.50) for decals, titles or other forms or devices

provided in this act. Provided, that the Commission may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

Failure by any applicant to receive notification of renewal as provided by this act shall not excuse the applicant from properly obtaining any registration or license at the proper time by presenting proof of ownership to the Commission's state office or to a motor license agent.

Added by Laws 1985, c. 179, § 34, operative July 1, 1985. Amended by Laws 1990, c. 264, § 112, operative June 1, 1990; Laws 2010, c. 389, § 2, emerg. eff. June 7, 2010.

§47-1132. Vehicle registration fees - Assessment - Computation.

A. For all vehicles, unless otherwise specifically provided by the Oklahoma Vehicle License and Registration Act, a registration fee shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state in the following amounts:

1. For the first through the fourth year of registration in this state or any other state, Eighty-five Dollars ($85.00);

2. For the fifth through the eighth year of registration in this state or any other state, Seventy-five Dollars ($75.00);

3. For the ninth through the twelfth year of registration in this state or any other state, Fifty-five Dollars ($55.00);

4. For the thirteenth through the sixteenth year of registration in this state or any other state, Thirty-five Dollars ($35.00); and

5. For the seventeenth and any following year of registration in this state or any other state, Fifteen Dollars ($15.00).

The registration fee provided for in this subsection shall be in lieu of all other taxes, general or local, unless otherwise specifically provided.

B. For all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased on or after July 1, 2005, and for all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased prior to July 1, 2005, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars ($11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars ($9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Two Dollars ($2.00) of the registration fee shall be retained by the motor license agent. The fees required by subsection A of this section shall not be required for all-terrain vehicles or motorcycles used exclusively off roads and highways.

C. For utility vehicles used exclusively for use off roads or highways purchased on or after July 1, 2008, and for utility vehicles used exclusively for use off roads or highways purchased prior to

July 1, 2008, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars ($11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars ($9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Two Dollars ($2.00) of the registration fee shall be retained by the motor license agent. The fees required by subsection A of this section shall not be required for utility vehicles used exclusively off roads and highways.

D. There shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

1. A new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by the Oklahoma Tax Commission; or

2. A defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

The credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will the credit be refunded.

E. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within thirty (30) days of change of ownership and pay a transfer fee of Fifteen Dollars ($15.00) in addition to any other fees provided for in this act. No new decal shall be issued to the registrant. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in subsection A of this section and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

F. In the event a new or used vehicle is not registered, titled and tagged within thirty (30) days from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar ($1.00) per day, provided that in no event shall the penalty exceed One Hundred Dollars ($100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents ($0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents ($0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents ($0.58) shall be deposited in the General Revenue Fund.

Added by Laws 1985, c. 179, § 35, operative July 1, 1985. Amended by Laws 1986, c. 172, § 3, eff. July 1, 1986; Laws 1986, c. 294, § 1, emerg. eff. June 24, 1986; Laws 1988, c. 156, § 1, emerg. eff. May 5, 1988; Laws 1988, c. 201, § 12, emerg. eff. June 10, 1988; Laws 1995, c. 10, § 1, eff. July 1, 1995; Laws 2000, c. 250, § 5, eff. Oct. 1, 2000; Laws 2005, c. 284, § 6, eff. July 1, 2005; Laws 2008, c. 98, § 10, eff. July 1, 2008; Laws 2009, c. 443, § 2, eff. July 1, 2009; Laws 2010, c. 412, § 19, eff. July 1, 2010; Laws 2011, c. 1, § 21, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 2; Laws 2012, c. 337, § 2.

NOTE: Laws 2000, c. 250, § 11 provides: "This act shall become effective October 1, 2000, upon approval by the people." State Question No. 691, Legislative Referendum No. 319, was approved by the people Aug. 22, 2000.

NOTE: Laws 2010, c. 335, § 3 repealed by Laws 2011, c. 1, § 22, emerg. eff. March 18, 2011.

§47-1132.1. License and registration fee.

A. There is levied and there shall be paid to the Oklahoma Tax Commission a fee of Three Dollars ($3.00) upon every vehicle to be registered or licensed, except for those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes. Said fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle licenses and registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, said fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Two-thirds of the monies collected pursuant to this section shall be transferred by the Tax Commission each month to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 1999, of the remaining one-third of the monies collected pursuant to this section each fiscal year, the first Four Hundred Thousand Dollars ($400,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 2 of this act and any amount in excess of Four Hundred Thousand Dollars ($400,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, of the remaining one-third of the monies collected pursuant to this section each fiscal year, the first Nine Hundred Thousand Dollars ($900,000.00) shall be transferred by the Tax Commission to the State

Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 2 of this act and any amount in excess of Nine Hundred Thousand Dollars ($900,000.00) shall be transferred by the Tax Commission to the State Treasurer for deposit in the General Revenue Fund.

C. The collection and payment of said fee shall be a prerequisite to license or registration of any vehicle, except for those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes.

Added by Laws 1987, c. 204, § 126, operative July 1, 1987. Amended by Laws 1994, c. 243, § 2, eff. Sept. 1, 1994; Laws 1998, c. 424, § 1, eff. July 1, 1998.

§47-1132.2. Motor Vehicle Driver Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Motor Vehicle Driver Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of Section 1132.1 of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to assist in defraying the cost of motor vehicle driver education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1998, c. 424, § 2, eff. July 1, 1998. Amended by Laws 2012, c. 304, § 202.

§47-1132.3. Credit for registration fee for replacement of vehicles destroyed by tornadoes.

A. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. For the purposes of this section, "tornado" means a tornado which occurred in calendar year 2013 or any subsequent tornado for which a Presidential Major Disaster Declaration was issued. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction, and shall be applied to the registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title. In no event will the credit be refunded.

B. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado in calendar year 2012 or calendar year 2013 for which a Presidential Major Disaster Declaration was not

issued, and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction and shall be applied to the registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title.

Added by Laws 1999, c. 186, § 1, emerg. eff. May 21, 1999. Amended by Laws 2002, c. 454, § 3, eff. July 1, 2002; Laws 2003, c. 374, § 1, emerg. eff. June 4, 2003; Laws 2013, c. 370, § 1, emerg. eff. May 29, 2013; Laws 2014, c. 215, § 1, emerg. eff. May 2, 2014; Laws 2014, c. 329, § 1, emerg. eff. May 23, 2014.

§47-1132.4. Additional fee – Apportionment of revenue.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of One Dollar ($1.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be apportioned as follows:

1. Fifty percent (50%) of the revenues shall be credited to the General Revenue Fund in the State Treasury; and

2. Fifty percent (50%) of the revenues shall be deposited to the Oklahoma Law Enforcement Retirement Fund; provided, the first Eight Hundred Fifty Thousand Dollars ($850,000.00) of the revenues apportioned pursuant to the provisions of this paragraph each fiscal year shall be deposited to the Department of Public Safety Patrol Vehicle Revolving Fund created in Section 2-143 of this title for the purpose of purchasing patrol vehicles and aircraft.

C. The collection and payment of the fees specified in this section shall be a prerequisite to license or registration of any vehicles.

Added by Laws 2001, c. 153, § 8, eff. July 1, 2001. Amended by Laws 2002, c. 397, § 30, eff. Nov. 1, 2002; Laws 2003, c. 461, § 13, eff. July 1, 2003.

NOTE: Effective date for Laws 2001, c. 153, § 8 added by Laws 2001, c. 246, § 1, emerg. eff. May 23, 2001, and by Laws 2001, c. 361, § 13, eff. July 1, 2001.

§47-1132.5. Additional fee payable to Oklahoma Tax Commission.

A. In addition to other vehicle registration fees specified by law, beginning September 1, 2003, through August 30, 2005, there is

levied and there shall be paid to the Oklahoma Tax Commission a fee of Two Dollars ($2.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be transferred each month to the Department of Public Safety for deposit in the Department of Public Safety Revolving Fund.

C. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any vehicles.

Added by Laws 2003, c. 396, § 1, eff. Sept. 1, 2003.

§47-1132.6. Registered motorcycle fee.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of Three Dollars ($3.00) upon every motorcycle registered pursuant to Section 1132 of Title 47 of the Oklahoma Statutes for use on roads and highways. The fee shall accrue and shall be collectible upon each motorcycle registered for use on roads and highways under the same circumstances and shall be payable in the same manner and times as apply to the registration of motorcycles for use on roads and highways under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be transferred each month to the Department of Public Safety for deposit in the **Motorcycle Safety and Education Program Revolving Fund created pursuant to Section 40-123 of Title 47 of the Oklahoma Statutes.**

C. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any motorcycle.

Added by Laws 2010, c. 59, § 1, eff. Nov. 1, 2010.

§47-1132.7. Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles.

A. In addition to other vehicle registration fees specified by law, for the year beginning January 1, 2018, and for each year thereafter, there is hereby levied and there shall be paid to the Oklahoma Tax Commission a Motor Fuels Tax Fee of:

1. One Hundred Dollars ($100.00) upon every electric-drive motor vehicle to be registered; and

2. Thirty Dollars ($30.00) upon every hybrid-drive motor vehicle to be registered.

The fee shall accrue and shall be collectible upon each electric-drive motor vehicle and hybrid-drive motor vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any electric-drive motor vehicle or hybrid-drive motor vehicle is first registered in a calendar year.

B. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any electric-drive motor vehicle or hybrid-drive motor vehicle.

C. Revenue from the fee provided for in subsection A of this section shall be deposited in the State Treasury to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes.

D. For purposes of this section:

1. "Electric-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of Title 47 of the Oklahoma Statutes that is propelled solely by electrical energy and is not capable of using gasoline, diesel or any other fuel for propulsion; and

2. "Hybrid-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of Title 47 of the Oklahoma Statutes that is capable of being propelled at least in part by electrical energy through the use of a battery storage system of at least four (4) kilowatt-hours, is capable of being recharged from an external source of electricity and is also capable of using gasoline, diesel fuel or alternative fuel to propel the vehicle.

Added by Laws 2017, c. 347, § 1, eff. Nov. 1, 2017.

§47-1132A. Registration renewals - Selection of motor license agents - Fees.

A. In any online system administered by the Oklahoma Tax Commission dealing with the Oklahoma Vehicle License and Registration Act the Tax Commission shall include a step where the individual must select between any motor license agent in the state and the Tax Commission to process any registration renewal.

B. Motor license agents selected as provided in subsection A of this section shall receive all fees provided by statute for registration renewals processed by the motor license agent through any online system administered by the Tax Commission; provided, the amount of fees remitted to the motor license agent for each registration renewal processed by the motor license agent through any

online system administered by the Tax Commission shall be reduced by One Dollar and fifty-six cents ($1.56).

C. The selection step required pursuant to subsection A of this section shall be installed and operational no later than September 1, 2010.

Added by Laws 2010, c. 476, § 1, emerg. eff. June 10, 2010.

§47-1132B. Administration of electronic transactions - Motor license agent fees.

A. If any service or transaction which a motor license agent is authorized by law to provide is administered through any state agency by means of an electronic transaction or online system, such agency shall include a step where the individual must select between any motor license agent in the state and the agency for processing the service or transaction. This section shall not apply to registrations processed pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

B. Motor license agents selected as provided in subsection A of this section shall receive all fees provided by statute for the service or transaction processed by the motor license agent through any electronic transaction or online system administered by a state agency.

Added by Laws 2013, c. 206, § 1, eff. Nov. 1, 2013.

§47-1133. Registration of commercial vehicles.

A. The following license fees shall be paid annually to the Oklahoma Tax Commission or Corporation Commission, as applicable, upon the registration of the following vehicles:

Except as provided in this subsection, for each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of vehicles. The license fees shall be computed and assessed at the following rates:

1.	From 8,001 pounds to 15,000 pounds	$ 95.00
2.	From 15,001 pounds to 18,000 pounds	120.00
3.	From 18,001 pounds to 21,000 pounds	155.00
4.	From 21,001 pounds to 24,000 pounds	190.00
5.	From 24,001 pounds to 27,000 pounds	225.00
6.	From 27,001 pounds to 30,000 pounds	260.00
7.	From 30,001 pounds to 33,000 pounds	295.00
8.	From 33,001 pounds to 36,000 pounds	325.00
9.	From 36,001 pounds to 39,000 pounds	350.00
10.	From 39,001 pounds to 42,000 pounds	375.00
11.	From 42,001 pounds to 45,000 pounds	400.00
12.	From 45,001 pounds to 48,000 pounds	425.00
13.	From 48,001 pounds to 51,000 pounds	450.00
14.	From 51,001 pounds to 54,000 pounds	475.00

15.	From 54,001 pounds to 57,000 pounds	648.00
16.	From 57,001 pounds to 60,000 pounds	681.00
17.	From 60,001 pounds to 63,000 pounds	713.00
18.	From 63,001 pounds to 66,000 pounds	746.00
19.	From 66,001 pounds to 69,000 pounds	778.00
20.	From 69,001 pounds to 72,000 pounds	817.00
21.	From 72,001 pounds to 73,280 pounds	857.00
22.	From 73,281 pounds to 74,000 pounds	870.00
23.	From 74,001 pounds to 75,000 pounds	883.00
24.	From 75,001 pounds to 76,000 pounds	896.00
25.	From 76,001 pounds to 77,000 pounds	909.00
26.	From 77,001 pounds to 78,000 pounds	922.00
27.	From 78,001 pounds to 79,000 pounds	935.00
28.	From 79,001 pounds to 80,000 pounds	948.00
29.	From 80,001 pounds to 81,000 pounds	961.00
30.	From 81,001 pounds to 82,000 pounds	974.00
31.	From 82,001 pounds to 83,000 pounds	987.00
32.	From 83,001 pounds to 84,000 pounds	1000.00
33.	From 84,001 pounds to 85,000 pounds	1013.00
34.	From 85,001 pounds to 86,000 pounds	1026.00
35.	From 86,001 pounds to 87,000 pounds	1039.00
36.	From 87,001 pounds to 88,000 pounds	1052.00
37.	From 88,001 pounds to 89,000 pounds	1065.00
38.	From 89,001 pounds to 90,000 pounds	1078.00

For the purposes of this section, the license fee of a wrecker or tow vehicle shall be based on the gross weight of the wrecker or tow vehicle alone without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle.

B. After the fifth year's registration in this or any other state, the license fee upon any truck registered on a basis of the combined laden weight not in excess of fifteen thousand (15,000) pounds shall be assessed at fifty percent (50%) of the fee computed and assessed for each of the first five (5) years. On the seventh and all subsequent years of registration in this or any other state, on such truck, such license fees shall be assessed and computed at fifty percent (50%) of the amount due on the sixth year's registration. In no event shall such annual license fee on any truck be less than Ten Dollars ($10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars ($95.00).

C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of Forty Dollars ($40.00) upon the first registration in this state after July 1, 1985, and upon the transfer of ownership of any frac tank, as defined by Section 54 of Title 17 of the Oklahoma Statutes, construction machinery, as defined by Section 1102 of this title, rental trailer, commercial trailer or semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

Thereafter, a fee of Four Dollars ($4.00) shall be paid annually for each frac tank, construction machinery, rental trailer, commercial trailer or semitrailer. The fee of Four Dollars ($4.00) shall be due and payable on January 1 of each year on any frac tank, construction machinery, rental trailer, commercial trailer or semitrailer registered under this section.

Upon the payment of the registration fee of Forty Dollars ($40.00), a nonexpiring registration certificate and identification plate shall be issued for each frac tank, construction machinery, rental trailer, commercial trailer or semitrailer. The nonexpiring identification plate shall remain displayed on the frac tank, construction machinery, rental trailer, commercial trailer or semitrailer for which the identification plate is issued until such frac tank, construction machinery, trailer or semitrailer is sold or removed from service.

A receipt shall be issued upon the payment of the annual fee. The receipt shall show the total fee paid for one or more frac tanks, construction machinery units, rental trailers, commercial trailers or semitrailers. The receipt shall be retained by the owner of any frac tank, construction machinery, rental trailer, commercial trailer or semitrailer for a period of three (3) years and shall be subject to audit by the Tax Commission or Corporation Commission.

Any frac tank, construction machinery, commercial trailer or semitrailer licensed pursuant to this section shall not be permitted to be operated on the highways of this state when such frac tank, construction machinery, commercial trailer or semitrailer is being operated by a resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to this section or is twenty-four thousand (24,000) pounds or less and operating under a valid temporary license plate provided by Section 1137.1 or 1137.3 of this title. In no event shall any truck, truck-tractor, frac tank, construction machinery, trailer, or semitrailer used in the furtherance of any commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than that prescribed in this section except as provided in this section.

D. For each fiscal year, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars ($400,000.00) of all monies collected pursuant to subsections A, B and C of this section shall be paid by the Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars ($400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire portion of the year covered by the improper registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until the current license plate previously issued has been surrendered.

Any person who has paid a fee under the terms and provisions of this subsection may at any time within one (1) year after the payment of such fee file with the Tax Commission or Corporation Commission a claim under oath for refund stating the grounds therefor. However, the Tax Commission or Corporation Commission shall allow refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or miscalculations. No refund shall be allowed by the Tax Commission or Corporation Commission of a tax paid by the person where such payment is made through a mistake as to the legal misinterpretation or construction of the provisions of this section. Any refunds made by the Tax Commission or Corporation Commission pursuant to this subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

F. The annual license fee required by this section is intended to cover only the motor vehicle for which it is issued. The Tax Commission or Corporation Commission upon application, when a

licensed truck-tractor has been destroyed by fire or accident, shall credit the unused portion of the annual license fee of the vehicle toward the license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee due on the replacement vehicle. The Tax Commission or Corporation Commission shall not be required to make a refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum equivalent to the difference between the unused portion of the annual license fee for the original motor vehicle and the license fee due for the replacement motor vehicle.

G. The license fees provided for in this section shall be paid each year whether or not the vehicle is operated on the public highway.

H. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial trucks, truck-tractors, frac tanks, construction machinery, trailers or semitrailers exceeds the sum of One Thousand Dollars ($1,000.00), the license fees may be paid in equal semiannual installments. The first installment shall be paid at the time of the application for registration of the vehicles and not later than January 15 of each year, and the second installment shall be paid on or before the first day of July of such year.

This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents ($0.25) per day to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days, after which the penalty due on each vehicle shall be Twenty-five Dollars ($25.00). The penalty for vehicles registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and after the thirtieth day each such vehicle involved shall be considered as improperly licensed and as not currently registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement, including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates, shall apply to the vehicles.

All fees and taxes levied by the Oklahoma Vehicle License and Registration Act shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall have priority to all other liens. No title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid

in full. Provided that any unpaid balance of the license fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Any unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from service.

Any person electing to pay license fees on a semiannual installment basis, as herein authorized, shall be required to purchase a new license tag for the last half and shall pay the sum of Four Dollars ($4.00) for each tag to cover the costs of the license tags. The license tags for each half shall be plainly marked in designating the half for which they were issued. A validation sticker may be used in lieu of a metal tag where appropriate. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned according to the provisions of Section 1104 of this title.

I. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars ($3.00) for the vehicle towing and Three Dollars ($3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

J. In addition to any other penalties prescribed by law, the following penalty shall be imposed by enforcement officers upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be not less than Twenty Dollars ($20.00) when such vehicle exceeds the laden weight or combined laden weight by two thousand one (2,001) pounds; thereafter, an additional penalty of not less than Twenty Dollars ($20.00) shall be imposed for each additional one thousand (1,000) pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

Added by Laws 1985, c. 179, § 36, operative July 1, 1985. Amended by Laws 1987, c. 6, § 11, emerg. eff. March 16, 1987; Laws 1988, c. 179,

§ 4, operative July 1, 1988; Laws 1992, c. 179, § 3, eff. July 1, 1992; Laws 1993, c. 259, § 46, operative Sept. 1, 1993; Laws 1997, c. 294, § 5, eff. July 1, 1997; Laws 1998, c. 5, § 15, emerg. eff. March 4, 1998; Laws 2004, c. 555, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 75, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 6, emerg. eff. May 12, 2008; Laws 2012, c. 295, § 1, eff. Nov. 1, 2012; Laws 2013, c. 52, § 2, eff. Nov. 1, 2013; Laws 2014, c. 296, § 2, eff. July 1, 2014.
NOTE: Laws 1997, c. 13, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2004, c. 522, § 19 repealed by Laws 2005, c. 1, § 76, emerg. eff. March 15, 2005.

§47-1133.1. Vehicles having combined laden weight of 8,000 pounds or less primarily used for business - Registration as commercial vehicles having combined laden weight of more than 8,000 and less than 15,001 pounds.

A. Any vehicle, including a station wagon as defined in paragraph 26 of Section 1102 of this title, which has a combined laden weight of eight thousand (8,000) pounds or less and is used primarily for business or commercial purposes may be registered, pursuant to Section 1133 of this title, as a commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds. Such vehicles or station wagons registered pursuant to this section shall be assessed the license fees for such commercial vehicle pursuant to Section 1133 of this title.

B. Upon initial registration by a person of a vehicle or station wagon pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle or station wagon, any person claiming the right to register a vehicle or station wagon pursuant to subsection A of this section shall make further proof that the person does in fact conduct a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses the vehicle or station wagon primarily for the use of that business or commercial enterprise by presenting a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes or a Federal Employers Identification Number or, if a sole proprietor, a copy of Schedule C from their most recent federal income tax return.

C. The failure of any owner of a vehicle or station wagon to properly label the vehicle or station wagon or to properly utilize the vehicle or station wagon for the purposes required by this section shall result in the issuance of a new license plate at the rate specified in Section 1132 of this title and in addition a penalty of fifty percent (50%) of the cost of such license shall be assessed against the owner.

D. In addition to the requirements of Section 1133 of this title, any commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds shall be subject to the requirements of this section. Added by Laws 1986, c. 25, § 1, eff. Nov. 1, 1986. Amended by Laws 1986, c. 294, § 2, emerg. eff. June 24, 1986; Laws 1988, c. 281, § 23, operative July 1, 1988; Laws 1989, c. 161, § 1, operative July 1, 1989; Laws 1992, c. 104, § 2, eff. Sept. 1, 1992: Laws 1994, c. 19, § 1, eff. Sept. 1, 1994; Laws 2001, c. 149, § 3, eff. Nov. 1, 2001; Laws 2004, c. 534, § 9, eff. Nov. 1, 2004.

§47-1133.2. Commercial vehicles - Display of registrant's name - Violations - Nonresident vehicles.

A. Every commercial motor vehicle, whether private, contract or for hire:

1. Of twenty-six thousand one (26,001) pounds or greater weight;

2. Designed to transport more than eight (8) passengers, including the driver, for compensation;

3. Designed to transport more than fifteen (15) passengers, including the driver, not for compensation; or

4. Transporting hazardous materials in a quantity requiring placarding in accordance with 49 Code of Federal Regulations, Part 172, Subpart F,

shall display the name of the vehicle registrant on each side of the vehicle in two-inch letters or greater which shall be legible from a distance of fifty (50) feet. The city or town serving as the registrant's principal place of business or postal address shall be displayed in two-inch letters or greater on each side of the vehicle adjacent to the registrant's name. Provided however, if the motor carrier holds a valid United States Department of Transportation number, whether for interstate or solely intrastate purposes, the motor carrier's markings shall be in compliance with 49 CFR 390.21.

B. Those not complying with the provisions of this section shall be assessed a fine of not less than One Hundred Dollars ($100.00). Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of Section 1166 et seq. of this title. Revenue from such fines shall be apportioned as provided in Section 1166 et seq. of this title. Any person in violation of the provisions of this section may be cited by the Oklahoma Highway Patrol, the Corporation Commission, or any county sheriff or municipal law enforcement officer. Any fines collected by a county sheriff or municipal law enforcement officer shall be deposited in the respective county or municipal treasury.

C. After a fine has been assessed pursuant to the provisions of subsection B of this section, the offender shall have ten (10) days to display the name of the registrant on the vehicle as provided in subsection A of this section.

D. The name on the side of the vehicle may differ from the name on the vehicle registration only if a bona fide legal lease is in the vehicle.
Added by Laws 1985, c. 205, § 3, eff. July 1, 1985. Renumbered from Title 47, § 22.5s by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001. Amended by Laws 2004, c. 522, § 20, eff. July 1, 2004; Laws 2014, c. 296, § 3, eff. July 1, 2014.

§47-1133.3. Noncommercial boat trailers and utility-type trailers - Annual registration.

At the option of the owner, the Oklahoma Tax Commission is authorized to register boat trailers and utility-type trailers, which are not being utilized in a commercial capacity, on an annual basis for a fee of One Dollar ($1.00).
Added by Laws 2008, c. 378, § 3, eff. July 1, 2008.

§47-1133.4. Single or combination farm use vehicle.

A. No state agency, unless required under federal law, shall require any single or combination farm use vehicle included in this section to participate in the United States Department of Transportation identification numbering system.

B. For the purposes of this section, single or combination farm use vehicle is a vehicle or vehicles with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

1. It is entitled to be registered with a farm tag and has a farm tag attached thereto;

2. It is controlled and operated by a farmer or rancher, his or her family or employees;

3. It is used to transport either agricultural products, livestock, farm machinery, farm supplies or any combination of those materials to or from a farm;

4. It is not used in the operations of a common or contract motor carrier; and

5. It is not transporting hazardous materials as defined under the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.
Added by Laws 2019, c. 67, § 1, eff. Nov. 1, 2019.

§47-1134. Farm vehicles - License fees - Exemptions.

A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars ($30.00). As used in this section, the term "pickup" shall mean a small, light truck with an open back or box used for hauling and designed primarily for the carrying of property rather than people. The term "truck" shall mean a motor vehicle designed or

converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people.

B. The fees assessed pursuant to this section shall not apply to trailers or semitrailers or combinations thereof used primarily for farm use and for the transportation of products of the farm by the producer thereof. Such fee shall not apply to any trailer or semitrailer or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of the trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer or combination thereof owned by a farmer and used primarily for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One Dollar ($1.00); provided, any such trailer used by the holder of a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, the party shall:

1. Show an income tax Schedule F for the preceding year; or

2. Present a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs the affidavit as required by this section when the person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his or her own, or for hauling gravel, shale or other road materials for rural roads, may make application with the Oklahoma Tax Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days as provided for in subsection F of this section, or may make application in accordance with the Motor Carrier Harvest Permit Act of 2006 if applicable.

F. Upon such application, the Tax Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

Added by Laws 1985, c. 179, § 37, operative July 1, 1985. Amended by Laws 1986, c. 294, § 3, emerg. eff. June 24, 1986; Laws 1987, c. 232, § 6, emerg. eff. July 5, 1987; Laws 1988, c. 167, § 4, emerg. eff. May 24, 1988; Laws 1991, c. 164, § 1, eff. Sept. 1, 1991; Laws 1992, c. 187, § 1, emerg. eff. May 7, 1992; Laws 1995, c. 27, § 7, eff. July 1, 1995; Laws 1996, c. 229, § 2, eff. July 1, 1996; Laws 1999, c. 158, § 1, eff. Nov. 1, 1999; Laws 2006, c. 140, § 4, emerg. eff. May 10, 2006.

§47-1134.1. Taxicabs, privately owned school buses, intercity and intracity motorbuses - License fee.

The following license fees shall be paid annually to the Oklahoma Tax Commission or Oklahoma Corporation Commission, as applicable, upon the registration of the following vehicles;

1. For each taxicab with a seating capacity of ten (10) or less people, the license fee shall be Twenty-five Dollars ($25.00) and paid to the Oklahoma Tax Commission;

2. For each school bus privately owned and used exclusively for transporting school children, the fee shall be based on seating capacity. For each such school bus with a seating capacity of fifteen (15) or less people, the fee shall be Twenty Dollars ($20.00). For each such school bus with a seating capacity of more than fifteen (15) people, the fee shall be Twenty-five Dollars ($25.00) and paid to the Oklahoma Tax Commission;

3. For each intercity motor bus, the fee shall be based on seating capacity and paid to the Oklahoma Tax Commission, or for those buses registered under Section 1120 of this title, paid to the Oklahoma Corporation Commission. For each intercity motor bus with a seating capacity of eleven (11) or less people, the fee shall be Seven Dollars and fifty cents ($7.50) per seat. For each intercity motor bus with a seating capacity of over eleven (11) but not more than twenty-three (23) people, the fee shall be Nine Dollars ($9.00) per seat. For each intercity motor bus with a seating capacity of more than twenty-three (23) people, the fee shall be Ten Dollars ($10.00) per seat. The seating capacity shall be determined by the number of seats available for passengers where separate seats are

used, or by allowing sixteen (16) inches of seating space where separate seats are not used. Provided, that upon all intercity motor buses the license fees provided herein shall after the first year's registration in this or any other state be assessed at eighty percent (80%) of the fee computed and assessed as provided herein; and thereafter shall be assessed at eighty percent (80%) of the previous year's fee so computed for seven (7) successive years, but in no event shall the fee be thus reduced below Ten Dollars ($10.00). Provided, that the Commission shall issue intercity motor bus registration certificates for motor buses having a seating capacity of not exceeding five (5) seats upon application and payment of necessary fee without further requirements;

4. For each intracity motor bus, the fee shall be based on seating capacity and paid to the Oklahoma Tax Commission. For each intracity motor bus having a seating capacity of not to exceed eight (8) people, the fee shall be Forty Dollars ($40.00). For each intracity motor bus having a seating capacity in excess of eight (8) and not more than fifteen (15) people, the fee shall be Five Dollars ($5.00) per seat. For each intracity motor bus having a seating capacity in excess of fifteen (15) and not more than twenty-five (25) people, the fee shall be Six Dollars ($6.00) per seat. For each intracity motor bus having a seating capacity in excess of twenty-five (25) people, the fee shall be Seven Dollars ($7.00) per seat. Provided that after the first year's registration of any intracity bus in this or any other state, the license fee thereon shall be assessed at eighty percent (80%) of the fee computed and assessed for the first year, and thereafter, the fee shall be assessed and computed at eighty percent (80%) of the previous year's fee, and shall be so computed and assessed for the next seven (7) consecutive years, after the first year; provided further, that the fee shall not be reduced to less than Twenty-five Dollars ($25.00).

Added by Laws 1985, c. 197, § 4, operative July 1, 1985. Amended by Laws 1993, c. 11, § 2, eff. Sept. 1, 1993; Laws 2014, c. 296, § 4, eff. July 1, 2014; Laws 2015, c. 21, § 1, eff. Nov. 1, 2015.

§47-1134.2. Vehicles used primarily for transporting unfinished and unprocessed forest products - License fee - Affidavit.

A. For each motor vehicle used primarily for the purpose of transporting unfinished and unprocessed forest products, logs, ties, stave bolts and posts, originating and produced in this state from the point of production or harvesting to the point at which they shall first undergo any processing, preparation for processing, conversion or transformation from their raw or natural state, the annual license fee shall be Two Hundred Fifty Dollars ($250.00).

B. The Oklahoma Tax Commission shall design appropriate license plates for all vehicles registered pursuant to the provisions of this section. Such license plates shall be permanent in nature and shall

be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. For purposes of this section, the term "motor vehicle" means a truck or truck-tractor or the combination of a truck or truck-tractor pulling a trailer or semitrailer. When a truck or truck-tractor pulling a trailer or semitrailer is licensed pursuant to the provisions of this section, a separate license plate shall be issued for each truck or truck-tractor and for each trailer or semitrailer for the fee prescribed in subsection A of this section.

D. Before a person shall be allowed to license a vehicle pursuant to the provisions of this section, the person shall sign an affidavit attesting to the fact that he is familiar with the purposes for which vehicles may be used and that he will not use such vehicle for any other purpose. Any person who signs such an affidavit when such person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law. A violation of the provisions of this section shall also be grounds for revocation of driver's license.

Added by Laws 1992, c. 187, § 2, emerg. eff. May 7, 1992.

§47-1134.3. Wrecker or towing vehicles - License plates - Registration.

A. Each operator of a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title operating a wrecker, wrecker vehicle, combination wrecker, combination wrecker vehicle, or any other motor vehicle which:

1. Is required to be registered in this state pursuant to the Oklahoma Vehicle License and Registration Act except for any vehicle which is properly registered on a proportional basis pursuant to Section 1120 of this title; and

2. Is used primarily for towing other motor vehicles

shall register such vehicle in accordance with this section.

B. The Oklahoma Tax Commission shall design an appropriate license plate for all wrecker vehicles registered pursuant to this section. Such license plates shall be permanent in nature and shall be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in Sections 951 through 957 of this title.

C. When registering the vehicle, a person shall be required to submit to the Oklahoma Tax Commission or a motor license agent a copy of the license issued pursuant to law to operate a wrecker or towing service. In addition, a security verification form as required pursuant to Sections 7-601.1 and 7-602 of this title shall be

presented clearly setting forth on the face of such verification the vehicle identification number (VIN) of the vehicle being registered.

D. The owner of any wrecker or towing vehicle not properly registered pursuant to this section or the Oklahoma Vehicle License and Registration Act shall be immediately notified in writing by the Tax Commission, and such owner shall be subject to any penalties and fines imposed by law for improper registration of a vehicle, for failure to register a vehicle, or for failure to display a proper commercial license plate and decal. The owner shall also be subject to revocation of the owner's license to operate a wrecker or towing service.

E. Whenever a term defined in Section 951 of this title is used in this section, it shall have the meaning provided in that section.
Added by Laws 1998, c. 134, § 1, eff. Nov. 1, 1998. Amended by Laws 1999, c. 25, § 1, eff. Nov. 1, 1999.

§47-1134.4. Transporting cotton modules - License fees - Penalties.

A. For each motor vehicle registered in this state and used for the purpose of transporting cotton modules from the point of production to the first point of delivery or cotton gin, the annual license fee shall be Sixty Dollars ($60.00). Fees collected pursuant to this section shall be apportioned pursuant to Section 1104 of Title 47 of the Oklahoma Statutes.

B. The Oklahoma Tax Commission shall design appropriate license plates for all vehicles registered pursuant to this section. The license plates shall be permanent in nature and shall be designed in a manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. Any person, firm or corporation who transports cotton modules without the license required in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars ($500.00);

2. For the second such violation, by a fine of One Thousand Dollars ($1,000.00); and

3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).

D. A motor vehicle subject to the license requirement in this section shall be exempt from the license required pursuant to Section 1133 of Title 47 of the Oklahoma Statutes.
Added by Laws 2012, c. 227, § 1, emerg. eff. May 8, 2012.

§47-1135. Manufactured homes - License fees.

License fees for a manufactured home registered pursuant to the provisions of Section 20 of this act shall be as follows:

1. Where the actual retail selling price, excluding Oklahoma state taxes, is One Thousand Five Hundred Dollars ($1,500.00) or less, the registration fee shall be Twenty-five Dollars ($25.00);

2. Where the actual retail selling price, excluding Oklahoma state taxes, is in excess of One Thousand Five Hundred Dollars ($1,500.00), the registration fee shall be Twenty-five Dollars ($25.00) plus seventy-five cents ($0.75) for each One Hundred Dollars ($100.00) or any fraction thereof, in excess of One Thousand Five Hundred Dollars ($1,500.00).

Added by Laws 1985, c. 179, § 38, operative July 1, 1985.

§47-1135.1. Special license plates – Political subdivisions – Tax exemption or nonprofit – Physical disability – Indian tribe – Hearing impaired – Antique vehicles – Honorary consul.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons as provided by this section.

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

Except as provided in subsection B of this section, special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system. The motor license agent fees shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

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

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state having obtained a proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision.

The registration fee shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

e. any vehicle owned and operated by a private nonprofit organization that:

(1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods,

f. any vehicle which:

(1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and

(2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no

reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program, or

g. any vehicle owned and operated by the Civil Air Patrol, a congressionally chartered corporation that also serves an auxiliary of the United States Air Force and which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and is used exclusively for its corporate missions of aerospace education, cadet programs and emergency services. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title to such vehicle is transferred to an owner who is not subject to this exemption. Such vehicles shall be exempt from the registration fees levied under Section 1132 of this title, except that an initial registration fee of Twenty-five Dollars ($25.00) shall apply to each vehicle.

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion.

Except as provided in subparagraph g of this paragraph, the registration fee shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

3. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for a physically disabled placard under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for a physically disabled placard pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the disabled license plate

shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars ($10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars ($25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

4. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

5. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

6. Antique or Classic Vehicles License Plates – such plates shall be designed and issued for any vehicle twenty-five (25) years of age or older, based upon the date of manufacture thereof and which travels on the highways of this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. Any person registering an antique or classic vehicle may elect to have the vehicle registered for a ten-year period. The registration fee for the elected ten-year registration shall be Seventy-five Dollars

($75.00). The motor license agent registering the antique or classic vehicle for a ten-year period shall receive one hundred percent (100%) of the fees the motor license agent would have otherwise received pursuant to subsection A of Section 1141.1 of this title if the antique or classic vehicle had been registered on an annual basis; and

7. Honorary Consul License Plates – such plates shall be designed to include the words "Honorary Consul" and issued to persons who are honorary consuls authorized by the United States to perform consular duties. Persons applying for such license plates must show proof of standing as an honorary consul. The fee for such plate shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The owner of the vehicle that possesses such license plates shall return the special license plates to the Oklahoma Tax Commission if the owner disposes of the vehicle during the registration year or ceases to be authorized to perform consular duties.

C. Special license plates provided by this section shall be designed in such a manner as to identify the use or ownership of the vehicle. Use of any vehicle possessing a special license plate provided by this section for any purpose not specified herein shall be grounds for revocation of the special license plate and registration certificate.

D. The fees provided by this section shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

Added by Laws 2004, c. 504, § 10, eff. July 1, 2004. Amended by Laws 2007, c. 272, § 1, eff. Nov. 1, 2007; Laws 2010, c. 302, § 6, emerg. eff. June 5, 2010; Laws 2016, c. 26, § 1, eff. Nov. 1, 2016.

§47-1135.2. Special license plates - Armed forces - Medals of honor - Police and sheriff - Legislators and officials - Volunteers - Victims and survivors - Amateur radio operators - Alumni.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons in recognition of their service or awards as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be

issued on a staggered system except for legislative plates and amateur radio operator license plates.

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

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

1. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

3. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

4. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably

discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

5. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. There shall be no registration fee for the issuance of this plate;

6. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

7. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Purple Heart military decoration. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased veteran who has been awarded the Purple Heart military decoration, if such spouse has not since remarried, or if remarried, the remarriage has been terminated by death, divorce or annulment, may apply for such plate for one vehicle with a rated carrying capacity of one (1) ton or less. The license plate created by this paragraph shall be exempt from the fee provided by this section for special license plates;

8. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces on December 7, 1941,

b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the

island of Oahu, or offshore at a distance not to exceed three (3) miles, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

9. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces in February of 1945,

b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

10. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces on June 6, 1944,

b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

11. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were

killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for no more than two vehicles with each vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

12. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

13. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Medal, the Distinguished Service Cross, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

14. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

15. Police Officer License Plates - such plates shall be designed for any currently employed, reserve or retired municipal police officer or full-time, reserve or retired university police officer certified by the Council on Law Enforcement Education and Training or common education police officer certified by the Council on Law Enforcement Education and Training. Police officers may apply for police officer license plates for vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of employment by or retirement from a municipal, university or common education police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and

Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

16. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, U.S. Army Air Corps, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II";

17. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from June 27, 1950, to January 31, 1955, both dates inclusive. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA";

18. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward

in which the municipal official serves. The plates shall only be produced upon application;

19. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

20. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

21. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

22. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995;

23. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol;

24. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines;

25. Combat Infantryman Badge License Plates – such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such

persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

26. Somalia Combat Veterans License Plates – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

27. Police Chaplain License Plates – such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC;

28. Joint Service Commendation Medal License Plates – such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense;

29. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less;

30. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number;

31. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, or a surviving spouse in receipt of Dependency and Indemnity Compensation from the United States Department of Veterans Affairs, may apply for a disabled veterans license plate for one

vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. The total expense of this license plate shall not exceed Five Dollars ($5.00).

If the person qualifies for a disabled veterans license plate and is also eligible for a physically disabled placard under the provisions of Section 15-112 of this title, the person shall be eligible to receive a disabled veterans license plate that also displays the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the disabled veteran with a disabled veterans license plate with the international accessibility symbol, the plate shall be returned to the Tax Commission;

32. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association;

33. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy;

34. Amateur Radio Operator License Plates – such plates shall be designed and issued to any person, holding a valid operator's license, technician class or better, issued by the Federal Communications Commission, and who is also the owner of a motor vehicle currently registered in Oklahoma, in which has been installed amateur mobile transmitting and receiving equipment. Eligible persons shall be entitled to two special vehicle identification plates as herein provided. Application for such identification plates shall be on a form prescribed by the Tax Commission and the plates issued to such applicant shall have stamped thereon the word "Oklahoma" and bear the official call letters of the radio station assigned by the Federal Communications Commission to the individual amateur operator thereof. All applications for such plates must be made to the Tax Commission on or before the first day of October of any year for such plates for the following calendar year and must be accompanied by the fee required in this section together with a certificate, or such other evidence as the Tax Commission may require, of proof that applicant has a valid technician class or better amateur operator's license and proof of applicant's ownership of a vehicle in which radio receiving and transmitting equipment is

installed. Applicants shall only be entitled to one set of special identification plates in any one (1) year, and such calendar year shall be stamped thereon. The right to such special identification plates herein provided for shall continue until the amateur radio operator's license of the person to whom such plates are issued expires or is revoked;

35. American Legion License Plates - such plates shall be designed for members of the American Legion. Persons applying for such license plate must show proof of membership. The license plates shall be designed in consultation with the American Legion of Oklahoma;

36. Deputy Sheriff License Plates - such plates shall be designed for any currently employed or retired county sheriff or deputy sheriff. County sheriffs or deputy sheriffs may apply for such plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a county sheriff's office by either an identification card or letter from the county sheriff or a government-sponsored retirement board from which the county sheriff or deputy sheriff may be receiving a pension. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with the county sheriff offices of this state;

37. Gold Star Surviving Spouse License Plates – such plates shall be designed to honor the surviving spouses and children of qualified veterans. As used in this paragraph, "qualified veteran" shall mean:

a. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a direct result of the performance of duties for any branch of the United States Armed Forces or Oklahoma National Guard while on active military duty, or

b. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a result of injury, illness or disease caused by the performance of such duties while on active duty, whether the death occurred while on active duty or after the honorable discharge of such person.

The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

38. Korea Defense Service Medal License Plates – such plates shall be designed and issued to any resident of this state who has

been awarded the Korea Defense Service Medal by the United States Secretary of Defense. Such persons may apply for a Korea Defense Service Medal license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

39. 180th Infantry License Plates – such plates shall be designed for members and prior members of the 180th Infantry. Persons applying for such license plate must obtain and provide proof of their membership from the 180th Infantry Association. The license plates shall be designed in consultation with the 180th Infantry;

40. Operation Iraqi Freedom Veteran License Plates – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Iraqi Freedom. Such person may apply for an Operation Iraqi Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

41. United States Air Force Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the United States Air Force Academy. Such persons may apply for a United States Air Force Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

42. Operation Enduring Freedom Veteran License Plate – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Enduring Freedom on or after September 11, 2001. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma. Such person may apply for an Operation Enduring Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

43. Military Multi-Decoration License Plate – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who qualifies for more than one military decoration license plate pursuant to the provisions of this section. The Tax Commission shall develop and implement a system whereby the designs of the eligible license plates can be included together on a single license plate. Such person may apply for a Military Multi-Decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

44. Global War on Terror Expeditionary License Plate – such plates shall be designed and issued to any honorably discharged or

present member of the United States Armed Forces who has earned a Global War on Terror Expeditionary decoration. The license plate shall be designed in consultation with the United States Institute of Heraldry and the Military Department of the State of Oklahoma. Such person may apply for a Global War on Terror Expeditionary license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

45. Legion of Merit Medal Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Legion of Merit military decoration. Such persons may apply for a Legion of Merit recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

46. 1-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 1-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 1-179th Infantry Association. The license plate shall be designed in consultation with the 1-179th Infantry;

47. 2-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 2-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 2-179th Infantry Association. The license plate shall be designed in consultation with the 2-179th Infantry;

48. Combat Action Ribbon Recipient License Plates - such plates shall be designed to honor recipients of the Combat Action Ribbon who present proper certification from the United States Department of the Navy. The license plate shall include the Combat Action Ribbon earned by the recipient. Such persons may apply for a Combat Action Ribbon Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less;

49. Oklahoma Submarine Veterans License Plate – such plates shall be designed for any resident of this state who is a United States submarine veteran and presents either a Department of Defense form 214 or other documentation certifying such service. Such persons may apply for an Oklahoma Submarine Veterans license plate for vehicles having a rated capacity of one (1) ton or less. The license plate design shall include both gold and silver dolphins to represent both officer and enlisted service members;

50. United States Navy Seabees and Civil Engineer Corps License Plate – such plates shall be designed and issued to any honorably discharged or present member of the United States Navy Seabees or Civil Engineer Corps. Such persons may apply for a United States

Navy Seabees and Civil Engineer Corps license plate for vehicles having a rated carrying capacity of one (1) ton or less. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

51. Combat Action Badge Recipient License Plate - such plates shall be designed to honor recipients of the Combat Action Badge who present proper certification from the United States Army. The license plate shall include the Combat Action Badge earned by the recipient. Such persons may apply for a Combat Action Badge Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

52. Iraq Combat Veteran License Plate – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Iraqi Freedom. Such persons may apply for an Iraq Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

53. Afghanistan Combat Veteran License Plate – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Enduring Freedom. Such persons may apply for an Afghanistan Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate; and

54. Special Forces Association – such plates shall be designed and issued to any honorably discharged or present member of the Army Special Forces qualified and authorized to wear upon the person's United States military uniform the Army Special Forces Tab. Persons applying for the Special Forces Association license plate must provide a copy of the orders awarding the Special Forces Tab or authorizing its wear upon a United States military uniform. The license plate shall be designed in consultation with the Special Forces Association, Chapter 32-50. The Tax Commission shall produce up to two distinct designs for the Special Forces Association license plate. Qualified persons may select one design at the time of application. The plates shall be issued to any qualified person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates.

C. Unless otherwise provided by this section, the fee for such plates shall be Eight Dollars ($8.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Such fees shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 504, § 11, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 3, eff. Nov. 1, 2005; Laws 2006, c. 152, § 1, eff. July 1, 2006; Laws 2006, c. 272, § 5, eff. Nov. 1, 2006; Laws 2007, c. 1, § 31, eff. July 1, 2007; Laws 2009, c. 311, § 1, eff. Nov. 1, 2009; Laws 2010, c. 366, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 23, emerg. eff. March 18, 2011; Laws 2012, c. 204, § 1, eff. Nov. 1, 2012; Laws 2013, c. 365, § 2, eff. Nov. 1, 2013; Laws 2014, c. 79, § 1, eff. Nov. 1, 2014; Laws 2014, c. 249, § 1, eff. Nov. 1, 2014; Laws 2014, c. 372, § 1, eff. Nov. 1, 2014; Laws 2015, c. 54, § 12, emerg. eff. April 10, 2015; Laws 2019, c. 434, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2006, c. 275, § 1 repealed by Laws 2007, c. 1, § 32, eff. July 1, 2007. Laws 2006, c. 311, § 23 repealed by Laws 2007, c. 1, § 33, eff. July 1, 2007. Laws 2006, 2nd Ex. Sess., c. 44, § 22 repealed by Laws 2007, c. 1, § 34, eff. July 1, 2007. Laws 2010, c. 302, § 7 repealed by Laws 2011, c. 1, § 24, emerg. eff. March 18, 2011. Laws 2014, c. 351, § 1 repealed by Laws 2015, c. 54, § 13, emerg. eff. April 10, 2015.

§47-1135.3. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest, or membership to or for an organization, occupation, cause or other subject as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept

applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

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

Except as otherwise provided in law, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by the Tax Commission until the Commission receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by the Tax Commission within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by the Tax Commission within such prescribed time period any payment so received shall be refunded accordingly.

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

1. Round and Square Dance License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic

Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriner's Hospitals for Burned and Crippled Children License Plate - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plate - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plate - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Kiwanis International License Plate – such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

11. Certified Public Accountants License Plate - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated

carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

12. Civil Emergency Management License Plate – such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. Persons applying for such license plate must show proof of official affiliation by presenting a nonexpired proof of employment, affiliation or retirement in the form of an identification card or letter on official letterhead from a municipal, county or state emergency management department head;

13. Civilian Conservation Corps License Plate – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

14. Rotarian License Plate – such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

15. Benevolent Protective Order of Elks License Plate – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks;

16. Humane Society License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

17. Oklahoma Mustang Club License Plate – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

18. American Business Clubs (AMBUCS) License Plate - such plates shall be designed and issued to members of American Business Clubs.

Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

19. West Point 200th Anniversary License Plate – such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

20. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium;

21. The Pride of Broken Arrow License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

22. Fellowship of Christian Athletes License Plate - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

23. Parrothead Club License Plate - such plates shall be designed and issued to members and supporters of the Parrothead Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

24. Oklahoma Bicycling Coalition License Plate – such plates shall be designed and issued to any person who is a member of the Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

25. Electric Lineman License Plate – such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

26. Alpha Kappa Alpha License Plate – such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

27. The National Pan-Hellenic Council Incorporated License Plate – such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

28. Organ, Eye and Tissue License Plate – such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license

plates shall be designed in consultation with the State Department of Health;

29. Central Oklahoma Habitat for Humanity License Plate – such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

30. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

31. Delta Sigma Theta License Plate – such plates shall be designed and issued to any person who is a member of Delta Sigma Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

32. Omega Psi Phi License Plate – such plates shall be designed and issued to any person who is a member of Omega Psi Phi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

33. Alpha Phi Alpha License Plate – such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

34. 50th Anniversary of the Interstate System of Highways License Plate – such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

35. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

36. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated. Subject to the provisions of subsection A of this section, the Sigma Gamma Rho License Plate is hereby reauthorized effective November 1, 2013;

37. Multiple Sclerosis License Plate – such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

38. Frederick Douglass High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Frederick Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick Douglass High School National Alumni Association;

39. United States Air Force Academy License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

40. In God We Trust License Plate – such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

41. National Weather Center License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

42. Make-A-Wish Foundation License Plate – such plates shall be designed and issued to persons wishing to demonstrate support for the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

43. South Central Section PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section PGA Foundation. The license plates shall be designed in consultation with the South Central Section PGA Foundation;

44. Putnam City High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

45. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

46. Oklahoma Blood Institute License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

47. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

48. Star Spencer High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support

for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association. Subject to the provisions of subsection A of this section, the Star Spencer High School License Plate is hereby reauthorized effective November 1, 2015;

49. Northeast High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

50. Oklahoma City Central High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

51. Oklahoma Rifle Association License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

52. Oklahoma City Thunder License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

53. Ovarian Cancer Awareness License Plate – such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

54. BMW Car Club of America License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America. Subject to the provisions of subsection A of this section, the BMW Car Club of America License Plate is hereby reauthorized effective November 1, 2013;

55. Don't Tread On Me License Plate – such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic;

56. Oklahomans for the Arts License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for arts, culture and creative industries as well as arts education. The plates shall be designed in consultation with Oklahomans for the Arts;

57. Oklahoma City Barons License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Barons. The license plate shall be designed in consultation with the Oklahoma City Barons organization. The license plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six;

58. Oklahoma City Redhawks License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Redhawks. The license plate shall be designed in consultation with the Oklahoma City Redhawks organization;

59. Tulsa Shock License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Shock. The license plate shall be designed in consultation with the Tulsa Shock organization;

60. Tulsa Oilers License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Oilers. The license plate shall be designed in consultation with the Tulsa Oilers organization;

61. Tulsa Drillers License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Drillers. The license plate shall be designed in consultation with the Tulsa Drillers organization;

62. Millwood School District License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Millwood School District. The license plate shall be designed in consultation with representatives of the Millwood School District;

63. Booker T. Washington High School License Plate – such plates shall be issued to persons wishing to demonstrate support for Booker T. Washington High School and shall be designed in consultation with the Booker T. Washington High School National Alumni Association;

64. Oklahoma Current State Flag License Plate – such plates shall be designed to include the current Oklahoma state flag and issued to any person wishing to demonstrate support for the current Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center;

65. Oklahoma Original State Flag License Plate – such plates shall be designed to include the original Oklahoma state flag and issued to any person wishing to demonstrate support for the original Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Subject to the provisions of subsection A of this section, the Oklahoma Original State Flag license plate is hereby reauthorized effective November 1, 2015;

66. Tulsa 66ers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa 66ers. The plates shall be designed in consultation with the Tulsa 66ers Organization;

67. Frederick Bombers License Plate – such plates shall be issued to persons wishing to demonstrate support for the Frederick School District and shall be designed in consultation with representatives of the Frederick School District;

68. 911 Dispatcher License Plate – such plates shall be issued to persons wishing to demonstrate support for 911 dispatchers. Persons applying for such license plate must show proof of current employment as a 911 dispatcher or sign an attestation that they are a currently employed or retired 911 dispatcher;

69. Oklahoma Fosters License Plate – such plates shall be issued to persons wishing to demonstrate support for the Oklahoma Fosters Initiative and shall be designed in consultation with the Oklahoma Fosters Initiative;

70. Red Dirt Jeeps License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Red Dirt Jeeps and such plates shall be designed in consultation with Red Dirt Jeeps, L.L.C.;

71. Sons of the American Revolution License Plate – such plates shall be issued to persons wishing to demonstrate support for the Sons of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Such plates shall be designed in consultation with the Oklahoma Society of the Sons of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

72. Daughters of the American Revolution License Plate – such plates shall be issued to persons wishing to demonstrate support for the Daughters of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Such plates shall be designed in consultation with the Oklahoma Society of the Daughters of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

73. Air Medal License Plate – such plates shall be designed and issued to Air Medal recipients. An individual requesting the plate is required, at the time of application, to show proof he or she is a recipient of the Air Medal or sign an attestation stating that he or she is a medal recipient. The plates shall be designed to include the Air Medal emblem and shall include the words "Air Medal" on the plate;

74. Oklahoma Institute for Child Advocacy License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Institute for Child Advocacy. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plates shall contain the official Oklahoma Institute for Child Advocacy logo;

75. The Pride of Oklahoma Marching Band License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band. The plates shall be designed in consultation with the University of Oklahoma;

76. The Spirit of Oklahoma State Marching Band License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Spirit of Oklahoma State marching band. The plates shall be designed in consultation with Oklahoma State University;

77. Southeast Spartans License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Southeast High School Spartans and such plates shall be designed in consultation with the Southeast High School Alumni Association;

78. Catoosa High School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Catoosa High School located in Catoosa. The plates shall bear the image of the Catoosa High School mascot and be designed in consultation with representatives of Catoosa High School;

79. Toastmasters International License Plate - such plates shall be issued to persons wishing to demonstrate support for Toastmasters International and shall be designed in consultation with District 16 of Toastmasters International;

80. Millwood High School Alumni License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Millwood High School Alumni. The license plate shall be designed in consultation with representatives of the Millwood High School Alumni Association;

81. Patriot Guard Riders License Plate - such plates shall be issued to persons wishing to demonstrate support for Patriot Guard Riders and shall be designed in consultation with the Patriot Guard Riders of Oklahoma; and

82. Bixby School District License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plate shall be designed in consultation with representatives of the Bixby School District.

C. The fee for such plates shall be Fifteen Dollars ($15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be

apportioned as follows: Eight Dollars ($8.00) per year of renewal of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars ($7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 12, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 4, eff. Nov. 1, 2005; Laws 2006, c. 311, § 24, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 35, emerg. eff. Feb. 22, 2007; Laws 2009, c. 311, § 2, eff. Nov. 1, 2009; Laws 2010, c. 366, § 2, eff. Nov. 1, 2010; Laws 2011, c. 248, § 1, eff. Nov. 1, 2011; Laws 2013, c. 197, § 1, eff. Nov. 1, 2013; Laws 2013, c. 365, § 3, eff. Nov. 1, 2013; Laws 2014, c. 4, § 14, emerg. eff. April 2, 2014; Laws 2014, c. 351, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 14, emerg. eff. April 10, 2015; Laws 2015, c. 372, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 23, emerg. eff. April 26, 2016; Laws 2017, c. 97, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 2, eff. Nov. 1, 2017; Laws 2018, c. 226, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 24, emerg. eff. April 4, 2019; Laws 2019, c. 236, § 1, eff. Nov. 1, 2019; Laws 2019, c. 434, § 2, emerg. eff. May 23, 2019.

NOTE: Editorially renumbered from § 1135.3 of Title 68 to provide consistency in numbering.

NOTE: Laws 2006, c. 275, § 2 repealed by Laws 2007, c. 1, § 36, emerg. eff. Feb. 22, 2007. Laws 2013, c. 229, § 2 repealed by Laws 2014, c. 4, § 15, emerg. eff. April 2, 2014. Laws 2014, c. 372, § 2 repealed by Laws 2015, c. 54, § 15, emerg. eff. April 10, 2015. Laws 2015, c. 378, § 1 repealed by Laws 2016, c. 210, § 24, emerg. eff. April 26, 2016. Laws 2018, c. 293, § 1 repealed by Laws 2019, c. 25, § 25, emerg. eff. April 4, 2019.

§47-1135.4. Personalized license plates.

A. The Oklahoma Tax Commission is hereby authorized to design and issue personalized license plates. The personalized license plates shall be issued on a staggered system except for vintage decals.

Personalized special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The personalized special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Personalized special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon

presentation to a motor license agent or the Tax Commission. The motor license agent fees for renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

B. Such plates shall be designed and issued for the following:

1. Any person in any combination of numbers or letters from one to a maximum of seven;

2. Persons eligible for two or more of the military decoration special license plates provided for in this title. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three;

3. Motorcycles in any combination of numbers or letters from one to a maximum of six;

4. Persons eligible for Korean War Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem;

5. Persons eligible for World War II Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem; and

6. Persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed.

C. The fee for such plates shall be Twenty Dollars ($20.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Eight Dollars ($8.00) per year of renewal of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Twelve Dollars ($12.00) per year of renewal of the personalized tag fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 13, eff. July 1, 2004. Amended by Laws 2018, c. 69, § 3, eff. Nov. 1, 2018.

§47-1135.5. Special license plates - Demonstration of support and financial assistance to specific causes.

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

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

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

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

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

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

1. University or College Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. As

provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.1 of this title;

2. Environmental Awareness License Plate - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this section and any other registration fees required by the Oklahoma Vehicle License and Registration Act. As provided in this section, an amount of the fee collected shall be apportioned pursuant to Section 1104.2 of this title;

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

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

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

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

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

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

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

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

8. Historic Route 66 License Plate - such:

a. vehicle plates shall be designed to honor historic Route 66, also known as the "Mother Road". As provided in this section, an amount of the fee collected for each vehicle license plate shall be apportioned to the Oklahoma Historical Society Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma, and

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

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

10. Emergency Medical Technician License Plate - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. As provided in this section, an amount of the fee collected shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes;

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

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

13. Oklahoma Safe Kids Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Oklahoma Safe Kids Association. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. As provided in this section, an amount of the fee collected shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Oklahoma Safe Kids Association program;

14. Four-H Club License Plate – such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. As provided in this section, an amount of the fee collected shall be apportioned to

the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title;

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

16. Oklahoma Statehood Centennial License Plate – such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

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

a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,
b. five percent (5%) shall be deposited to the Higher Education Revolving Fund,
c. five percent (5%) shall be deposited to the State Career Technology Fund, and
d. eighty-five percent (85%) of the fee shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes.

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

18. Retired Oklahoma Highway Patrol Officers License Plate – such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in

the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. As provided in this section, an amount of the fee collected shall be deposited into the Law Enforcement Retirement Fund;

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

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

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

22. Adoption Creates Families License Plate – such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of

children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. Twenty-five Dollars ($25.00) of the fee collected shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

23. Choose Life License Plate – such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. As provided in this section, an amount of the fee collected shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

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

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

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

27. Girl Scouts of the United States of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Girl Scouts of the United States of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of

seven, as for personalized license plates. The plate shall contain the official Girl Scouts of the United States of America logo. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Girl Scouts of the United States of America for any licensing fees which may be required in order to use the Girl Scouts of the United States of America logo or design. The licensing agreement shall provide for a payment to the Girl Scouts of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout councils, of not more than Twenty Dollars ($20.00) for each license plate issued;

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

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

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

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

32. Patriot License Plate - such plates shall be designed in consultation with the Military Department of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Oklahoma National Guard and deployed on active

duty. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Patriot License Plate Revolving Fund created in Section 1104.11 of this title;

33. Global War on Terrorism License Plate - such plate shall be designed in consultation with the Military Department of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Armed Forces of the United States or Oklahoma National Guard that have served in the Global War on Terrorism. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of six. As provided in this section, a portion of the fee collected shall be deposited in the 45th Infantry Division Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

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

35. Oklahoma Quarter Horse License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the American Quarter Horse in Oklahoma. The plate shall be designed in consultation with the Oklahoma Quarter Horse Association. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in Section 1104.12 of this title;

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

37. Oklahoma City Zoo License Plate – such plates shall be issued to any person wishing to demonstrate support for the Oklahoma City Zoo. The license plates shall be designed in consultation with the Oklahoma Zoological Society, Inc. As provided in this section,

an amount of the fee collected shall be deposited in the Oklahoma Zoological Society Revolving Fund created in Section 1104.13 of this title;

38. March of Dimes License Plate - such plates shall be issued to persons wishing to demonstrate support for the March of Dimes mission to improve the health of babies by preventing birth defects, premature birth and infant mortality. The license plates shall be designed in consultation with the Oklahoma Chapter March of Dimes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in Section 1104.14 of this title;

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

40. Folds of Honor Supporter License Plate - such plates shall be authorized to be designed and issued to any person wishing to demonstrate support for the Oklahoma City Chapter of Folds of Honor Incorporated, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), providing educational scholarships to spouses and children of America's fallen and disabled military service members. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. Such person may apply for a Folds of Honor Supporter license plate for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The plate shall be designed in consultation with the Oklahoma City Chapter of Folds of Honor Incorporated and shall contain the official Folds of Honor Incorporated logo which includes the mark "Folds of Honor" across the bottom of the plate. The Tax Commission, if necessary, may enter into a licensing agreement with Folds of Honor Incorporated for any licensing fees which may be required in order to use the Folds of Honor Incorporated logo or design. The licensing agreement shall provide for a payment to Folds of Honor Incorporated of Twenty-five Dollars ($25.00) for each license plate issued. Subject to the provisions of subsection A of

this section, the Folds of Honor Supporter License Plate is hereby reauthorized effective November 1, 2019;

41. Downed Bikers Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The Tax Commission, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars ($20.00) for each license plate;

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

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

44. Prevent Blindness Oklahoma License Plate - such plates shall be issued to any person wishing to provide financial support for vision screening of school age children in this state. The license plates shall be designed in consultation with Prevent Blindness Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prevent Blindness Oklahoma License Plate Revolving Fund created in Section 1104.17 of this title;

45. Oklahoma State Capitol Restoration License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for restoration of the Oklahoma State Capitol building. The license plates shall be designed in consultation with the Friends of the Capitol corporation, created pursuant to Section

15.4 of Title 73 of the Oklahoma Statutes and the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund established in Section 1104.18 of this title;

46. Eastern Red Cedar Tree License Plate – such plates shall be designed, subject to criteria to be presented to the Tax Commission and issued to any person wishing to demonstrate support for the removal of Eastern Red Cedar trees from lands in the state and to develop marketable uses for the harvested trees. The license plate shall be designed in consultation with the Eastern Red Cedar Registry Board. Twenty-three Dollars ($23.00) of the fee collected shall be deposited in the Eastern Red Cedar Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma Statutes. The money shall be designated for and may only be expended for the purposes as set forth in the Eastern Red Cedar Registry Board Act;

47. Pancreatic Cancer Research License Plate - such plates shall be issued to any person wishing to provide financial support for the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The license plates shall be designed in consultation with the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. As provided in this section, an amount of the fee collected shall be deposited in the Pancreatic Cancer Research License Plate Revolving Fund created in Section 1104.19 of this title;

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

49. Hospice and Palliative Care License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Hospice and Palliative Care Association. The license plates shall be designed in consultation with the Oklahoma Hospice and Palliative Care Association. As provided in this section, an amount of the fee collected shall be deposited in the Hospice and Palliative Care License Plate Revolving Fund created in Section 1104.21 of this title;

50. Juvenile Diabetes Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. The license plates shall be designed in consultation with the Oklahoma

Chapters of the Juvenile Diabetes Research Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Juvenile Diabetes Research License Plate Revolving Fund created in Section 1104.22 of this title;

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

52. Lupus Awareness and Education License Plate - such plates shall be issued to any person wishing to provide financial support for the Lupus Foundation of Oklahoma. The license plates shall be designed in consultation with the Lupus Foundation of Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Lupus License Plate Revolving Fund created in Section 1104.24 of this title. Subject to the provisions of subsection A of this section, the Lupus Awareness and Education License Plate is hereby reauthorized effective November 1, 2018;

53. Chiefs of Police License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Association of Chiefs of Police for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plates shall be designed in consultation with the Oklahoma Association of Chiefs of Police. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Association of Chiefs of Police for any licensing fees which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Association of Chiefs of Police of not more than Twenty Dollars ($20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

54. Crossings Christian School License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. The Tax Commission shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the

school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars ($20.00) for each license plate issued;

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

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

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

58. Childhood Cancer Awareness License Plate – such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars ($20.00) for each license plate issued;

59. Oklahoma Educational Television Authority License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority.

As provided in this section, an amount of the fee collected shall be deposited in the Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

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

61. Disabled American Veterans License Plate – such plates shall be designed in consultation with the Disabled American Veterans Department of Oklahoma and issued to any member of the organization wishing to demonstrate support. The Tax Commission shall be authorized to enter into a licensing agreement with the Disabled American Veterans Department of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Disabled American Veterans Department of Oklahoma of not more than Twenty Dollars ($20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Disabled American Veterans Department of Oklahoma and the Tax Commission;

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

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

64. Sperry Pirates Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Sperry Pirates, and shall be designed in consultation with representatives of Sperry Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in

this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

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

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

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

68. Southeast Spartans Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Southeast Spartans, and shall be designed in consultation with the Southeast High School Alumni Association. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

69. Sooner State ABATE License Plate - such plates shall be issued to any person wishing to provide financial support for Sooner State ABATE. The license plates shall be designed in consultation with Sooner State ABATE. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design

in order to meet the space requirements of a motorcycle license plate. The Tax Commission shall be authorized to enter into a licensing agreement with Sooner State ABATE for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to Sooner State ABATE of not more than Twenty Dollars ($20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Sooner State ABATE License Plate is hereby reauthorized effective November 1, 2019;

70. Oklahoma License to Educate License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for Oklahoma educators. Such plates shall be designed in consultation with the State Department of Education. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Teacher Recruitment Revolving Fund created in Section 6-132 of Title 70 of the Oklahoma Statutes;

71. Piedmont Education Foundation License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Piedmont Public Schools Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in Section 1104.28 of this title;

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

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

74. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plates shall be designed in

consultation with the administration of the Bixby School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Bixby School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Bixby School District of not more than Twenty Dollars ($20.00) for each license plate issued;

75. Oklahoma Aeronautics Commission License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Aeronautics Commission and shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. Twenty-four Dollars ($24.00) of the fee collected shall be deposited in the Oklahoma Aeronautics Commission Revolving Fund, for expenditure as provided in Section 91 of Title 3 of the Oklahoma Statutes;

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

77. Prisoner of War and Missing in Action License Plate - such plates shall be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and provide financial support for current veterans. The license plates shall be designed in consultation with Rolling Thunder Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in Section 1104.29 of this title;

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

79. Clinton Public School Foundation License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Public School Foundation. The license plates

shall be designed in consultation with the Clinton Public School Foundation. The Tax Commission shall be authorized to enter into a licensing agreement with the Clinton Public School Foundation for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Clinton Public School Foundation of not more than Twenty Dollars ($20.00) for each license plate issued;

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

81. Oklahoma Music Hall of Fame Inc. License Plate - such plates shall be designed in consultation with the Oklahoma Music Hall of Fame Inc. and issued to any member of the organization wishing to demonstrate support. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Music Hall of Fame Inc. for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Music Hall of Fame Inc. of not more than Twenty Dollars ($20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Oklahoma Music Hall of Fame Inc. and the Tax Commission. Subject to the provisions of subsection A of this section, the Oklahoma Music Hall of Fame Inc. License Plate is hereby reauthorized effective November 1, 2019;

82. Techlahoma Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Techlahoma Foundation. The license plate shall be designed in consultation with the Techlahoma Foundation. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The Tax Commission shall be authorized to enter into a licensing agreement with the Techlahoma Foundation for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Techlahoma Foundation of not more than Twenty Dollars ($20.00) for each license plate issued;

83. Bethany Public Schools Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Bethany Public Schools Foundation. The license plates shall be designed in consultation with the administration of the Bethany

Public Schools Foundation. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Bethany Public Schools Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Bethany Public Schools Foundation of not more than Twenty Dollars ($20.00) for each license plate issued;

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

85. Down Syndrome Association of Central Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Down Syndrome Association of Central Oklahoma. Such plates shall be designed in consultation with the Association. As provided in this section, an amount of the fee collected shall be deposited in the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in Section 1104.30 of this title;

86. Elk City Education Foundation License Plate – such plates shall be designed and issued to any person wishing to demonstrate support for the Elk City Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Elk City Education Foundation License Plate Revolving Fund created in Section 1104.31 of this title;

87. A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate – such plates shall be designed and issued to any person wishing to provide financial support for ABATE of Oklahoma. Such plates shall be designed in consultation with ABATE of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with ABATE of Oklahoma for any licensing fees which may be required in order to use the ABATE of Oklahoma logo or design. The licensing agreement shall provide for a payment to ABATE of Oklahoma of not more than Twenty Dollars ($20.00) for each license plate issued;

88. Downed Bikers Association License Plate - such plates shall be designed for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized plates, and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The Tax Commission, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars ($20.00) for each license plate;

89. Eagle Scout License Plate – Such plates shall be designed to demonstrate support for Eagle Scouts and shall include the Eagle Scout logo. Plates may be issued to any person who can show proof of having obtained the rank of Eagle Scout. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the various Oklahoma local councils for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment of not more than Twenty Dollars ($20.00) for each license plate issued to the specific Oklahoma local area Council designated by the applicant;

90. Extraordinary Educators License Plate – such plates shall be designed and issued to any person wishing to provide financial support for common education in Oklahoma. Such plates shall be designed in consultation with the State Department of Education. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. As provided in this section, an amount of the fee collected shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in Section 1104.32 of this title;

91. Former Oklahoma Legislator License Plate - such plates shall be designed and issued to any person who previously served as a member of the Oklahoma House of Representatives or Oklahoma State Senate. The license plates shall be designed in consultation with the Oklahoma Historical Society. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund created in Section 1.10a of Title 53 of the Oklahoma Statutes. The Tax Commission shall create and maintain a list of former members of

the Oklahoma House of Representatives and Oklahoma State Senate eligible to be issued such plates; provided, that no former member of the Oklahoma House of Representatives and Oklahoma State Senate shall be eligible to possess more than two of such plates at any one time. The Tax Commission shall confer as needed with the Chief Clerk of the Oklahoma House of Representatives and the Secretary of the Oklahoma State Senate to confirm that such list is complete and accurate;

92. Monarch Butterfly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the operations of the Nature Conservancy of Oklahoma. Such plates shall be designed in consultation with the Oklahoma Chapter of the Nature Conservancy. The Tax Commission shall be authorized to enter into a licensing agreement with the Nature Conservancy of Oklahoma for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Nature Conservancy of Oklahoma of not more than Twenty Dollars ($20.00) for each license plate issued;

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

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

95. Oklahoma Women Veterans Organization License Plate – such plates shall be designed and issued to any female veteran of any branch of the United States Armed Forces wishing to demonstrate support for the Oklahoma Women Veterans Organization. The license plates shall be designed in consultation with the Oklahoma Women Veterans Organization. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Women Veterans Organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall

provide for a payment to the Oklahoma Women Veterans Organization of not more than Twenty Dollars ($20.00) for each license plate issued;

96. FIRST (For Inspiration and Recognition of Science and Technology) License Plate - such plates shall be issued to any person wishing to demonstrate support for FIRST Robotics Programs. The license plates shall be designed in consultation with the administration of FIRST. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with FIRST for any licensing fees which may be required in order to use the FIRST logo or design. The licensing agreement shall provide for a payment to FIRST of not more than Twenty Dollars ($20.00) for each license plate issued;

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

98. Historic Greenwood District License Plate – such plates shall be issued to persons wishing to demonstrate support for the Historic Greenwood District Juneteenth Festival held in the Historic Greenwood District in Tulsa, Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Black Wall Street Chamber of Commerce. Twenty-five Dollars ($25.00) of the fee collected shall be deposited in the Historic Greenwood District/Juneteenth Festival Revolving Fund established in Section 5 of this act. Two Dollars ($2.00) of the fee collected shall be deposited in the Public School Classroom Support Revolving Fund, for expenditure as provided in Section 1-123 of Title 70 of the Oklahoma Statutes.

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

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

2. Eight Dollars ($8.00) per year of renewal of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be

used for the administration of the Oklahoma Vehicle License and Registration Act; and

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

Added by Laws 2004, c. 504, § 14, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 5, eff. Nov. 1, 2005; Laws 2006, c. 200, § 1, eff. Nov. 1, 2006; Laws 2006, 2nd Ex. Sess., c. 44, § 25, eff. July 1, 2007; Laws 2009, c. 311, § 3, eff. Nov. 1, 2009; Laws 2010, c. 2, § 19, emerg. eff. March 3, 2010; Laws 2010, c. 190, § 1, eff. Nov. 1, 2010; Laws 2010, c. 366, § 3, eff. Nov. 1, 2010; Laws 2011, c. 1, § 25, emerg. eff. March 18, 2011; Laws 2011, c. 248, § 2, eff. Nov. 1, 2011; Laws 2013, c. 197, § 2, eff. Nov. 1, 2013; Laws 2013, c. 365, § 4, eff. Nov. 1, 2013; Laws 2014, c. 351, § 3, eff. Nov. 1, 2014; Laws 2015, c. 54, § 16, emerg. eff. April 10, 2015; Laws 2015, c. 378, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 25, emerg. eff. April 26, 2016; Laws 2017, c. 284, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 3, eff. Nov. 1, 2017; Laws 2018, c. 69, § 4, eff. Nov. 1, 2018; Laws 2018, c. 293, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 26, emerg. eff. April 4, 2019; Laws 2019, c. 434, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2006, c. 152, § 2 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 26, eff. July 1, 2007. Laws 2006, c. 311, § 25 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 27, eff. July 1, 2007. Laws 2006, c. 275, § 3 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 28, eff. July 1, 2007. Laws 2009, c. 256, § 1 repealed by Laws 2010, c. 2, § 20, emerg. eff. March 3, 2010. Laws 2010, c. 454, § 11 repealed by Laws 2011, c. 1, § 26, emerg. eff. March 18, 2011. Laws 2014, c. 372, § 3 repealed by Laws 2015, c. 54, § 17, emerg. eff. April 10, 2015. Laws 2015, c. 372, § 2 repealed by Laws 2016, c. 210, § 26, emerg. eff. April 26, 2016. Laws 2017, c. 97, § 2 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 2, eff. Nov. 1, 2017. Laws 2017, c. 273, § 1 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 3, eff. Nov. 1, 2017. Laws 2018, c. 181, § 1 repealed by Laws 2019, c. 25, § 27, emerg. eff. April 4, 2019. Laws 2018, c. 226, § 2 repealed by Laws 2019, c. 25, § 28, emerg. eff. April 4, 2019. Laws 2018, c. 304, § 15 repealed by Laws 2019, c. 25, § 29, emerg. eff. April 4, 2019.

NOTE: Laws 2017, c. 339, § 1 was purportedly repealed by Laws 2018, c. 304, § 16, but without reference to Laws 2018, c. 226, § 2, which amended that section.

§47-1135.6. National Association for Stock Car Auto Racing Driver (NASCAR) Theme License Plates.

The Oklahoma Tax Commission is hereby authorized to design and issue National Association for Stock Car Auto Racing Driver ("NASCAR") Theme License Plates. Such plates shall be designed and issued to any person wishing to demonstrate interest in NASCAR auto racing. The plates shall be of such design as the supplier of the

license plates in consultation with the Oklahoma Tax Commission may prescribe. The fee for such plate shall be Forty Dollars ($40.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the supplier of such NASCAR Driver license plates or other entity for any required licensing fees. The licensing agreement shall provide for a payment of not more than Twenty-five Percent (25%) of the fee authorized for each license plate issued. Five Dollars ($5.00) of the forty-dollar fee shall be apportioned to the General Revenue Fund. The remaining amount of such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

For license plates numbered zero (0) through one hundred (100) displaying a particular NASCAR Driver theme, the Oklahoma Tax Commission may establish an auction or similar procedure for the purpose of determining the order in which such distinctive license plates are sold and the amount of the additional fee for the distinctive license plates. This amount shall be due at the time the original application is submitted to the Tax Commission and Forty Dollars ($40.00) thereafter annually at the time of renewal registration.

Added by Laws 2004, c. 504, § 15, eff. July 1, 2004.

§47-1135.7. Authorization to design and issue special license plates.

A. The Oklahoma Tax Commission or private vendor with whom the Commission has contracted is authorized to design and issue special license plates to any person that applies to the Tax Commission or private vendor for the creation of a special license plate and meets the minimum standards and qualifications specified in this section.

B. If the following standards and guidelines are satisfied, the Tax Commission shall authorize the issuance of a special license plate to the person making application for the special license plate:

1. The license plate is to:

a. show membership in or affiliation with an organization, or

b. demonstrate support for an organization, group or cause;

2. The license plate does not advertise or endorse a product, brand, or service that is provided for sale;

3. The license plate does not promote any philosophy based on prejudice or that is contrary to state civil rights laws; and

4. Two hundred prepaid applications for the special license plate are received by the Tax Commission or private vendor.

C. The fee for special license plates shall be determined in accordance with Section 1 of this act. If the special license plate does not provide financial assistance the fee shall be no less than

Fifteen Dollars ($15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, Fifteen Dollars ($15.00) of the fee shall be apportioned as follows: Eight Dollars ($8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining amounts of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

D. The fee for special license plates that provide financial assistance shall be determined in accordance with Section 1 of this act. Provided, the fee shall be no less than Thirty-five Dollars ($35.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Thirty-five Dollars ($35.00) per year of renewal of the fee shall be apportioned as follows:

1. Twenty Dollars ($20.00) of the fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund created in Section 1135.8 of this title to be used in the manner detailed in the application for the special license plate;

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

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

E. If a person applies for a special license plate that provides financial assistance, the application shall designate a state agency to be responsible for expending the funds generated by the special license plate and the application shall designate a specific public purpose for which the funds are to be used. The application shall include an acknowledgment from the designated state agency of their agreement with acceptance of the designated funds.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent, unless authorized by the Tax Commission to be renewed for a period greater than one (1) year. The Tax Commission shall notify all persons issued special license plates of the renewal procedures prior to the expiration of the special license plate. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon

presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

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

G. All special plates issued by the Tax Commission prior to the effective date of this act shall not be subject to the requirements and qualifications outlined in this section.

H. As used in this section, "person" includes an individual, group, organization or not-for-profit corporation that is recognized as such by the Internal Revenue Service.

Added by Laws 2005, c. 416, § 6, eff. Nov. 1, 2005. Amended by Laws 2018, c. 69, § 5, eff. Nov. 1, 2018.

§47-1135.8. License Plate Special Program Assistance Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission, to be designated the "License Plate Special Program Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by paragraph 1 of subsection D of Section 6 of this act.

B. All monies accruing to the credit of said fund are hereby appropriated and shall be expended by the Tax Commission on December 31 of each year. The monies shall be distributed to the appropriate state agency to be expended in accordance with the specifications contained in the application for each special license plate that provides financial support in an amount based on the number of special license plates that are in circulation for that particular organization.

Added by Laws 2005, c. 416, § 7, eff. Nov. 1, 2005.

§47-1135.9. Authority to enter into contract with private vendor.

A. The Oklahoma Tax Commission is authorized to enter into a contract with a private vendor experienced in the marketing and sale of:

1. Personalized license plates authorized under Section 1135.4 of Title 47 of the Oklahoma Statutes; and

2. Special license plates authorized under Sections 1135.3, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

B. 1. The Commission shall establish by rule administrative fees for license plates issued and renewed under the provisions of subsection A of this section. The administrative fees authorized by this paragraph shall be reasonable but not less than the amounts necessary for the Commission to recover costs to the Commission associated with the:

a. awarding of the contract authorized by this section,

b. implementation and enforcement of such contract, and

c. direct and indirect administrative costs associated with administering the provisions of this section.

2. The fees authorized by this subsection shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act, including the fees required by Sections 1135.3, 1135.4, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

C. The contracted amount payable to a private vendor related to the marketing and sale of special license plates shall only be payable from amounts derived from administrative fees associated with the issuance and renewal of such personalized and special license plates.

D. 1. The Commission may approve additional designs and color combinations for personalized and special license plates authorized under the provisions of Title 47 of the Oklahoma Statutes, including for special license plates that may be personalized, that may be marketed and sold by a private vendor under a contract entered into under the provisions of this section. Each approved license plate design and color combination shall remain the property of the Commission.

2. This subsection shall not be interpreted to authorize:

a. the Commission to approve a design or color combination for a specialty license plate, or

b. the private vendor to market or sell a special license plate with a design or color combination,

that is inconsistent with the design or color combination specified for the license plate in the special license plate's authorizing statute.

E. The Commission shall not:

1. Restrict the background color, color combinations or color alphanumeric license plate numbers of a special license plate, except as determined by the Department of Public Safety as necessary for law enforcement purposes;

2. Restrict the private vendor from conducting reasonable events or auctions;

3. Restrict the right of the private vendor to offer a variety of plate categories with both personalized and nonpersonalized patterns; or

4. Unreasonably disapprove or limit the ability for the private vendor to offer plate terms that exceed one (1) year.

F. The Commission may cancel a license plate or require the discontinuation or redesign of a license plate design or color combination that is marketed and sold by a private vendor under contract at any time if the Commission determines that the cancellation or discontinuation is in the best interest of the state or the motoring public.

G. To the extent fees collected under the provisions of this section are in excess of the total amounts provided in subparagraphs a, b and c of paragraph 1 of subsection B of this section and other apportionment provisions for personalized or specialized license plates, the excess amount shall be deposited to the credit of the General Revenue Fund.

H. 1. A contract entered into with a private vendor under the provisions of this section shall provide for the Commission to recover all costs incurred by the Commission in implementing the provisions of this section. Under the provisions of the contract, the Commission may require the private vendor to reimburse the Commission in advance for:

a. not more than one-half (1/2) of the Commission's anticipated costs in initiating the contract, and

b. the Commission's anticipated costs in coordinating the introduction of a new special license plate.

2. The initial term of contract entered into under the provisions of this section shall be no less than five (5) years in duration. Such contract may provide for additional terms at least equal in length to the initial term of the contract.

I. As applied to contracts entered under the provisions of this section, the Commission shall not:

1. Unreasonably disapprove or limit any aspect of a private vendor's marketing and sales plan; or

2. Unreasonably interfere with the selection, assignment or management by the private vendor of the private vendor's employees, agents or subcontractors.

J. A private vendor shall not market and sell license plates that compete directly for sales with other special license plates issued under the provisions of Title 47 of the Oklahoma Statutes, unless the Commission and the agency or organization associated with the special license plate authorizes such marketing and sale.

K. The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall collect and deposit any

amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of Title 47 of the Oklahoma Statutes for each year of registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.
Added by Laws 2018, c. 69, § 1, eff. Nov. 1, 2018.

§47-1136. Repealed by Laws 2004, c. 504, § 22, eff. July 1, 2004.
NOTE: Laws 2004, c. 366, § 1, amended this section prior to repeal to read as follows:

The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

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

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system except for legislative and motorcycle license plates and vintage decals.

If fewer than fifty of any type of special license plates authorized prior to January 1, 2000, are issued prior to January 1, 2005, or, for any type of special license plate authorized after January 1, 2000, within five (5) years after first being offered, the Tax Commission shall discontinue issuance of that type of special license plate.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for Five Dollars ($5.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number.

The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

e. any vehicle owned and operated by a private nonprofit organization that:

(1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods, or

f. any vehicle which:

(1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and

(2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program.

The registration fee shall be Five Dollars ($5.00).

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion;

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign

country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars ($5.00);

5. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

6. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

7. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plates shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

8. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for an insignia as a physically disabled person pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars ($10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical

disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars ($25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

9. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars ($5.00);

10. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00);

11. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars ($5.00) and shall be in addition to the regular plate issued and the fees charged therefor;

12. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions. The registration fee shall be Five Dollars ($5.00);

13. Personalized License Plates - such plates shall be designed and issued for the following:

a. any person in any combination of numbers or letters from one to a maximum of seven,

b. persons eligible for two or more of the military decoration special license plates provided for in this section. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three, and

c. motorcycles in any combination of numbers or letters from one to a maximum of six.

The personalized license plates shall be issued on a staggered system except for motorcycles.

On and after January 1, 1987, persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of the Oklahoma Vehicle License and Registration Act.

The fee for such plate shall be Twelve Dollars ($12.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Two Dollars ($2.00) of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act;

14. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Purple Heart military decoration and, upon the death of the recipient, the spouse of the recipient. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

15. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces on December 7, 1941,

b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a Pearl Harbor Survivor License Plate a commemorative Pearl Harbor decal to commemorate the fiftieth anniversary of Pearl Harbor. Such decal shall include the language "Pearl Harbor 1941-1991" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a Pearl Harbor Survivor License Plate;

16. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces in February of 1945,

b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

17. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

a. a member of the United States Armed Forces on June 6, 1944,

b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

18. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars ($5.00);

19. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars ($5.00);

20. University or College Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support

to any state-supported or private university or college. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.1 of this title;

21. Environmental Awareness License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.2 of this title. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this paragraph and any other registration fees required by the Oklahoma Vehicle License and Registration Act;

22. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Award, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

23. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

24. Round and Square Dance License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

25. Firefighter License Plates - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department.

Except for motorcycles, the license plate shall have the legend "Oklahoma" in the color Pantone 186C Red and shall contain no more than three letters and three numbers in the color Pantone 301C Blue. Between the letters and numbers shall be the Firefighter Maltese Cross Logo in the color Pantone 186C Red outlined in the color Pantone 301C Blue. Below the letters and the logo shall be the word "Firefighter" in the color Pantone 186C Red. The license plate for motorcycles may be of a similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Twenty Dollars ($20.00) for initial registration and succeeding yearly registration shall be apportioned as follows: Fifteen Dollars ($15.00) shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma Firefighter Fallen and Living Memorial and Five Dollars ($5.00) to the Tax Commission;

26. Police Officer License Plates - such plates shall be designed for any currently employed or retired municipal police officer. Police officers may apply for police officer plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a municipal police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state.

The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

27. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any

combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars ($12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a World War II Veteran License Plate a commemorative World War II decal to commemorate the fiftieth anniversary of the end of World War II. The decal shall include the language "World War II 50th Anniversary" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a World War II Veteran License Plate;

28. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 1, 1950, to April 27, 1954. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars ($12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

29. Wildlife Conservation License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Oklahoma Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Wildlife Conservation License Plates, as well as stocking applications for personalized Wildlife Conservation License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars ($3.00) for each original Wildlife Conservation License Plate issued and

for each application submitted by mail that carries the agent's code and for which a Wildlife Conservation License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars ($17.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes. After the first year such plate is issued, Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

30. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward in which the municipal official serves. The plates shall only be produced upon application. The fee for the plate shall be Fifteen Dollars ($15.00) and shall be in addition to the regular plate issued to the elected municipal official and the fees charged therefor;

31. Child Abuse Prevention License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Office of Child Abuse Prevention in the State Department of Health and the Oklahoma Committee to Prevent Child Abuse, and issued to any person wishing to demonstrate support for the prevention of child abuse. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be deposited in the Child Abuse Prevention Fund;

32. National Association for the Advancement of Colored People License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP. The fee for the plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

33. National Rifle Association License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association. The fee for the plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

34. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all

other registration fees required by the Oklahoma Vehicle License and Registration Act;

35. United States Olympic Committee Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic Committee logo. The fee for such plate shall be Twenty-eight Dollars ($28.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic Committee for any licensing fees which may be required in order to use the United States Olympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars ($25.00) for each license plate issued. Motor license agents shall have the option of stocking an inventory of preprinted United States Olympic Committee Supporter License Plates, as well as stocking applications for personalized United States Olympic Committee Supporter License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars ($3.00) for each United States Olympic Committee Supporter License Plate issued and for each application submitted by mail that carries the agent's code and for which a United States Olympic Committee Supporter License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title;

36. Oklahoma History License Plates - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. The fee for such plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars ($15.00) of the twenty-dollar fee shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

37. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

38. Masonic Fraternity License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to

all other registration fees required by the Oklahoma Vehicle License and Registration Act;

39. Historic Route 66 License Plates - such plates shall be designed to honor historic Route 66, also known as the "Mother Road".

The fee for the plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars ($15.00) of the twenty-dollar fee shall be apportioned to the Oklahoma Tourism and Recreation Department Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma;

40. Heart of the Heartland License Plates - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

41. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

42. Shriner's Hospitals for Burned and Crippled Children License Plates - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem. The fee for the plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

43. Emergency Medical Technician License Plates - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. The fee for the plate shall be Twenty Dollars ($20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars ($15.00) of the twenty-dollar fee shall be apportioned to the county of residence of the person purchasing the plates to be equally apportioned by the county to the city and county volunteer fire departments in the county;

44. Fight Breast Cancer License Plates - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state. The plate shall contain the legend "Fight Breast Cancer". The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be apportioned to the Breast Cancer Act Revolving Fund;

45. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

46. Veterans of Foreign Wars License Plates - such plates shall be designed to honor the veterans of foreign wars and issued to any resident of this state who is a member of a Veterans of Foreign Wars organization in this state. Such persons may apply for Veterans of Foreign Wars license plates upon proof of membership in a Veterans of Foreign Wars organization. The license plate shall be designed in consultation with the Veterans of Foreign Wars organization. The fee for the plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

47. Order of the Eastern Star License Plates - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem. The fee for each license plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

48. Crime Victims Awareness License Plates - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Oklahoma Crime Victims Centre. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

49. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

50. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

51. Knights of Columbus License Plates - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus

license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem. The fee for each license plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

52. Oklahoma Safe Kids Association License Plates - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Oklahoma Safe Kids Association. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Oklahoma Safe Kids Association program;

53. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

54. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol. The fee for the plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

55. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

56. Jaycees License Plates - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

57. Combat Infantryman Badge License Plates – such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

58. Somalia Combat Veterans License Plates – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

59. Ducks Unlimited License Plates – such plates shall be designed and issued to members of Ducks Unlimited. Persons applying for and renewing such license plates must show proof of tag membership in Ducks Unlimited. The license plates shall be designed in consultation with Ducks Unlimited. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

60. Kiwanis International License Plates – such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

61. Certified Public Accountants License Plates - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants. The fee for each license plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

62. Police Chaplain License Plates – such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC. The fee for such plates shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

63. Four-H Club License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Four-H Club License Plates, as well as stocking applications for personalized Four-H Club License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars ($3.00) for each original Four-H Club License Plate issued and for each application submitted by mail that carries the agent’s code and for which a Four-H Club License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the

provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars ($17.00) of the twenty-five-dollar fee shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title. After the first year such plate is issued, Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be apportioned to such fund;

64. Agricultural Awareness License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.3 of this title;

65. Oklahoma Statehood Centennial License Plates – such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars ($20.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

66. Support Education License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Two Dollars ($2.00) of the twenty-five-dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty-three Dollars ($23.00) shall be apportioned as follows:

a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,

b. five percent (5%) shall be deposited to the Higher Education Revolving Fund,

c. five percent (5%) shall be deposited to the State Vocational-Technical Fund, and

d. eighty-five percent (85%) of the fee shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes. However, when the Teachers' Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, Twenty-three Dollars ($23.00) of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

67. Retired Oklahoma Highway Patrol Officers License Plates – such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the

letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. The fee for each plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows: Twenty Dollars ($20.00) shall be deposited into the Law Enforcement Retirement Fund, and Five Dollars ($5.00) shall be deposited to the Oklahoma Tax Commission Reimbursement Fund;

68. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

69. Civil Emergency Management License Plates – such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. The license plates shall be designed in consultation with the Department of Civil Emergency Management. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

70. Joint Service Commendation Medal License Plates – such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

71. Civilian Conservation Corps License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

72. Rotarian License Plates – such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

73. Benevolent Protective Order of Elks – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

74. Boy Scouts of America Supporter License Plates – such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars ($20.00) for each license plate issued;

75. Humane Society License Plates – such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

76. Urban Forestry and Beautification License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.5 of this title;

77. Oklahoma Mustang Club – such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

78. Oklahoma State Parks Supporter License Plates – such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty-three Dollars ($23.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma

Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

79. American Business Clubs (AMBUCS) License Plates - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

80. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

81. Respect Life – Support Adoption License Plates – such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee derived from the sale of such plates shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

82. West Point 200th Anniversary License Plates – such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma. The fee for such plate shall be Five Dollars ($5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

83. Choose Life License Plates – such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. The fee for the plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Five Dollars ($5.00) of the twenty-five dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty Dollars ($20.00) derived from the sale of such plates shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

84. Future Farmers of America License Plate – such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA (formerly known as Future Farmers of America). The license

plates shall be designed in consultation with the Oklahoma FFA Foundation Board of Directors. The fee for such plate shall be Twenty-five Dollars ($25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.7 of this title; and

85. Lions Club License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Club of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. The fee for such plate shall be Fifteen Dollars ($15.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars ($10.00) for each license plate issued.

Notwithstanding the provisions of Section 1104 of this title, Two Dollars ($2.00) of each special tag fee shall be deposited to the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate.

§47-1136.1. Repealed by Laws 2004, c. 504, § 23, eff. July 1, 2004.

§47-1136.2. Former military vehicles.

A. Except as provided in this section, former military vehicles shall be exempt from the provisions of the Oklahoma Vehicle License and Registration Act if:

1. The former military vehicle is used only for exhibitions, club activities, parades, and other functions of public interest and will not be used for regular transportation; and

2. The owner of the former military vehicle files with the Oklahoma Tax Commission or a motor license agent a sworn affidavit, signed by the owner, stating that the vehicle is a former military vehicle and will be used solely for the purposes listed in paragraph 1 of this subsection.

B. Upon each former military vehicle, the annual license fee shall be Twenty Dollars ($20.00). Upon initial registration, the owner shall make application for the flat license fee which application shall include the year of manufacture and a description of the vehicle containing information as may be required by the Commission, including the information required in paragraphs 1 and 2 of subsection A of this section.

C. A former military vehicle shall not be required to display a license plate if current proof of registration for the vehicle, in a form prescribed by the Commission, is carried in the vehicle. In

addition, the vehicle shall display in a prominent location on the vehicle a registration mark prescribed by the Commission. The Commission shall allow the use of a unique identification mark similar to the mark assigned that vehicle by the branch of the armed forces in which the vehicle was used. If such a mark is not used, the Commission shall designate a registration mark consisting of numbers, letters, or numbers and letters in combination at least two (2) inches in height. To the extent possible, the location and design of the registration mark shall conform to the official military design and markings of the vehicle.

D. A certificate of title shall be issued for a former military vehicle, and the applicable fees for the issuance of a certificate of title as provided pursuant to the Oklahoma Vehicle License and Registration Act shall apply.

E. All penalties pursuant to the Oklahoma Vehicle License and Registration Act relating to the failure to register a vehicle shall apply to this section if the former military vehicle is not properly registered or is used in a manner which violates the provisions of paragraph 1 or 2 of subsection A of this section.

F. As used in this section, "former military vehicle" means a vehicle which has been, but no longer is, used by the armed forces of a national government and which displays markings indicating it was a military vehicle.

Added by Laws 1997, c. 204, § 2, eff. Nov. 1, 1997.

§47-1137. Repealed by Laws 1990, c. 315, § 10, eff. July 1, 1990.

§47-1137.1. Used dealer temporary license plate - Certificate of title - Tax stamp - Registration and title - Nonresident purchasers

A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from the Oklahoma Tax Commission at a cost of Ten Dollars ($10.00) a dealer license plate for demonstrating, transporting or any other normal business of a dealer including use by an individual holding a valid salesperson's license issued by the Oklahoma Used Motor Vehicle and Parts Commission. Any dealer who operates a wrecker or towing

service licensed pursuant to Sections 951 through 957 of this title shall register each wrecker vehicle and display a wrecker license plate on each vehicle as required by Section 1134.3 of this title. A dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars ($10.00) for each additional license plate. Use of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. The Oklahoma Tax Commission shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by the Commission or the Used Motor Vehicle and Parts Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used motor vehicle or travel trailer, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his or her primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents ($3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used motor vehicles or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of the Oklahoma Tax Commission for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Used Motor Vehicle and Parts Commission, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate under this subsection shall be placed at the location provided for the permanent motor vehicle license plate. The temporary license plate shall show the license number which is issued to the dealer each year by the Oklahoma Tax Commission or the Used Motor Vehicle and Parts Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Used Motor Vehicle and Parts Commission is hereby directed to develop the temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Used Motor Vehicle and Parts Commission is hereby authorized to develop additional requirements and parameters as deemed appropriate to discourage or prevent illegal duplication and use of the temporary license plate. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. Purchasers of a commercial trailer shall affix the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed thirty (30) days or until registration and title are obtained as provided in this section.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed thirty (30) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after thirty (30) days shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for

the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer or commercial trailer. A license of any dealer violating the provision of this section may be revoked.

G. Dealers following the procedure set forth herein shall not be required to register vehicles, travel trailers or commercial trailers to which this section applies, nor will the registration fee otherwise required be assessed. Provided, dealers shall not purchase or trade for a used motor vehicle, travel trailer or commercial trailer on which the registration therefor has been expired for a period exceeding thirty (30) days without obtaining current registration therefor.

H. A nonprofit charitable organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which accepts donations of used motor vehicles previously titled in Oklahoma to be subsequently transferred to another owner, upon the qualifying organization providing sufficient documentation of its tax-exempt status, may obtain from the Oklahoma Tax Commission charitable nonprofit organization license plates for demonstrating, transporting or test-driving donated vehicles, provided that no organization shall possess or use at any one time more than eight such plates. The Tax Commission shall design distinctive license plates for that purpose. The cost for said plates shall be the same as provided in subsection A of this section for dealer plates.

I. The transfer of ownership from the vehicle donor to the qualifying nonprofit organization described in subsection H of this section shall be made without the payment of motor vehicle excise tax levied pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
Added by Laws 1986, c. 172, § 5, eff. July 1, 1986. Amended by Laws 1988, c. 163, § 7, emerg. eff. May 16, 1988; Laws 1989, c. 57, § 6, operative July 1, 1989; Laws 1990, c. 115, § 1, operative July 1, 1990; Laws 1990, c. 315, § 5, eff. July 1, 1990; Laws 1991, c. 56, § 1, emerg. eff. April 10, 1991; Laws 1992, c. 200, § 1, eff. July 1, 1992; Laws 1993, c. 93, § 3, eff. July 1, 1993; Laws 1994, c. 119, § 1, eff. Sept. 1, 1994; Laws 2005, c. 190, § 15, eff. Sept. 1, 2005; Laws 2007, c. 326, § 19, eff. Nov. 1, 2007; Laws 2015, c. 386, § 7, eff. Nov. 1, 2015; Laws 2016, c. 308, § 1, eff. Nov. 1, 2016.

§47-1137.2. Issuance of dealer license plates - Authority of Commission.

The Oklahoma Tax Commission shall have the sole authority to issue the dealer license plate specified in subsection A of Section 1137.1 of this title.
Added by Laws 1990, c. 115, § 2, operative July 1, 1990. Amended by Laws 1993, c. 93, § 4, eff. July 1, 1993; Laws 1994, c. 119, § 2, eff. Sept. 1, 1994.

§47-1137.3. Registration and licensing of new motor vehicle, trailer or commercial trailer - Temporary license plate - Unlawful acts and penalties.

The purchaser of every new motor vehicle, travel trailer or commercial trailer shall register or license the same within thirty (30) days from the date of purchase. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Oklahoma Motor Vehicle Commission, upon a new motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle or trailer. Except for cab and chassis trucks, the temporary license plate under this section shall be placed at the location provided for the permanent motor vehicle license plate. The purchaser of a new cab and chassis truck may place the temporary license plate under this section in the rear window. Said temporary license plate shall show the dealer's license number which is issued to him or her each year by the Oklahoma Tax Commission, the date the new motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Oklahoma Motor Vehicle Commission is hereby directed to develop a temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Motor Vehicle Commission is further authorized to develop additional requirements and parameters designed to discourage or prevent illegal duplication and use of the temporary license plate. On or before thirty (30) days from the date of purchase of a new motor vehicle, travel trailer or commercial trailer, said temporary license plate shall be removed and replaced with a permanent, current Oklahoma license plate. Use of said temporary license plate by a licensed dealer for other than the purpose of normally doing business shall constitute grounds for revocation of the dealer's license.

It shall be unlawful for any licensed dealer of new motor vehicles, travel trailers or commercial trailers to procure the registration and licensing of any new motor vehicle, travel trailer or commercial trailer sold by such licensed dealer or to act as the agent for such purchaser in the procurement of said registration and licensing. The license of any licensed dealer of new motor vehicles, travel trailers or commercial trailers violating the provisions of this section shall be revoked.

Added by Laws 1992, c. 200, § 2, eff. July 1, 1992. Amended by Laws 1993, c. 93, § 5, eff. July 1, 1993; Laws 2007, c. 326, § 20, eff. Nov. 1, 2007; Laws 2008, c. 315, § 5, emerg. eff. June 2, 2008.

§47-1138. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139.1. Lease agreements involving counties - Fee exemption.

At the time required for payment of any fee imposed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, any vehicle which is the subject of a lease or lease-purchase agreement between the owner of such vehicle and any county of this state shall be exempt from the fees so imposed. Owners of vehicles claiming the exemption provided by this section shall present adequate proof that the vehicle for which exemption is sought is the subject of a lease or lease-purchase agreement with a county of this state at the time any fee imposed by such act would otherwise be due. The Oklahoma Tax Commission shall have the authority to determine what constitutes adequate proof as required by this section.
Added by Laws 1986, c. 284, § 3, operative July 1, 1986.

§47-1140. Qualifications and requirements of motor license agent - Appointment - Vacancies - Felonies - Collection of fees and taxes.

A. The Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;

2. Minimum office hours;

3. Provision for sufficient staffing, equipment, office space and parking to provide maximum efficiency and maximum convenience to the public;

4. Obtainment of a faithful performance surety bond as provided for by law;

5. In counties with a population in excess of thirty thousand (30,000) persons according to the latest Federal Decennial Census, a requirement that operation of a motor license agency be the primary source of income for the agent;

6. That the applicant has not been convicted of a felony and that no felony charges are pending against the applicant;

7. That a complete financial statement be submitted by the applicant on forms provided by the Tax Commission;

8. That a report of the applicant's credit history be obtained through the appropriate credit bureau; and

9. That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Tax Commission or an employee of the Oklahoma Tax Commission or any person related to a member of the Oklahoma Tax Commission or an employee of the Tax Commission within the third degree by consanguinity or affinity and that the location not be within a

three-mile radius of an existing motor license agency unless the applicant is assuming the location of an operating agency. If the applicant is assuming the location of an existing or operating agency, the current agent may submit a letter of resignation contingent upon the appointment of the applicant regardless of the population of the municipality in which the agency is located. The Tax Commission may, at its discretion, approve the relocation of an existing agency within a three-mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three (3) miles of roadway by the most direct route.

B. After the necessary information has been forwarded to the Tax Commission, the Tax Commission or its designees may select applicants to be interviewed and each item of information shall be reviewed.

Any person making application to the Tax Commission for the purpose of becoming a motor license agent shall pay when submitting the application, a nonrefundable application fee of One Hundred Dollars ($100.00). All such application fees shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Upon application by a person to serve as a motor license agent, in such counties, the Tax Commission is authorized to make a determination whether such person and such location meets the qualifications and requirements prescribed herein and, if such be the case, may appoint such person to serve as a motor license agent.

D. A motor license agent, appointed pursuant to this subsection, shall be permitted to operate a motor license agency at a single location and shall be prohibited from operating subagencies or branch agencies.

Motor license agents appointed pursuant to this section shall be subject to all laws relating to motor license agents and shall be subject to removal at the will of the Tax Commission.

The Tax Commission shall appoint as many motor license agents as it deems necessary to carry out the provisions of the Motor Vehicle License and Registration Act. Provided, that in counties with a population in excess of twenty-five thousand (25,000) persons, according to the latest Federal Decennial Census, having only one motor license agent serving the county, the Tax Commission shall establish at least one additional agency to serve the county.

E. All motor license agents shall be self-employed independent contractors and shall be under the supervision of the Tax Commission; provided, any agent authorized to issue registrations pursuant to the International Registration Plan shall also be under the supervision of the Corporation Commission, subject to rules promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Any such agent, upon being appointed, shall furnish and file with the Tax Commission a bond in such amount as may be fixed by the Tax Commission. Such agent shall be removable

at the will of the Tax Commission. Such agent shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the Tax Commission or the Corporation Commission. Provided, the Tax Commission may operate a motor license agency in any county where a vacancy occurs.

F. In the event of a vacancy existing by reason of resignation, removal, death or otherwise, in the position of any motor license agent, the Tax Commission is hereby empowered and authorized to take any and all actions it deems appropriate in order to provide for the orderly transition and for the maintenance of operations of the motor license agency including but not limited to the designation of one of its regular employees to serve as "acting agent" without bond, and to receive and expend all fees or charges authorized or provided by law and exercise the same powers and authority as a regularly appointed motor license agent. An acting agent may be authorized by the Tax Commission equally as the preceding agent to make disbursements from any balances in the preceding motor license agent's operating account and the agent's operating funds for the payment of expenses of operations and salaries and other overhead. If such funds are insufficient, the Tax Commission is authorized to expend from funds appropriated for the operation of the Tax Commission such amounts as are necessary to maintain and continue the operation of any such motor license agency until a successor agent is appointed and qualified. The Tax Commission may require a blanket fiduciary bond of the agency employees.

G. Any motor license agency operated by a motor license agent who has been charged with a felony shall be closed immediately. The Tax Commission shall determine whether the motor license agency shall be reopened and operated by the motor license agent. The determination shall be effected as soon as possible to prevent additional inconvenience to the public.

H. When an application for registration is made with the Tax Commission, Corporation Commission or a motor license agent, a registration fee of One Dollar and seventy-five cents ($1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the motor license agent such motor license agent shall retain a fee as provided in Section 1141.1 of this title. When the fee is paid by a person making application directly with the Tax Commission or Corporation Commission, as applicable, the registration fees shall be in the same amount as provided for motor license agents and the fee provided by Section 1141.1 of this title shall be deposited in the Oklahoma Tax Commission Revolving Fund or as provided in Section 1167 of this title, as applicable. The Tax Commission shall prepare schedules of registration fees and charges for titles which shall include the fees for such agents and all fees and charges paid by a person shall be

listed separately on the application and registration and totaled on the application and registration. The motor license agents shall charge only such fees as are specifically provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

I. No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Tax Commission; or

2. Any employee of the Tax Commission.

J. Any motor license agent appointed under the provisions of this title shall be responsible for all costs incurred by the Tax Commission when relocating an existing motor license agency. The Tax Commission may waive payment of such costs in case of unforeseen business or emergency conditions beyond the control of the agent. Added by Laws 1985, c. 179, § 43, operative July 1, 1985. Amended by Laws 1985, c. 197, § 5, operative July 1, 1985; Laws 1987, c. 158, § 1, emerg. eff. June 25, 1987; Laws 2004, c. 534, § 10, eff. Nov. 1, 2004; Laws 2005, c. 1, § 77, emerg. eff. March 15, 2005; Laws 2008, c. 383, § 1, eff. Nov. 1, 2008; Laws 2009, c. 386, § 1, eff. July 1, 2009; Laws 2018, c. 174, § 1, eff. Nov. 1, 2018; Laws 2018, c. 289, § 1, eff. Nov. 1, 2018; Laws 2019, c. 195, § 2, eff. July 1, 2019. NOTE: Laws 2004, c. 522, § 23 repealed by Laws 2005, c. 1, § 78, emerg. eff. March 15, 2005.

§47-1140.1. Cameras for certain motor license agents.

A. Any motor license agent appointed on or after July 1, 2002, within a specific municipality shall be furnished a camera by the Department of Public Safety without charge if:

1. Based upon the number of driver licenses issued during the preceding year, the total number of licenses issued shall average not less than one thousand two hundred (1,200) per year per camera within the municipality and not less than one thousand two hundred (1,200) per year per camera within the county; or

2. The motor license agent is located in a municipality with a population greater than five hundred (500) and the municipality is located fifteen (15) miles or more from any other motor license agency.

B. In addition to the provisions of subsection A of this section, each county shall have at least one motor license agent who shall be furnished a camera.

C. For the purposes of this section, each motor license agent appointed after July 1, 2002, shall be considered a new agent, whether assets of another agency were inherited, purchased or otherwise acquired.

D. The furnishing of any camera shall be subject to availability from the vendor and, if limited, shall be allocated according to this section.

Added by Laws 1988, c. 290, § 24, operative July 1, 1988. Amended by Laws 1991, c. 342, § 6, emerg. eff. June 15, 1991; Laws 2002, c. 392, § 1, eff. July 1, 2002; Laws 2017, c. 175, § 1, eff. Nov. 1, 2017.

§47-1141. Falsely advertising as authorized motor license agent - Penalty.

It shall be unlawful for any person to display any sign or to advertise in any manner representing to the public that he or she is an official or authorized motor license agent of the state, or that he or she has authority to register motor vehicles and issue license plates therefor, unless such person is a duly appointed and qualified motor license agent under the provisions of Section 1140 of this title; and it shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger or for acting as the agent or representative of another person in applying for the registration of a motor vehicle and obtaining the license plate therefor from the Oklahoma Tax Commission or from any official and authorized motor license agent, or to advertise, solicit, or in any manner offer to render such services for hire or compensation unless the motor license agent has appointed, authorized and approved said person to perform such acts and said person shall furnish to the motor license agent of the county in which such service is performed a surety bond in such amount as said motor license agent shall determine to be commensurate with the amount of money which may be involved at any one time.

Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not exceeding one (1) year, or both. Each day that any such person advertises or in any manner offers to render such services to the public or to any person shall constitute a separate offense.

Nothing herein shall be construed as affecting or diminishing the responsibility and liability to the Commission of the official motor license agent or of his or her bond made to the Commission.

Added by Laws 1985, c. 179, § 44, operative July 1, 1985. Amended by Laws 2019, c. 195, § 3, eff. July 1, 2019.

§47-1141.1. Retention of taxes and fees.

A. Each motor license agent shall be entitled to retain the following amounts from the taxes and fees collected by such agent to be used to fund the operation of the office of such motor license agent subject to the provisions of Sections 1140 through 1147 of this title:

1. Beginning July 1, 2005, Two Dollars and eighty-one cents ($2.81) for each vehicle registered and for each special license plate issued pursuant to the Oklahoma Vehicle License and Registration Act. Beginning July 1, 2006, and thereafter, Three Dollars and fifty-six cents ($3.56) for each vehicle registered and for each special license plate issued pursuant to the Oklahoma Vehicle License and Registration Act;

2. One Dollar and twenty-five cents ($1.25) for each certificate of title issued for boats and motors pursuant to the Oklahoma Statutes;

3. For each certificate of registration issued for boats and motors pursuant to the Oklahoma Statutes, an amount determined pursuant to the provisions of subsection B of this section;

4. Two Dollars and twenty-five cents ($2.25) for each certificate of title issued pursuant to the Oklahoma Vehicle License and Registration Act. Provided, the fee retention amount for certificates of title issued pursuant to the provisions of subsection H of Section 1105 of this title, in which an insurer pays the optional twenty-two-dollar-fee amount, is Four Dollars and fifty cents ($4.50);

5. Beginning October 1, 2000, three percent (3%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. Beginning July 1, 2001, each motor license agent shall be entitled to retain three and one hundred twenty-five one-thousandths percent (3.125%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. Beginning July 1, 2002, and for all subsequent years, each motor license agent shall be entitled to retain three and twenty-five one-hundredths percent (3.25%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes. However, beginning July 1, 2003, the Legislature shall annually review the percentage to be retained by the motor license agents pursuant to this paragraph to determine whether such percentage should be adjusted;

6. Four percent (4%) of the excise tax collected on the transfer of boats and motors pursuant to the Oklahoma Statutes;

7. Two Dollars ($2.00) for each driver license, endorsement, identification license, or renewal or duplicate issued pursuant to Section 6-101 et seq. of this title;

8. Two Dollars ($2.00) for the recording of security interests as provided in Section 1110 of this title;

9. Two Dollars ($2.00) for each inspection conducted pursuant to subsection L of Section 1105 of this title;

10. Three Dollars ($3.00) for each inspection conducted pursuant to subsection M of Section 1105 of this title;

11. One Dollar ($1.00) for each certificate of ownership filed pursuant to subsection R of Section 1105 of this title;

12. One Dollar ($1.00) for each temporary permit issued pursuant to Section 1124 of this title;

13. One Dollar and fifty cents ($1.50) for processing each proof of financial responsibility, driver license information, insurance verification information, and other additional information as provided in Section 7-602 of this title;

14. The mailing fees and registration fees provided in Sections 1131 and 1140 of this title;

15. The notary fee provided in Section 1143 of this title;

16. Three Dollars ($3.00) for each lien entry form completed and recorded on a certificate of title pursuant to subsection G of Section 1105 of this title;

17. Seven Dollars ($7.00) for each notice of transfer as provided by subsection B of Section 1107.4 of this title;

18. Seven Dollars ($7.00) for each certificate of title or each certificate of registration issued for repossessed vehicles pursuant to Section 1126 of this title;

19. Any amount specifically authorized by law to be retained by the motor license agent for the furnishing of a summary of a traffic record; and

20. Beginning July 1, 2009, each motor license agent shall also be entitled to a portion of the penalties for delinquent registration or payment of excise tax as provided for in subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title and of subsection A of Section 2103 of Title 68 of the Oklahoma Statutes.

The balance of the funds collected shall be remitted to the Oklahoma Tax Commission as provided in Section 1142 of this title to be apportioned pursuant to Section 1104 of this title.

B. For each certificate of registration issued for boats and motors, each motor license agent shall be entitled to retain the greater of One Dollar and twenty-five cents ($1.25) or an amount to be determined by the Tax Commission according to the provisions of this subsection. At the end of fiscal year 1997 and each fiscal year thereafter, the Tax Commission shall compute the average amount of registration fees for all boats and motors registered in this state during the fiscal year and shall multiply the result by six and twenty-two one-hundredths percent (6.22%). The resulting product shall be the amount which may be retained by each motor license agent for each certificate of registration for boats and motors issued during the following calendar year.

Added by Laws 1991, c. 261, § 5, eff. Sept. 1, 1991. Amended by Laws 1993, c. 262, § 3, eff. Sept. 1, 1993; Laws 1995, c. 10, § 2, eff. July 1, 1995; Laws 1997, c. 95, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 6, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2001, c. 149, § 4, eff. Nov. 1, 2001; Laws 2005, c. 381, § 7, eff.

July 1, 2005; Laws 2009, c. 443, § 3, eff. July 1, 2009; Laws 2012, c. 158, § 4, eff. July 1, 2012.

§47-1142. Motor license agent accounts.

A. There is hereby created as an official depository of the Oklahoma Tax Commission a special agency account. The Tax Commission is hereby authorized and directed to assign an appropriate and distinctive number or designation for the account herein created which shall be designated the Oklahoma Tax Commission Motor License Agent Account. The Tax Commission shall assign an appropriate and distinctive subaccount number or designation for each motor license agent. Every motor license agent appointed under the provisions of the Oklahoma Vehicle License and Registration Act shall safeguard and preserve, in the manner herein required, all monies paid to such agent which the agent is bound to account for and pay over to the Tax Commission.

B. Each motor license agent shall establish, in a bank or banks authorized to do a banking business in the state, such special agency account and at any time that the motor license agent accumulates a total amount of receipts of One Hundred Dollars ($100.00) or more then such motor license agent shall deposit within a period of one (1) banking business day after the close of business, all receipts which the agent is obligated to account for and remit to the Tax Commission in the designated Oklahoma Tax Commission Motor License Agent Account and no such monies shall be deposited in any other banks or other depositories unless the said bank accounts are maintained by the Tax Commission. Provided that, where a motor license agent is doing business in a municipality where there is no bank located, such motor license agent shall have a period of three (3) banking business days after the close of business to make such deposits. Advice of deposit receipts or duplicate deposit receipts, in a form and in an amount prescribed by the Tax Commission, shall be obtained and preserved as directed by the Tax Commission. One shall be retained by the agent, and one shall be immediately forwarded to the Tax Commission. Withdrawals or transfers from such Oklahoma Tax Commission Motor License Agent Account shall be made only by the duly authorized agent of the Tax Commission. That part of the agent’s fees to be retained by the agent as the agent’s personal compensation shall not be deposited in said Oklahoma Tax Commission Motor License Agent Account.

Each motor license agent shall submit the appropriate reports designated by the Tax Commission to properly account for all funds, regardless of source, received by a motor license agent in the performance of the agent’s duties. Reports shall cover a period from the first day of the month to the fifteenth day of the month and from the sixteenth day of the month to the last day of the month. It shall be the responsibility of the motor license agent to mail or

deliver such reports and all documents of all transactions to the Tax Commission within a time period to be established by the Tax Commission.

C. Motor license agents shall deposit in such account all monies, taxes and fees collected and received by them as such agents, which they are obligated to account for and remit to the Tax Commission, and it is specifically required that checks or similar instruments accepted or received by such agents for taxes or fees must be deposited in such account, less any amount provided by this act that the agents are entitled to retain as fees.

No motor license agent shall withdraw any funds from the agent's motor license agent account. All checks, drafts, orders and vouchers so deposited shall bear an endorsement to the motor license agent account which endorsement shall include the assigned account number and the agent's subaccount number. Items deposited shall be credited at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall not be charged by the Tax Commission against the individual subaccounts of the agent. The agent shall continue to attempt to require proper payment of all such worthless items, but shall not be personally liable to the Tax Commission for their payment. The Tax Commission or agent shall charge the person issuing the check a fee of Twenty-five Dollars ($25.00) for each check to cover the costs of the processing of each returned check, and all necessary travel expenses of collection, as provided by the State Travel Reimbursement Act; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time. Any motor license agent who collects a dishonored check pursuant to the provisions of Section 1121 of this title shall also collect a fee of Twenty-five Dollars ($25.00) and shall be entitled to retain such fee.

D. Notwithstanding anything to the contrary, the Tax Commission shall continue to have the exclusive authority and standing to collect any taxes or other revenues owed to the State of Oklahoma or any political subdivision thereof pursuant to the provisions of the Motor Vehicle License and Registration Act.

E. It is specifically provided that nothing in this section shall be considered or construed as in any way affecting, relieving or relinquishing the liability of such agent to the Tax Commission for any monies collected by the agent and due the state or the liability of such agent or any surety on or under the agent's bond made to the Tax Commission.

Unless provided otherwise, any motor license agent who fails to comply with any provision of this section shall pay a penalty to be imposed by the Tax Commission. Monies collected for payment of the penalty shall be deposited to the credit of the General Revenue Fund of the State Treasury. Any motor license agent who pays a penalty

pursuant to this section shall not allocate his or her payment thereof as a part of his or her operating expenses, but shall use his or her personal funds for payment of the penalty. Such penalty shall be equal to one percent (1%) of the gross amount of the receipts received by the motor license agent for that particular day that the agent fails to deposit all such funds required by this section or one percent (1%) of the gross amount of the receipts received by the motor license agent for the report period that the agent fails to timely mail the required report or remit any excess agent funds as provided in subsection B of this section. Such penalty shall be increased to three percent (3%) of the gross amount of the receipts received for that particular day if the motor license agent fails to fulfill any of said requirements within a period of five (5) days. Provided that such penalty shall be three percent (3%) of the gross amount of the receipts received by the motor license agent for the report period that the agent fails to timely mail the required report or remit any excess agent funds as provided in subsection B of this section if the motor license agent fails to fulfill these requirements within five (5) days.

The Tax Commission may waive the penalty for failing to timely file the accounting report required by this section if the Tax Commission finds that:

1. The funds to which the report applies have been properly deposited;

2. The failure to timely file the report was due to emergency conditions beyond the control of the agent; and

3. The report has been filed within a week of the date on which it was required to be filed.

It shall be the duty of the Tax Commission to discharge immediately any motor license agent who fails, neglects or refuses to comply with the provisions of this section.

Added by Laws 1985, c. 179, § 45, operative July 1, 1985. Amended by Laws 1985, c. 197, § 6, operative July 1, 1985; Laws 1986, c. 223, § 28, operative July 1, 1986; Laws 1988, c. 232, § 2, operative July 1, 1988; Laws 1989, c. 284, § 2, emerg. eff. May 22, 1989; Laws 2006, c. 295, § 6, eff. July 1, 2006; Laws 2007, c. 348, § 3, eff. Nov. 1, 2007.

§47-1142.1. Carrying on or compensating messenger, courier or pick up and delivery service - Penalty.

A. It shall be unlawful for any motor license agent or any employee of such motor license agent to carry on a messenger service, courier service or pick up and delivery service for the recording of a security interest or for the registration of a motor vehicle or boat or a motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor. Provided, nothing in this subsection shall be construed to

prevent a motor license agent or any employee of such motor license agent from performing such services for the motor license agent's depository bank, when the motor license agent or his employee goes to the agent's depository bank to deposit tax monies into the agent's designated Oklahoma Tax Commission Motor License Agent Account. After September 1, 1991, the Oklahoma Tax Commission shall not designate or assign a motor license agent more than one active Oklahoma Tax Commission Motor License Agent Account. Accounts designated prior to September 1, 1991, may remain active.

B. It shall be unlawful for any motor license agent to compensate in any manner a messenger service, courier service or pick up and delivery service or any one attempting to provide messenger service, courier service or pick up and delivery service for recording a security interest or for the registration of a motor vehicle or boat or motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor.

C. A motor license agent who violates the provisions of this section shall be subject to a fine of Two Thousand Dollars ($2,000.00) per occurrence and shall be removed immediately by the Oklahoma Tax Commission.

Added by Laws 1991, c. 261, § 6, eff. Sept. 1, 1991. Amended by Laws 2019, c. 195, § 4, eff. July 1, 2019.

§47-1143. Compensation of motor license agents - Mail order vehicle registration notification program - Apportionment of funds - Failure to receive registration notification - Bond.

A. A motor license agent appointed under the provisions of this title shall retain as compensation those taxes and fees collected and retained pursuant to Section 1141.1 of this title, and shall additionally retain:

1. All amounts remaining from notary and mailing fees received by such agent, after payment of all costs of handling and mailing;

2. All profits from any concessions operated in the agent's office; and

3. All amounts collected pursuant to subsection H of Section 1111 of this title.

B. A motor license agent shall receive a fee as regulated in Title 49 of the Oklahoma Statutes for each document notarized.

C. The Oklahoma Tax Commission shall initiate a mail order vehicle registration notification program, which shall consist of notification annually to all vehicle owners in this state of such time an owner shall register and license a vehicle as provided for in Section 1101 et seq. of this title. The notification issued by the Tax Commission shall include a breakdown of all charges to be paid by the owner, other items deemed necessary by the Tax Commission and shall notify the owner of the option of paying registration fees and

receiving the license plate or decal through the mail directly from the Tax Commission or of registering and receiving the license plate or decal from a motor license agent. On the back of such registration notification forms there shall be the address of the Oklahoma Tax Commission in large black type and an explanation of the apportionment of all license fees and penalties collected and their disposition. Such explanation shall include information as to all charges included in the total license fee and any fees or charges incident to the registration of a motor vehicle, to include all fees that a motor license agent is authorized to collect. If the owner chooses the option of receiving these services through the mail, either from the Tax Commission or the motor license agent, the owner shall then be instructed to pay the final total listed. The costs of mailing shall be the cost of postage plus One Dollar and twenty-five cents ($1.25) for license plates, the cost of postage plus One Dollar ($1.00) for decals and for the mailing of any other form, title, decal or device provided for in the Oklahoma Vehicle License and Registration Act. Provided however, the Tax Commission may adjust any mailing costs from time to time as it deems appropriate and as will allow for additional fees the U.S. Postal Service may charge.

D. Money received by the Tax Commission for the issuance of any registrations, license plates or otherwise shall be apportioned to the schools in accordance with other laws controlling such distributions.

E. Failure by an owner of a vehicle to receive registration notification as provided for in the Motor Vehicle License and Registration Act shall not in any manner relieve such person from the obligation of proper and timely registration and licensing of such vehicle, and such person shall be subject to any penalties prescribed by the Oklahoma Vehicle License and Registration Act.

F. A motor license agent, out of the taxes and fees collected and retained pursuant to Section 1141.1 of this title, shall obtain a faithful performance surety bond or cash bond in the amount of Thirty Thousand Dollars ($30,000.00) or in such additional amount and form required by the Tax Commission or by the Oklahoma Vehicle License and Registration Act, a blanket surety bond or cash bond covering adequately all office personnel, necessary insurance, necessary office equipment and furniture, and other goods and services essential to the proper operation of the motor license agency. Provided that the Tax Commission shall have the authority to lower such required surety bond to an amount that is commensurate with the amount of business conducted by the motor license agent, but in no event shall that amount be less than Five Thousand Dollars ($5,000.00). Motor license agents shall obtain the surety bond or cash bond required by this section only during their first year of operation. Thereafter, the motor license agents shall be subject to the provisions of Section 1143.1 of this title.

Added by Laws 1985, c. 179, § 46, operative July 1, 1985. Amended by Laws 1985, c. 197, § 7, operative July 1, 1985; Laws 1987, c. 158, § 2, emerg. eff. June 25, 1987; Laws 1993, c. 300, § 1, eff. Sept. 1, 1993; Laws 1995, c. 208, § 4, eff. July 1, 1995; Laws 2001, c. 439, § 1, eff. July 1, 2001; Laws 2019, c. 195, § 5, eff. July 1, 2019.

§47-1143.1. Oklahoma Motor License Agent Indemnity Fund.

A. There is hereby created the Oklahoma Motor License Agent Indemnity Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of annual assessments levied on motor license agencies. All monies accruing to the credit of the funds are hereby appropriated and may be expended, in amounts and as authorized by the Legislature, by the Office of Management and Enterprise Services. The purpose of the fund is to ensure that the Oklahoma Tax Commission recovers tax revenue and the Corporation Commission recovers apportioned vehicle registration fees, not remitted to either Commission because of negligence, malfeasance or fraud by a motor license agent. In addition, claims arising from tag agent errors and omissions may be paid from monies in the fund in excess of Five Hundred Thousand Dollars ($500,000.00). Upon final determination by the Tax Commission of a tax revenue shortage or liability of a motor license agent whose agency has been closed, or by the Corporation Commission of apportioned vehicle registration fee shortage, a claim in the amount of such liability may be made by either Commission against the fund. The claim shall be paid out of the fund by the Office of Management and Enterprise Services. At least sixty (60) days' written notice shall be given to the delinquent motor license agent before any such claim is paid. The Office shall have the power to seek restitution to the fund from any motor license agent whose liability was paid out of the fund. The monies in the fund shall be invested by the State Treasurer and the interest shall be deposited in the fund.

B. Each fiscal year, the Office of Management and Enterprise Services shall collect and deposit into the fund an annual assessment from all motor license agencies that have been operating for a period of not less than one (1) year. Such assessments shall be payable by each motor license agency on a quarterly basis. The amount on which the assessment shall be based shall be determined annually for each motor license agency by the Tax Commission by dividing the volume of tax monies collected each fiscal year by the agency by the number of reporting periods required by the Tax Commission. The assessments shall be in the following amounts:

1. Each motor license agency which has been in operation for more than three (3) years and subject to the assessment pursuant to this subsection shall pay such assessment as follows:

a. when the fund contains less than Five Hundred Thousand Dollars ($500,000.00) on June 30 of any year, the

assessment shall be one percent (1%) of the amount determined for the motor license agency by the Tax Commission, and

b. when the fund contains Five Hundred Thousand Dollars ($500,000.00) or more on June 30 of any year, the Tax Commission shall reduce or suspend the assessment for such agencies if the Commission determines that the fund is fiscally sound and meets the needs for which the fund is established.

Provided, however, if the fund contains less than Five Hundred Thousand Dollars ($500,000.00) at any time during the fiscal year for which the Tax Commission has reduced or suspended the assessment hereunder, the Tax Commission shall immediately issue an assessment pursuant to subparagraph a of this paragraph in an amount equal to the amount which would have been paid during the remaining quarters of the fiscal year; and

2. Each motor license agency which has been in operation for less than three (3) years but more than one (1) year shall pay the assessment in an amount equal to one percent (1%) of the amount determined for the motor license agency by the Tax Commission until the agency reaches the end of its third year of operation. At such time, such agency shall be subject to the assessment specified in subparagraph a of paragraph 1 of this subsection.

C. Any assessments required by subsection B of this section, shall be paid in quarterly amounts and due on September 30, December 30, March 30 and June 30 of each year. Such payments shall be deemed delinquent after October 15, January 15, April 15 and July 15 of each year. Motor license agents who are delinquent in remitting any quarterly payment for their operating agencies in excess of fifteen (15) days after the date of the delinquency shall be subject to dismissal.

D. No annual assessment shall exceed One Thousand Two Hundred Dollars ($1,200.00).

Added by Laws 1987, c. 158, § 3, emerg. eff. June 25, 1987. Amended by Laws 1991, c. 169, § 1, eff. July 1, 1991; Laws 1994, c. 329, § 11, eff. July 1, 1994; Laws 1996, c. 312, § 1, eff. Sept. 1, 1996; Laws 1998, c. 78, § 1, emerg. eff. April 8, 1998; Laws 2008, c. 168, § 7, emerg. eff. May 12, 2008; Laws 2012, c. 304, § 203.

§47-1143.2. Additional duties and functions of motor license agents - Fees.

A. In addition to the duties and functions authorized to be performed by motor license agents pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, the Oklahoma Tax Commission is authorized to utilize motor license agents to perform the following duties:

1. Process, receive, and issue permits, licenses, and registration relating to any tax which is payable to, collectible by, or administered by the Tax Commission;

2. Accept documents, reports, or returns required to be filed with the Tax Commission and accept payment of remittances required to be made to the Tax Commission as provided by the tax laws of this state;

3. Provide information regarding the status of any permit or license issued by the Tax Commission, or the franchise tax status of any corporation, upon written request and subject to the provisions of Section 205 of Title 68 of the Oklahoma Statutes and any other provision of law relating to the confidentiality of records or information; and

4. Perform any other duties specified by the Tax Commission relating to the enforcement or administration of any state tax law.

B. Any permit, license, or registration issued by a motor license agent, and any document, report, return, or remittance accepted by a motor license agent, pursuant to the provisions of subsection A of this section, shall be deemed on the date of such issuance or acceptance to have been issued or accepted by the Tax Commission.

C. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of Title 47 of the Oklahoma Statutes, motor license agents shall be entitled to charge and receive fees for duties performed pursuant to the provisions of this section as provided by law.

Added by Laws 2004, c. 534, § 11, eff. Nov. 1, 2004.

§47-1144. Methods of payment of fees and taxes - Hours of operation of agent's office.

A. Payments for any required registration fees, license plates or decals or excise taxes except as otherwise provided by law, may be made as follows:

1. By the applicant's personal or company check if presented within the period of time required for purchase or renewal of the registration and license plates or decals. At the time of presentment, the motor license agent may utilize a check verification system provided by the Oklahoma Tax Commission to confirm that there are sufficient funds to pay the check. Upon notification that there are insufficient funds, the agent shall refuse to accept the check or deliver the license plate or decal. If an agent fails to utilize the check verification system and the check is returned for nonpayment, the agent shall not receive any fees for the transaction. No motor license agent shall be required to accept any check from any person during any penalty period relating to that person's registration; or

2. By a nationally recognized credit or debit card issued to the applicant. The Tax Commission may add an amount equal to the amount

of the service charge incurred as a service charge for the acceptance of such credit card. For purposes of this paragraph, "nationally recognized credit or debit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services or anything else of value on credit which is accepted by over one thousand merchants in this state. The Tax Commission shall determine which nationally recognized credit or debit cards will be accepted by a motor license agent as payment for any required motor vehicle registration fees, license plates or decals or excise taxes. Provided however the Tax Commission must ensure that no loss of state revenue will occur by the use of such card.

B. Each motor license agent's office shall be open a minimum of forty (40) hours per week, of which four (4) such hours per week shall be in the evening hours or on Saturday, subject to the approval of the Tax Commission, except during such weeks that contain a legal holiday prescribed by the statutes of this state. Provided that the Tax Commission may authorize a motor license agent to stay open a lesser period of time if the Tax Commission is satisfied that the public is being properly served. Provided further, that there shall be at least one motor license agent in each county open the hours designated in this section. All motor license agents shall post their hours in a conspicuous place for the public's information. Added by Laws 1985, c. 179, § 47, operative July 1, 1985. Amended by Laws 1991, c. 75, § 1, eff. Sept. 1, 1991; Laws 1997, c. 294, § 6, eff. July 1, 1997; Laws 1998, c. 156, § 1, eff. Nov. 1, 1998; Laws 2006, c. 295, § 7, eff. July 1, 2006; Laws 2007, c. 155, § 2, eff. Nov. 1, 2007; Laws 2019, c. 195, § 6, eff. July 1, 2019; Laws 2019, c. 471, § 1, eff. July 1, 2019.

§47-1145. Repealed by Laws 2001, c. 439, § 3, eff. July 1, 2001.

§47-1146. Audit and review - Public inspection of records.

A. The Oklahoma Tax Commission shall audit all motor license agents at least once during each calendar year and shall have the power to require any changes it deems necessary in the operation of motor license agents. The Tax Commission shall issue such rules as it deems necessary for the proper control of all fiscal matters involving motor license agents.

B. Any review or audit of a motor license agency performed by the Tax Commission pursuant to the provisions of Sections 1140 through 1147 of this title shall be an open record and shall be made available for public inspection at the Tax Commission, notwithstanding the provisions of Section 205 of Title 68 of the Oklahoma Statutes.

C. Any and all records, files, books or otherwise of a motor license agent relating to the operation of the motor license agency shall be public record which shall be open to public inspection at reasonable times, regardless of their location.
Added by Laws 1985, c. 179, § 49, operative July 1, 1985. Amended by Laws 1987, c. 158, § 5, emerg. eff. June 25, 1987; Laws 1991, c. 261, § 4, eff. Sept 1, 1991; Laws 1993, c. 300, § 3, eff. Sept. 1, 1993; Laws 2001, c. 439, § 2, eff. July 1, 2001.

§47-1146.1. Repealed by Laws 1993, c. 300, § 4, eff. Sept. 1, 1993.

§47-1146.2. Instructions or advice to motor vehicle agents.
The State Auditor and Inspector, or his designee, shall advise all motor vehicle agents on procedural and technical matters relating to accounting and budget procedures. It shall be the duty of the motor vehicle agents with notice of such advice to follow the instructions or advice of the State Auditor and Inspector until relieved of such duty by a court of competent jurisdiction or until the Supreme Court shall hold otherwise.
Added by Laws 1992, c. 375, § 1, eff. Sept. 1, 1992.

§47-1147. Designating office of county treasurer as motor license agent.
The Commission may designate the office of county treasurer of any county within the state as a motor license agent.
Added by Laws 1985, c. 179, § 50, operative July 1, 1985.

§47-1148. Local authorities - Powers.
The local authorities of cities and towns of this state shall have no power to pass, enforce, or maintain any ordinances, rules, or regulations requiring from any owner to whom this act is applicable any tax, fee, license, or permit for the free use of the public highways or excluding or prohibiting any vehicle registered in compliance with this act or the accessories used thereon from the free use of the public highways, and no ordinance, rule, or regulation in any way contrary to or inconsistent with the provisions of this act, now in force or hereafter enacted, shall have any force or effect. The powers given to local authorities in municipalities to enact general rules and ordinances applicable equally to all vehicles upon certain streets in such cities where the traffic is heavy and continuous and the powers given local authorities to regulate vehicles offered to the public for hire or for processions, assemblages, or parades in the streets or public places shall remain in full force and effect. Local authorities may set aside a specified public highway or highways for speed contests or races to be given under proper restrictions for the safety of the public and may exclude by ordinance orregulation vehicles used exclusively for

commercial purposes from the parks and parkways of this state, provided such ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose. The local authorities may exclude vehicles from any cemetery or ground used for burial of the dead. Cities and towns may regulate the speed of vehicles within their corporate limits; and that as to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits. No local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies. A municipality may issue licenses authorizing the parking or unloading of vehicles in zones on streets restricted for loading, unloading or commercial use.
Added by Laws 1985, c. 179, § 51, operative July 1, 1985.

§47-1149. Tax Commission - Powers.

It shall be the duty of the Oklahoma Tax Commission, and the Tax Commission is hereby granted authority and jurisdiction to administer this act with the aid of its motor license agents, the Department of Public Safety, the Highway Patrol, county sheriffs and all other duly authorized peace officers. The Tax Commission is hereby authorized to promulgate all necessary rules and prepare forms and records to carry this act into effect and to enforce the provisions thereof. The Tax Commission shall have the authority in cases of dispute to determine the actual sales price of any vehicle. The Tax Commission shall periodically cause to be prepared and shall distribute to each authorized motor license agent a manual of procedure containing instructions, directions and guidelines to be followed by all motor license agents in the performance of their duties.
Added by Laws 1985, c. 179, § 52, operative July 1, 1985. Amended by Laws 2000, c. 250, § 7, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000.

§47-1150. Certain persons authorized to administer oaths.

Any employee of the Oklahoma Tax Commission charged with the duty of administering or assisting in the administration of this act shall, when designated by the Oklahoma Tax Commission, have the power and authority to administer oaths to taxpayers with the same force and effect as if the oath had been administered by any other officer of the state authorized by the statutes to administer oaths.
Added by Laws 1985, c. 179, § 53, operative July 1, 1985.

§47-1151. Offenses and penalties enumerated.

A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Oklahoma Tax Commission or the Corporation Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except a bona fide registered dealer in used cars who are holders of a current and valid used car dealer license;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Tax Commission;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title.

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section 1167 of this title.

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar ($1.00) per day; provided, that in no event shall the penalty exceed One Hundred Dollars ($100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents ($0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents ($0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents ($0.58) shall be deposited in the General Revenue Fund. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of One Dollar ($1.00) per day shall be charged from the date of entry to the date of registration; provided, that in no event shall the penalty exceed One Hundred Dollars ($100.00). No penalty shall be waived by the Oklahoma Tax Commission or any motor license agent except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents ($0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents ($0.21) shall be retained by the motor license agent; and

3. Fifty-eight cents ($0.58) shall be deposited in the General Revenue Fund. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars ($1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

E. The following self-propelled or motor-driven and operated vehicles shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or, except as provided for in Section 11-1116 of this title, be permitted to be operated on the streets or highways of this state:

1. Vehicles known and commonly referred to as "minibikes" and other similar trade names; provided, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less;

2. Golf carts;

3. Go-carts; and

4. Other motor vehicles, except motorcycles, which are manufactured principally for use off the streets and highways.

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars ($100.00).

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10.00) and not to exceed Three Hundred Dollars ($300.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed Three Hundred Dollars ($300.00).

J. Any provision of the Oklahoma Vehicle License and Registration Act providing for proportional registration under

reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.
Added by Laws 1985, c. 179, § 54, operative July 1, 1985. Amended by Laws 1987, c. 205, § 72, operative July 1, 1987; Laws 1988, c. 201, § 14, emerg. eff. June 10, 1988; Laws 1991, c. 308, § 2, eff. July 1, 1991; Laws 1994, c. 278, § 4, eff. Sept. 1, 1994; Laws 1995, c. 228, § 1, eff. July 1, 1995; Laws 1997, c. 133, § 485, eff. July 1, 1999; Laws 1997, c. 325, § 3, eff. July 1, 1997; Laws 1998, c. 293, § 3, eff. July 1, 1998; Laws 1999, c. 33, § 1, eff. July 1, 1999; Laws 2000, c. 168, § 1, eff. Nov. 1, 2000; Laws 2001, c. 339, § 2, eff. July 1, 2001; Laws 2002, c. 59, § 1, eff. Nov. 1, 2002; Laws 2004, c. 306, § 1, emerg. eff. May 17, 2004; Laws 2004, c. 522, § 24, eff. July 1, 2004; Laws 2005, c. 1, § 79, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 7, eff. July 1, 2005; Laws 2006, c. 311, § 26, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 37, emerg. eff. Feb. 22, 2007; Laws 2009, c. 443, § 4, eff. July 1, 2009; Laws 2010, c. 412, § 20, eff. July 1, 2010; Laws 2011, c. 1, § 27, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 3; Laws 2012, c. 337, § 3.
NOTE: Laws 2004, c. 418, § 27 repealed by Laws 2005, c. 1, § 80, emerg. eff. March 15, 2005. Laws 2006, c. 238, § 9 repealed by Laws 2007, c. 1, § 38, emerg. eff. Feb. 22, 2007. Laws 2010, c. 335, § 4 repealed by Laws 2011, c. 1, § 28, emerg. eff. March 18, 2011.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 485 from July 1, 1998, to July 1, 1999.

§47-1151.1. Repealed by Laws 2004, c. 418, § 29, eff. July 1, 2004.
NOTE: Laws 2004, c. 306, § 2 amended this section prior to repeal, as follows:

A. Notwithstanding any other provision of law, golf carts or all-terrain vehicles shall not be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

B. Except as otherwise provided in this section and pursuant to the exception provided in subsection E of Section 1151 of this title, golf carts or all-terrain vehicles shall not be operated on the highways or turnpikes of the state.

C. All-terrain vehicles or golf carts may be operated on city streets if:

1. The municipal governing body has adopted an ordinance governing the operation of golf carts or all-terrain vehicles on city streets; and

2. Operation occurs during daylight hours only.

D. Golf carts may be operated on roadways under the following conditions:

1. The board of county commissioners of a county has approved the location of golf cart traffic on roadways within the county;

2. The roadway has a posted speed limit of twenty-five (25) miles per hour or less;

3. The roadway is located in an unincorporated area; and

4. Appropriate signage, cautioning motorists of the possibility of golf cart traffic, is erected by the board of county commissioners.

§47-1151.2. Renumbered as § 1116.2 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1151.3. Mini-truck registration and operation.

A. Mini-trucks shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. The Oklahoma Tax Commission shall promulgate rules for the titling and registration of mini-trucks.

B. Mini-trucks which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 127, § 3, eff. Nov. 1, 2008.

§47-1151.4. Medium-speed electric vehicles - Titling and registration - Operation on roadways.

A. Medium-speed electrical vehicles shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. The Oklahoma Tax Commission shall promulgate rules for the titling and registration of medium-speed electric vehicles.

B. Medium-speed electrical vehicles which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state with a posted speed limit of forty-five (45) miles per hour or less; provided, however, medium-speed electrical vehicles shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways and which otherwise meets or exceeds the National Highway Traffic Safety Administration regulations set forth in 49 C.F.R. 571.500. Operators of medium-speed electrical vehicles shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 302, § 12, emerg. eff. June 2, 2008.
NOTE: Laws 2008, c. 297, § 4 repealed by Laws 2009, c. 2, § 12, emerg. eff. March 12, 2009.

§47-1152. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1153. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1154. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1155. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1161. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1162. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1163. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1164. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1165. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1166. Transfer of powers, duties and responsibilities of Motor Vehicle Enforcement Section to Corporation Commission - Records, property pending matters - Funds - Timing - Employees - Rules.

A. Effective July 1, 2004, all powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section shall be transferred from the Oklahoma Tax Commission to the Corporation Commission. Beginning July 1, 2004, and effective July 1, 2005, all powers, duties and responsibilities exercised by the International Registration Plan Section and the International Fuel Tax Agreement Section shall be transferred from the Tax Commission to the Corporation Commission. All records, property and matters pending of the sections shall be transferred to the Corporation Commission. Funds sufficient to administer the powers, duties and responsibilities exercised by these sections shall be appropriated or allocated to the Corporation Commission for fiscal year 2005 as provided herein. Such funds appropriated or allocated to the Corporation Commission shall not be subject to budgetary limitations. The Director of State Finance is hereby authorized to transfer such funds as may be necessary to effect such allocations.

B. The period of July 1, 2004, through June 30, 2005, shall be a transitional period in which the Corporation Commission shall

gradually assume complete administration and management over the powers, duties, responsibilities and staff currently carrying out the administration of the International Registration Plan Section and the International Fuel Tax Agreement Section. During this transition period, the employees assigned to the International Registration Plan Section and the International Fuel Tax Agreement Section shall continue to be employees of the Tax Commission unless otherwise agreed to by the Tax Commission and the Corporation Commission. Effective July 1, 2005, the International Registration Plan Section and the International Fuel Tax Agreement Section shall be administered solely by the Corporation Commission. For the period of July 1, 2004, through June 30, 2005, the Corporation Commission and the Tax Commission shall enter into a contract whereby funds shall be paid to the Tax Commission by the Corporation Commission in exchange for the Tax Commission's agreement to continue to operate the International Registration Plan Section and the International Fuel Tax Agreement Section.

C. The powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section of the Tax Commission shall be fully transferred to the Corporation Commission on July 1, 2004.

D. All employees of the Tax Commission whose duties are transferred under this act shall be transferred to the Corporation Commission. Personnel transferred pursuant to the provisions of this section shall not be required to accept a lesser salary than presently received; provided, the provisions of this section shall not operate to prohibit the Corporation Commission or the Tax Commission from imposing furloughs or reductions-in-force with respect to such personnel as allowed by law. Personnel transferred shall be placed within the classification level in which they meet qualifications without an entrance exam. All such persons shall retain seniority, leave, sick and annual time earned and any retirement benefits which have accrued during their tenure with the Tax Commission. The transfer of personnel among the agencies shall be coordinated with the Office of Personnel Management.

E. Effective July 1, 2004, any administrative rules promulgated by the Tax Commission related to the administration of the International Registration Plan authorized by Section 1120 of Title 47 of the Oklahoma Statutes, the International Fuel Tax Agreement authorized by Section 607 of Title 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of Title 47 of the Oklahoma Statutes shall be transferred to and become a part of the administrative rules of the Corporation Commission. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of rules, and shall place the transferred rules under the Administrative Code section of the Corporation Commission. From and after July 1, 2004, any amendment, repeal or addition to the transferred rules shall be

under the jurisdiction of the Corporation Commission. All documents issued by the sections transferred to the Corporation Commission, including, but not limited to, vehicle registrations and permits, shall be deemed to have been issued by the Corporation Commission.

F. The Corporation Commission may promulgate rules necessary for the utilization of motor license agents in the registration of vehicles pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

Added by Laws 2004, c. 522, § 2, eff. July 1, 2004.
Editorially renumbered from Title 47, § 1160 to avoid a duplication in numbering.

§47-1167. Rules to establish fees, fines and penalties - Adjudication of enforcement actions - Apportionment of revenue - Revolving funds

A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties as set forth in Section 1166 et seq. of this title. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

C. Revenue derived from all fines and penalties collected or received by the Corporation Commission pursuant to the provisions of the Trucking One-Stop Shop Act shall be apportioned as follows:

1. For the period beginning August 23, 2013, the first Three Hundred Thousand Dollars ($300,000.00) collected or received each fiscal year shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations to conduct safety inspections. The next Five Hundred Fifty Thousand Dollars ($550,000.00) shall be remitted to the Oklahoma Tax Commission and apportioned as provided in Section 1104 of this title; and

2. The remaining amount shall be deposited to the Trucking One-Stop Shop Fund created in subsection D of this section

D. There is hereby created in the State Treasury a revolving fund for the Corporation Commission to be known and designated as the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund shall consist of:

1. All funds apportioned thereto in subsection C of this section;

2. Fees collected by the Commission to be retained as a motor license agent or other Corporation Commission registration or motor fuel fees as allowed by statute or rule; and

3. Any other monies to be utilized for the Trucking One-Stop Shop Act.

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall not be subject to legislative appropriation. Monies in the Trucking One-Stop Shop Fund shall only be expended for direct expenses relating to the Trucking One-Stop Shop Act. Expenditures from the revolving fund shall be made pursuant to the laws of this state. In addition, expenditures from the revolving fund may be made pursuant to The Oklahoma Central Purchasing Act for the purpose of immediately responding to emergency situations, within the Commission's jurisdiction, having potentially critical environmental or public safety impact. Warrants for expenditures from the fund shall be drawn by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 522, § 3, eff. July 1, 2004. Amended by Laws 2006, c. 238, § 10, emerg. eff. June 6, 2006; Laws 2008, c. 102, § 1, emerg. eff. May 2, 2008; Laws 2012, c. 304, § 204; Laws 2013, c. 324, § 1; Laws 2016, c. 373, § 1, eff. July 1, 2016.

NOTE: Editorially renumbered from § 1161 of this title to avoid a duplication in numbering.

§47-1168. Transfer of facilities and equipment to determine vehicle weight and funds to Department of Transportation - Agreement with Corporation Commission.

All facilities and equipment under the administrative control of the Oklahoma Tax Commission and used for determining the weight of vehicles operated on the roads or highways of this state are hereby transferred to the Department of Transportation. Any funds appropriated to or any powers, duties and responsibilities exercised by the Tax Commission for such purpose shall be transferred to the Department. The Director of the Office of Management and Enterprise Services is hereby authorized to transfer such funds as may be necessary. The Department is hereby authorized to enter into an agreement with the Corporation Commission to operate such facilities or equipment. The provisions of this section shall not be construed to obligate the Department to incur expenses in connection with the

administration of such facilities and equipment in an amount which exceeds deposits to the Weigh Station Improvement Revolving Fund. Added by Laws 2004, c. 522, § 4, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 205.
NOTE: Editorially renumbered from § 1162 of this title to avoid a duplication in numbering.

§47-1169. Revocation, suspension, or denial of license, permit, registration or certificate - Interest or penalties - Presentation of altered or fraudulent credentials or documents.

A. The Corporation Commission is authorized to revoke, suspend or deny the issuance, extension or reinstatement of any Corporation Commission issued motor carrier or commercial motor vehicle license, permit, registration, certificate or duplicate copy thereof issued pursuant to the jurisdiction of the Corporation Commission, to any person who shall be guilty of:

1. Violation of any of the provisions of applicable state law;

2. Violation of rules promulgated by the Corporation Commission;

3. Failure to observe or fulfill the conditions upon which the license, permit, registration or certificate was issued;

4. Nonpayment of any delinquent tax, fee or penalty to the Commission or the State of Oklahoma; or

5. Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the Corporation Commission in that program.

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the Corporation Commission. No interest or penalties in excess of Ten Thousand Dollars ($10,000.00) shall be allowed except by order of the Commission.

C. The Corporation Commission shall promulgate rules setting forth the revocation, suspension or denial of a motor carrier or commercial motor vehicle certificate, registration, license or permit issued pursuant to the jurisdiction of the Corporation Commission. The Corporation Commission shall additionally promulgate rules allowing for the collection and remittance of financial liabilities owed by a motor carrier, registrant, licensee or permittee to a state or province participating with the Corporation Commission in a uniform base state program or to another state agency.

D. Upon the revocation or expiration of any motor carrier or commercial motor vehicle license, permit, registration or certificate issued pursuant to the jurisdiction of the Corporation Commission, all accrued taxes, fees and penalties due and payable under the terms of state law, rules or order imposing or levying such tax, fee or penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit, registration or certificate and

the licensee, permittee, registrant or certificate holder shall forthwith make a report covering the period of time not covered by preceding reports filed by said person and ending with the date of the revocation or expiration and shall pay all such taxes, fees or penalties owed.

E. No person shall knowingly, or intentionally, present an altered or fraudulent credential or document to the Corporation Commission or to any duly authorized peace officer. Any person or persons violating the provisions of this subsection shall be found guilty of contempt of the Commission and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Dollars ($2,000.00) for each offense.

Added by Laws 2006, c. 238, § 11, emerg. eff. June 6, 2006.

§47-1170. Confidentiality of reports - Disclosure of information.

A. Reports and files of the Corporation Commission concerning the administration of the International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the administration of the International Registration Plan or International Fuel Tax Agreement or charged with the custody of any such reports or records nor any person who may have secured such reports or records from the Commission shall disclose any information obtained from the reports or records of any person.

B. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the International Registration Plan or the International Fuel Tax Agreement;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements or compacts entered into by the Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State

Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Commission of any information or evidence in the possession of or contained in any report or return filed or documents obtained by the Commission in the administration of the International Fuel Tax Agreement or the International Registration Plan;

7. The furnishing, at the discretion of the Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or province or the United States;

8. The furnishing of information as to the issuance or revocation of any registration or license by the Commission as provided for by law. Such information shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

9. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Commission may prescribe;

10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific

knowledge of that witness as to the transaction or relationship between taxpayer and witness;

11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties;

12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any registration or license or credit issued by the Corporation Commission as provided for by law. Such information shall be limited to the type of registration, license or credit issued or granted, the date and duration of such registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the business entity authorized to engage in business pursuant to the registration, license or credit.

Added by Laws 2006, c. 238, § 12, emerg. eff. June 6, 2006.

§47-1171. Repealed by Laws 2001, c. 355, § 21, emerg. eff. June 1, 2001.

§47-1172. Repealed by Laws 1989, c. 218, § 6, emerg. eff. May 9, 1989.

§47-1200. Oklahoma Weigh Station Act of 2012.

This act shall be known and may be cited as the "Oklahoma Weigh Station Act of 2012."

Added by Laws 2012, c. 262, § 1, eff. July 1, 2012.

§47-1201. Definitions.

As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;

2. "Commission" means the Corporation Commission;

3. "Fixed facility" means a weigh station or a port of entry;

4. "Port of entry" means a facility, in close proximity to a state line, designed to electronically weigh and screen motor carriers and commercial motor vehicles for compliance with federal and state statutes and rules, allowing compliant carriers to proceed with minimal or no delay;

5. "Roadside enforcement" means a temporary location, with or without portable or semi-portable scales, used to randomly check

commercial motor vehicles or motor carriers for compliance with federal or state statutes or rules;

6. "Weigh station" means a stationary and permanent weighing facility with fixed scales owned by the state where commercial motor vehicles are checked for compliance with weight and size standards. Weigh stations are also utilized to enforce federal and state laws and rules applicable to motor carriers and the operation of commercial motor vehicles and their drivers; and

7. "North American Standard Inspection" means a Level I, Level II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier inspection conducted by an individual certified by the Federal Motor Carrier Safety Administration to conduct such inspections.

Added by Laws 2012, c. 262, § 2, eff. July 1, 2012.

§47-1202. Maintenance and operations of fixed facilities - Enforcement

A. The Department of Transportation, the Oklahoma Turnpike Authority and the Corporation Commission may enter into interagency agreements concerning the equipment, maintenance and operations of fixed facilities.

B. The Department of Transportation, the Authority and the Commission shall endeavor to electronically upgrade weigh stations as practical to minimize the duplication of inspections for compliant commercial motor vehicles and motor carriers.

C. The Commission shall operate all current and future ports of entry weigh stations eighteen (18) to twenty (20) hours a day and seven (7) days a week upon the availability of funds.

D. The Commission shall continue to conduct roadside enforcement in the general area where a fixed facility is planned but no fixed facility currently exists until a fixed facility is located in the general area or July 1, 2016, whichever is earlier.

E. When a fixed facility is located in the general area, Commission motor carrier and commercial motor vehicle enforcement shall be limited to the fixed facility and a radius surrounding the facility. If the fixed facility is a weigh station as defined in Section 1201 of this title, the applicable radius shall be seven (7) miles. If the fixed facility is a port of entry weigh station as defined in Section 1201 of this title, the applicable radius shall be twenty-five (25) miles.

F. The Commission may assist in roadside enforcement in a joint effort at the request of the Oklahoma Highway Patrol.

G. The Commission is authorized to conduct audits, reviews, investigations, inspections or other enforcement actions by enforcement officers provided those activities are within the scope of the Commission's jurisdiction and are not conducted as roadside enforcement in accordance with the provisions of the Oklahoma Weigh Station Act of 2012.

H. The Commission may enter into interagency cooperative agreements with other state or federal agencies to jointly enforce federal and state laws or rules.

I. North American Standard Inspections shall be conducted only by individuals holding certification in the level or classification of inspection being conducted.

Added by Laws 2012, c. 262, § 3, eff. July 1, 2012. Amended by Laws 2016, c. 235, § 3, eff. July 1, 2016; Laws 2016, c. 373, § 2, eff. July 1, 2016.

§47-1203. Citations for motor vehicle violations - Multiple violations in the same day prohibited.

A. A commercial motor vehicle, its driver or a motor carrier may not be cited for the same violation of motor carrier or commercial motor vehicle requirements on the same date by any Oklahoma officer, provided neither the vehicle configuration nor the load have changed. This subsection is not applicable to a Commercial Vehicle Safety Alliance out-of-service violation.

B. The Corporation Commission and the Department of Public Safety or other state or local agencies may enter into interagency agreements to share information electronically to facilitate this section.

Added by Laws 2012, c. 262, § 4, eff. July 1, 2012.

§47-1501. Short title.

This act shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act".

Added by Laws 1988, c. 158, § 1, operative July 1, 1988.

§47-1502. Definitions.

As used in the Motor Vehicle Chop Shop, Stolen and Altered Property Act:

1. "Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

a. alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part, in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or

b. sell or dispose of such motor vehicle or motor vehicle part.

2. "Motor vehicle" means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to, farm machinery and construction equipment.

3. "Person" means and includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

4. "Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

5. "Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer or the Oklahoma Tax Commission for the purpose of uniquely identifying a motor vehicle or motor vehicle part. The term shall include, but not be limited to, a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof.

Added by Laws 1988, c. 158, § 2, operative July 1, 1988.

§47-1503. Ownership and operation of chop shop - Alteration of vehicle identification number - Purchase or sale of parts from altered vehicle - Exceptions - Attempt - Conspiracy - Solicitation - Aiding and abetting - Accessory after fact - Penalties - Sentence - Restitution.

A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;

2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or

3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop,

upon conviction, is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a felony, punishable by imprisonment for not more than ten (10) years, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or by both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than five (5) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or by both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the

violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of felony punishable by imprisonment for not more than two (2) years, or by a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such imprisonment and fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than two (2) years, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony, punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony punishable by imprisonment for not more than one (1) year, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

Added by Laws 1988, c. 158, § 3, operative July 1, 1988. Amended by Laws 1997, c. 133, § 486, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 351, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 486 from July 1, 1998, to July 1, 1999.

§47-1504. Seizure without process of tool, implement, or instrumentality of offense - Disposition of seized property.

A. Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of Section 3 of this act may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction.

B. Seizure of property described in subsection A of this section may be made by a member of a state or local law enforcement agency without process if:

1. in accordance with any applicable law or regulation;

2. the seizure is incident to inspection under an administrative inspection warrant;

3. the seizure is incident to search made under a search warrant;

4. the seizure is incident to a lawful arrest;

5. the seizure is made pursuant to a valid consent to search;

6. the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 6 of this act; or

7. there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

C. When property is seized under this section, the seizing agency may:

1. place the property under seal; or

2. remove the property to a place selected and designated by the seizing agency.

Added by Laws 1988, c. 158, § 4, operative July 1, 1988.

§47-1505. Property subject to forfeiture - Determination of identity of rightful owner - Disposition of forfeited property - Issuance of new certificate of title or salvage certificate.

A. The following are subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner is known or can be identified and located:

1. Any tool;

2. Any implement; or

3. Any instrumentality, including but not limited to, real estate, any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 1503 of this title or to promote or facilitate a violation of Section 1503 of this title.

B. Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of Section 1503 of this title.

C. Any motor vehicle, motor vehicle part, other conveyance, tool, implement, or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

D. 1. Seizing agencies will utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part. In its reasonable identification and owner location attempts, the seizing agency will cause the stolen motor vehicle files of the state police to be searched for stolen or wanted information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part.

2. Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars ($1,000.00),

a. the seizing agency shall consult with an expert of the type specified in paragraph 4 of Section 1502 of this title,

b. the seizing agency shall also request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the state police files have been searched with negative results.

E. A forfeiture of a motor vehicle, motor vehicle part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

F. Property, described in subsection A of this section, seized and held for forfeiture, shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.

G. 1. The district attorney in the county where the seizure occurs, or the attorney for the Oklahoma State Bureau of Investigation (OSBI) in cases investigated by the OSBI, or the attorney for the Department of Public Safety in cases investigated by the Department shall bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure except where the attorney prosecuting the forfeiture in the sound exercise of discretion determines that no forfeiture action should be brought because of the rights of property owners, lienholders, or secured creditors, or because of exculpatory, exonerating, or mitigating facts and circumstances.

2. The attorney prosecuting the forfeiture shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to each person whose right, title, or interest is of record in the Oklahoma Tax Commission, the Department of Public Safety, the Federal Aviation Agency, or any other department of the state, or any other state or territory of the United States, or of the federal government if such property is required to be registered in any such department.

3. Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

4. The owner of the property, or any person having, or claiming, right, title, or interest in the property may within sixty (60) days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

5. The attorney prosecuting the forfeiture shall show at a forfeiture hearing, by a preponderance of the evidence, that such property was used in the commission of a violation of Section 1503 of this title, or was used or possessed to facilitate such violation.

6. The owner of property may show by a preponderance of the evidence that the owner did not know, and did not have reason to

know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.

7. Unless the attorney prosecuting the forfeiture shall make the showing required of it, the court shall order the property released to the owner. Where the attorney prosecuting the forfeiture has made such a showing, the court may order:

a. the property be destroyed by the agency which seized it or some other agency designated by the court,

b. the property be delivered and retained for use by the agency which seized it or some other agency designated by the court, or

c. the property be sold at public sale.

H. A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

I. Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, shall be paid to the general fund of the county of seizure, the special agency account of the Oklahoma State Bureau of Investigation, or treasury of the governmental unit employing the seizing agency.

J. No motor vehicle, either seized under Section 1504 of this title or forfeited under this section, shall be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate under laws or regulations of this state.

K. No motor vehicle part having any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number shall be disposed of upon forfeiture except by destruction thereof, except that this provision shall not apply to any such motor vehicle part which is assembled with and constitutes part of a motor vehicle.

L. No motor vehicle or motor vehicle part shall be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle or motor vehicle part which is unidentifiable shall be the subject of a written report sent by the seizing agency to the Department of Public Safety which report shall include a description of the motor vehicle or motor vehicle

part, its color, if any, the date, time and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where the same is held or stored.

M. When a seized unidentifiable motor vehicle or motor vehicle part has been held for sixty (60) days or more after the notice to the Department of Public Safety specified in subsection L of this section, has been given, the seizing agency, or its agent, shall cause the motor vehicle or motor vehicle part to be sold at public sale to the highest bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at least thirty (30) days prior to the sale on the premises where the motor vehicle or motor vehicle part has been stored.

N. When a seized unidentifiable motor vehicle or motor vehicle part has an apparent value of One Thousand Dollars ($1,000.00) or less, the seizing agency shall authorize the disposal of the motor vehicle or motor vehicle part, provided that no such disposition shall be made less then sixty (60) days after the date of seizure.

O. The proceeds of the public sale of an unidentifiable motor vehicle or motor vehicle part shall be deposited in the special agency account of the Oklahoma State Bureau of Investigation, or treasury of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.

P. Seizing agencies will utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.

Q. A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

R. When a seized vehicle is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.

S. When an applicant for a certificate of title or salvage certificate presents to the Oklahoma Tax Commission proof that the applicant purchased or acquired a motor vehicle at a public sale conducted pursuant to this section and such fact is attested to by the seizing agency, the Oklahoma Tax Commission shall issue a certificate of title, salvage certificate for the motor vehicle upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the affidavit of the seizing agency that a state-assigned number was applied for and affixed to the motor vehicle prior to the time that the motor vehicle was released by the seizing agency to the purchaser.

Added by Laws 1988, c. 158, § 5, operative July 1, 1988. Amended by Laws 1997, c. 201, § 5, eff. Nov. 1, 1997; Laws 1998, c. 111, § 1, eff. July 1, 1998.

§47-1506. Civil proceedings - Remedies - Treble damages - Estoppel - Limitations - Service of process.

A. The Attorney General, any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of the Motor Vehicle Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. ordering any defendant to be divested of any interest in any property;

2. imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;

3. ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority; or

4. ordering the surrender of the charter of a corporation organized under the laws of the state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct

made unlawful by the Motor Vehicle Chop Shop, Stolen and Altered Property Act and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 3 of this act shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under Section 3 of this act terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under Section 3 of this act, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section 3 of this act in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

Added by Laws 1988, c. 158, § 6, operative July 1, 1988.

§47-1507. Repealed by Laws 1988, c. 201, § 15, eff. Nov. 1, 1988.

§47-1508. Power of Attorney General or district attorney.

In addition to the power of the Attorney General or any district attorney to institute civil proceedings under Section 6 of this act, the Attorney General or any district attorney is empowered to institute criminal prosecutions for a violation of Section 3 of this act in any court of competent jurisdiction.

Added by Laws 1988, c. 158, § 8, operative July 1, 1988.

§47-1601. Short title.

This act shall be known and may be cited as the "Oklahoma Mobility-Impaired Driver Refueling Service Act".

Added by Laws 1997, c. 196, § 1, emerg. eff. May 19, 1997.

§47-1602. Definitions.

As used in Section 1603 of this title:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;

2. "Mobility-impaired driver" means a person with a physical disability, as defined in Section 15-112 of this title; and

3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

Added by Laws 1997, c. 196, § 2, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 18, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 7, emerg. eff. June 2, 2008.

§47-1603. Participation in refueling service program.

A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may, on a voluntary basis, participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title; or

3. A disabled veterans license plate with the international accessibility symbol issued pursuant to the provisions of Section 1135.2 of this title.

B. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

C. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provided by the facility.

D. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in this section and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

Added by Laws 1997, c. 196, § 3, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 19, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 8, emerg. eff. June 2, 2008.

§47-1604. Repealed by Laws 2007, c. 62, § 39, emerg. eff. April 30, 2007.

§47-1700. Short title - Oklahoma Driving Automation System Uniformity Act.

This act shall be known as the "Oklahoma Driving Automation System Uniformity Act".

Added by Laws 2019, c. 316, § 1.

§47-1701. Definitions.

As used in this act:

A. "Driving automation system" means hardware and software that are collectively capable of performing part or the entire dynamic task on a sustained basis. The term driving automation system is used generally to describe any system capable of level 1-5 driving automation, as specified in SAE International Recommended Practice J3016 including, but not limited to, core vehicle functions as listed in this section.

B. "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints and including without limitation:

1. Lateral vehicle motion control via steering;

2. Longitudinal vehicle motion control via acceleration and deceleration;

3. Monitoring the driving environment via object and event detection, recognition, classification and response preparation;

4. Object and event response execution;

5. Maneuver planning; and

6. Enhancing conspicuity via lighting, signaling and gesturing.

Added by Laws 2019, c. 316, § 2.

§47-1702. State law preempts county or municipality authority and supersedes county or municipality laws or ordinances.

A. Only the State of Oklahoma may enact a law or take any other action to regulate the operation of motor vehicles equipped with driving automation systems in Oklahoma.

B. Pursuant to subsection A of this section, the State of Oklahoma:

1. Preempts the authority of a county or municipality to prohibit, restrict or regulate the operation of motor vehicles equipped with driving automation systems on the basis of those vehicles being equipped with driving automation systems; and

2. Supersedes any existing law or ordinance of a county or municipality that prohibits, restricts or regulates the testing or operation of motor vehicles equipped with driving automation systems. Added by Laws 2019, c. 316, § 3.

⸮63-2-503.

⸮63-2-503.

A. The following shall be subject to forfeiture:

1. All controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title;

2. All raw materials, products and equipment of any kind and all drug paraphernalia as defined by the Uniform Controlled Dangerous Substances Act, which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting, injecting, ingesting, inhaling, or otherwise introducing into the human body any controlled dangerous substance in violation of the provisions of the Uniform Controlled Dangerous Substances Act;

3. All property which is used, or intended for use, as a container for property described in paragraphs 1 and 2 of this subsection;

4. All conveyances, including aircraft, vehicles, vessels, or farm implements which are used to transport, conceal, or cultivate for the purpose of distribution as defined in Section 2-101 of this Title, or which are used in any manner to facilitate the transportation or cultivation for the purpose of sale or receipt of property described in paragraphs 1 or 2 of this subsection or when the property described in paragraphs 1 or 2 of this subsection is unlawfully possessed by an occupant thereof, except that:

a. no conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of the Uniform Controlled Dangerous Substances Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of the Uniform Controlled Dangerous Substances Act, and

b. no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state;

5. All books, records and research, including formulas, microfilm, tapes and data which are used in violation of the Uniform Controlled Dangerous Substances Act;

6. All things of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, all proceeds traceable to such an exchange, and all monies, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the Uniform Controlled Dangerous Substances Act;

7. All moneys, coin and currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distribution paraphernalia or to forfeitable records of the importation, manufacture or distribution of substances, which are rebuttably presumed to be forfeitable under Section 2-101 et seq. of this title. The burden of proof is upon claimants of the property to rebut this presumption;

8. All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenance or improvement thereto, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of the Uniform Controlled Dangerous Substances Act which is punishable by imprisonment for more than one (1) year, except that no property right, title or interest shall be forfeited pursuant to this paragraph, by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of that owner; and

9. All weapons possessed, used or available for use in any manner to facilitate a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

B. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that such property or thing of value was acquired by such person during the period of the violation of the Uniform Controlled Dangerous Substances Act or within a reasonable time after such period and there was no likely source for such property or thing of value other than the violation of the Uniform Controlled Dangerous Substances Act.

C. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that the person has not paid all or part of a fine imposed pursuant to the provisions of Section 2-415 of this title.

D. All items forfeited in this section shall be forfeited under the procedures established in Section 2-506 of this title. Whenever any item is forfeited pursuant to this section except for items confiscated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General, the district court of the district shall order that such item, money, or monies derived from the sale of such item be deposited by the state, county or city law enforcement agency which seized the item in the revolving fund provided for in Section 2-506 of this title; provided, such item, money or monies derived from the sale of such item forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. Items, money or monies seized pursuant to subsections A and B of this section shall not be applied or considered toward satisfaction of the fine imposed by Section 2-415 of this title. All raw materials used or intended to be used by persons to unlawfully manufacture or attempt to manufacture any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act shall be summarily forfeited pursuant to the provisions of Section 2-505 of this title.

E. All property taken or detained under this section by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General, shall not be repleviable, but shall remain in the custody of the Bureaus, Departments, Commission, or Office, respectively, subject only to the orders and decrees of a court of competent jurisdiction. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Commissioner of Public Safety, the Director of the Oklahoma State Bureau of Investigation, the Director of the Alcoholic Beverage Laws Enforcement Commission, the Director of the Oklahoma Department of Corrections, and the Attorney General shall follow the procedures outlined in Section 2-506 of this title dealing with notification of seizure, intent of forfeiture, final disposition procedures, and release to innocent claimants with regard to all property included in this section detained by the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General. Property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General shall be disposed of or sold pursuant to the provisions of Section 2-508 of this title.

F. The proceeds of any forfeiture of items seized by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be distributed as follows:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring a forfeiture orders a distribution to such person; and

2. The balance to the Oklahoma State Bureau of Narcotics' revolving fund or the Bureau's agency special account established pursuant to Section 7.2 of Title 62 of the Oklahoma Statutes, provided the Bureau may enter into agreements with municipal, county, state or federal law enforcement agencies, assisting in the forfeiture or underlying criminal investigation, to return to such an agency a percentage of said proceeds.

The Bureau may expend up to Nine Hundred Thousand Dollars ($900,000.00) of the forfeited funds within a fiscal year without prior approval of the Legislature. Documentation of such expenditures shall be forwarded to the Governor, Speaker of the House of Representatives and the President Pro Tempore of the Senate on a quarterly basis. Any additional expenditures of forfeited funds shall be pre-approved by the annual appropriations process or the Contingency Review Board.

G. Any agency that acquires seized or forfeited property or money shall maintain a true and accurate inventory and record of all such property seized pursuant to this section.

⁇63-2-405.

⁇63-2-405.

A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

D. Any person eighteen (18) years of age or over who violates subsection C of this section by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than that person shall, upon conviction, be guilty of a felony.

E. Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

Go to previous versions of this Section ↓

2023 Oklahoma Statutes
Title 63. Public Health and Safety
§63-2-402v2. Prohibited acts B - Penalties.

Universal Citation: 63 OK Stat § 2-402v2 (2023)

‹ Previous Next ›

A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by Section 2-101 et seq. of this title.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

a. the packaging of the product,
b. the name of the product, and
c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. 1. Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00).

2. Any person who violates this section a second time within ten (10) years, upon conviction, shall be guilty of a misdemeanor. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to one (1) year following the date of conviction in lieu of other punishments. At the discretion of the court, the diversion program may include drug testing as a requirement. If the defendant refuses or fails to complete the assessment and evaluation or diversion program, the court may impose punishment as provided for in paragraph 1 of this subsection. The provisions of this paragraph shall not apply to violations related to the possession of marijuana.

3. Any person who violates this section a third time within ten (10) years shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00), imprisonment in the county jail for a minimum of thirty (30) days, or by both such fine and imprisonment. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to three (3) years following the date of conviction. At the discretion of the court, the diversion program may include drug testing as a requirement. If the defendant refuses or fails to complete the assessment and evaluation or diversion program, the court may impose punishment as provided for in paragraph 1 of this subsection. The provisions of this paragraph shall not apply to violations related to the possession of marijuana.

4. a. Any person who violates this section a fourth time within ten (10) years shall, upon conviction, be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars ($5,000.00), imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

b. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt of a violation of this paragraph, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court not to exceed a three-year period. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to three (3) years.

c. Upon successful completion of the court-ordered substance abuse assessment and evaluation and diversion program within the time prescribed, the felony charge shall be changed to a misdemeanor. If the defendant refuses or fails to complete the assessment and evaluation or diversion program, the court may impose punishment as provided for in subparagraph a of this paragraph.

d. The provisions of this paragraph shall not apply to violations related to the possession of marijuana.

C. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

Added by Laws 1971, c. 119, § 2-402, operative Sept. 1, 1971. Amended by Laws 1972, c. 229, § 5, emerg. eff. April 7, 1972; Laws 1981, c. 34, § 1, eff. Oct. 1, 1981; Laws 1984, c. 127, § 6, eff. Nov. 1, 1984; Laws 1987, c. 138, § 7, emerg. eff. June 19, 1987; Laws 1992, c. 86, § 2, eff. Sept. 1, 1992; Laws 1993, c. 311, § 1, emerg. eff. June 7, 1993; Laws 1995, c. 147, § 3, eff. Nov. 1, 1995; Laws 1997, c. 133, § 530, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 382, eff. July 1, 1999; Laws 2004, c. 396, § 3, eff. Sept. 1, 2004; Laws 2009, c. 306, § 1, eff. Nov. 1, 2009; Laws 2012, c. 228, § 10, eff. Nov. 1, 2012; State Question No. 780, Initiative Petition No. 404, § 3, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2023, c. 266, § 1, eff. Nov. 1, 2023.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 530 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2004, c. 530, § 2 amended the effective date of Laws 2004, c. 396, § 12 from Nov. 1, 2004, to Sept. 1, 2004.

‹ Previous Next ›

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2023 Oklahoma Statutes Title 63. Public Health and Safety 563-2.204. Schedule I.

Universal Citation: OK Stat § 2-204 (2023)

« Previous
Next »

The controlled substances listed in this section are included in Schedule I and include any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, or their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Any of the following opioids including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetylmethadol;
2. Allylprodine;
3. Alphacetylmethadol;
4. Alphameprodine;
5. Alphamethadol;
6. Benzethidine;
7. Betacetylmethadol;
8. Betameprodine;
9. Betamethadol;
10. Betaprodine;
11. Clonitazene;
12. Dextromoramide;
13. Diampromide (except its methyl ether);
14. Diethylthiambutene;
15. Dimenoxadol;
16. Dimepheptanol;
17. Dimethylthiambutene;
18. Dioxaphetyl butyrate;
19. Dipipanone;
20. Ethylmethylthiambutene;
21. Etonitazene;
22. Etoxeridine;
23. Furethidine;
24. Hydroxypethidine;
25. Ketobemidone;
26. Levomoramide;
27. Levophenacylmorphan;
28. Morpheridine;
29. Noracymethadol;
30. Norlevorphanol;
31. Normethadone;
32. Norpipanone;
33. Phenadoxone;
34. Phenampromide;
35. Phenomorphan;
36. Phenoperidine;
37. Piritramide;
38. Propheptazine;
39. Prohepta zine;
40. Properidine;
41. Propiram;
42. Racemoramide; or
43. Trimeperidine.

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetylmethadol;
3. Allorphine;
4. Benzylmorphine;
5. Codeine methylbromide;
6. Codeine N-Oxide;
7. Cyprenorphine;
8. Desomorphine;
9. Ethylmorphine;
10. Etorphine;
11. Heroin;
12. Hydromorphinol;
13. Methyldesorphine;
14. Methylhydromorphine;
15. Morphine methylbromide;
16. Morphine methylsulfonate;
17. Morphine N-Oxide;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Pholcodine;
22. Thebacon;

C. Hydrazid (1-(1-phenylethyl)-2-piperidyl)-2-acetamide (Acetyl Fentanyl);

D. Hydrazid (N-(1-(2-phenylethyl)-4-piperidyl)-2-fuoroamide (2-Uorayl Fentanyl);

E. Hydrazid (N-(1-(2-phenylethyl)-4-piperidyl)-2-fuoroacetamide (Furanyl Fentanyl);

F. Hydrazid (1-(2-phenylethyl)-4-(perfluoroethoxy)-4-AMPP);

G. 1H-phenanthrapyrazol-(4,5-a)-4-methyl-2-(2-phenylethyl)-octahydro-(5-pyrrolyl-propyl-hydrazid); or

H. Hydrazid (1-(2-phenylethyl)-4-(pyrrolyl)-2,5-octamethyl-(2-Uorayl Fentanyl).

E. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetylmethadol;
2. 4-Bromomescaline;
3. Dimethylamphetamine;
4. Methylamphetamine;
5. 4, 5, 6, 7-Methylene-dioxy-2-aminoindane;
6. Aminorex;
7. Dimethylheptylpyrone;
8. Dimethyltryptamine;
9. 4-methyl-2, 5-dimethoxyamphetamine;
10. Hygrine;
11. Lysergic acid diethylamide;
12. Marihuana;
13. Mescaline;
14. N-hydroxyamphetamine;
15. N-ethyl-3-piperidyl benzilate;
16. N-methyl-3-piperidyl benzilate;
17. Psilocybin;
18. Psilocyn;
19. 1, 3-dimethylamphetamine;
20. 4-bromo-2, 5-dimethoxyamphetamine;
21. 4-methoxyamphetamine;
22. Cyclohexamine;
23. Salvia Divinorum;
24. Salvinorin A;

25. Thiophene Analog of Phencyclidine. Also known as 1-(1-(2-thienyl)-cyclohexyl)-piperidine 2 Thienyl Analog of Phencyclidine, TPCP, TCP;

26. Phencyclidine (PCP);

27. Pyrrolidine Analog Of Phencyclidine. Also known as 1-(1-Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;

28. 1-(1-Ethylcyclohexylphenyl) Piperazine;

29. Pentylnoxate;

30. N-Ethyl-p-amphetamine;

31. Butylnoxylamine;

32. 2,5-Dimethoxy-4-n-propylthiophenethylamine;

33. 2,5-Dimethoxy-4-n-butylthiophenethylamine;

34. 2,5-Dimethoxy-4-chlorophenethylamine;

35. 2,5-Dimethoxy-4-methylphenethylamine;

36. 2,5-Dimethoxy-4-methylthiophenethylamine;

37. 2,5-Dimethoxy-4-ethylphenethylamine;

38. 2,5-Dimethoxy-4-ethylthiophenethylamine;

39. 2,5-Dimethoxy-4-n-propylphenethylamine;

40. 2,5-Dimethoxy-4-n-propylthiophenethylamine;

41. 2,5-Dimethoxy-4-n-butylphenethylamine;

42. 2,5-Dimethoxy-4-n-butylthiophenethylamine;

43. 2,5-Dimethoxy-4-n-butylphenethylamine;

44. 2,5-Dimethoxy-4-(2-fluoroethylthio)-phenethylamine;

45. 1-methoxy-3, 4-methylenedioxyamphetamine;

46. N-methylpiperazine;

47. 4-methylpiperazine;

48. N-ethylpiperazine;

49. N, N-dimethylpiperazine;

50. N, N-diethylpiperazine;

51. N, N-dipropylpiperazine;

52. N-benzylpiperazine;

53. 3-methoxy-4-methylphenylamine;

54. 4-methoxy-N, N-methylpiperazine;

55. 4-Methoxy-N, N-dimepropylpiperazine;

56. 3-methoxy-N, N-dimepropylpiperazine;

57. 4-methoxy-N, N-diepropylpiperazine;

58. 3-Methoxy-N-propylpiperazine;

59. 3-methoxypropylamine;

60. 3-methoxybenzylpiperazine;

61. 3-methoxybenzylpiperazine (BMZP);

62. 1-ethylpiperazine;

63. 1-methylpiperazine;

64. 4-Phenylmethylpiperazine;

65. 1-Phenylmethylpiperazine;

66. 1-Benzylmethylpiperazine;

67. 1-Benzylmethoxy-1,3-dioxa-2-phosphorinane (Benzyl Piperazine);

68. 1-Benzylethylpiperazine;

69. 4-Methoxy-N-methylbenzylamine (Methoxyphenamine);

70. 1-Benzyl-4-methylpiperazine;

71. 1-Benzyl-4-ethylpiperazine;

72. 1-Benzyl-4-n-propylpiperazine;

73. 1-Benzyl-4-n-butylpiperazine;

74. 1-methoxy-4-methylbenzylamine;

75. 1-methoxy-N, N-methylpiperazine;

76. 1-methoxy-N, N-dimepropylpiperazine;

77. 1-methoxy-N, N-diepropylpiperazine;

78. 1-Methoxy-N-propylpiperazine;

79. 1-methoxybenzylpiperazine;

80. 1-methoxybenzylpiperazine (MBZP);

81. 1-ethylpiperazine;

82. 1-methylpiperazine;

83. 4-Phenylmethylpiperazine;

84. 1-Phenylmethylpiperazine;

85. 1-Benzylmethylpiperazine;

86. 1-Benzylethylpiperazine;

87. 1-Benzyl-4-methylpiperazine;

88. 1-Benzyl-4-ethylpiperazine;

89. 1-Benzyl-4-n-propylpiperazine;

90. 1-Benzyl-4-n-butylpiperazine;

91. 1-methoxy-4-methylbenzylamine;

92. 1-methoxy-N, N-methylpiperazine;

93. 1-methoxy-N, N-dimepropylpiperazine;

94. 1-methoxy-N, N-diepropylpiperazine;

95. 1-Methoxy-N-propylpiperazine;

96. 1-methoxybenzylpiperazine;

97. 1-methoxybenzylpiperazine (MBZP);

98. 1-ethylpiperazine;

99. 1-methylpiperazine;

100. 4-Phenylmethylpiperazine;

101. 1-Phenylmethylpiperazine;

102. 1-Benzylmethylpiperazine;

103. 1-Benzylethylpiperazine;

104. 1-Benzyl-4-methylpiperazine;

105. 1-Benzyl-4-ethylpiperazine;

106. 1-Benzyl-4-n-propylpiperazine;

107. 1-Benzyl-4-n-butylpiperazine;

108. 1-methoxy-4-methylbenzylamine;

109. 1-methoxy-N, N-methylpiperazine;

110. 1-methoxy-N, N-dimepropylpiperazine;

111. 1-methoxy-N, N-diepropylpiperazine;

112. 1-Methoxy-N-propylpiperazine;

113. 1-methoxybenzylpiperazine;

114. 2Bn-DOB;

115. 2Bn-DOC;

116. 2Bn-DOM;

117. 2C-B-AL;

118. 2C-B-BZ;

119. 2C-B-CB1;

120. 2C-B-CP;

121. 2C-B-DRAGONFLY;

122. 2C-B-FLY;

123. 2C-B-FLY-NBOMe;

124. 2C-B-NBOMe;

125. 2C-B-NBOH;

126. 2C-B-NBU;

127. 2C-B-POR;

128. 2C-B-SPB;

129. 2C-B-SPD;

130. 2C-B-VIP;

131. 2C-C;

132. 2C-C-NBOMe;

133. 2C-C-NBOH;

134. 2C-C-NBU;

135. 2C-D;

136. 2C-D-NBOMe;

137. 2C-D-NBOH;

138. 2C-D-NBU;

139. 2C-E;

140. 2C-E-NBOMe;

141. 2C-E-NBOH;

142. 2C-E-NBU;

143. 2C-G;

144. 2C-G-NBOMe;

145. 2C-G-NBOH;

146. 2C-G-NBU;

147. 2C-H;

148. 2C-H-NBOMe;

149. 2C-H-NBOH;

150. 2C-H-NBU;

151. 2C-I;

152. 2C-I-NBOMe;

153. 2C-I-NBOH;

154. 2C-I-NBU;

155. 2C-N;

156. 2C-N-NBOMe;

157. 2C-N-NBOH;

158. 2C-N-NBU;

159. 2C-P;

160. 2C-P-NBOMe;

161. 2C-P-NBOH;

162. 2C-P-NBU;

163. 2C-T;

164. 2C-T-2;

165. 2C-T-7;

166. 2C-T-NBOMe;

167. 2C-T-NBOH;

168. 2C-T-NBU;

169. 2C-T-TFM;

170. 3C-E;

171. 3C-P;

172. 4-AcO-DMT;

173. 4-AcO-DPT;

174. 4-AcO-DiPT;

175. 4-AcO-MALT;

176. 4-AcO-MET;

177. 4-AcO-MiPT;

178. 4-AcO-MPT;

179. 4-HO-DBT;

180. 4-HO-DEPT;

181. 4-HO-DiBT;

182. 4-HO-DiPT;

183. 4-HO-MALT;

184. 4-HO-MEPT;

185. 4-HO-MiPT;

186. 4-HO-MPT;

187. 4-HO-MPPT;

188. 4-HO-MPV;

189. 4-HO-MPZT;

190. 4-HO-MSPT;

191. 4-HO-MSPV;

192. 4-HO-MSPZT;

193. 4-HO-MVT;

194. 4-HO-MXT;

195. 4-HO-PALT;

196. 4-HO-PBT;

197. 4-HO-PEPT;

198. 4-HO-PiPT;

199. 4-HO-PMT;

200. 4-HO-PMPT;

201. 4-HO-PMPV;

202. 4-HO-PMPZT;

203. 4-HO-PnPT;

204. 4-HO-PnPV;

205. 4-HO-PnPZT;

206. 4-HO-SBT;

207. 4-HO-SEPT;

208. 4-HO-SiPT;

209. 4-HO-SPT;

210. 4-HO-SPV;

211. 4-HO-SPZT;

212. 4-HO-TBT;

213. 4-HO-THPB;

214. 4-HO-THPL;

215. 4-HO-THPP;

216. 4-HO-THPV;

217. 4-HO-THPZT;

218. 4-HO-TiPT;

219. 4-HO-TMT;

220. 4-HO-TMPT;

221. 4-HO-TPT;

222. 4-HO-TPNT;

223. 4-HO-TPNV;

224. 4-HO-TPNZT;

225. 4-HO-TPRT;

226. 4-HO-TPRV;

227. 4-HO-TPRZT;

228. 4-HO-TVT;

229. 4-HO-TXT;

230. 4-MeO-2C-T-7;

231. 4-MeO-AMT;

232. 4-MeO-DBT;

233. 4-MeO-DiPT;

234. 4-MeO-MiPT;

235. 4-MeO-MPT;

236. 4-MeO-PBT;

237. 4-MeO-PiPT;

238. 4-MeO-PMT;

239. 4-MeO-PMPT;

240. 4-MeO-PnPT;

241. 4-MeO-SBT;

242. 4-MeO-SiPT;

243. 4-MeO-SPT;

244. 4-MeO-TBT;

245. 4-MeO-TiPT;

246. 4-MeO-TMT;

247. 4-MeO-TPT;

248. 4-MeO-TPNT;

249. 4-MeO-TPRT;

250. 4-MeO-TVT;

251. 4-MeO-TXT;

252. 4-Me-2C-B;

253. 4-Me-2C-T-2;

254. 4-Me-2C-T-7;

255. 4-Me-DMT;

256. 4-Me-DPT;

257. 4-Me-DiPT;

258. 4-Me-MiPT;

259. 4-Me-MPT;

260. 4-Me-PBT;

261. 4-Me-PiPT;

262. 4-Me-PMT;

263. 4-Me-PMPT;

264. 4-Me-PnPT;

265. 4-Me-SBT;

266. 4-Me-SiPT;

267. 4-Me-SPT;

268. 4-Me-TBT;

269. 4-Me-TiPT;

270. 4-Me-TMT;

271. 4-Me-TPT;

272. 4-Me-TPNT;

273. 4-Me-TPRT;

274. 4-Me-TVT;

275. 4-Me-TXT;

276. 5-AcO-DMT;

277. 5-AcO-DiPT;

278. 5-AcO-MALT;

279. 5-AcO-MET;

280. 5-AcO-MiPT;

281. 5-AcO-MPT;

282. 5-AcO-PALT;

283. 5-AcO-PBT;

284. 5-AcO-PEPT;

285. 5-AcO-PiPT;

286. 5-AcO-PMT;

287. 5-AcO-PMPT;

288. 5-AcO-PnPT;

289. 5-AcO-SBT;

290. 5-AcO-SEPT;

291. 5-AcO-SiPT;

292. 5-AcO-SPT;

293. 5-AcO-SPV;

294. 5-AcO-SPZT;

295. 5-AcO-TBT;

296. 5-AcO-THPB;

297. 5-AcO-THPL;

298. 5-AcO-THPP;

299. 5-AcO-THPV;

300. 5-AcO-THPZT;

301. 5-AcO-TiPT;

302. 5-AcO-TMT;

303. 5-AcO-TPT;

304. 5-AcO-TPNT;

305. 5-AcO-TPRT;

306. 5-AcO-TVT;

307. 5-AcO-TXT;

308. 5-Me-2C-B;

309. 5-Me-2C-T-2;

310. 5-Me-2C-T-7;

311. 5-Me-DMT;

312. 5-Me-DPT;

313. 5-Me-DiPT;

314. 5-Me-MiPT;

315. 5-Me-MPT;

316. 5-Me-PBT;

317. 5-Me-PiPT;

318. 5-Me-PMT;

319. 5-Me-PMPT;

320. 5-Me-PnPT;

321. 5-Me-SBT;

322. 5-Me-SiPT;

323. 5-Me-SPT;

324. 5-Me-TBT;

325. 5-Me-TiPT;

326. 5-Me-TMT;

327. 5-Me-TPT;

328. 5-Me-TPNT;

329. 5-Me-TPRT;

330. 5-Me-TVT;

331. 5-Me-TXT;

332. 5-MeO-2C-T-7;

333. 5-MeO-AMT;

334. 5-MeO-DBT;

335. 5-MeO-DiPT;

336. 5-MeO-MiPT;

337. 5-MeO-MPT;

338. 5-MeO-PBT;

339. 5-MeO-PiPT;

340. 5-MeO-PMT;

341. 5-MeO-PMPT;

342. 5-MeO-PnPT;

343. 5-MeO-SBT;

344. 5-MeO-SiPT;

345. 5-MeO-SPT;

346. 5-MeO-TBT;

347. 5-MeO-TiPT;

348. 5-MeO-TMT;

349. 5-MeO-TPT;

350. 5-MeO-TPNT;

351. 5-MeO-TPRT;

352. 5-MeO-TVT;

353. 5-MeO-TXT;

354. 5-MeS-2C-T-7;

355. 5-MeS-AMT;

356. 5-MeS-DBT;

357. 5-MeS-DiPT;

358. 5-MeS-MiPT;

359. 5-MeS-MPT;

360. 5-MeS-PBT;

361. 5-MeS-PiPT;

362. 5-MeS-PMT;

363. 5-MeS-PMPT;

364. 5-MeS-PnPT;

365. 5-MeS-SBT;

366. 5-MeS-SiPT;

367. 5-MeS-SPT;

368. 5-MeS-TBT;

369. 5-MeS-TiPT;

370. 5-MeS-TMT;

371. 5-MeS-TPT;

372. 5-MeS-TPNT;

373. 5-MeS-TPRT;

374. 5-MeS-TVT;

375. 5-MeS-TXT;

376. 5-MeO-MALT;

377. 5-MeO-MET;

378. 5-MeO-MiPT;

379. 5-MeO-MPT;

380. 5-MeO-PALT;

381. 5-MeO-PBT;

382. 5-MeO-PEPT;

383. 5-MeO-PiPT;

384. 5-MeO-PMT;

385. 5-MeO-PMPT;

386. 5-MeO-PnPT;

387. 5-MeO-SBT;

388. 5-MeO-SEPT;

389. 5-MeO-SiPT;

390. 5-MeO-SPT;

391. 5-MeO-SPV;

392. 5-MeO-SPZT;

393. 5-MeO-TBT;

394. 5-MeO-THPB;

395. 5-MeO-THPL;

396. 5-MeO-THPP;

397. 5-MeO-THPV;

398. 5-MeO-THPZT;

399. 5-MeO-TiPT;

400. 5-MeO-TMT;

401. 5-MeO-TPT;

402. 5-MeO-TPNT;

403. 5-MeO-TPRT;

404. 5-MeO-TVT;

405. 5-MeO-TXT;

406. 5-MeO-XMT;

407. 6-AcO-DBT;

408. 6-AcO-DiPT;

409. 6-AcO-MiPT;

410. 6-AcO-MPT;

411. 6-AcO-PBT;

412. 6-AcO-PiPT;

413. 6-AcO-PMT;

414. 6-AcO-PMPT;

415. 6-AcO-PnPT;

416. 6-AcO-SBT;

417. 6-AcO-SiPT;

418. 6-AcO-SPT;

419. 6-AcO-TBT;

420. 6-AcO-TiPT;

421. 6-AcO-TMT;

422. 6-AcO-TPT;

423. 6-AcO-TPNT;

424. 6-AcO-TPRT;

425. 6-AcO-TVT;

426. 6-AcO-TXT;

427. 6-MeO-AMT;

428. 6-MeO-DBT;

429. 6-MeO-DiPT;

430. 6-MeO-MiPT;

431. 6-MeO-MPT;

432. 6-MeO-PBT;

433. 6-MeO-PiPT;

434. 6-MeO-PMT;

435. 6-MeO-PMPT;

436. 6-MeO-PnPT;

437. 6-MeO-SBT;

438. 6-MeO-SiPT;

439. 6-MeO-SPT;

440. 6-MeO-TBT;

441. 6-MeO-TiPT;

442. 6-MeO-TMT;

443. 6-MeO-TPT;

444. 6-MeO-TPNT;

445. 6-MeO-TPRT;

446. 6-MeO-TVT;

447. 6-MeO-TXT;

448. 6-MeO-XMT;

449. 7-AcO-DMT;

450. 7-AcO-DiPT;

451. 7-AcO-MALT;

452. 7-AcO-MET;

453. 7-AcO-MiPT;

454. 7-AcO-MPT;

455. 7-AcO-PALT;

456. 7-AcO-PBT;

457. 7-AcO-PEPT;

458. 7-AcO-PiPT;

459. 7-AcO-PMT;

460. 7-AcO-PMPT;

461. 7-AcO-PnPT;

462. 7-AcO-SBT;

463. 7-AcO-SEPT;

464. 7-AcO-SiPT;

465. 7-AcO-SPT;

466. 7-AcO-TBT;

467. 7-AcO-THPB;

468. 7-AcO-THPL;

469. 7-AcO-THPP;

470. 7-AcO-THPV;

471. 7-AcO-THPZT;

472. 7-AcO-TiPT;

473. 7-AcO-TMT;

474. 7-AcO-TPT;

475. 7-AcO-TPNT;

476. 7-AcO-TPRT;

477. 7-AcO-TVT;

478. 7-AcO-TXT;

479. 7-MeO-AMT;

480. 7-MeO-DBT;

481. 7-MeO-DiPT;

482. 7-MeO-MiPT;

483. 7-MeO-MPT;

484. 7-MeO-PBT;

485. 7-MeO-PiPT;

486. 7-MeO-PMT;

487. 7-MeO-PMPT;

488. 7-MeO-PnPT;

489. 7-MeO-SBT;

490. 7-MeO-SiPT;

491. 7-MeO-SPT;

492. 7-MeO-TBT;

493. 7-MeO-TiPT;

494. 7-MeO-TMT;

495. 7-MeO-TPT;

496. 7-MeO-TPNT;

497. 7-MeO-TPRT;

498. 7-MeO-TVT;

499. 7-MeO-TXT;

500. 7-MeO-XMT;

501. 7-Me-2C-B;

502. 7-Me-2C-T-2;

503. 7-Me-2C-T-7;

504. 7-Me-DMT;

505. 7-Me-DPT;

506. 7-Me-DiPT;

507. 7-Me-MiPT;

508. 7-Me-MPT;

509. 7-Me-PBT;

510. 7-Me-PiPT;

511. 7-Me-PMT;

512. 7-Me-PMPT;

513. 7-Me-PnPT;

514. 7-Me-SBT;

515. 7-Me-SiPT;

516. 7-Me-SPT;

517. 7-Me-TBT;

518. 7-Me-TiPT;

519. 7-Me-TMT;

520. 7-Me-TPT;

521. 7-Me-TPNT;

522. 7-Me-TPRT;

523. 7-Me-TVT;

524. 7-Me-TXT;

525. 7-MeS-2C-T-7;

526. 7-MeS-AMT;

527. 7-MeS-DBT;

528. 7-MeS-DiPT;

529. 7-MeS-MiPT;

530. 7-MeS-MPT;

531. 7-MeS-PBT;

532. 7-MeS-PiPT;

533. 7-MeS-PMT;

534. 7-MeS-PMPT;

535. 7-MeS-PnPT;

536. 7-MeS-SBT;

537. 7-MeS-SiPT;

538. 7-MeS-SPT;

539. 7-MeS-TBT;

540. 7-MeS-TiPT;

541. 7-MeS-TMT;

542. 7-MeS-TPT;

543. 7-MeS-TPNT;

544. 7-MeS-TPRT;

545. 7-MeS-TVT;

546. 7-MeS-TXT;

547. 7-MeO-MALT;

548. 7-MeO-MET;

549. 7-MeO-MiPT;

550. 7-MeO-MPT;

551. 7-MeO-PALT;

552. 7-MeO-PBT;

553. 7-MeO-PEPT;

554. 7-MeO-PiPT;

555. 7-MeO-PMT;

556. 7-MeO-PMPT;

557. 7-MeO-PnPT;

558. 7-MeO-SBT;

559. 7-MeO-SEPT;

560. 7-MeO-SiPT;

561. 7-MeO-SPT;

562. 7-MeO-SPV;

563. 7-MeO-SPZT;

564. 7-MeO-TBT;

565. 7-MeO-THPB;

566. 7-MeO-THPL;

567. 7-MeO-THPP;

568. 7-MeO-THPV;

569. 7-MeO-THPZT;

570. 7-MeO-TiPT;

571. 7-MeO-TMT;

572. 7-MeO-TPT;

573. 7-MeO-TPNT;

574. 7-MeO-TPRT;

575. 7-MeO-TVT;

576. 7-MeO-TXT;

577. 7-MeO-XMT;

578. MDE, MDEA, 3,4-methylenedioxy-N-ethylamphetamine;

579. MDMA;

580. MDA;

581. N-hydroxy-3,4-methylenedioxyamphetamine (N-OH-MDA);

582. 6-nitro-2,3-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe);

583. 4-bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25B-NBOMe);

84. 1-(benzofuran-5-yl)-propan-2-ylamine(5-APDB);

85. 1-(benzofuran-6-yl)-propan-2-ylamine(6-APDB);

86. 1-(2,3-dihydrobenzofuran-5-yl)-propan-2-ylamine(5-APDHB);

87. 1-(2,3-dihydrobenzofuran-6-yl)-propan-2-ylamine(6-APDHB);

88. 1-(benzofuran-5-yl)-N-methylpropan-2-ylamine(5-MAPDB);

89. 1-(benzofuran-6-yl)-N-methylpropan-2-ylamine(6-MAPDB);

90. 1-(2,3-dihydrobenzofuran-5-yl)-N-methylpropan-2-ylamine(5-MAPDHB);

91. 1-(2,3-dihydrobenzofuran-6-yl)-N-methylpropan-2-ylamine(6-MAPDHB);

92. 1-(benzofuran-5-yl)-N,N-dimethylpropan-2-ylamine(5-DMAPDB);

93. 1-(benzofuran-6-yl)-N,N-dimethylpropan-2-ylamine(6-DMAPDB);

94. 1-(2,3-dihydrobenzofuran-5-yl)-N,N-dimethylpropan-2-ylamine(5-DMAPDHB);

95. 1-(2,3-dihydrobenzofuran-6-yl)-N,N-dimethylpropan-2-ylamine(6-DMAPDHB);

96. N-ethyl-1-(benzofuran-5-yl)-propan-2-ylamine(5-EAPDB);

97. N-ethyl-1-(benzofuran-6-yl)-propan-2-ylamine(6-EAPDB);

98. N-ethyl-1-(2,3-dihydrobenzofuran-5-yl)-propan-2-ylamine(5-EAPDHB);

99. N-ethyl-1-(2,3-dihydrobenzofuran-6-yl)-propan-2-ylamine(6-EAPDHB);

100. 1-(benzofuran-5-yl)-N-methylbutan-2-ylamine(5-MABDB);

101. 1-(benzofuran-6-yl)-N-methylbutan-2-ylamine(6-MABDB);

102. 1-(2,3-dihydrobenzofuran-5-yl)-N-methylbutan-2-ylamine(5-MABDHB);

103. 1-(2,3-dihydrobenzofuran-6-yl)-N-methylbutan-2-ylamine(6-MABDHB);

104. 1-(benzofuran-5-yl)-N-ethylpropan-2-ylamine(5-EAPDB);

105. 1-(benzofuran-6-yl)-N-ethylpropan-2-ylamine(6-EAPDB);

106. 1-(2,3-dihydrobenzofuran-5-yl)-N-ethylpropan-2-ylamine(5-EAPDHB);

107. 1-(2,3-dihydrobenzofuran-6-yl)-N-ethylpropan-2-ylamine(6-EAPDHB);

108. 1-(benzofuran-5-yl)-N-methylhexan-2-ylamine(5-MAHDB);

109. 1-(benzofuran-6-yl)-N-methylhexan-2-ylamine(6-MAHDB);

110. 1-(2,3-dihydrobenzofuran-5-yl)-N-methylhexan-2-ylamine(5-MAHDHB);

111. 1-(2,3-dihydrobenzofuran-6-yl)-N-methylhexan-2-ylamine(6-MAHDHB);

112. 1-(benzofuran-5-yl)-N-ethylhexan-2-ylamine(5-EAHDB);

113. 1-(benzofuran-6-yl)-N-ethylhexan-2-ylamine(6-EAHDB);

114. 1-(2,3-dihydrobenzofuran-5-yl)-N-ethylhexan-2-ylamine(5-EAHDHB);

115. 1-(2,3-dihydrobenzofuran-6-yl)-N-ethylhexan-2-ylamine(6-EAHDHB);

116. 5-(2-aminopropylindole)(5-IPT);

117. 6-(2-aminopropylindole)(6-IPT);

118. 7-(2-aminopropylindole)(7-IPT);

119. 5-methoxy-3,4-methylenedioxy-N,N-dimethylamphetamine (MMDOMDA);

120. 5-methoxy-6-methoxy-3,4-methylenedioxy-N,N-dimethylamphetamine (MMDOMDOMDA);

121. 5-methoxy-6,7-methylenedioxy-N,N-dimethylamphetamine (MMDOMDMDA);

122. 5-methoxy-6,7-methylenedioxy-N-methylamphetamine (MMDOMDMMDA);

123. 5-methoxy-6,7-methylenedioxy-N-ethylamphetamine (MMDOMDMEDA);

124. 5-methoxy-6,7-methylenedioxy-N-propylamphetamine (MMDOMDMPDA);

125. 5-methoxy-6,7-methylenedioxy-N-isopropylamphetamine (MMDOMDMIPDA);

126. 5-methoxy-6,7-methylenedioxy-N-butylamphetamine (MMDOMDMBDA);

127. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)amphetamine (MMDOMDMMBZDA);

128. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)amphetamine (MMDOMDMEBZDA);

129. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)amphetamine (MMDOMDMPBZDA);

130. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)amphetamine (MMDOMDMIPBZDA);

131. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)amphetamine (MMDOMDMBBZDA);

132. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)methylamphetamine (MMDOMDMMBZMDA);

133. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)methylamphetamine (MMDOMDMEBZMDA);

134. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)methylamphetamine (MMDOMDMPBZMDA);

135. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)methylamphetamine (MMDOMDMIPBZMDA);

136. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)methylamphetamine (MMDOMDMBBZMDA);

137. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)ethylamphetamine (MMDOMDMMBZEDA);

138. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)ethylamphetamine (MMDOMDMEBZEDA);

139. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)ethylamphetamine (MMDOMDMPBZEDA);

140. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)ethylamphetamine (MMDOMDMIPBZEDA);

141. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)ethylamphetamine (MMDOMDMBBZEDA);

142. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)propylamphetamine (MMDOMDMMBZPDA);

143. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)propylamphetamine (MMDOMDMEBZPDA);

144. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)propylamphetamine (MMDOMDMPBZPDA);

145. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)propylamphetamine (MMDOMDMIPBZPDA);

146. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)propylamphetamine (MMDOMDMBBZPDA);

147. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)isopropylamphetamine (MMDOMDMMBZIPDA);

148. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)isopropylamphetamine (MMDOMDMEBZIPDA);

149. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)isopropylamphetamine (MMDOMDMPBZIPDA);

150. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)isopropylamphetamine (MMDOMDMIPBZIPDA);

151. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)isopropylamphetamine (MMDOMDMBBZIPDA);

152. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)butylamphetamine (MMDOMDMMBZBDA);

153. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)butylamphetamine (MMDOMDMEBZBDA);

154. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)butylamphetamine (MMDOMDMPBZBDA);

155. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)butylamphetamine (MMDOMDMIPBZBDA);

156. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)butylamphetamine (MMDOMDMBBZBDA);

157. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)-1,3-benzodioxolylbutylamine (MMDOMDMMBZBDB);

158. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)-1,3-benzodioxolylbutylamine (MMDOMDMEBZBDB);

159. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)-1,3-benzodioxolylbutylamine (MMDOMDMPBZBDB);

160. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)-1,3-benzodioxolylbutylamine (MMDOMDMIPBZBDB);

161. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)-1,3-benzodioxolylbutylamine (MMDOMDMBBZBDB);

162. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)-1,3-benzodioxolylpentylamine (MMDOMDMMBZBDP);

163. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)-1,3-benzodioxolylpentylamine (MMDOMDMEBZBDP);

164. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)-1,3-benzodioxolylpentylamine (MMDOMDMPBZBDP);

165. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)-1,3-benzodioxolylpentylamine (MMDOMDMIPBZBDP);

166. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)-1,3-benzodioxolylpentylamine (MMDOMDMBBZBDP);

167. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)-1,3-benzodioxolylhexylamine (MMDOMDMMBZBDH);

168. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)-1,3-benzodioxolylhexylamine (MMDOMDMEBZBDH);

169. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)-1,3-benzodioxolylhexylamine (MMDOMDMPBZBDH);

170. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)-1,3-benzodioxolylhexylamine (MMDOMDMIPBZBDH);

171. 5-methoxy-6,7-methylenedioxy-N-(2-butoxybenzyl)-1,3-benzodioxolylhexylamine (MMDOMDMBBZBDH);

172. 5-methoxy-6,7-methylenedioxy-N-(2-methoxybenzyl)-1,3-benzodioxolylheptylamine (MMDOMDMMBZBDHP);

173. 5-methoxy-6,7-methylenedioxy-N-(2-ethoxybenzyl)-1,3-benzodioxolylheptylamine (MMDOMDMEBZBDHP);

174. 5-methoxy-6,7-methylenedioxy-N-(2-propoxybenzyl)-1,3-benzodioxolylheptylamine (MMDOMDMPBZBDHP);

175. 5-methoxy-6,7-methylenedioxy-N-(2-isopropoxybenzyl)-1,3-benzodioxolylheptylamine (MMDOMDMIPBZBDHP);

176. 5-methoxy-6,7-methyl

131. AM-2233;

132. JWH-018 adamantyl-carboxamide;

133. AKB48;

134. JWH-122 N-(4-pentenylanalog;

135. MAM2201;

136. URB597;

137. URB602;

138. URB754;

139. UR144;

140. XLR11;

141. A-796,260;

142. STS-135;

143. AB-FUBINACA;

144. AB-PINACA;

145. PB-22;

146. AKB48 N-5-Fluorpentyl;

147. AM1248;

148. FUB-PB-22;

149. ADB-FUBINACA;

150. BB-22;

151. 5-Fluoro PB-22; or

152. 5-Fluoro AKB-48.

G. In addition to those substances listed in subsection F of this section, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups:

1. Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthoylindoles include, but are not limited to:

a. 1-(2-(4-morpholinyl)ethyl)-3-(1-naphthoyl)indole (JWH-200),
b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
h. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-122),
i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole (JWH-098),
n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
o. 1-(1-(N-methyl-2-piperidinyl)methyl)-3-(1-naphthoyl)indole (AM-1220),
p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201), or
q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

2. Naphthylmethylindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindoles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

3. Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the pyrrole ring to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to:

a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole (JWH-370),
c. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or
d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

4. Naphthylideneindenes: any compound containing a 1-(1-naphthylmethylene)indene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indene group to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include, but are not limited to, (1-((3-pentyl-1H-inden-1-ylidene)methyl)naphthalene (JWH-176);

5. Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl ring to any extent. Phenylacetylindoles include, but are not limited to:

a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),
b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8),
c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
d. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

6. Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, and whether or not further substituted on the cyclohexyl ring to any extent. Cyclohexylphenols include, but are not limited to:

a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497),
b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue),
or
c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);

7. Benzoylindoles: any compound containing a 3-(benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to:

a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),
b. 1-(2-(4-morpholinyl)ethyl)-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098),
c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),
d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or
e. 1-(1-(N-methyl-2-piperidinyl)methyl)-3-(2-iodobenzoyl)indole (AM-2233);

8. Cyclopropoylindoles: Any compound containing a 3-(cyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the cyclopropyl ring to any extent. Cyclopropoylindoles include, but are not limited to:

a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole (UR-144),
b. 1-(5-chloropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (5Cl-UR-144), or
c. 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (XLR11);

9. Indole Amides: Any compound containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cyclobutyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cyclobutyl rings to any extent. Indole Amides include, but are not limited to:

a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide (2NE1),
b. N-(1-adamantyl)-1-(5-fluoropentyl-1H-indole-3-carboxamide (STS-135),
c. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA),
d. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),
e. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide (NNE1),
f. 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide (5F-NNE1),
g. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006), or
h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-SDB-006);

10. Indole Esters: Any compound containing a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cyclobutyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cyclobutyl rings to any extent. Indole Esters include, but are not limited to:

a. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22),
b. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5cl-PB-22),
c. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate (BB-22),
d. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22), or
e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);

11. Adamantanoylindoles: Any compound containing an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Adamantanoylindoles include, but are not limited to:

a. adamantan-1-yl(1-((1-methyl-2-piperidinyl)methyl)-1H-indol-3-yl)methanone (AM1248), or
b. adamantan-1-yl(1-pentyl-1H-indol-3-yl)methanone (AB-001);

12. Carbazole Ketone: Any compound containing (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cyclobutyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cyclobutyl rings to any extent. Carbazole Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone (EG-018);

13. Benzimidazole Ketone: Any compound containing (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cyclobutyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cyclobutyl rings to any extent. Benzimidazole Ketones include, but are not limited to:

a. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-l)methanone (JWH-018 benzimidazole analog), or
b. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (FUBIMINA); and

14. Modified by Replacement: any compound defined in this subsection that is modified by replacement of a carbon with nitrogen in the indole, naphthyl, indene, benzimidazole, or carbazole ring.

H. Any prescription drug approved by the federal Food and Drug Administration under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, that is designated, rescheduled or deleted as a controlled substance under federal law by the United States Drug Enforcement Administration shall be excluded from Schedule I and shall be prescribed, distributed, dispensed or used in accordance with federal law upon the issuance of a notice, final rule or interim final rule by the United States Drug Enforcement Administration designating, rescheduling or deleting as a controlled substance such a drug product under federal law, unless and until the Board of Pharmacy takes action pursuant to Section 2-201 of this title. If the Board of Pharmacy does not take action pursuant to Section 2-201 of this title, the drug product shall be deemed to be designated, rescheduled or deleted as a controlled substance in accordance with federal law and in compliance with the Uniform Controlled Dangerous Substances Act.

Added by Laws 1971, c. 119, § 2-204, operative Sept. 1, 1971. Amended by Laws 1976, c. 291, § 1, emerg. eff. June 17, 1976; Laws 1978, c. 194, § 3, emerg. eff. April 14, 1978; Laws 1984, c. 127, § 1, eff. Nov. 1, 1984; Laws 1987, c. 138, § 3, emerg. eff. June 19, 1987; Laws 1994, c. 140, § 1, eff. Sept. 1, 1994; Laws 1995, c. 54, § 2, eff. July 1, 1995; Laws 1998, c. 100, § 1, emerg. eff. April 13, 1998; Laws 2000, c. 16, § 1, emerg. eff. April 3, 2000; Laws 2001, c. 99, § 2, eff. July 1, 2001; Laws 2001, c. 373, § 2, eff. July 1, 2001; Laws 2005, c. 283, § 1, eff. Nov. 1, 2005; Laws 2008, c. 332, § 1, eff. Nov. 1, 2008; Laws 2010, c. 182, § 1, eff. Nov. 1, 2010; Laws 2011, c. 239, § 2, eff. Nov. 1, 2011; Laws 2012, c. 80, § 2, eff. Nov. 1, 2012; Laws 2013, c. 181, § 1, eff. Nov. 1, 2013; Laws 2014, c. 154, § 2, eff. Nov. 1, 2014; Laws 2015, c. 305, § 3; Laws 2017, c. 390, § 2, emerg. eff. June 6, 2017; Laws 2018, c. 134, § 1, eff. Nov. 1, 2018; Laws 2019, c. 207, § 1, eff. Nov. 1, 2019; Laws 2021, c. 222, § 2, eff. Nov. 1, 2021; Laws 2022, c. 70, § 1, eff. Nov. 1, 2022; Laws 2023, c. 120, § 1, eff. Nov. 1, 2023.

Previous Next

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⍰63-2-401.

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A. Except as authorized by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, it shall be unlawful for any person:

1. To distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute or dispense a controlled dangerous substance;

2. To create, distribute, transport with intent to distribute or dispense, or possess with intent to distribute, a counterfeit controlled dangerous substance; or

3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

B. Any person who violates the provisions of this section with respect to:

1. A substance classified in Schedule I or II which is a narcotic drug or lysergic acid diethylamide (LSD), upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not less than five (5) years nor more than life and a fine of not more than One Hundred Thousand Dollars ($100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any sentence to the custody of the Department of Corrections shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;

2. Any other controlled dangerous substance classified in Schedule I, II, III, or IV, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not less than two (2) years nor more than life and a fine of not more than Twenty Thousand Dollars ($20,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any sentence to the custody of the Department of Corrections shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;

3. A substance classified in Schedule V, upon conviction, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not more than five (5) years and a fine of not more than One Thousand Dollars ($1,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment;

4. An imitation controlled substance as defined by Section 2-101 of this title, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year and a fine of not more than One Thousand Dollars ($1,000.00). A person convicted of a second violation of the provisions of this paragraph shall be guilty of a felony and shall be sentenced to a term of imprisonment for not more than five (5) years and a fine of not more than Five Thousand Dollars ($5,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment; or

5. Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services, it shall be unlawful for any person to manufacture, distribute, or possess with intent to distribute a synthetic controlled substance. Any person convicted of violating the provisions of this paragraph is guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term not to exceed life and a fine of not more than Twenty-five Thousand Dollars ($25,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. A second or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by imprisonment in the State Penitentiary for a term of not less than ten (10) years nor more than life and a fine of not more than One Hundred Thousand Dollars ($100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

C. Any person convicted of a second or subsequent felony violation of the provisions of this section, except for paragraphs 4 and 5 of subsection B of this section or subsection E of this section, shall be punished by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized, which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Convictions for second or subsequent violations of the provisions of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

D. Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age is punishable by twice the fine and by twice the imprisonment otherwise authorized.

E. Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a person, in or on, or within two thousand (2,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or public housing project shall be punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

F. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance or possess any substance listed in Section 2-322 of this title or any substance containing any detectable amount of pseudoephedrine or its salts, optical isomers or salts of optical isomers, iodine or its salts, optical isomers or salts of optical isomers, hydriatic acid, sodium metal, lithium metal, anhydrous ammonia, or ether with the intent to use that substance to manufacture a controlled dangerous substance. Any person violating the provisions of this section with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, or possessing any substance listed in this subsection or Section 2-322 of this title, upon conviction, is guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not less than twenty (20) years nor more than life and by a fine of not less than Fifty Thousand Dollars ($50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. To be charged with possession with intent to use a substance to manufacture a controlled dangerous substance, three or more of the substances listed in this subsection shall be present.

Any sentence to the custody of the Department of Corrections shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation. A person convicted of a second or subsequent violation of the provisions of this subsection shall be required to serve at least ten (10) years of such person's sentence before becoming eligible for parole or any early release from incarceration.

Any person convicted of any offense described in this section may, in addition to the fine imposed, be assessed an amount not to exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances created pursuant to Section 2-506 of this title.

G. For purposes of this section, "public housing project" means any dwelling or accommodations operated as a state or federally subsidized multifamily housing project by any housing authority, nonprofit corporation or municipal developer or housing projects created pursuant to the Oklahoma Housing Authorities Act.

⁇63-2-402.

⁇63-2-402.

A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

a. the packaging of the product,

b. the name of the product, and

c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206 of this title, is guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years. A second or subsequent violation of this section with respect to Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206 of this title, is a felony punishable by imprisonment for not less than four (4) years nor more than twenty (20) years.

2. Any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year. A second or subsequent violation of this section with respect to any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years.

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be guilty of a felony and punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine, or by both, not exceeding twice that authorized by the appropriate provision of this section. In addition, the person shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and the person shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

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2016 Oklahoma Statutes
Title 63. Public Health and Safety
§63-2-101. Definitions

Universal Citation: 63 OK Stat § 63-2-101 (2016)

As used in the Uniform Controlled Dangerous Substances Act:

1. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

a.a practitioner (or, in the presence of the practitioner, by the authorized agent of the practitioner), or

b.the patient or research subject at the direction and in the presence of the practitioner;

2. "Agent" means a peace officer appointed by and who acts in behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act;

3. "Board" means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

4. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

5. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

6. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

8. "Controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law;

9. "Counterfeit substance" means a controlled substance which, or the container or labeling of which without authorization, bears the trademark, trade name or other identifying marks, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance;

10. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person or another of a controlled dangerous substance or drug paraphernalia, whether or not there is an agency relationship;

11. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject;

12. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

13. "Distributor" means a person either engaged in the distribution or intended distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

14. "Drug" means articles:

a.recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

b.intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

c.other than food, intended to affect the structure or any function of the body of man or other animals; and

d.intended for use as a component of any article specified in this paragraph;

provided, however, the term "drug" does not include devices or their components, parts or accessories;

15. "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of the controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

16. "Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract with third parties, to clients in their place of residence;

17. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

18. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program of home care which is licensed pursuant to the provisions of this act. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

19. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance. In the event the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance", the court or authority concerned should consider, in addition to all other factors, the following factors as related to "representations" in determining whether the substance is an "imitation controlled substance":

a.statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,

b.statements made to the recipient that the substance may be resold for inordinate profit,

c.whether the substance is packaged in a manner normally used for illicit controlled substances,

d.evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,

e.prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and

f.the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Intravenous" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

22. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

23. "Marihuana" means all parts of plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

a.the mature stalks of such plant or fiber produced from such stalks,

b.oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marihuana plant,

c.any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,

d.the sterilized seed of such plant which is incapable of germination,

e.for persons eighteen (18) years of age or younger participating in a clinical trial to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 4 of this act, a drug or substance approved by the federal Food and Drug Administration for use by those participants,

f.for persons eighteen (18) years of age or younger, or the parents, legal guardians, or caretakers of the person, who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other seizure disorder that is medically intractable despite traditional medical therapies, the substance cannabidiol, a nonpsychoactive cannabinoid as listed in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid, or

g.industrial hemp, from the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis which shall not be given anywhere in the State of Oklahoma but may be disposed of pursuant to the provisions of subparagraph e of this paragraph;

24. "Medical purposes" means a statement to utilize a controlled dangerous substance for physical or mental treatment, for diagnosis, or for the prevention of a disease condition not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

25. "Mid-level practitioner" means an advanced practice nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified veterinary euthanasia technician as defined and within parameters of Section 59 of the Oklahoma Statutes, or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under subsection B of Section 2-101 of this title within the parameters of such officer's duty under Sections 501 through 508 of Title 4 of the Oklahoma Statutes;

26. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a.opium, coca leaves and opiates,

b.a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,

c.cocaine, its salts, optical and geometric isomers, and salts of isomers,

d.ecgonine, its derivatives, their salts, isomers and salts of isomers, and

e.a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through d of this paragraph, except that the words "narcotic drug" as used in Section 2-101 et seq. of this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

27. "Opioid" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;

28. "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof;

29. "Peace officer" means a police officer, sheriff, deputy sheriff, district attorney's investigator, investigator from the Office of the Attorney General, or any other person elected or appointed by law to enforce any of the criminal laws of this state or of the United States;

30. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

31. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

32. "Practitioner" means:

a.(1)a medical doctor or osteopathic physician,

(2)a dentist,

(3)a podiatrist,

(4)an optometrist,

(5)a veterinarian,

(6)a physician assistant under the supervision of a licensed medical doctor or osteopathic physician,

(7)a scientific investigator, or

(8)any other person,

licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or

b.a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

33. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

34. "State" means the State of Oklahoma or any other state of the United States;

35. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household;

36. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act including but not limited to:

a.kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,

b.kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,

c.isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,

d.testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,

e.scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,

f.diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,

g.separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana,

h.blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,

i.capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,

j.containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

k.hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,

l.objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

(1)metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,

(2)water pipes,

(3)carburetion tubes and devices,

(4)smoking and carburetion masks,

(5)roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,

(6)miniature cocaine spoons and cocaine vials,

(7)schamber pipes,

(8)carburetor pipes,

(9)electric pipes,

(10)air-driven pipes,

(11)chillums,

(12)bongs, or

(13)ice pipes or chillers,

m.all hidden or novelty pipes, and

n.any pipe that has a lateral bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

37. a. "Synthetic controlled substance" means a substance:

(1)the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,

(2)which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or

(3)with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

b.The designation of gamma butyrolactone or any other chemical as a precursor, pursuant to Section 2-322 of this title, does not preclude a finding pursuant to subparagraph a of this paragraph that the chemical is a synthetic controlled substance.

c."Synthetic controlled substance" does not include:

(1)a controlled dangerous substance,

(2)any substance for which there is an approved new drug application,

(3)with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or

(4)any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance.

d.Prima facie evidence that a substance containing salvia divinorum has been enhanced, concentrated or chemically or physically altered shall give rise to a rebuttable presumption that the substance is a synthetic controlled substance;

38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marihuana;

39. "Homer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsections C and F of Section 2-204 of this title, "isomer" means the optical, positional or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term "isomer" means the optical isomer;

40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which material is controlled by state or federal guidelines; and

41. "Anhydrous ammonia" means any substance that exhibits cryogenic properties or extreme affinity for water and tests positive for ammonia.

Added by Laws 1971, c. 119, § 2-101, operative Sept. 1, 1971. Amended by Laws 1975, c. 133, § 1, emerg. eff. May 15, 1975; Laws 1981, c. 62, § 1, emerg. eff. April 13, 1981; Laws 1982, c. 12, § 1, operative Oct. 1, 1982; Laws 1985, c. 186, § 1, eff. July 1, 1985; Laws 1987, c. 138, § 1, emerg. eff. June 19, 1987; Laws 1988, c. 43, § 1, operative Nov. 1, 1988; Laws 1989, c. 237, § 1, eff. Nov. 1, 1989; Laws 1994, c. 52, § 4; Laws 1996, c. 308, § 1, emerg. eff. June 10, 1996; Laws 1997, c. 2, § 14, emerg. eff. Feb. 20, 1997; Laws 1997, c. 270, § 1, eff. Nov. 1, 1997; Laws 1998, c. 13, § 1, emerg. eff. March 12, 1998; Laws 2000, c. 10, § 6, eff. Nov. 1, 2000; Laws 2001, c. 3, § 1, eff. July 1, 2001; Laws 2002, c. 330, § 2, eff. Nov. 1, 2002; Laws 2003, c. 301, § 4, eff. Nov. 1, 2003; Laws 2011, c. 2, § 1, eff. July 1, 2011; Laws 2013, c. 265, § 1, eff. Nov. 1, 2013; Laws 2014, c. 2, § 1, eff. June 7, 2014; Laws 2014, c. 182, § 1, eff. Nov. 1, 2014; Laws 2014, c. 184, § 1, eff. Nov. 1, 2014; Laws 2015, c. 203, § 2, emerg. eff. April 30, 2015.

NOTE: Laws 1996, c. 186, § 9 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2004, c. 116, § 1 repealed by Laws 2005, c. 1, § 99, emerg. eff. March 15, 2005.

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