

ENROLLED HOUSE
BILL NO. 1616

By: Roan of the House

and

Lamb of the Senate

An Act relating to public safety; amending 11 O.S. 2001, Section 34-103, which relates to the performance of certain police functions; clarifying language; amending 21 O.S. 2001, Section 1283, as last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp. 2006, Section 1283), which relates to possession of firearms by felons and delinquents; modifying certain prohibited act; amending Section 4, Chapter 520, O.S.L. 2004 (21 O.S. Supp. 2006, Section 1379), which relates to bypassing security checkpoints; requiring certain actions at security checkpoints; making certain acts unlawful; providing an exception; providing penalties; amending Section 5, Chapter 243, O.S.L. 2006 (27A O.S. Supp. 2006, Section 2-7-404), which relates to the Oklahoma Highway Remediation and Cleanup Services Act; providing exceptions to certain requirement; amending 47 O.S. 2001, Sections 2-105, as last amended by Section 1, Chapter 81, O.S.L. 2006, 2-111, as amended by Section 2, Chapter 199, O.S.L. 2005, 2-117, as last amended by Section 8, Chapter 190, O.S.L. 2005 and 2-150 (47 O.S. Supp. 2006, Sections 2-105, 2-111 and 2-117), which relate to creation, organization and responsibilities of the Department of Public Safety; expanding authority of the Commissioner; providing for expense allowance; requiring confidentiality of certain records; providing exception for certain personnel; making certain acts unlawful; providing penalties; providing exception to confidentiality requirement to certain agencies or individuals; modifying certain duty of the Commissioner; providing list of persons authorized to request certain investigation; updating statutory

references; providing for adoption of rules; deleting references to certain sections within the Highway Patrol Division; authorizing award of certain items; deleting authority to award license plates under certain circumstances; amending 47 O.S. 2001, Section 2-300, as last amended by Section 18, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-300), which relates to the Oklahoma Law Enforcement Retirement System; modifying scope of certain definition; amending Section 2, Chapter 104, O.S.L. 2006 and 47 O.S. 2001, Sections 11-601, 11-602 and 11-1007, as last amended by Section 1, Chapter 165, O.S.L. 2005 (47 O.S. Supp. 2006, Sections 11-403.1 and 11-1007), which relate to rules of the road; modifying scope of prohibited act; providing statutory reference; providing purpose of monies deposited in certain revolving fund; deleting and modifying left-turn requirements; prohibiting certain act; updating statutory reference; amending 47 O.S. 2001, Section 12-101, as last amended by Section 4, Chapter 50, O.S.L. 2005 (47 O.S. Supp. 2006, Section 12-101), which relates to equipment of vehicles; updating statutory reference; amending 47 O.S. 2001, Sections 15-102 and 15-111, as amended by Section 1, Chapter 178, O.S.L. 2004 (47 O.S. Supp. 2006, Section 15-111), which relate to powers of local authorities; updating statutory references; amending 47 O.S. 2001, Sections 1602 and 1603, which relate to the Oklahoma Mobility-Impaired Driver Refueling Service Act; updating statutory references; modifying scope of certain definition; modifying requirements for refueling services; prohibiting assessment of room and board charges to certain children; providing time limitation; making waiver of charges be a service benefit; amending 74 O.S. 2001, Section 500.6, which relates to the State Travel Reimbursement Act; modifying reporting requirements; amending 74 O.S. 2001, Section 1811.4C, as amended by Section 12, Chapter 279, O.S.L. 2003 (74 O.S. Supp. 2006, Section 1811.4C), which relates to the Oklahoma Tourism and Recreation Act; making rules for certain public areas be applicable to the State Capitol Park and State Capitol Complex; providing for exclusive authority; providing penalties for violation of rules; repealing 19 O.S. 2001, Section 563, which relates to radio

systems; repealing 19 O.S. 2001, Sections 565.1, 565.2 and 565.3, which relate to Bureau of Identification; repealing Section 11, Chapter 61, O.S.L. 2006 (37 O.S. Supp. 2006, Section 607), which relates to the Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act; repealing Section 4, Chapter 461, O.S.L. 2003, as amended by Section 4, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2006, Section 2-105A), which relates to Training Specialist III employees and the Capitol Patrol Section of the Highway Patrol; repealing 47 O.S. 2001, Section 2-309.7, which relates to the Gunsmith/Ammunition Reloader Division of Department of Public Safety; repealing 47 O.S. 2001, Sections 6-101.2, 6-101.3, 6-101.4 and 6-101.5, which relate to the Oklahoma KIDS ID Act; repealing 47 O.S. 2001, Section 6-105.1, which relates to special permits; repealing Section 3, Chapter 104, O.S.L. 2006 (47 O.S. Supp. 2006, Section 11-403.2), which relates to the Motorcycle Safety and Drunk Driving Awareness Fund; repealing 47 O.S. 2001, Section 40-106, which relates to violations of highway safety code ancillaries; repealing 47 O.S. 2001, Section 1604, which relates to the Oklahoma Mobility-Impaired Driver Refueling Service Act; providing for codification; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-103, is amended to read as follows:

Section 34-103. A. ~~Members~~ Commissioned police officers of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and

other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. ~~Members~~ Commissioned police officers of the regular police department of any municipality, upon request of a county sheriff or a designee, or upon request by a ~~member~~ commissioned law enforcement officer of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. ~~Members~~ Commissioned police officers of the regular police department of any municipality may be deputized by the county sheriff or a designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

D. The governing body of a municipality may, by resolution, authorize the chief executive officer of the municipality to respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The police officers of the municipality serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; provided, however, that salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officers are regularly employed.

As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or its extent of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having

jurisdiction at the scene of the emergency to carry out their functions.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1283, as last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp. 2006, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a concealed handgun pursuant to the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq. of this title,~~ and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

C. It shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in said person's possession or under

the person's immediate control, or have in any vehicle which he or she is driving or in which said person is riding as a passenger, or at the person's residence, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm ~~which could be easily concealed on the person, in personal effects or in an automobile,~~ within ten (10) years after such adjudication.

E. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq. of this title,~~ and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of ~~subsections~~ subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

F. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

G. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

SECTION 3. AMENDATORY Section 4, Chapter 520, O.S.L. 2004 (21 O.S. Supp. 2006, Section 1379), is amended to read as follows:

Section 1379. A. No person shall, without authorization, willfully bypass or go around a security checkpoint when entering any facility requiring persons to pass through a security checkpoint used for inspecting or screening persons or their belongings.

B. Every facility requiring persons to pass through a security checkpoint and submit to inspection or screening of their person or belongings shall post notice stating such requirement. All security checkpoints used for persons or their belongings shall be clearly identified as such, and notice shall be posted informing persons that they and their belongings are subject to search.

C. No person shall, without authorization, aid or assist any person or persons in bypassing a security checkpoint by opening, holding open, or propping open any secured door, portal, or entryway.

D. No person shall, without authorization, aid or assist any person or persons in bypassing or avoiding a security checkpoint by passing items or belongings, or receiving items or belongings through a secured door, entryway, window, loading dock, or any other avenue of entry.

E. All persons approaching a security checkpoint shall obey the lawful requests and orders of security staff present at the checkpoint.

F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1379.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person, acting alone or in concert with others, to obstruct, or to impede in any way, passage through or within any state-owned or -leased building, office or facility.

B. It is unlawful for any person, acting alone or in concert with others, to obstruct entrances and exits to any state-owned or -leased building, office or facility.

C. The provisions of subsections A and B of this section shall not apply to commissioned peace officers and security officers of the Department of Public Safety, security officers of the Oklahoma House of Representatives and the Oklahoma State Senate, the Department of Central Services, or contractors thereof in the performance of their duties.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

SECTION 5. AMENDATORY Section 5, Chapter 243, O.S.L. 2006 (27A O.S. Supp. 2006, Section 2-7-404), is amended to read as follows:

Section 2-7-404. A. To be licensed pursuant to this act, a person, firm, corporation or other entity shall meet the following requirements:

1. Principal business facilities are located within Oklahoma;
2. Tow trucks are registered and licensed in Oklahoma; and
3. Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation.

B. No operator or employee of any operator shall be permitted, allowed or caused to solicit business or engage in highway remediation and cleanup services without the operator first having obtained from the Department of Environmental Quality a license to operate a highway remediation and cleanup service. The license number shall be displayed, in conformance with rules of the Department, on both sides of every vehicle operated by the highway remediation and cleanup service. This section shall not apply to the Oklahoma Department of Transportation or the Oklahoma Turnpike Authority.

C. The license fee required by this section shall be in lieu of the motor carrier filing fee as required in Section 165 of Title 47 of the Oklahoma Statutes. It shall not be necessary for any operator to prove public convenience and necessity to obtain such license, and the Department shall issue such license without public hearing. The fee for such license shall be Ten Thousand Dollars (\$10,000.00).

D. All licenses shall expire on the last day of the calendar year and may be renewed annually at a cost of One Thousand Dollars (\$1,000.00) upon application to the Department as prescribed by rule. No license fee shall be refunded in the event that the license is suspended or revoked.

E. The Department is authorized to issue notices of violation and compliance orders and to suspend, revoke, or refuse to issue or renew the license of an operator when it finds the licensee or applicant has not complied with or has violated any of the

provisions of this act, or any rules adopted by the Board. A suspension shall be for a period of time deemed appropriate by the Department for the violation. An operator whose license has been revoked may not apply for one (1) year. Any suspended or revoked license shall be returned to the Department by the operator. An operator whose license is revoked by the Department shall be required to pay an additional fee of Ten Thousand Dollars (\$10,000.00) for reinstatement if such reinstatement is authorized by the Department.

F. The Department shall keep a current list of highway remediation and cleanup service operators licensed pursuant to this act and forward such list to the Department of Public Safety for distribution to wrecker service operators licensed by the Department of Public Safety. The Department shall update such list regularly to delete highway remediation and cleanup service operators whose licenses have been suspended or revoked.

G. Fees or fines collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be deposited in the Department of Environmental Quality Revolving Fund.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 2-105, as last amended by Section 1, Chapter 81, O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-105), is amended to read as follows:

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

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

2. A Captain, Lieutenants, and Patrolmen who shall comprise the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety;

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

4. A Director of the Communications Division with the rank of Captain, Communications Coordinators with the rank of First Lieutenant, Communications Superintendents with the rank of Second Lieutenant, Communications Supervisors with the rank of Sergeant, Communications Dispatchers, Radio Technicians and Tower Maintenance Officers who shall comprise the Communications Division of the Department of Public Safety.

B. 1. The Commissioner, when appointing commissioned officers and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner.

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

- a. for commissioned officer positions, shall be at least twenty-one (21) years of age but less than forty-three (43) years of age, and shall possess:
 - (1) an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferable between such recognized institutions, and
 - (2) for any person appointed to the Oklahoma Highway Patrol Division on or after July 1, ~~2008~~ 2010:

- (a) a bachelor's degree from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferable between such recognized institutions, or
- (b) an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferable between such recognized institutions, and:
 - i. at least two (2) years' experience as a law enforcement officer certified by the Council on Law Enforcement Education and Training (C.L.E.E.T.) or by the equivalent state agency in another state or by any law enforcement agency of the federal government, or
 - ii. at least two (2) years of honorable military service in an active or reserve component of the United States Armed Forces.

Provided, such years of experience or service shall have been consecutive and shall have been completed no more than two (2) years prior to application for appointment, or

- b. for any such position in the Communications Division, a person shall be at least twenty (20) years of age and shall possess a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience as a dispatcher or fifteen (15) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and

whose hours are transferable between such recognized institutions.

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

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

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

C. 1. Upon initial appointment to the position of Cadet Highway Patrolman or Probationary Communications Dispatcher, the appointed employee shall be required to serve an initial probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if

such officer satisfactorily completes all training requirements prescribed by the Commissioner.

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

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

3. Commissioned officers of the Department of Public Safety are not entitled to appeal intra-agency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act unless transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma Statutes.

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

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

2. Each commissioned officer of the Highway Patrol Division of the Department of Public Safety shall be entitled to reimbursement of expenses pursuant to the State Travel Reimbursement Act while away from the assigned area of the officer as designated by the

Chief of the Oklahoma Highway Patrol Division, when such expense is incurred in the service of the state.

F. 1. The positions with the rank of Colonel and Lieutenant Colonel of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, years of experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

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

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Assistant Chief,
- b. two (2) years of experience in any combination:
 - (1) as Deputy Chief or higher rank, or
 - (2) if the experience was prior to the effective date of this act, as Major or higher rank,
- c. four (4) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to the effective date of this act, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to the effective date of this act, as First Lieutenant or higher rank.

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

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Colonel,
- b. two (2) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to the effective date of this act, as Captain or higher rank, or
- c. four (4) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to the effective date of this act, as Highway Patrol First Lieutenant or higher rank.

G. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to schools such as Northwestern University Center for Public Safety, Southern Police Institute, the FBI National Academy, the Institute of Police Technology and Management, or to any other schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol Division and the Department of Public Safety. While an employee is attending a school, the Commissioner is authorized to permit the employee to use a state-owned vehicle and to use a fuel-purchasing card for any expenses related to the operation of the vehicle. In addition, while an employee is attending the FBI National Academy, a one-time expense allowance of Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room and board, and other related expenses shall be paid to the employee by the Department; provided, the employee shall not be further compensated through the State Travel Reimbursement Act, and, if any other agency reimburses the employee for any expenses, the

reimbursement shall be given to the Department. All purchases made by the employee with the expense allowance shall be considered property of the employee.

H. 1. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department or was not as a result of the retirement of that officer from the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches sixty-two (62) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner.

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

SECTION 7. AMENDATORY 47 O.S. 2001, Section 2-111, as amended by Section 2, Chapter 199, O.S.L. 2005 (47 O.S. Supp. 2006, Section 2-111), is amended to read as follows:

Section 2-111. A. All records of the Department, other than those declared by law to be confidential for the use of the Department, shall be open to public inspection during office hours.

B. The Commissioner shall supervise the maintaining of all records of the Department and shall adopt rules concerning the destruction and retention of records. Records of the Department shall not be subject to the provisions of:

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

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

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

The Commissioner may, pursuant to an adopted rule, order destruction of records deemed to be no longer of value to the Department in carrying out the powers and duties of the Department.

C. 1. The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.

2. The photostatic copy, photograph, microphotograph, photographic film or computerized image of the original records shall be deemed to be an original record for all purposes and shall be admissible as evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

3. The photostatic copies, photographs, microphotographs, reproductions on film, or computerized images shall be placed in conveniently accessible files and provisions made for preserving, examining, and using the copies, photographs, microphotographs, reproductions on film and computerized images. The Commissioner of Public Safety is empowered to authorize the disposal, archival storage, or destruction of the original records or papers.

D. All records relating to any investigation being conducted by the Department shall be confidential and shall not be open to the public; provided, however, officers and employees of the Department may disclose, at the discretion of the Commissioner, such investigative information to officers and agents of federal, state, county, or municipal law enforcement agencies and to district attorneys, in the furtherance of criminal investigations within their respective jurisdictions. Any unauthorized disclosure of any

information contained in the confidential files of the Department shall be a misdemeanor. Violation hereof shall be deemed willful neglect of duty and shall be grounds for removal from office.

E. It shall not be a violation of this section to reveal otherwise confidential information to outside agencies or individuals who are providing interpreter services, questioned document analysis, and other laboratory services that are necessary in the assistance of Department investigations. Individuals or agencies receiving the confidential and investigative information or records or results of laboratory services provided to the Department by those agencies or individuals, shall be subject to the confidentiality provisions and requirements established in subsection D of this section.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 2-117, as last amended by Section 8, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2006, Section 2-117), is amended to read as follows:

Section 2-117. A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. The officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, including, but not limited to, the Motor Carriers Act of this state, or any other laws of this state by the direction of the Governor;

2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected

violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to paragraph 3 of subsection A of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any

improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those portions of the federal-aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection "outskirts of a municipality" means and shall be determined by presence of the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are

located within the boundaries of and on the outskirts of a municipality for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways ~~or such designated portions of the federal-aid primary highways and the state highway system~~ without prior coordination and written approval of the Commissioner.

~~4.~~ E. 1. Any ~~person~~ of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of and on the outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,
- c. the State Auditor and Inspector,
- d. the State Attorney General, or
- e. a state legislator in whose district the municipality is located. Such

2. The request shall state that the ~~requester~~ requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of and on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

~~5.~~ 3. Upon receipt of a request pursuant to ~~paragraph 4~~ of this subsection, the Commissioner ~~shall~~ may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. ~~Both~~

~~the~~ The law enforcement agency and, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a, and b and e of paragraph 4 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of ~~this subsection~~ D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a, and b and e of paragraph 4 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of ~~this subsection~~ D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

~~E.~~ F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

~~F.~~ G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or service contrary to the provisions of this title or any other laws of this state.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 2-150, is amended to read as follows:

Section 2-150. A. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety, ~~including the Capitol Patrol Section and the Lake Patrol Section,~~ shall be entitled to receive upon retirement, by reason of length of service, the continued custody and possession of the sidearm and badge carried by the retired officer immediately prior to retirement. In addition to the sidearm carried by the retired officer immediately prior to retirement, the retired officer may purchase the rifle or shotgun issued to the retired officer immediately prior to retirement. The cost of purchasing the weapon shall be the replacement value for a new weapon and upon payment of that price, the retired officer shall be entitled to ownership of the weapon. Any records regarding the ownership of the weapon shall be modified to reflect the transfer to the retired officer. Proceeds from the purchase of the weapon shall be deposited in the Department of Public Safety Revolving Fund.

B. In the event a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety, ~~including the Capitol Patrol Section and the Lake Patrol Section,~~ retires by reason of disability, the retired officer shall be entitled to receive the continued custody and possession of the sidearm issued to the retired officer immediately prior to retirement upon written approval of the Commissioner of the Department of Public Safety.

C. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety, ~~including the Capitol Patrol Section and the Lake Patrol Section,~~ shall be entitled to receive, upon retirement by reason of length of service or disability, the continued custody and possession of the official license plate issued for the vehicle that was assigned to the retired officer immediately prior to retirement, provided the license plate shall not be placed on any motor vehicle. The provisions of this subsection shall apply to any officer retiring on or after April 1, 1993, if the official license plate is available.

D. Custody and possession of the sidearm, one complete uniform, badge and official license plate of a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety, ~~including the Capitol Patrol Section and the Lake Patrol Section,~~ who dies during his or her appointment may be awarded by the Commissioner to the spouse or next-of-kin of the deceased officer, provided the license plate shall not be placed on any motor vehicle. ~~The authority of the Commissioner to award the license plate to the~~

~~spouse or next of kin shall apply if the deceased officer died on or after January 1, 2001, if the official license plate is available.~~

SECTION 10. AMENDATORY 47 O.S. 2001, Section 2-300, as last amended by Section 18, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2006, Section 2-300), is amended to read as follows:

Section 2-300. As used in Section 2-300 et seq. of this title:

1. "System" means the Oklahoma Law Enforcement Retirement System;

2. "Act" means Section 2-300 et seq. of this title;

3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;

4. "Executive Director" means the managing officer of the System employed by the Board;

5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

6. a. "Member" means:

(1) all commissioned law enforcement officers of the Oklahoma Highway Patrol ~~and the State Capitol~~ Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, and all cadets of a Patrol Academy of the Department of Public Safety,

(2) law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation,

(3) law enforcement officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ~~and the Oklahoma Alcoholic Beverage Laws Enforcement Commission~~ designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state, ~~and members~~

(4) law enforcement officers of the Oklahoma Alcoholic Beverage Laws Enforcement Commission designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,

(5) employees of the Communications Division to include Section of the Oklahoma Highway Patrol Division, radio technicians, and tower technicians and commissioned officers of the Lake Patrol Division of the Oklahoma Department of Public Safety,

(6) park rangers of the Oklahoma Tourism and Recreation Department and inspectors of the Oklahoma State Board of Pharmacy, and any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System, and

(7) inspectors of the Board of Pharmacy.

b. Effective July 1, 1987, a member does not include a "leased employee" as defined under Section 414(n)(2) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1999, any individual who agrees with the participating employer that the individual's services are to be performed as a leased employee or an independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction, ~~provided that all.~~

c. All persons who shall be offered a position of a commissioned law enforcement officer as an employee of one of the agencies described in subparagraph a of this paragraph shall participate in the System upon the person meeting the requisite post-offer-pre-employment physical examination standards which shall be subject to the following requirements:

- ~~a.~~ (1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,
- ~~b.~~ (2) said physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,
- ~~c.~~ (3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,
- ~~d.~~ (4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and
- ~~e.~~ (5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

7. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

- a. completes twenty (20) years of vesting service, or
- b. attains sixty-two (62) years of age with ten (10) years of vesting service, or
- c. attains sixty-two (62) years of age, if:
 - (1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981, and

- (2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System.

With respect to distributions under the System made for calendar years beginning on or after January 1, 2005, the System shall apply the minimum distribution incidental benefit requirements, incidental benefit requirements, and minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the final regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were issued in April 2002 and June 2004, notwithstanding any provision of the System to the contrary. With respect to distributions under the System made for calendar years beginning on or after January 1, 2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of: (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or (2) the actual retirement date of the member. The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

8. "Actual paid base salary" means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

9. "Final average salary" means the average of the highest thirty (30) consecutive complete months of actual paid gross salary. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1992, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, gross salary shall include any amount of elective salary reduction not includable in the gross income of the member under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, for purposes of determining a member's compensation, any contribution by the member to reduce his or her regular cash remuneration under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be treated as if the member did not make such an election. Only salary on which required contributions have been made may be used in computing the final average salary.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 2002, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") annual salary limit. The EGTRRA annual salary limit is Two Hundred Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the EGTRRA salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 2002, any reference in the System to the annual salary limit under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA salary limit set forth in this provision;

10. "Credited service" means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement System as of June 30, 1981, and for law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission who became members of the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the Oklahoma State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to subsection C of Section 2-309.6 of this title and any service purchased pursuant to subsection B of Section 2-307.2 of this title. Effective August 5, 1993, an authorized leave of absence shall

include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

13. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the criminal law is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the member is assigned, or for which the member is compensated, by the agency the member serves;

14. "Personal injury" or "injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, but not occupational diseases;

15. "Catastrophic nature" means consequences of an injury that permanently prevent an individual from performing any gainful work;

16. "Traumatic injury" means a wound or a condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain; and

17. "Beneficiary" means the individual designated by the member on a beneficiary designation form supplied by the Oklahoma Law Enforcement Retirement System, or if there is no designated beneficiary or if the designated beneficiary predeceases the member, the estate of the member. If the member's spouse is not designated

as the sole primary beneficiary, the member's spouse must sign a consent.

SECTION 11. AMENDATORY Section 2, Chapter 104, O.S.L. 2006 (47 O.S. Supp. 2006, Section 11-403.1), is amended to read as follows:

Section 11-403.1 Any person convicted of, ~~or who pleads guilty to, a traffic violation for~~ failure to yield a right-of-way and who causes a fatality or serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in an amount not exceeding One Thousand Dollars (\$1,000.00) to be deposited in the Motorcycle Safety and ~~Drunk Driving Awareness~~ Education Program Revolving Fund established in Section 3 40-123 of this act title. The monies deposited as provided in this section shall be used to promote public awareness of the dangers of driving while under the influence of alcohol or any controlled substance and to promote motorcycle safety and defensive driving for youth.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 11-601, is amended to read as follows:

Section 11-601. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

~~2. Left turns on two way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.~~

~~3. Left turns on other than two way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the~~ The driver of a vehicle intending to turn left at any such an intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in

the direction of travel of such vehicle ~~and after~~. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, when leaving a two-way roadway, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

4. 3. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 11-602, is amended to read as follows:

Section 11-602. A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 11-1007, as last amended by Section 1, Chapter 165, O.S.L. 2005 (47 O.S. Supp. 2006, Section 11-1007), is amended to read as follows:

Section 11-1007. A. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable insignia indicating physical disability under the provisions of Section 15-112 of this title, and such insignia is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled special license plate pursuant to the provisions of ~~paragraph 8 of Section 1136~~ 1135.1 of this title, and such license

plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. Violation of these provisions shall be a misdemeanor and upon conviction such person shall be fined not less than One Hundred Fifty Dollars (\$150.00) and not more than Two Hundred Fifty Dollars (\$250.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 12-101, as last amended by Section 4, Chapter 50, O.S.L. 2005 (47 O.S. Supp. 2006, Section 12-101), is amended to read as follows:

Section 12-101. A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

a. is known to be in such unsafe condition as to endanger any person,

- b. is known not to contain those parts required by this chapter,
 - c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or
 - d. is known to be equipped in any manner in violation of this chapter;
- 2. To do any act forbidden under this chapter; or
 - 3. To fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:

- 1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or
- 2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.

C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.

D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.

E. A low-speed electrical vehicle which is in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.

F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to ~~Section 1136.1~~ Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.

G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.

H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.

I. As used in this chapter:

1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;

2. "Lightweight vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

- a. a vehicle that is being used to transport passengers for hire, or
- b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed electric vehicle or motorcycle, as defined in Section 12-601 of this title.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 15-102, is amended to read as follows:

Section 15-102. ~~(a)~~ A. The provisions of this ~~act~~ title shall not be deemed to prevent local authorities with respect to streets

and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;
7. Restricting the use of highways as authorized in Section ~~14-112~~ 14-113 of this ~~act~~ title;
8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized herein; and
11. Adopting such other traffic regulations as are specifically authorized by this ~~act~~ title.

~~(b)~~ B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

~~(e)~~ C. No ordinance or regulation enacted under ~~subdivisions~~ paragraph 4~~-,~~ 5~~-,~~ 6~~-,~~ 7~~-,~~ or 10~~-~~ of ~~paragraph (a)~~ subsection A of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 15-111, as amended by Section 1, Chapter 178, O.S.L. 2004 (47 O.S. Supp. 2006, Section 15-111), is amended to read as follows:

Section 15-111. A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles may extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title; ~~or~~

2. A ~~physical disability~~ physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title;
or

3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section ~~1136~~ 1135.2 of this title.

B. No such special parking privilege, however, shall excuse the violation of any state statute, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic. Nothing in this section shall be construed as requiring the creation of additional parking spaces.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 1602, is amended to read as follows:

Section 1602. As used in Sections ~~3 through 5~~ 1603 and 1604 of this ~~act~~ title:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;

2. "Mobility-impaired driver" means a person with a physical ~~mobility limitation who is unable to operate a motor vehicle without~~

~~the aid of special mechanical assistive devices~~ disability, as defined in Section 15-112 of this title; and

3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 1603, is amended to read as follows:

Section 1603. A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may, on a voluntary basis, participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays ~~a refueling identification card~~:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title; or

3. A disabled veterans license plate with the international accessibility symbol issued pursuant to the provisions of Section 1135.2 of this title.

B. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

C. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provided by the facility.

D. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in ~~this act~~ Sections 1601 through 1604 of this title and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3218.7-1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Within The Oklahoma State System of Higher Education, no room and board shall be charged to the children of commissioned members of the Oklahoma Law Enforcement Retirement System who have given their lives in the line of duty.

B. Such waiver of room and board shall be limited to a period of five (5) years.

C. Such waiver of room and board shall be a service benefit of a commissioned member of the Oklahoma Law Enforcement Retirement System.

SECTION 21. AMENDATORY 74 O.S. 2001, Section 500.6, is amended to read as follows:

Section 500.6 A. Travel by any state officer or employee on official state business on any privately owned or chartered airplane may be reimbursed in an amount which, when added to per diem and reimbursement for lodging for that trip, does not exceed the equivalent of automobile mileage plus per diem and reimbursement for lodging had a privately owned automobile been used for the trip. The provisions of Section 500.4 of this title shall apply to calculation of automobile mileage equivalent in this section.

B. Upon completion of each trip, the pilot of any airplane owned by this state shall enter into a record book the names of all passengers on the airplane, date, destination, mileage, duration, purpose, and expense of the trip. The pilot shall sign each entry in the record book. Said book may be inspected by the State Auditor and Inspector.

C. Expenses of the trip are to be charged to the state departments or agencies of the officers or employees using the airplane. For the purposes of this section the term expense of the trip shall include but is not limited to the cost of operating the airplane, the ~~mileage~~ duration of the trip, and the salary of the pilot.

SECTION 22. AMENDATORY 74 O.S. 2001, Section 1811.4C, as amended by Section 12, Chapter 279, O.S.L. 2003 (74 O.S. Supp. 2006, Section 1811.4C), is amended to read as follows:

Section 1811.4C A. The provisions of Title 47 of the Oklahoma Statutes shall be applicable to all streets and highways within the "State Capitol Park" in Oklahoma City and the "State Capitol Complex" in Tulsa. The Department of Public Safety shall be the primary law enforcement agency within the "State Capitol Park" and within the "State Capitol Complex" in Tulsa, upon its establishment, and shall enforce and supervise the enforcement of all parking, traffic and criminal laws therein.

B. The rules for the "Use of the Public Areas of the Capitol and Plazas" and for the "Use of the State Capitol Park", as promulgated by the Department of Central Services and set out in Subchapters 5 and 7 of Chapter 10 of Title 580 of the Oklahoma Administrative Code, are applicable to the State Capitol Park and State Capitol Complex. The Department of Public Safety shall have the exclusive authority to enforce these rules. A violation of a rule shall be a misdemeanor and, upon conviction, shall be punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. This section shall not be construed to divest the Cities of Oklahoma City or Tulsa of jurisdiction relating to the enforcement of any law or ordinance within said parks except the enforcement of laws regarding vehicle parking which shall be vested exclusively in the Department of Public Safety.

SECTION 23. RECODIFICATION Section 13, Chapter 61, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-107.7), shall be recodified as Section 608 of Title 37 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 24. RECODIFICATION 47 O.S. 2001, Section 11-308a, shall be recodified as Section 15-131 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 25. RECODIFICATION 47 O.S. 2001, Section 11-308b, shall be recodified as Section 15-132 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 26. RECODIFICATION 69 O.S. 2001, Section 4009, shall be recodified as Section 2-106.2A of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 27. RECODIFICATION 69 O.S. 2001, Section 4009.1, shall be recodified as Section 2-106.2B of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 28. RECODIFICATION Section 16, Chapter 461, O.S.L. 2003 (69 O.S. Supp. 2006, Section 4009.2), shall be recodified as Section 2-106.2C of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 29. RECODIFICATION Section 30, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-2.21A), shall be recodified as Section 2-310.2 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 30. REPEALER 19 O.S. 2001, Section 563, is hereby repealed.

SECTION 31. REPEALER 19 O.S. 2001, Sections 565.1, 565.2 and 565.3, are hereby repealed.

SECTION 32. REPEALER Section 11, Chapter 61, O.S.L. 2006 (37 O.S. Supp. 2006, Section 607), is hereby repealed.

SECTION 33. REPEALER Section 4, Chapter 461, O.S.L. 2003, as amended by Section 4, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2006, Section 2-105A), is hereby repealed.

SECTION 34. REPEALER 47 O.S. 2001, Section 2-309.7, is hereby repealed.

SECTION 35. REPEALER 47 O.S. 2001, Sections 6-101.2, 6-101.3, 6-101.4 and 6-101.5, are hereby repealed.

SECTION 36. REPEALER 47 O.S. 2001, Section 6-105.1, is hereby repealed.

SECTION 37. REPEALER Section 3, Chapter 104, O.S.L. 2006 (47 O.S. Supp. 2006, Section 11-403.2), is hereby repealed.

SECTION 38. REPEALER 47 O.S. 2001, Section 40-106, is hereby repealed.

SECTION 39. REPEALER 47 O.S. 2001, Section 1604, is hereby repealed.

SECTION 40. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of March, 2007.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of April, 2007.

Presiding Officer of the Senate