

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2966

By: Thomsen

4  
5  
6 AS INTRODUCED

7 An Act relating to public safety; amending 22 O.S.  
8 2011, Section 196, which relates to warrantless  
9 arrest procedures; modifying circumstance that allows  
10 for a warrantless arrest; updating statutory  
11 reference; amending 47 O.S. 2011, Sections 1-142 and  
12 1-168, which relate to definitions; expanding scope  
13 of certain definitions; amending 47 O.S. 2011,  
14 Section 2-106, which relates to the Driver License  
15 Examining Division of the Department of Public  
16 Safety; changing name of division; stating the  
17 service position of division director; modifying  
18 salary requirements for Driver License Examining  
19 Division employees; amending 47 O.S. 2011, Sections  
20 6-111, 6-205 and 6-209, which relate to the issuance  
21 and cancellation of driver licenses; updating  
22 statutory references; clarifying circumstances that  
23 require mandatory revocation; providing for the  
24 surrender of driver licenses under certain  
circumstances; amending 47 O.S. 2011, Section 7-503,  
which relates to self-insurers of motor vehicles;  
clarifying procedures for the issuance of self-  
insurance certificates; amending 47 O.S. 2011,  
Sections 7-602, 7-602.1, 7-603, 7-605 and 7-606,  
which relate to compulsory liability insurance;  
clarifying purpose of security verification form  
requirement; authorizing use of Insurance  
Commissioner records for insurance verification  
purposes; deleting property interest statement  
relating to driver licenses; amending 47 O.S. 2011,  
Sections 14-109, 14-116 and 14-120.2, which relate to  
size, weight and loads of vehicles; providing  
statutory reference to certain federal weight  
formulas; deleting vehicle weight table; stating fee  
for certain permit cancellation or revision requests;  
updating statutory reference; stating entity that

1 will provide superload escort services; defining  
2 term; providing fee amount; amending 47 O.S. 2011,  
3 Section 40-102, which relates to traffic collision  
4 reports; expanding list of persons who may request  
5 collision reports; amending 47 O.S. 2011, Sections  
6 751 and 754, which relate to complied consent tests  
7 and surrender of driver licenses; modifying  
8 circumstances that require consent to test blood or  
9 breath for alcohol concentration; providing an  
10 effective date; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 196, is  
13 amended to read as follows:

14 Section 196. A peace officer may, without a warrant, arrest a  
15 person:

16 1. For a public offense, committed or attempted in the  
17 officer's presence;

18 2. When the person arrested has committed a felony, although  
19 not in the officer's presence;

20 3. When a felony has in fact been committed, and the officer  
21 has reasonable cause to believe the person arrested to have  
22 committed it;

23 4. On a charge, made upon reasonable cause, of the commission  
24 of a felony by the party arrested;

5. When the officer has probable cause to believe that the  
party was driving or in actual physical control of a motor vehicle

1 involved in an accident upon the public highways, streets or  
2 turnpikes, upon a parking lot or other public place, or upon any  
3 private road, street, alley or lane which provides access to one or  
4 more single or multifamily dwellings, and was under the influence of  
5 alcohol or intoxicating liquor or who was under the influence of any  
6 substance included in the Uniform Controlled Dangerous Substances  
7 Act, ~~Sections~~ Section 2-101 et seq. of Title 63 of the Oklahoma  
8 Statutes;

9 6. Anywhere, including a place of residence of the person, if  
10 the peace officer has probable cause to believe the person within  
11 the preceding seventy-two (72) hours has committed an act of  
12 domestic abuse as defined by Section 60.1 of this title, although  
13 the assault did not take place in the presence of the peace officer.  
14 A peace officer may not arrest a person pursuant to this section  
15 without first observing a recent physical injury to, or an  
16 impairment of the physical condition of, the alleged victim;

17 7. When a peace officer, in accordance with the provisions of  
18 Section 60.9 of this title, is acting on a violation of a protective  
19 order offense; or

20 8. When the officer has probable cause to believe that the  
21 person has threatened another person as defined in subsection B of  
22 Section ~~14~~ 1378 of ~~this act~~ Title 21 of the Oklahoma Statutes.

23 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1-142, is  
24 amended to read as follows:

1 Section 1-142. ~~(a)~~ A. Park or parking means the standing of a  
2 vehicle, whether occupied or not, otherwise than temporarily for the  
3 purpose of and while actually engaged in loading or unloading  
4 merchandise or passengers.

5 ~~(b)~~ B. A public parking lot is any parking lot ~~on right-of-way~~  
6 ~~dedicated~~ to which the general public has access or use or which is  
7 owned by the state or a political subdivision thereof.

8 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1-168, is  
9 amended to read as follows:

10 Section 1-168. A state, territory or possession of the United  
11 States, the District of Columbia, the Commonwealth of Puerto Rico or  
12 a province of the Dominion of Canada. In addition, "state" shall  
13 include Indian country as defined in Section 1151 of Title 18 of the  
14 United States Code, for the purposes of recording and reporting  
15 convictions and collisions on the driving record of a person, as  
16 required by Section 6-117 of this title and for the purposes of  
17 suspension, revocation or disqualification of the driving privileges  
18 of a person, as provided for in this title.

19 SECTION 4. AMENDATORY 47 O.S. 2011, Section 2-106, is  
20 amended to read as follows:

21 Section 2-106. A. There is hereby established in the  
22 Department of Public Safety the Driver License Examining Division  
23 ~~and the Driver Compliance Division~~ and such other divisions as the  
24 Commissioner of Public Safety may direct.

1 B. The Driver License Examining Division shall consist of  
2 noncommissioned classified employees of the Department who may  
3 administer tests for the purpose of issuing driver licenses pursuant  
4 to Chapter 6 of this title; provided, the position of division  
5 director of the Division shall be in the unclassified service.

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

12 D. 1. Any person appointed to any position created pursuant to  
13 this section shall:

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

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1           2. Any person appointed to the position of Driver License  
2 Examiner shall be required to complete satisfactorily a course of  
3 training as prescribed by the Commissioner.

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

8           F. Effective ~~January 1, 2007~~ July 1, 2012, the annual salaries  
9 ~~of the following~~ employees of the Driver License Examining Division  
10 of the Department of Public Safety shall be in accordance with the  
11 ~~following salary schedule~~ Office of Personnel Management job family  
12 descriptors and salary bands, exclusive of longevity pay, as  
13 authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes:

- |   |                             |
|---|-----------------------------|
| 14           1. <del>Driver License Examiner</del>            | <del>\$34,023.00;</del>     |
| 15           2. <del>Senior Driver License Examiner</del>     | <del>\$40,686.00;</del>     |
| 16           3. <del>Administrative Programs Officer I</del>  | <del>\$37,202.00;</del>     |
| 17           4. <del>Administrative Programs Officer II</del> | <del>\$43,308.00; and</del> |
| 18           5. <del>Training Specialist</del>                | <del>\$40,686.00.</del>     |

19           Provided, however, no such employee shall receive less than the  
20 salary the employee was receiving on ~~December 31, 2006~~ June 30,  
21 2012.

22           SECTION 5.           AMENDATORY           47 O.S. 2011, Section 6-111, is  
23 amended to read as follows:

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1 Section 6-111. A. 1. The Department of Public Safety shall,  
2 upon payment of the required fee, issue to every applicant  
3 qualifying therefor a Class A, B, C or D driver license or  
4 identification card as applied for, which license or card shall bear  
5 thereon a distinguishing alphanumeric identification assigned to the  
6 licensee or cardholder, date of issuance and date of expiration of  
7 the license or card, the full name, signature or computerized  
8 signature, date of birth, residence address, sex, a color photograph  
9 or computerized image of the licensee or cardholder and security  
10 features as determined by the Department. The photograph or image  
11 shall depict a full front unobstructed view of the entire face of  
12 the licensee or cardholder. When any person is issued both a driver  
13 license and an identification card, the Department shall ensure the  
14 information on both the license and the card are the same, unless  
15 otherwise provided by law.

16 2. A driver license or identification card issued by the  
17 Department on or after March 1, 2004, shall bear thereon the county  
18 of residence of the licensee or cardholder.

19 3. The Department may cancel the distinguishing number, when  
20 that distinguishing number is another person's Social Security  
21 number, assign a new distinguishing alphanumeric identification, and  
22 issue a new license or identification card without charge to the  
23 licensee or cardholder.

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1           4. The Department may promulgate rules for inclusion of the  
2 height and a brief description of the licensee or cardholder on the  
3 face of the card or license identifying the licensee or cardholder  
4 as deaf or hard-of-hearing.

5           5. It is unlawful for any person to apply, adhere, or otherwise  
6 attach to a driver license or identification card any decal,  
7 sticker, label, or other attachment. Any law enforcement officer is  
8 authorized to remove and dispose of any unlawful decal, sticker,  
9 label, or other attachment from the driver license of a person. The  
10 law enforcement officer, the employing agency of the officer, the  
11 Department of Public Safety, and the State of Oklahoma shall be  
12 immune from any liability for any loss suffered by the licensee,  
13 cardholder, or the owner of the decal, sticker, label, or other  
14 attachment caused by the removal and destruction of the decal,  
15 sticker, label, or other attachment.

16           6. The Department of Public Safety shall develop by rule an  
17 alternative procedure whereby a person applying for a renewal or  
18 replacement Class D license or identification card, when the person  
19 satisfactorily demonstrates to the Department the inability to  
20 appear personally to be photographed because the person is not in  
21 the state at the time of renewal or at a time a replacement is  
22 required by the person, may be issued a license or card; provided,  
23 immediately upon returning to Oklahoma, the person shall obtain a  
24



1 replacement license or card as provided in Section 6-114 of this  
2 title.

3 B. The Department may issue a temporary permit to an applicant  
4 for a driver license permitting such applicant to operate a motor  
5 vehicle while the Department is completing its investigation and  
6 determination of all facts relative to such applicant's privilege to  
7 receive a license. Such permit must be in the immediate possession  
8 of the driver while operating a motor vehicle, and it shall be  
9 invalid when the applicant's driver license has been issued or for  
10 good cause has been refused.

11 C. 1. The Department may issue a restricted commercial driver  
12 license to seasonal drivers eighteen (18) years of age or older for  
13 any of the following specific farm-related service industries:

- 14 a. farm retail outlets and suppliers,
- 15 b. agri-chemical businesses,
- 16 c. custom harvesters, and
- 17 d. livestock feeders.

18 The applicant shall hold a valid Oklahoma driver license and  
19 shall meet all the requirements for a commercial driver license.

20 The restricted commercial driver license shall not exceed a total of  
21 one hundred eighty (180) days within any twelve-month period.

22 2. The restricted commercial driver license shall not be valid  
23 for operators of commercial motor vehicles beyond one hundred fifty  
24 (150) miles from the place of business or the farm currently being

1 served. Such license shall be limited to Class B vehicles. Holders  
2 of such licenses who transport hazardous materials which are  
3 required to be placarded shall be limited to the following:

- 4 a. diesel fuel in quantities of one thousand (1,000)  
5 gallons or less,
- 6 b. liquid fertilizers in vehicles with total capacities  
7 of three thousand (3,000) gallons or less, and
- 8 c. solid fertilizers that are not mixed with any organic  
9 substance.

10 No other placarded hazardous materials shall be transported by  
11 holders of such licenses.

12 D. 1. The Department shall develop a procedure whereby a  
13 person applying for an original, renewal or replacement Class A, B,  
14 C or D driver license or identification card who is required to  
15 register as a convicted sex offender with the Department of  
16 Corrections pursuant to the provisions of the Sex Offenders  
17 Registration Act and who the Department of Corrections designates as  
18 an aggravated or habitual offender pursuant to ~~subsection J of~~  
19 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
20 license or card bearing the words "Sex Offender".

21 2. The Department shall notify every person subject to  
22 registration under the provisions of Section 1-101 et seq. of this  
23 title who holds a current Class A, B, C or D driver license or  
24 identification card that such person is required to surrender the

1 license or card to the Department within one hundred eighty (180)  
2 days from the date of the notice.

3 3. Upon surrendering the license or card for the reason set  
4 forth in this subsection, application may be made with the  
5 Department for a replacement license or card bearing the words "Sex  
6 Offender".

7 4. Failure to comply with the requirements set forth in such  
8 notice shall result in cancellation of the person's license or card.  
9 Such cancellation shall be in effect for one (1) year, after which  
10 time the person may make application with the Department for a new  
11 license or card bearing the words "Sex Offender". Continued use of  
12 a canceled license or card shall constitute a misdemeanor and shall,  
13 upon conviction thereof, be punishable by a fine of not less than  
14 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
15 (\$200.00). When an individual is no longer required to register as  
16 a convicted sex offender with the Department of Corrections pursuant  
17 to the provisions of the Sex Offenders Registration Act, the  
18 individual shall be eligible to receive a driver license or  
19 identification card which does not bear the words "Sex Offender".

20 E. Nothing in subsection D of this section shall be deemed to  
21 impose any liability upon or give rise to a cause of action against  
22 any employee, agent or official of the Department of Corrections for  
23 failing to designate a sex offender as an aggravated or habitual  
24

1 offender pursuant to ~~subsection J~~ of Section 584 of Title 57 of the  
2 Oklahoma Statutes.

3 F. The Department shall develop a procedure whereby a person  
4 subject to an order for the installation of an ignition interlock  
5 device shall be required by the Department to submit their driver  
6 license for a replacement. The replacement driver license shall  
7 bear the words "Interlock Required" and such designation shall  
8 remain on the driver license for the duration of the order requiring  
9 the ignition interlock device. The replacement license shall be  
10 subject to the same expiration and renewal procedures provided by  
11 law. Upon completion of the requirements for the interlock device,  
12 a person may apply for a replacement driver license.

13 G. The Department shall develop a procedure whereby a person  
14 applying for an original, renewal or replacement Class D driver  
15 license who has been granted modified driving privileges under this  
16 title shall be issued a Class D driver license which identifies the  
17 license as a modified license.

18 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-205, is  
19 amended to read as follows:

20 Section 6-205. A. The Department of Public Safety shall  
21 immediately revoke the driving privilege of any person, whether  
22 adult or juvenile, upon receiving a record of conviction in any  
23 municipal, state or federal court within the United States of any of  
24 the following offenses, when such conviction has become final:

- 1        1. Manslaughter or negligent homicide resulting from the  
2 operation of a motor vehicle;
- 3        2. Driving or being in actual physical control of a motor  
4 vehicle while under the influence of alcohol, any other intoxicating  
5 substance, or the combined influence of alcohol and any other  
6 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of  
7 subsection A of Section 11-902 of this title or any violation of  
8 Section 11-906.4 of this title. However, the Department shall not  
9 additionally revoke the driving privileges of the person pursuant to  
10 this subsection if the driving privilege of the person has been  
11 revoked because of a test result or test refusal pursuant to Section  
12 753 or 754 of this title arising from the same circumstances which  
13 resulted in the conviction unless the revocation because of a test  
14 result or test refusal is set aside;
- 15        3. Any felony during the commission of which a motor vehicle is  
16 used;
- 17        4. Failure to stop and render aid as required under the laws of  
18 this state in the event of a motor vehicle accident resulting in the  
19 death or personal injury of another;
- 20        5. Perjury or the making of a false affidavit or statement  
21 under oath to the Department under the Uniform Vehicle Code or under  
22 any other law relating to the ownership or operation of motor  
23 vehicles;

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1           6. A misdemeanor or felony conviction for unlawfully  
2 possessing, distributing, dispensing, manufacturing, trafficking,  
3 cultivating, selling, transferring, attempting or conspiring to  
4 possess, distribute, dispense, manufacture, traffic, sell, or  
5 transfer of a controlled dangerous substance as defined in the  
6 Uniform Controlled Dangerous Substances Act while using a motor  
7 vehicle;

8           7. Failure to pay for gasoline pumped into a vehicle pursuant  
9 to Section 1740 of Title 21 of the Oklahoma Statutes;

10          8. A misdemeanor conviction for a violation of Section 1465 of  
11 Title 21 of the Oklahoma Statutes;

12          9. A misdemeanor conviction for a violation of Section 609 of  
13 Title 37 of the Oklahoma Statutes;

14          10. Reckless driving without regard for the safety of others  
15 ~~pursuant to~~ or any violation of Section 11-901 of this title;

16          11. Failure to obey a traffic control device as provided in  
17 Section 11-202 of this title, or as provided in an equivalent  
18 municipal ordinance or an equivalent law from any state, or failure  
19 to obey a stop sign when such failure results in great bodily injury  
20 to any other person; or

21          12. Failure to stop or to remain stopped for school bus loading  
22 or unloading of children ~~pursuant to~~ or any violation of Section 11-  
23 705 or 11-705.1 of this title.

1 B. The first license revocation under any provision of this  
2 section, except for paragraph 2, 6, or 7 of subsection A of this  
3 section, shall be for a period of one (1) year. Such period shall  
4 not be modified.

5 C. A license revocation under any provision of this section,  
6 except for paragraph 2, 6, or 7 of subsection A of this section,  
7 shall be for a period of three (3) years if a prior revocation under  
8 this section, except under paragraph 2 of subsection A of this  
9 section, commenced within the preceding five-year period as shown by  
10 the records of the Department. Such period shall not be modified.

11 D. The period of license revocation under paragraph 2 or 6 of  
12 subsection A of this section shall be governed by the provisions of  
13 Section 6-205.1 of this title.

14 E. The first license revocation under paragraph 7 of subsection  
15 A of this section shall be for a period of six (6) months. A second  
16 or subsequent license revocation under paragraph 7 of subsection A  
17 of this section shall be for a period of one (1) year. Such periods  
18 shall not be modified.

19 F. As used in this section, "great bodily injury" means bodily  
20 injury which creates a substantial risk of death or which causes  
21 serious, permanent disfigurement or protracted loss or impairment of  
22 the function of any bodily member or organ.

23 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-209, is  
24 amended to read as follows:

1 Section 6-209. A. The Department of Public Safety upon  
2 canceling or denying a person's driver license or upon suspending or  
3 revoking a person's driving privilege shall require that such  
4 person's license be surrendered to the Department. ~~Such~~ No person  
5 shall have a property interest in a driver license issued pursuant  
6 to the laws of this state and it shall be the duty of every person  
7 whose driving privilege has been canceled, denied, suspended or  
8 revoked to forthwith surrender his or her driver license upon the  
9 request of any law enforcement officer or representative of the  
10 Department. Any driver license so surrendered, unless said driver  
11 license has expired, shall be returned to the licensee, destroyed by  
12 the Department. The licensee may, when statutory requirements for  
13 reinstatement or for issuance of a driver license are met in  
14 accordance with Oklahoma Statutes, apply to the Department for  
15 reinstatement or for licensing; provided the Department has  
16 determined that the licensee is a person not prohibited from holding  
17 a driver license under Section 6-103 of this title, and has  
18 successfully completed the customary written, physical and driving  
19 tests, if such tests are required.

20 B. The Department, upon entering an order canceling or denying  
21 a driver license or suspending or revoking a person's driving  
22 privilege, shall forward a copy of said order to the licensee  
23 pursuant to the provisions of Section 2-116 of this title and  
24 request the immediate return of the license to the Department of



1 Public Safety, Oklahoma City, Oklahoma, or the order may be served  
2 upon the licensee by an authorized member of the Department.  
3 Failure to comply with the order of the Department shall constitute  
4 a misdemeanor, and upon conviction thereof such person so convicted  
5 shall be punished by a fine of not less than Fifty Dollars (\$50.00)  
6 nor more than One Hundred Dollars (\$100.00).

7 C. Any peace officer of this state may seize the license of any  
8 person who, according to Department records, is under suspension,  
9 cancellation, revocation or denial under the provisions of this  
10 title. The officer shall immediately forward the license to the  
11 Department of Public Safety, Oklahoma City, Oklahoma.

12 SECTION 8. AMENDATORY 47 O.S. 2011, Section 7-503, is  
13 amended to read as follows:

14 Section 7-503. ~~(a)~~ A. Any person in whose name more than  
15 twenty-five vehicles are registered in this state may qualify as a  
16 self-insurer by obtaining a certificate of self-insurance issued by  
17 the ~~Department~~ Insurance Commissioner as provided in subsection ~~(b)~~  
18 B of this section.

19 ~~(b)~~ B. The ~~Department~~ Insurance Commissioner may, in ~~its~~ his or  
20 her discretion, upon the application of ~~such~~ a person described in  
21 subsection A of this section, issue a certificate of self-insurance  
22 when ~~it is~~ satisfied that ~~such~~ the person is possessed and will  
23 continue to be possessed of ability to pay judgment obtained against  
24 ~~such~~ person. ~~Such~~ The certificate of self-insurance may be issued

1 authorizing a person to act as a self-insurer for ~~either property~~  
2 ~~damage or bodily injury, or both~~ the purpose of complying with this  
3 chapter.

4 ~~(e) C.~~ Upon not less than five (5) ~~days'~~ days of notice and a  
5 hearing pursuant to such notice, the ~~Department~~ Insurance  
6 Commissioner may upon reasonable grounds cancel a certificate of  
7 self-insurance. Failure to pay any judgment within thirty (30) days  
8 after ~~such~~ judgment shall have become final shall constitute a  
9 reasonable ground for the cancellation of a certificate of  
10 self-insurance.

11 SECTION 9. AMENDATORY 47 O.S. 2011, Section 7-602, is  
12 amended to read as follows:

13 Section 7-602. A. 1. The owner of a motor vehicle registered  
14 in this state shall carry in the vehicle at all times a current  
15 owner's security verification form listing the vehicle or an  
16 equivalent form which has been issued by the Department of Public  
17 Safety as proof of financial responsibility or by the Insurance  
18 Commissioner as proof of self-insurance, and the operator of the  
19 vehicle shall produce the form upon request for inspection by any  
20 law enforcement officer or representative of the Department and, in  
21 case of an accident, the form shall be shown upon request to any  
22 person affected by the accident.

23 2. a. Every person registering a motor vehicle in this  
24 state, except a motor vehicle which is not being used

1 upon the public highways or public streets, or a  
2 manufactured home while on a permanent foundation, at  
3 the time of registration of the vehicle, shall certify  
4 the existence of security with respect to the vehicle  
5 by surrendering to a motor license agent or other  
6 registering agency a current owner's security  
7 verification form from an insurance carrier authorized  
8 to do business in this state or an equivalent form  
9 issued by the Department of Public Safety as proof of  
10 financial responsibility or by the Insurance  
11 Commissioner as proof of self-insurance. A motor  
12 license agent or other registering agency shall  
13 require the surrender of the form prior to processing  
14 an application for registration or renewal.

15 b. Every motor license agent or other registering agency  
16 shall use the online verification system to certify  
17 the existence of security with respect to the vehicle  
18 from an insurance carrier authorized to do business in  
19 this state unless the online verification system is  
20 not online or the required information is otherwise  
21 not available. In such a case, the license agent or  
22 other registering agency may accept verification as  
23 provided in subparagraph a of this paragraph to  
24 certify the existence of the required insurance prior

1 to processing any application for motor vehicle  
2 registration.

3 3. Fleet vehicles operating under the authority of the  
4 Corporation Commission, the Federal Highway Administration, or  
5 vehicles registered pursuant to the provisions of Section 1120 of  
6 this title, shall certify the existence of security with respect to  
7 each vehicle at the time of registration by submitting one of the  
8 following:

- 9 a. a current owner's security verification form verifying  
10 the existence of security as required by the  
11 Compulsory Insurance Law, or
- 12 b. a permit number verified by the Corporation Commission  
13 indicating the existence of a current liability  
14 insurance policy. Provided, in the event the  
15 Corporation Commission is unable to verify the  
16 existence of insurance as provided herein in a prompt  
17 and timely fashion, the Corporation Commission may  
18 accept a current single state registration form issued  
19 by the Corporation Commission or any other regulating  
20 entity with which the Corporation Commission has  
21 entered into a reciprocal compact or agreement  
22 regarding the regulation of motor vehicles engaged in  
23 interstate or foreign commerce upon and over the  
24 public highways.

1           4. The following shall not be required to carry an owner's or  
2 operator's security verification form or an equivalent form from the  
3 Department of Public Safety as proof of financial responsibility or  
4 by the Insurance Commissioner as proof of self-insurance during  
5 operation of the vehicle and shall not be required to surrender a  
6 security verification form for vehicle registration purposes:

7           a. any vehicle owned or leased by the federal or state  
8 government, or any agency or political subdivision  
9 thereof,

10          b. any vehicle bearing the name, symbol, or logo of a  
11 business, corporation or utility on the exterior and  
12 which is in compliance with the provisions of the  
13 Compulsory Insurance Law according to records of the  
14 Corporation Commission which reflect a deposit or  
15 fleet policy,

16          c. fleet vehicles maintaining current vehicle liability  
17 insurance as required by the Corporation Commission or  
18 any other regulating entity,

19          d. any licensed taxicab, and

20          e. any vehicle owned by a licensed used motor vehicle  
21 dealer.

22           5. Any person who knowingly issues or promulgates false or  
23 fraudulent information in connection with either an owner's or  
24 operator's security verification form or an equivalent form which

1 has been issued by the Department of Public Safety as proof of  
2 financial responsibility or by the Insurance Commissioner as proof  
3 of self-insurance shall be guilty of a misdemeanor and upon  
4 conviction shall be subject to a fine not exceeding Five Hundred  
5 Dollars (\$500.00), or imprisonment for not more than six (6) months,  
6 or by both such fine and imprisonment.

7 B. Each motor license agent is authorized to charge a fee of  
8 One Dollar and fifty cents (\$1.50) to each person to whom the agent  
9 issues a certificate of registration and who is required to  
10 surrender proof of financial responsibility, or for whom the motor  
11 license agent certifies the existence of financial responsibility  
12 through an authorized online certification system, pursuant to the  
13 provisions of the Compulsory Insurance Law. The fee may be retained  
14 by the agent as compensation for services in processing the proof of  
15 financial responsibility and for processing the driver license  
16 information, insurance verification information, and other  
17 additional information furnished to the agent pursuant to Section  
18 1112 of this title, if such agent does not receive the maximum  
19 compensation as authorized by law.

20 SECTION 10. AMENDATORY 47 O.S. 2011, Section 7-602.1, is  
21 amended to read as follows:

22 Section 7-602.1 Every operator of a motor vehicle registered in  
23 this state shall, while operating or using such vehicle, carry  
24 either an operator's or an owner's security verification form issued

1 by an insurance carrier or an equivalent form issued by the  
2 Department of Public Safety as proof of financial responsibility or  
3 by the Insurance Commissioner as proof of self-insurance, reflecting  
4 liability coverage. An owner's security verification form issued to  
5 the owner of a motor vehicle may be used as an operator's security  
6 verification form by an operator who is not the owner of the motor  
7 vehicle, if the operator is not excluded from coverage on the motor  
8 vehicle liability policy for the vehicle. Any exclusions from the  
9 policy shall be included on the owner's security verification form.

10 SECTION 11. AMENDATORY 47 O.S. 2011, Section 7-603, is  
11 amended to read as follows:

12 Section 7-603. A. From its own records, the Department of  
13 Public Safety may verify the existence of security made in the form  
14 of a deposit ~~or of self-insurance~~ for which a certification has been  
15 made ~~to~~. From the records of the Insurance Commissioner, the  
16 Department may verify the existence of security made in the form of  
17 self-insurance for which a certification has been made.

18 B. The Department may at any time verify, using the online  
19 verification system provided for in Section 7-600.2 of this title,  
20 the existence of security certified to in policies issued by  
21 insurance companies.

22 SECTION 12. AMENDATORY 47 O.S. 2011, Section 7-605, is  
23 amended to read as follows:

24

1 Section 7-605. A. 1. Whenever any person forfeits a bond,  
2 fails to appear, or is convicted in any state or municipal court for  
3 permitting the operation in this state of a motor vehicle owned by  
4 the person without the security required by this title, for  
5 operating a motor vehicle in this state without the security  
6 required by this title, or for failure to carry a security  
7 verification form, the Department of Public Safety shall suspend the  
8 driving privilege of the person.

9 2. The suspension of the driving privilege shall remain in  
10 effect until payment is made of the fees provided for in Section 6-  
11 212 of this title and proof of security is furnished to the  
12 Department of Public Safety which complies with the requirements of  
13 the Compulsory Insurance Law; provided, for purposes of this  
14 section, proof of security shall not mean a binder policy but shall  
15 mean an owner's policy or an operator's policy, as defined in  
16 Section 7-600 of this title; provided further, a suspension for  
17 failure to appear shall remain in effect until proof of appearance  
18 is received by the Department from the reporting court. Suspension  
19 under this section shall be effective when notice thereof is given  
20 pursuant to Section 2-116 of this title.

21 3. Any person whose driving privilege has been suspended  
22 pursuant to the provisions of this subsection shall surrender to the  
23 Department his or her driver license. Any person failing to  
24 voluntarily relinquish his or her driver license to the Department



1 within thirty (30) days of receipt of the notice specified in  
2 paragraph 2 of this subsection shall pay a fee of Fifty Dollars  
3 (\$50.00) in addition to the fees provided for in Section 6-212 of  
4 this title.

5 4. If a person furnishes proof to the satisfaction of the  
6 Department that security was in effect at the time of the alleged  
7 offense, the Department shall vacate the suspension order and shall  
8 not require the filing of a certificate of insurance nor payment of  
9 either of the above fees.

10 B. 1. When suspending the driving privilege for violation of  
11 the Compulsory Insurance Law, or for violation of a municipal  
12 ordinance requiring security or the carrying of a security  
13 verification form, the Department may rely upon court records which  
14 indicate that a person was either convicted or failed to appear upon  
15 the charge when the record is obtained from any court of competent  
16 jurisdiction which indicates one of the following:

- 17 a. a conviction, or
- 18 b. a notice of bond forfeiture.

19 2. A court record is sufficient under paragraph 1 of this  
20 subsection which includes a statement such as "No Security Form",  
21 "No Insurance" or other term indicating lack of security.

22 3. The Department may continue to rely on such records until  
23 proof is submitted from the issuing court clerk which indicates that  
24 the record either:

- 1           a.    was issued in error, or
- 2           b.    was not related to a violation of:
- 3                (1)  the Compulsory Insurance Law,
- 4                (2)  a security verification form as required by this
- 5                article, or
- 6                (3)  a municipal ordinance requiring security or the
- 7                carrying of a security verification form.

8           C.  If a nonresident's driving privilege is suspended pursuant

9 to subsection A of this section, the Department shall transmit

10 notice of the suspension to the licensing agency in the state in

11 which the nonresident resides.

12           D.  Whenever any person's driving privilege has been suspended

13 pursuant to this section or Section 7-612 of this title, the

14 Department may notify any law enforcement officer of the suspension.

15 Any law enforcement officer who has been notified that the driving

16 privilege of a person has been suspended, upon observing the person

17 or motor vehicle anywhere upon a public street, highway, roadway,

18 turnpike, or public parking lot, shall stop the person or motor

19 vehicle, seize the driver license of the person, seize the vehicle

20 being operated by the person and cause the vehicle to be towed and

21 stored as provided in subsection B of Section 955 of this title, if

22 the officer has probable cause to believe that the vehicle is not

23 insured as required by the Compulsory Insurance Law of this state.

24

1       ~~E. No person shall have a property interest in a driver license~~  
2 ~~issued pursuant to the laws of this state and it shall be the duty~~  
3 ~~of every person whose driving privilege has been suspended to~~  
4 ~~forthwith surrender his or her driver license upon the request of~~  
5 ~~any law enforcement officer or representative of the Department.~~

6       ~~F.~~ Any person upon a public street, highway, roadway, turnpike,  
7 or public parking lot, within this state, who willfully refuses to  
8 surrender possession of a driver license after being informed by a  
9 peace officer or representative of the Department that his or her  
10 driving privilege is currently under suspension according to the  
11 records of the Department, shall be guilty of a misdemeanor,  
12 punishable as provided in Section 17-101 of this title.

13       ~~G.~~ F. Any driver license surrendered to or seized by a law  
14 enforcement officer pursuant to the Compulsory Insurance Law shall  
15 be submitted to a representative of the Department in a manner and  
16 with a form or method approved by the Department.

17       ~~H.~~ G. The Department shall deposit fees collected pursuant to  
18 paragraph 3 of subsection A of this section or pursuant to  
19 subsection E of Section 7-612 of this title in a special account of  
20 the Department maintained with the office of the State Treasurer.  
21 The State Treasurer shall credit these fees to this special account  
22 to be distributed as hereinafter provided.

23       ~~I.~~ H. The Department shall identify the name of the employing  
24 law enforcement agency from which a suspended driver license has

1 | been received pursuant to this section, and determine that the fee  
2 | required by paragraph 3 of subsection A of this section has been  
3 | paid. The Department shall reimburse the law enforcement agency so  
4 | identified the sum of Twenty-five Dollars (\$25.00) for each driver  
5 | license from the special account.

6 | ~~J.~~ I. Any unencumbered monies remaining in the special account  
7 | at the close of each calendar month shall be transferred by the  
8 | Department to the General Revenue Fund of the State Treasury.

9 | ~~K.~~ J. The State of Oklahoma, the departments and agencies  
10 | thereof, including the Department of Public Safety, all political  
11 | subdivisions, and the officers and employees of each, shall not be  
12 | held legally liable in any suit in law or in equity for any  
13 | erroneous entry of a suspension upon the records of the Department,  
14 | nor for the enforcement of the provisions of the Compulsory  
15 | Insurance Law performed in good faith.

16 | SECTION 13. AMENDATORY 47 O.S. 2011, Section 7-606, is  
17 | amended to read as follows:

18 | Section 7-606. A. 1. An owner or operator who fails to comply  
19 | with the Compulsory Insurance Law, or who fails to produce for  
20 | inspection a valid and current security verification form or  
21 | equivalent form which has been issued by the Department of Public  
22 | Safety as proof of financial responsibility or by the Insurance  
23 | Commissioner as proof of self-insurance upon request of any peace  
24 | officer, representative of the Department of Public Safety or other

1 authorized person, shall be guilty of a misdemeanor and upon  
2 conviction shall be subject to a fine of not more than Two Hundred  
3 Fifty Dollars (\$250.00), or imprisonment for not more than thirty  
4 (30) days, or by both such fine and imprisonment, and in addition  
5 thereto, shall be subject to suspension of the driving privilege of  
6 the person in accordance with Section 7-605 of this title. Upon  
7 issuing a citation under this paragraph, the law enforcement officer  
8 issuing the citation may seize the vehicle being operated by the  
9 person and cause the vehicle to be towed and stored as provided by  
10 subsection B of Section 955 of this title, if the officer has  
11 probable cause to believe that the vehicle is not insured as  
12 required by the Compulsory Insurance Law of this state. If the  
13 operator of the vehicle produces what appears to be a valid security  
14 verification form and the officer is unable to confirm compliance  
15 through the online verification system or noncompliance by a  
16 subsequent investigation, the officer shall be prohibited from  
17 seizing the vehicle and causing such vehicle to be towed and stored.  
18 Further, no vehicle shall be seized and towed under the provisions  
19 of this paragraph if said vehicle is displaying a temporary license  
20 plate that has not expired pursuant to the provisions of Sections  
21 1137.1 and 1137.3 of this title.

22 2. An owner other than an owner of an antique or a classic  
23 automobile as defined by the Oklahoma Tax Commission who files an  
24 affidavit that a vehicle shall not be driven upon the public

1 highways or public streets, pursuant to Section 7-607 of this title,  
2 who drives or permits the driving of the vehicle upon the public  
3 highways or public streets, shall be guilty of a misdemeanor and  
4 upon conviction thereof shall be subject to a fine of not more than  
5 Five Hundred Dollars (\$500.00), or imprisonment for not more than  
6 thirty (30) days, or by both such fine and imprisonment, and in  
7 addition thereto, shall be subject to suspension of the driving  
8 privilege of the person in accordance with Section 7-605 of this  
9 title.

10 B. A sentence imposed for any violation of the Compulsory  
11 Insurance Law may be suspended or deferred in whole or in part by  
12 the court.

13 C. Any person producing proof in court that a current security  
14 verification form or equivalent form which has been issued by the  
15 Department of Public Safety as proof of financial responsibility or  
16 by the Insurance Commissioner as proof of self-insurance reflecting  
17 liability coverage for the person was in force at the time of the  
18 alleged offense shall be entitled to dismissal of the charge. If  
19 proof of security verification is presented to the court by no later  
20 than the business day preceding the first scheduled court appearance  
21 date, the dismissal shall be without payment of court costs. The  
22 court may access information from the online verification system to  
23 confirm liability coverage. The court shall not dismiss the fine

24

1 unless proof that liability coverage for the person was in force at  
2 the time of the alleged offense is presented to the court.

3 D. Upon conviction, bond forfeiture or deferral of sentence,  
4 the court clerk shall forward an abstract to the Department of  
5 Public Safety within ten (10) days reflecting the action taken by  
6 the court.

7 E. For purposes of this section, "court" means any court in  
8 this state.

9 SECTION 14. AMENDATORY 47 O.S. 2011, Section 14-109, is  
10 amended to read as follows:

11 Section 14-109. A. On any road or highway:

12 1. No single axle weight shall exceed twenty thousand (20,000)  
13 pounds; and

14 2. The total gross weight in pounds imposed thereon by a  
15 vehicle or combination of vehicles shall not exceed the value given  
16 ~~in the following table~~ as provided in Section 127, 23 C.F.R., Part  
17 658 of Title 23 of the United States Code, and the publications  
18 related thereto of the Federal Highway Administration of the United  
19 States Department of Transportation including, but not limited to  
20 "Bridge Formula Weights" (FHWA-HOP-06-105) corresponding to the  
21 distance in feet between the extreme axles of the group measured  
22 longitudinally to the nearest foot.

23 ~~Distance in Feet~~

24 ~~Between the Extremes of~~

~~Maximum Load in Pounds~~

	<del>Any Group of 2 or More</del>		<del>Carried on Any Group of 2 or</del>			
	<del>Consecutive Axles</del>		<del>More Consecutive Axles</del>			
	<del>2 Axles</del>	<del>3 Axles</del>	<del>4 Axles</del>	<del>5 Axles</del>	<del>6 Axles</del>	
4	34,000	-----	-----	-----	-----	
5	34,000	-----	-----	-----	-----	
6	34,000	-----	-----	-----	-----	
7	34,000	-----	-----	-----	-----	
8	34,000	42,000	-----	-----	-----	
9	39,000	42,500	-----	-----	-----	
10	40,000	43,500	-----	-----	-----	
11	-----	44,000	-----	-----	-----	
12	-----	45,000	50,000	-----	-----	
13	-----	45,500	50,500	-----	-----	
14	-----	46,500	51,500	-----	-----	
15	-----	47,000	52,000	-----	-----	
16	-----	48,000	52,500	58,000	-----	
17	-----	48,500	53,500	58,500	-----	
18	-----	49,500	54,000	59,000	-----	
19	-----	50,000	54,500	60,000	-----	
20	-----	51,000	55,500	60,500	66,000	
21	-----	51,500	56,000	61,000	66,500	
22	-----	52,500	56,500	61,500	67,000	
23	-----	53,000	57,500	62,500	68,000	
24	-----	54,000	58,000	63,000	68,500	



1	25	-----	54,500	58,500	63,500	69,000
2	26	-----	56,000	59,500	64,000	69,500
3	27	-----	57,500	60,000	65,000	70,000
4	28	-----	59,000	60,500	65,500	71,000
5	29	-----	60,500	61,500	66,000	71,500
6	30	-----	62,000	62,000	66,500	72,000
7	31	-----	63,500	63,500	67,000	72,500
8	32	-----	64,000	64,000	68,000	73,500
9	33	-----	-----	64,500	68,500	74,000
10	34	-----	-----	65,000	69,000	74,500
11	35	-----	-----	66,000	70,000	75,000
12	36	-----	-----	68,000	70,500	75,500
13	37	-----	-----	68,000	71,000	76,000
14	38	-----	-----	69,000	72,000	77,000
15	39	-----	-----	70,000	72,500	77,500
16	40	-----	-----	71,000	73,000	78,000
17	41	-----	-----	72,000	73,500	78,500
18	42	-----	-----	73,000	74,000	79,000
19	43	-----	-----	73,280	75,000	80,000
20	44	-----	-----	73,280	75,500	80,500
21	45	-----	-----	73,280	76,000	81,000
22	46	-----	-----	73,280	76,500	81,500
23	47	-----	-----	73,500	77,500	82,000
24	48	-----	-----	74,000	78,000	83,000

1	49	-----	-----	74,500	78,500	83,500
2	50	-----	-----	75,500	79,000	84,000
3	51	-----	-----	76,000	80,000	84,500
4	52	-----	-----	76,500	80,500	85,000
5	53	-----	-----	77,500	81,000	86,000
6	54	-----	-----	78,000	81,500	86,500
7	55	-----	-----	78,500	82,500	87,000
8	56	-----	-----	79,500	83,000	87,500
9	57	-----	-----	80,000	83,500	88,000
10	58	-----	-----	-----	84,000	89,000
11	59	-----	-----	-----	85,000	89,500
12	60	-----	-----	-----	85,500	90,000

13 B. Except as to gross limits, the ~~table in~~ provisions of  
14 subsection A of this section shall not apply to a truck-tractor and  
15 dump semitrailer when used as a combination unit. In no event shall  
16 the maximum load in pounds carried by any set of tandem axles exceed  
17 thirty-four thousand (34,000) pounds for vehicles exempt from the  
18 ~~table~~ provisions of subsection A of this section; however, any  
19 vehicle operating with split tandem axles or tri-axles shall adhere  
20 to the table.

21 C. Special permits may be issued as provided in this title for  
22 divisible loads for vehicle configurations in excess of six (6)  
23 axles. The permits may not exceed the ~~Table "B"~~ federal weights  
24 formula imposed by ~~Title 23, U.S. Code,~~ Section 127, 23 C.F.R., Part

1 658 of Title 23 of the United States Code, and the publications  
2 related thereto of the Federal Highway Administration of the United  
3 States Department of Transportation including, but not limited to,  
4 "Bridge Formula Weights" (FHWA-HOP-06-105). Vehicles moving under  
5 the permits shall not traverse H-15 bridges or less without the  
6 express approval of the Secretary of Transportation.

7 D. Except for loads moving under special permits as provided in  
8 this title, no department or agency of this state or any county,  
9 city, or public entity thereof shall pay for any material that  
10 exceeds the legal weight limits moving in interstate or intrastate  
11 commerce in excess of the legal load limits of this state.

12 E. Exceptions to this section will be:

13 1. Utility or refuse collection vehicles used by counties,  
14 cities, or towns located in Oklahoma or by private companies  
15 contracted by counties, cities, or towns located in Oklahoma if the  
16 following conditions are met:

17 a. calculation of weight for a utility or refuse  
18 collection vehicle shall be "Gross Vehicle Weight".  
19 The "Gross Vehicle Weight" of a utility or refuse  
20 collection vehicle may not exceed the otherwise  
21 applicable weight by more than fifteen percent (15%).  
22 The weight on individual axles must not exceed the  
23 manufacturer's component rating which includes axle,  
24

1 suspension, wheels, rims, brakes, and tires as shown  
2 on the vehicle certification label or tag, and

- 3 b. utility or refuse collection vehicles operated under  
4 these exceptions will not be allowed to operate on  
5 interstate highways;

6 2. Vehicles transporting timber, pulpwood, and chips in their  
7 natural state, vehicles transporting oil field fluids, oil field  
8 equipment, or equipment used in oil and gas well drilling or  
9 exploration, and vehicles transporting grain, if the following  
10 conditions are met:

- 11 a. the vehicles are registered for the maximum allowable  
12 rate,  
13 b. the vehicles do not exceed five percent (5%) of the  
14 gross limits ~~set forth~~ as provided in subsection A of  
15 this section, and  
16 c. the vehicles operating pursuant to the provisions of  
17 this paragraph will not be allowed to operate on the  
18 National System of Interstate and Defense Highways;

19 3. Vehicles transporting rock, sand, gravel, coal, and flour if  
20 the following conditions are met:

- 21 a. the vehicles are registered for the maximum allowable  
22 rate,  
23  
24

1           b.    the vehicles do not exceed five percent (5%) of the  
2                axle limits ~~set forth~~ as provided in subsection A of  
3                this section, and

4           c.    the vehicles operating pursuant to the provisions of  
5                this paragraph will not be allowed to operate on the  
6                National System of Interstate and Defense Highways;  
7                and

8           4.    A combination of a wrecker or tow vehicle and another  
9                vehicle or vehicle combination if:

10           a.   the service provided by the wrecker or tow vehicle is  
11                needed to remove disabled, abandoned, or accident-  
12                damaged vehicles, and

13           b.   the wrecker or tow vehicle is towing the other vehicle  
14                or vehicle combination directly to the nearest  
15                authorized place of repair, terminal, or vehicle  
16                storage facility.

17           Vehicles operating pursuant to the provisions of this paragraph will  
18                not be allowed to operate on the National System of Interstate and  
19                Defense Highways.

20           F.   1.   Any vehicle utilizing an auxiliary power or idle  
21                reduction technology unit in order to promote reduction of fuel use  
22                and emissions because of engine idling shall be allowed an  
23                additional four hundred (400) pounds total to the total gross weight  
24                limits set by this section.

1           2. To be eligible for the exception provided in this  
2 subsection, the operator of the vehicle must obtain written proof or  
3 certification of the weight of the auxiliary power or idle reduction  
4 technology unit and be able to demonstrate or certify that the idle  
5 reduction technology is fully functional.

6           3. Written proof or certification of the weight of the  
7 auxiliary power or idle reduction technology unit must be available  
8 to law enforcement officers if the vehicle is found in violation of  
9 applicable weight laws. The additional weight allowed cannot exceed  
10 four hundred (400) pounds or the actual proven or certified weight  
11 of the unit, whichever is less.

12           G. Utility or refuse collection vehicles, vehicles transporting  
13 timber, pulpwood, and chips in their natural state, vehicles  
14 transporting oil field fluids, oil field equipment or equipment used  
15 in oil and gas well drilling or exploration, vehicles transporting  
16 rock, sand, gravel, coal, and flour and vehicles transporting grain,  
17 operating under exceptions shall purchase an annual special overload  
18 permit for One Hundred Dollars (\$100.00). This fee shall be  
19 apportioned as provided for in Section 1104 of this title.

20           H. For purposes of this section, "utility vehicle" shall mean  
21 any truck used by a private utility company, county, city, or town  
22 for the purpose of installing or maintaining electric, water, or  
23 sewer systems.

24

1 SECTION 15. AMENDATORY 47 O.S. 2011, Section 14-116, is  
2 amended to read as follows:

3 Section 14-116. A. The Commissioner of Public Safety shall  
4 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit  
5 issued pursuant to the provisions of Section 14-101 et seq. of this  
6 title. In addition to the permit fee, the Commissioner shall charge  
7 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of  
8 the legal load limit. The Commissioner of Public Safety shall  
9 establish any necessary rules for collecting the fees. Provided,  
10 for any permit which is canceled or revised by the requester for  
11 reasons other than an error in the permit caused by the Department  
12 of Public Safety, the Commissioner shall charge and the requester  
13 shall pay a cancellation or revision fee of Twenty Dollars (\$20.00).  
14 The proceeds from each cancellation or revision fee shall be  
15 deposited to the credit of the Department of Public Safety Revolving  
16 Fund.

17 B. The Department of Public Safety is authorized to establish  
18 an escrow account system for the payment of permit fees. Authorized  
19 motor carriers meeting established credit requirements may  
20 participate in the escrow account system for permits purchased from  
21 all size and weight permit offices in this state. Carriers not  
22 choosing to participate in the escrow account system shall be  
23 required to make payment of the required fee or fees upon purchase  
24 of each permit as required by law. All monies collected through the

1 escrow account system shall be deposited to a special account of the  
2 Department of Public Safety and placed in the custody of the State  
3 Treasurer. Proceeds from permits purchased using the escrow account  
4 system shall be distributed as provided for in subsection G of this  
5 section. However, fees collected through such accounts for the  
6 electronic transmission, transfer or delivery of permits, as  
7 provided for in Section 14-118 of this title, shall be credited to  
8 the Department of Public Safety Revolving Fund.

9 C. 1. Application for permits shall be made a reasonable time  
10 in advance of the expected time of movement of such vehicles. For  
11 emergencies affecting the health or safety of persons or a  
12 community, permits may be issued for immediate movement.

13 2. Size and weight permit offices in all districts where  
14 applicable shall issue permits to authorize carriers by telephone  
15 during weekdays.

16 3. The Commissioner of Public Safety shall develop a system for  
17 provisional permits for authorized carriers which may be used in  
18 lieu of a regular permit for the movement of oversize and overweight  
19 loads when issued an authorization number by the Department of  
20 Public Safety. Such provisional permits shall include date of  
21 movement, general load description, estimated weight, oversize  
22 notation, route of travel, truck or truck-tractor license number,  
23 and permit authorization number.

24



1 D. No overweight permit shall be valid until all license taxes  
2 due the State of Oklahoma have been paid.

3 E. No permit violation shall be deemed to have occurred when an  
4 oversize or overweight movement is made pursuant to a permit whose  
5 stated weight or size exceeds the actual load.

6 F. The first deliverer of motor vehicles designated truck  
7 carriers or well service carriers manufactured in Oklahoma shall not  
8 be required to purchase an overweight permit when being delivered to  
9 the first purchaser.

10 G. Except as provided in Section 4 14-122 of this ~~act~~ title,  
11 the first One Million Two Hundred Sixteen Thousand Dollars  
12 (\$1,216,000.00) of proceeds from both the permit fees and the  
13 overweight permit fees imposed pursuant to subsection A of this  
14 section collected monthly shall be apportioned as provided in  
15 Section 1104 of this title. All proceeds collected from both the  
16 permit fees and the overweight permit fees imposed pursuant to  
17 subsection A of this section in excess of One Million Two Hundred  
18 Sixteen Thousand Dollars (\$1,216,000.00) shall be deposited in the  
19 Weigh Station Improvement Revolving Fund as provided in Section 1167  
20 of this title for the purpose set forth in that section and may be  
21 used for motor carrier permitting systems and motor carrier safety  
22 and enforcement.

23 SECTION 16. AMENDATORY 47 O.S. 2011, Section 14-120.2,  
24 is amended to read as follows:

1 Section 14-120.2 A. Every person required by the ~~Oklahoma~~  
2 Department of Transportation, the Oklahoma ~~Transportation~~ Turnpike  
3 Authority, or any federal agency or commission to have a law  
4 enforcement escort provided by the Oklahoma Highway Patrol Division  
5 of the Department of Public Safety for the transport of any  
6 oversized load or hazardous shipment by road or rail shall pay to  
7 the Department of Public Safety a fee covering the full cost to  
8 administer, plan, and carry out the escort within this state;  
9 provided, the Oklahoma Highway Patrol shall be the sole provider of  
10 an escort for a superload. For purposes of this section,  
11 "superload" means any vehicle, load, or combination thereof which is  
12 twenty (20) feet or greater in width. The fee shall be a  
13 contractually obligated payment and shall include, but not be  
14 limited to:

- 15 1. The cost of each escort unit; and
- 16 2. One and one-half (1 1/2) times the rate of pay for a Highway  
17 Patrolman (Trooper) Step 7, as provided in Section 2-105.4 of this  
18 title.

19 B. If the Highway Patrol provides an escort to accompany the  
20 transport of an oversized load or hazardous shipment by road or rail  
21 at the request of any person that is not required to have a law  
22 enforcement escort pursuant to subsection A of this section, then  
23 the requestor shall pay to the Department of Public Safety a fee  
24

1 covering the full cost to administer, plan, and carry out the escort  
2 within this state.

3 C. The Department of Public Safety shall adopt by rule a  
4 schedule of fees necessary to implement this section.

5 D. All fees collected by the Department pursuant to this  
6 section shall be deposited to the credit of the Department of Public  
7 Safety Revolving Fund.

8 SECTION 17. AMENDATORY 47 O.S. 2011, Section 40-102, is  
9 amended to read as follows:

10 Section 40-102. A. 1. Every law enforcement officer who, in  
11 the regular course of duty, investigates or receives a report of a  
12 traffic collision resulting in injury to or death of a person or  
13 total property damage to an apparent extent of Five Hundred Dollars  
14 (\$500.00) or more shall prepare a written report of the collision on  
15 the standard collision report form supplied by the Department of  
16 Public Safety. The reports shall be forwarded within thirty (30)  
17 days of the collision or, if the collision results in the death of  
18 any person, then within twenty (20) days of the death of the person,  
19 whichever time period is lesser, by the law enforcement agency  
20 preparing the report to the Department of Public Safety.

21 2. Reports of collisions shall be kept confidential for a  
22 period of sixty (60) days after the date of the collision; provided,  
23 the reports shall be made available as soon as practicable upon  
24 request to any:

- a. party involved in the collision,
- b. legal representatives of a party involved in the collision,
- c. state, county or city law enforcement agency,
- d. the Department of Transportation or any county or city transportation or road and highway maintenance agency,
- e. licensed insurance agents of a party involved in the collision,
- f. insurer of a party involved in the collision,
- g. insurer to which a party has applied for coverage,
- h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,
- i. prosecutorial authority,
- j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
- k. radio or television broadcaster,
- l. licensed private investigators employed by a party involved in the collision, ~~or~~
- m. provider of health services to a party involved in the collision, or
- n. lienholder of a party involved in the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty

1 of a misdemeanor and shall be fined no more than Two Thousand Five  
2 Hundred Dollars (\$2,500.00). Second and subsequent offenses shall  
3 carry a penalty of imprisonment in the county jail for not more than  
4 thirty (30) days.

5 B. 1. No public employee or officer shall allow a person to  
6 examine or reproduce a collision report or any related investigation  
7 report if examination or reproduction of the report is sought for  
8 the purpose of making a commercial solicitation. Any person  
9 requesting a collision report may be required to state, in writing,  
10 under penalty of perjury, that the report will not be examined,  
11 reproduced or otherwise used for commercial solicitation purposes.  
12 It shall be unlawful and constitute a misdemeanor for any person to  
13 obtain or use information from a collision report or a copy thereof  
14 for the purpose of making a commercial solicitation.

15 2. As used in this subsection:

16 a. "commercial solicitation" means any attempt to use, or  
17 offer for use, information contained in a collision  
18 report to solicit any person named in the report, or a  
19 relative of the person, or to solicit a professional,  
20 business, or commercial relationship. "Commercial  
21 solicitation" does not include publication in a  
22 newspaper, as defined in Section 106 of Title 25 of  
23 the Oklahoma Statutes, or broadcast of information by  
24 news media for news purposes, or obtaining information

1 for the purpose of verification or settlement of  
2 claims by insurance companies, and

3 b. "collision report" means any report regarding a motor  
4 vehicle collision which has been submitted by an  
5 individual or investigating officer on a form  
6 prescribed or used by the Department of Public Safety  
7 or local police department.

8 3. Publication in a newspaper, as defined in Section 106 of  
9 Title 25 of the Oklahoma Statutes, or broadcast by news media for  
10 news purposes shall not constitute a resale or use of data for trade  
11 or commercial solicitation purposes. Because publication by a  
12 newspaper, broadcast by news media for news purposes, or obtaining  
13 information for verification or settlement of claims by insurance  
14 companies is not a resale or use of data for commercial solicitation  
15 purposes, an affidavit shall not be required as a condition for  
16 allowing a member of a newspaper or broadcast news media, or  
17 allowing an agent, or business serving as an agent, to insurance  
18 companies, to examine or obtain a copy of a collision report. Any  
19 agent or business obtaining information for verification or  
20 settlement of claims involving persons named in a report shall  
21 secure an affidavit annually from each client stating the  
22 information provided to the client shall not be used for commercial  
23 solicitation purposes under penalty of law.

1 4. The Department and local police departments shall include  
2 the following or a similar notice upon any copy of a collision  
3 report furnished to others: "Warning - State Law. Use of contents  
4 for commercial solicitation is unlawful."

5 C. As used in this section:

6 1. "Newspaper" means a legal newspaper as defined in Section  
7 106 of Title 25 of the Oklahoma Statutes, provided that the primary  
8 purpose of the newspaper is not the publication of personally  
9 identifying information concerning parties involved in the traffic  
10 collision; and

11 2. "Provider of health services" means any person that provides  
12 health care services to the injured person under a license,  
13 certification or registration issued pursuant to Title 59 of the  
14 Oklahoma Statutes, or any hospital or related institution that  
15 offers or provides health care services under a license issued  
16 pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma  
17 Statutes.

18 SECTION 18. AMENDATORY 47 O.S. 2011, Section 751, is  
19 amended to read as follows:

20 Section 751. A. 1. Any person who operates a motor vehicle  
21 upon the public roads, highways, streets, turnpikes, parking lots or  
22 any other public place or upon any private road, street, alley or  
23 lane which provides access to one or more single or multifamily  
24 dwellings within this state shall be deemed to have given consent to

1 a test or tests of such person's blood or breath, for the purpose of  
2 determining the alcohol concentration as defined in Section 756 of  
3 this title, and such person's blood, saliva or urine for determining  
4 the presence or concentration of any other intoxicating substance  
5 therein as defined in this section, if arrested for any offense  
6 arising out of acts alleged to have been committed while the person  
7 was operating or in actual physical control of a motor vehicle upon  
8 the public roads, highways, streets, turnpikes, parking lots or  
9 other public place or upon any private road, street, alley or lane  
10 which provides access to one or more single or multifamily dwellings  
11 while under the influence of alcohol or other intoxicating  
12 substance, or the combined influence of alcohol and any other  
13 intoxicating substance, or if the person is involved in a traffic  
14 accident that resulted in the immediate death or serious injury of  
15 any person and is removed from the scene of the accident to a  
16 hospital or other health care facility outside the State of Oklahoma  
17 before a law enforcement officer can effect an arrest.

18 2. A law enforcement officer, having reasonable grounds to  
19 believe that such person was operating or in actual physical control  
20 of a motor vehicle while under the influence may direct the  
21 administration of or administer the test or tests.

22 As used in this title, the term "other intoxicating substance"  
23 shall mean any controlled dangerous substance as defined in the  
24 Uniform Controlled Dangerous Substances Act and any other substance,



1 other than alcohol, which is capable of being ingested, inhaled,  
2 injected or absorbed into the human body and is capable of adversely  
3 affecting the central nervous system, vision, hearing or other  
4 sensory or motor functions.

5 B. The law enforcement agency by which the arresting officer is  
6 employed may designate, in accordance with the rules of the Board of  
7 Tests for Alcohol and Drug Influence, hereinafter referred to as the  
8 Board, whether blood or breath is to be tested for the alcohol  
9 concentration thereof, and whether blood, saliva or urine is to be  
10 tested for the presence or concentration of any other intoxicating  
11 substance therein.

12 In the event the law enforcement agency does not designate the  
13 test to be administered, breath shall be the substance tested for  
14 alcohol concentration. Blood may also be tested to determine the  
15 alcohol concentration thereof in the event that breath cannot be  
16 tested to determine the alcohol concentration thereof because of the  
17 lack of an approved device or qualified person to administer a  
18 breath test or because such breath test for any other reason cannot  
19 be administered in accordance with the rules of the Board.

20 In the event the law enforcement agency does not designate the  
21 test to be administered, blood, saliva or urine shall be the  
22 substance tested for the presence or concentration of any other  
23 intoxicating substance or the combination of alcohol and any other  
24 intoxicating substance.

1 C. In the event the person is incapable of submitting to and  
2 successfully completing, by reason of illness or injury or other  
3 physical disability, the test to be administered, an alternate test  
4 may be administered in accordance with the rules of the Board.

5 D. Any person who is unconscious or otherwise incapable of  
6 refusing to submit to a test of such person's blood or breath to  
7 determine the alcohol concentration thereof, or to a test of such  
8 person's blood, saliva or urine to determine the presence or  
9 concentration of any other intoxicating substance therein, shall be  
10 deemed not to have withdrawn the consent provided by subsection A of  
11 this section, and such test may be administered as provided herein.

12 An unconscious person who has been issued a citation by a law  
13 enforcement officer for one of the offenses listed in subsection A  
14 of this section is arrested for purposes of this section. The  
15 arresting officer must leave a copy of the citation with the  
16 arrested person which may be accomplished by handing it to the  
17 arrested person, or by leaving it with the personal effects of the  
18 arrested party, so as to inform the unconscious person of the  
19 arrest.

20 Any person who has been arrested for one of the offenses listed  
21 in subsection A of this section who is unconscious or injured and  
22 who requires immediate medical treatment as determined by a treating  
23 physician may be released on the person's own recognizance for  
24 medical reasons by the arresting officer. The arresting officer who

1 releases an arrested person on the person's own recognizance must  
2 indicate the release on the face of the citation. Any person  
3 released on his or her own recognizance for medical reasons shall  
4 remain at liberty pending the filing of charges.

5 E. In addition to any test designated by the arresting officer,  
6 the arrested person may also designate any additional test to be  
7 administered to determine the concentration of alcohol, or the  
8 presence or concentration of any other intoxicating substance or the  
9 combination of alcohol and any other intoxicating substance. The  
10 cost of such additional test shall be at the expense of the arrested  
11 person.

12 A sufficient quantity of any specimen obtained at the  
13 designation of the arrested person shall be available to the law  
14 enforcement agency employing the arresting officer. Such specimens  
15 shall be treated in accordance with the rules applicable to the  
16 specimens obtained by an arresting officer.

17 F. When a law enforcement officer has determined that the blood  
18 alcohol content of an individual is to be tested for the presence or  
19 concentration of alcohol, other intoxicating substance, or the  
20 combination of alcohol and any other intoxicating substance, the law  
21 enforcement officer shall inform the individual to be tested that  
22 the withdrawal of blood shall only be performed by certain medical  
23 personnel as provided for in Section 752 of this title.

24

1 SECTION 19. AMENDATORY 47 O.S. 2011, Section 754, is  
2 amended to read as follows:

3 Section 754. A. Any arrested person who is under twenty-one  
4 (21) years of age and has any measurable quantity of alcohol in the  
5 person's blood or breath, or any person twenty-one (21) years of age  
6 or older whose alcohol concentration is eight-hundredths (0.08) or  
7 more as shown by a breath test administered according to the  
8 provisions of this title, or any arrested person who has refused to  
9 submit to a breath or blood test, shall immediately surrender his or  
10 her driver license, permit or other evidence of driving privilege to  
11 the arresting law enforcement officer. The officer shall seize any  
12 driver license, permit, or other evidence of driving privilege  
13 surrendered by or found on the arrested person during a search.

14 B. If the evidence of driving privilege surrendered to or  
15 seized by the officer has not expired and otherwise appears valid,  
16 the officer shall issue to the arrested person a dated receipt for  
17 that driver license, permit, or other evidence of driving privilege  
18 on a form prescribed by the Department of Public Safety. This  
19 receipt shall be recognized as a driver license and shall authorize  
20 the arrested person to operate a motor vehicle for a period not to  
21 exceed thirty (30) days. The receipt form shall contain and  
22 constitute a notice of revocation of driving privilege by the  
23 Department effective in thirty (30) days. The evidence of driving  
24 privilege and a copy of the receipt form issued to the arrested

1 person shall be attached to the sworn report of the officer and  
2 shall be submitted by mail or in person to the Department within  
3 seventy-two (72) hours of the issuance of the receipt. The failure  
4 of the officer to timely file this report shall not affect the  
5 authority of the Department to revoke the driving privilege of the  
6 arrested person.

7 C. Upon receipt of a written blood or breath test report  
8 reflecting that the arrested person, if under twenty-one (21) years  
9 of age, had any measurable quantity of alcohol in the person's blood  
10 or breath, or, if the arrested person is twenty-one (21) years of  
11 age or older, a blood or breath alcohol concentration of eight-  
12 hundredths (0.08) or more, accompanied by a sworn report from a law  
13 enforcement officer that the officer had reasonable grounds to  
14 believe the arrested person had been operating or was in actual  
15 physical control of a motor vehicle while under the influence of  
16 alcohol as prohibited by law, the Department shall revoke or deny  
17 the driving privilege of the arrested person for a period as  
18 provided by Section 6-205.1 of this title. Revocation or denial of  
19 the driving privilege of the arrested person shall become effective  
20 thirty (30) days after the arrested person is given written notice  
21 thereof by the officer as provided in this section or by the  
22 Department as provided in Section 2-116 of this title.

23 D. Upon the written request of a person whose driving privilege  
24 has been revoked or denied by notice given in accordance with this

1 section or Section 2-116 of this title, the Department shall grant  
2 the person an opportunity to be heard if the request is received by  
3 the Department within fifteen (15) days after the notice. The sworn  
4 report of the officer, together with the results of any test or  
5 tests, shall be deemed true, absent any facial deficiency, should  
6 the requesting person fail to appear at the scheduled hearing. A  
7 timely request shall stay the order of the Department until the  
8 disposition of the hearing unless the person is under cancellation,  
9 denial, suspension or revocation for some other reason. The  
10 Department may issue a temporary driving permit pending disposition  
11 of the hearing, if the person is otherwise eligible. If the hearing  
12 request is not timely filed, the revocation or denial shall be  
13 sustained.

14 E. 1. At any hearing held relevant to this section, a report  
15 of the findings of the laboratory of the Oklahoma State Bureau of  
16 Investigation, the medical examiner's report of investigation or  
17 autopsy report, or a laboratory report from a forensic laboratory  
18 operated by the State of Oklahoma or any political subdivision  
19 thereof, which has been made available to the person by the  
20 Commissioner or an authorized representative at least five (5) days  
21 prior to the hearing, with reference to all or part of the evidence  
22 submitted, when certified as correct by the persons making the  
23 report shall be received as evidence of the facts and findings  
24 stated, if relevant and otherwise admissible in evidence. If the

1 report is deemed relevant by either party, the court shall admit the  
2 report without the testimony of the person making the report, unless  
3 the court, pursuant to this subsection, orders the person to appear.

4 2. When any alleged controlled dangerous substance has been  
5 submitted to the laboratory of the OSBI for analysis, and the  
6 analysis shows that the submitted material is a controlled dangerous  
7 substance, the distribution of which constitutes a felony under the  
8 laws of this state, no portion of the substance shall be released to  
9 any other person or laboratory absent an order of a district court.  
10 The defendant shall additionally be required to submit to the court  
11 a procedure for transfer and analysis of the subject material to  
12 ensure the integrity of the sample and to prevent the material from  
13 being used in any illegal manner.

14 3. The court, upon motion of either party, shall order the  
15 attendance of any person preparing a report submitted as evidence in  
16 the hearing when it appears there is a substantial likelihood that  
17 material evidence not contained in the report may be produced by the  
18 testimony of any person having prepared a report. The hearing shall  
19 be held and, if sustained, an order issued not less than five (5)  
20 days prior to the time when the testimony shall be required.

21 4. If within five (5) days prior to the hearing or during a  
22 hearing, a motion is made pursuant to this section requiring a  
23 person having prepared a report to testify, the court may hear a  
24 report or other evidence but shall continue the hearing until such

1 time notice of the motion and hearing is given to the person making  
2 the report, the motion is heard, and, if sustained, the testimony  
3 ordered can be given.

4 F. The hearing before the Commissioner of Public Safety or a  
5 designated hearing officer shall be conducted in the county of  
6 arrest or may be conducted by telephone conference call. The  
7 hearing may be recorded and its scope shall cover the issues of  
8 whether the officer had reasonable grounds to believe the person had  
9 been operating or was in actual physical control of a vehicle upon  
10 the public roads, highways, streets, turnpikes, parking lots or  
11 other public place, or upon any private road, street, alley or lane  
12 which provides access to one or more single or multifamily  
13 dwellings, of this state while under the influence of alcohol, any  
14 other intoxicating substance, or the combined influence of alcohol  
15 and any other intoxicating substance as prohibited by law, and  
16 whether the person was placed under arrest.

17 1. If the revocation or denial is based upon a breath or blood  
18 test result and a sworn report from a law enforcement officer, the  
19 scope of the hearing shall also cover the issues as to whether:

- 20 a. if timely requested by the person, the person was not  
21 denied a breath or blood test,  
22 b. the specimen was obtained from the person within two  
23 (2) hours of the arrest of the person,  
24



- 1           c.    the person, if under twenty-one (21) years of age, was  
2                advised that driving privileges would be revoked or  
3                denied if the test result reflected the presence of  
4                any measurable quantity of alcohol,  
5           d.    the person, if twenty-one (21) years of age or older,  
6                was advised that driving privileges would be revoked  
7                or denied if the test result reflected an alcohol  
8                concentration of eight-hundredths (0.08) or more, and  
9           e.    the test result in fact reflects the alcohol  
10               concentration.

11           2.   If the revocation or denial is based upon the refusal of the  
12 person to submit to a breath or blood test, reflected in a sworn  
13 report by a law enforcement officer, the scope of the hearing shall  
14 also include whether:

- 15           a.    the person refused to submit to the test or tests, and  
16           b.    the person was informed that driving privileges would  
17                be revoked or denied if the person refused to submit  
18                to the test or tests.

19           G.   After the hearing, the Commissioner of Public Safety or a  
20 designated hearing officer shall order the revocation or denial  
21 either rescinded or sustained.

22           SECTION 20. This act shall become effective July 1, 2012.

23           SECTION 21. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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