OKLAHOMA STATUTES
TITLE 13. COMMON CARRIERS

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§13-1. Contract of carriage defined.

A contract of carriage is a contract for the conveyance of property, persons or messages from one place to another.

R.L. 1910, § 783.

§13-2. Gratuitous carriers - Rules governing.

Carriers without reward are subject to the same rules as employees without reward, except so far as otherwise provided by this title.

R.L. 1910, § 784.

§13-3. Duty to complete undertaking.

A carrier without reward, who has begun to perform his undertaking, must complete it in like manner as if he had received a reward, unless he restores the person or thing carried to as favorable a position as before he commenced the carriage.

R.L. 1910, § 785.

§13-4. Common carrier defined.

Everyone who offers to the public to carry persons, property or messages is a common carrier of whatever he thus offers to carry.

R.L. 1910, § 786.

§13-5. Duty to accept and carry.

A common carrier must, if able to do so, accept and carry whatever is offered to him, at a reasonable time and place, of a kind that he undertakes or is accustomed to carry.

R.L. 1910, § 787.

§13-6. Preference to state and United States.

A common carrier must always give a preference in time, and may give a preference in price, to the United States and to this state.

R.L. 1910, § 788.

§13-7. Starting time and place.

A common carrier must start at such time and place as he announces to the public, unless detained by accident or the elements, or in order to connect with carriers on other lines of travel.

R.L. 1910, § 789.

§13-8. Compensation.

A common carrier is entitled to a reasonable compensation and no more, which he may require to be paid in advance. If payment thereof is refused he may refuse to carry.

R.L. 1910, § 790.

§13-9. Railroad and express companies - Excessive rates.

All agents of railroad and express companies doing business in this state are hereby prohibited from knowingly charging, collecting or receiving pay for any goods, wares, packages, merchandise, or any article whatever that may be sent or received by or through their respective offices in excess of the regular rates charged for the same.

R.L. 1910, § 791.

§13-10. Telegraph and telephone companies - Excessive rates.

All agents or operators for any telegraph or telephone company doing business in this state are hereby prohibited from knowingly charging, collecting or receiving pay for any message sent or received by them in excess of the regular rate charged for the same.

R.L. 1910, § 792.

§13-11. Rate schedules - Inspection.

In order to ascertain what the regular charges of such companies are, all railroad, express, telegraph, and telephone companies doing business in this state are hereby required to keep in all their offices in this state, a schedule of the regular rates charged by them, which shall be open to the inspection of any person interested therein.

R.L. 1910, § 793.

§13-12. Overcharges - Penalty.

Any person who shall violate the provisions of Sections 792 and 793 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00).

R.L. 1910, § 794.

§13-13. Concealing rate schedules - Penalty.

Any agent of any railroad, express, telegraph, or telephone company who shall fail or refuse to show the schedule of rates of said company to any person or persons interested therein, and allow him or them to examine the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

R.L. 1910, § 795.

§13-14. Limitation of obligations.

The obligations of a common carrier cannot be limited by general notice on his part, but may be limited by special contract.

R.L. 1910, § 796.

§13-15. Exoneration from liability.

A common carrier cannot be exonerated by any agreement made in anticipation thereof, from liability for the gross negligence, fraud or willful wrong, of himself or his servants.

R.L. 1910, § 797.

§13-16. Acceptance of ticket, etc., as assent to contract.

A passenger, consignor or consignee by accepting a ticket, bill of lading or written contract for carriage, with a knowledge of its terms, assents to the rate of hire, the time, place and manner of delivery therein stated. But his assent to any other modification of the carrier's rights or obligations contained in such instrument can only be manifested by his signature to the same.

R.L. 1910, § 798.

§13-31. Gratuitous carriers - Care required.

A carrier of persons without reward must use ordinary care and diligence for their safe carriage.

R.L. 1910, § 799.

§13-32. Carriers for reward - Care and skill required.

A carrier of persons for reward must use the utmost care and diligence for their safe carriage, must provide everything necessary for that purpose, and must exercise to that end a reasonable degree of skill.

R.L. 1910, § 800.

§13-33. Duty to provide safe and fit vehicles.

A carrier of persons for reward is bound to provide vehicles safe and fit for the purposes to which they are put, and is not excused for default in this respect by any degree of care.

R.L. 1910, § 801.

§13-34. Overcrowding or overloading.

A carrier of persons for reward must not overcrowd or overload his vehicle.

R.L. 1910, § 802.

§13-35. Passengers - Accommodations - Treatment - Attention.

A carrier of persons for reward must give to passengers all such accommodations as are usual and reasonable, must treat them with civility, and give them a reasonable degree of attention.

R.L. 1910, § 803.

§13-36. Speed - Delay - Deviation.

A carrier of persons for reward must travel at a reasonable rate of speed, and without any unreasonable delay or deviation from his proper route.

R.L. 1910, § 804.

§13-37. Luggage - Duty to carry - Charges.

A common carrier of persons, unless his vehicle is fitted for the reception of passengers exclusively, must receive and carry a reasonable amount of luggage for each passenger, without any charge except for an excess of weight over one hundred and fifty (150) pounds to a passenger.

R.L. 1910, § 805.

§13-38. Luggage defined.

Luggage may consist of any articles intended for the use of a passenger while traveling, or for his personal equipment.

R.L. 1910, § 806.

§13-39. Liability for luggage.

The liability of a carrier, for luggage received by him with a passenger, is the same as that of a common carrier of property.

R.L. 1910, § 807.

§13-40. Carriage and delivery of luggage.

A common carrier must deliver every passenger's luggage, whether within the prescribed weight or not, immediately upon the arrival of the passenger at his destination; and unless the vehicle be overcrowded or overloaded thereby, must carry it on the same vehicle by which he carries the passenger to whom it belongs except that where luggage is transported by rail, it must be checked and carried in a regular baggage car; and whenever passengers neglect or refuse to have their luggage so checked and transported, it is carried at their risk.

R.L. 1910, § 808.

§13-41. Vehicles for accommodation of passengers.

A common carrier of persons must provide a sufficient number of vehicles to accommodate all the passengers who can be reasonably expected to require carriage at any one time.

R.L. 1910, § 809.

§13-42. Seats - Overloading.

A common carrier of persons must provide every passenger with a seat. He must not overload his vehicle by receiving and carrying more passengers than its rated capacity allows.

R.L. 1910, § 810.

§13-43. Power to make and enforce rules.

A common carrier of persons may make rules for the conduct of his business, and may require passengers to conform to them, if they are lawful, public, uniform in their application, and reasonable.

R.L. 1910, § 811.

§13-44. Time for payment of fares.

A common carrier may demand the fare of passengers either at starting or at any subsequent time.

R.L. 1910, § 812.

§13-45. Ejection of passengers.

A passenger who refuses to pay his fare, or to conform to any lawful regulation of the carrier, may be ejected from the vehicle by the carrier. But this must be done with as little violence as possible, and at any usual stopping place, or near some dwelling house. After having ejected a passenger, a carrier has no right to require the payment of any part of his fare.

R.L. 1910, § 813.

§13-46. Lien on luggage for fare.

A common carrier has a lien upon the luggage of a passenger for the payment of such fare as he is entitled to from him.

R.L. 1910, § 814.

§13-61. Definitions.

Property carried is called freight; the reward, if any, to be paid for its carriage is called freightage; the person who delivers the freight to the carrier is called the consignor, and the person to whom it is to be delivered is called the consignee.

R.L. 1910, § 817.

§13-62. Care and diligence required.

A carrier of property for reward must use at least ordinary care and diligence in the performance of all his duties. A carrier without reward must use at least slight care and diligence.
R.L. 1910, § 818.

§13-63. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-64. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-65. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-66. Place of delivery.

If there is no usage to the contrary at the place of delivery, freight must be delivered as follows:

1. If carried upon a railway owned and managed by the carrier, it may be delivered at the station nearest the place to which it is addressed.

2. In other cases, it must be delivered to the consignee or his agent, personally, if either can, with reasonable diligence, be found.

R.L. 1910, § 822.

§13-67. Notice to consignee - Safekeeping pending removal.

If, for any reason, a carrier does not deliver freight to the consignee or his agent, personally, he must give notice to the consignee of its arrival, and keep the same in safety, upon his responsibility as a warehouseman, until the consignee has had a reasonable time to remove it. If the place of residence or business of the consignee be unknown to the carrier, he may give the notice by letter dropped in the nearest post office.
R.L. 1910, § 823.

§13-68. Exoneration from liability - Storage of freight - Notice to consignee.

If a consignee does not accept and remove freight within a reasonable time after the carrier has fulfilled his obligation to deliver, or duly offered to fulfill the same, the carrier may exonerate himself from further liability by placing the freight in a suitable warehouse, on storage, on account of the consignee, and giving notice thereof to him.
R.L. 1910, § 824.

§13-69. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-70. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-71. Application to hotel keepers and warehousemen.

The provisions of this chapter shall apply to hotelkeepers and warehousemen.

R.L. 1910, § 827.

§13-91. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-92. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-93. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-94. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

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§13-96. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-97. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-111. Time for payment.

A carrier may require his freightage to be paid upon his receiving the freight; but if he does not demand it then, he cannot until he is ready to deliver the freight to the consignee.

R.L. 1910, § 835.

§13-112. Liability of consignor.

The consignor of freight is presumed to be liable for the freightage, but if the contract between him and the carrier provides that the consignee shall pay it, and the carrier allows the consignee to take the freight, he cannot afterwards recover the freightage from the consignor.

R.L. 1910, § 836.

§13-113. Liability of consignee.

The consignee of freight is liable for the freightage, if he accepts the freight with notice of the intention of the consignor that he should pay it.
R.L. 1910, § 837.

§13-114. Natural increase.
No freightage can be charged upon the natural increase of freight.
R.L. 1910, § 838.

§13-115. Apportionment of freightage.
If freightage is apportioned by a bill of lading, or other contract made between a consignor and carrier, the carrier is entitled to payment according to the apportionment for so much as he delivers.
R.L. 1910, § 839.

§13-116. Apportionment on acceptance of part of freight.
If a part of the freight is accepted by a consignee without a specific objection that the rest is not delivered, the freightage must be apportioned and paid as to that part, though not apportioned in the original contract.
R.L. 1910, § 840.

§13-117. Apportionment according to distance.
If a consignee voluntarily receives freight at a place short of the one appointed for delivery, the carrier is entitled to a just proportion of the freightage, according to distance. If the carrier, being ready and willing, offers to complete the transit, he is entitled to the full freightage. If he does not thus offer completion, and the consignee receives the freight only from necessity, the carrier is not entitled to any freightage.
R.L. 1910, § 841.

§13-118. Extra carriage.
If freight is carried further, or more expeditiously than was agreed upon by the parties, the carrier is not entitled to additional compensation, and cannot refuse to deliver it on the demand of the consignee at the place and time of its arrival.
R.L. 1910, § 842.

§13-119. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-131. Liability for loss or injury - Exceptions.
Unless the consignor accompanies the freight and retains exclusive control thereof, a common carrier of property is liable,

from the time that he accepts until he relieves himself from liability as hereinafter provided, for the loss or injury thereof from any cause whatever, except:

1. An inherent defect, vice or weakness, or a spontaneous action, of the property itself.
2. The act of a public enemy of the United States, or of this state.
3. The act of the law; or,
4. Any irresistible superhuman cause.

R.L. 1910, § 815.

§13-132. Liability for negligence in excepted cases.

A common carrier is liable, even in the cases excepted by the preceding section, if his ordinary negligence exposes the property to the cause of the loss.

R.L. 1910, § 816.

§13-133. Liability for delays.

A common carrier is liable for delay only when it is caused by his want of ordinary care and diligence.

R.L. 1910, § 843.

§13-134. Precious metals and other valuables - Liability for loss or injury - Notice of nature of freight.

A common carrier of gold, silver, platina, or precious stones, or of imitations thereof, in a manufactured or unmanufactured state, or timepieces of any description, of negotiable paper or other valuable writings, of pictures, glass or china ware, is not liable for more than Fifty Dollars ($50.00) upon the loss or injury of any one package of such articles, unless he has notice, upon his receipt thereof, by mark upon the package or otherwise, of the nature of the freight.

R.L. 1910, § 844.

§13-135. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-136. Repealed by Laws 1961, p. 181, § 10-102 (Uniform Commercial Code, Title 12A, § 10-102).

§13-151. Coal - Statement of weight in bill of lading.

Whenever any coal is shipped over any common carrier from any point within the State of Oklahoma to any other point within the said State, the common carrier transporting such coal shall issue a bill of lading stating the true weight of the coal so transported.

R.L. 1910, § 848.

§13-152. Coal - Reweighing at destination - Liability for deficiencies or shrinkage.

When said coal arrives at its destination, the said carrier shall cause the same to be weighed at that point, provided it has scales at that point, and if not, then it shall cause said coal to be weighed at the nearest track scales on its line between the point of shipment and the point of destination, and if the weight of said coal at the point of delivery is less that the weight set out in the bill of lading, the carrier delivering to the consignee shall be liable to the consignee for all deficiencies in weight, less the natural shrinkage, which shall not exceed one percent (1%) for a one hundred fifty-mile haul or less and one and one-half percent (1 1/2%) on more than a one hundred fifty-mile haul; and the measure of damage of the consignee for such deficiency or shortage shall be the value of the deficiency if the freight has not been paid; and in weighing cars of coal they shall be detached from the train and in the event the loss or shortage does not occur on the delivering line, the carrier delivering to the consignee shall be entitled to recover from the carrier upon whose line the loss or shortage occurred, such amount for the loss or shortage as the carrier delivering to the consignee may be required to pay to the consignee as may be evidenced by any receipt, judgment, or transcript thereof.

R.L. 1910, § 849.

§13-153. Connecting carrier - Reweighing on transfer.

In case any coal shipped shall be carried over the lines of the connecting carriers, the carrier receiving said coal shall cause the correct weight thereof to be placed in the bill of lading, and such coal shall be reweighed when delivered to the connecting carrier, and the value of the coal at the point of destination shall be the measure of damages.

R.L. 1910, § 850.

§13-154. Consignee - Reweighing at destination - Liability of carrier.

In case the carrier shall fail or refuse to weigh said coal at its destination or at the nearest track scales to the point of destination between said point and the point of shipment, the consignee may weigh said coal, and his weights shall be prima facie evidence of the amount of coal received, and the carrier shall be liable in damages as set out in this article, for any shortage between the actual quantity received at the point of destination and the amount named in the bill of lading: Provided, that if the consignee shall have the coal weighed at the point of destination, on other than track scales, an allowance of ten (10) pounds per ton shall be deducted from the weight.

R.L. 1910, § 851.

§13-155. Failure to weigh - False weights - Penalties.

Any agent, servant or employee of any carrier who shall fail or refuse to weigh any coal at its point of destination, or shall knowingly or willfully make false weights of such coal, or in case there are no track scales at the point of destination, at the nearest track scales passed in its transit from its point of shipment, such agents, servants or employees shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty nor more than One Hundred Dollars ($100.00), or be imprisoned not less than thirty (30) days nor more than sixty (60) days or both such fine and imprisonment.

R.L. 1910, § 852.

§13-156. Weighing interstate shipments.

Whenever any coal shall be brought into this state by any carrier where the point of shipment is outside of the state, the same shall be weighed by the carrier at the nearest track scales within the state to the state line; and after being so weighed, as to its further carriage all of the provisions of this article, shall apply thereto in the same manner as if the shipment originated within this state.

R.L. 1910, § 853.

§13-157. Method of weighing - Stencil weights.

In case any contention shall arise between the consignee and the carrier in regard to the shortage of coal on any car, the car shall be weighed first while loaded and then the empty car shall be weighed again and the actual gross and net weights shall be ascertained, and the stencil weight of any car marked thereon shall not be taken in any case as a true weight of said car.

R.L. 1910, § 854.

§13-171. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-172. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-173. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-174. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-175. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-176. Repealed by Laws 2017, c. 2, § 1, eff. Nov. 1, 2017.

§13-176.1. Short title.

Sections 1 through 14 of this act shall be known and may be cited as the "Security of Communications Act".
Added by Laws 1982, c. 343, § 1.

§13-176.2. Definitions.

As used in the Security of Communications Act:

1. "Aggrieved person" means a person who was a party to any intercepted wire, oral or electronic communication or a person against whom the interception was directed;

2. "Aural acquisition" means obtaining knowledge of a communication through the sense of hearing which is contemporaneous with the communication;

3. "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception;

4. "Communication common carrier" means, for the purposes of the Security of Communications Act only, any telephone or telegraph company, rural telephone cooperative, communications transmission company or other public communications company under the laws of this state;

5. "Communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communication;

6. "Contents", when used with respect to any wire, oral or electronic communication, includes any information concerning the substance, purport or meaning of that communication;

7. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system, but does not include:

a. any wire or oral communication,
b. any communication made through a tone-only paging device, or
c. any communication from a tracking device;

8. "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire, oral or electronic communication other than:

a. any telephone or telegraph instrument, equipment or facility or any component thereof furnished to the subscriber or user by a communication common carrier or other lawful supplier in the ordinary course of its business which is being used by the subscriber or user in the ordinary course of its business, or being used by a communication common carrier in the ordinary

course of business or being used by a law enforcement officer in the ordinary course of duties, or

b. a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

9. "Intercept" means the aural acquisition of the contents of any wire, oral or electronic communication through the use of any electronic, mechanical or other device;

10. "Judge of competent jurisdiction" means the Presiding Judge of the Court of Criminal Appeals or any other Judge of the Court of Criminal Appeals designated by the Presiding Judge;

11. "Law enforcement officer" means any person who is employed by the United States, this state or political subdivision thereof and is empowered by law to conduct investigations of, or to make arrests for, offenses enumerated in the Security of Communications Act or similar federal offenses and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

12. "Oral communication" means any communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstance justifying such expectation;

13. "Person" means any individual, partnership, association, joint-stock company, trust, corporation or political subdivision including an employee or agent thereof; and

14. "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications or communications affecting intrastate, interstate or foreign commerce.

Added by Laws 1982, c. 343, § 2. Amended by Laws 1989, c. 216, § 1, eff. Nov. 1, 1989; Laws 1989, c. 348, § 1, eff. Nov. 1, 1989; Laws 2004, c. 289, § 1, eff. Nov. 1, 2004; Laws 2007, c. 339, § 1, eff. July 1, 2007; Laws 2022, c. 92, § 1, eff. Nov. 1, 2022.

§13-176.3. Prohibited acts - Felonies – Penalties - Venue.

Except as otherwise specifically provided in this act, any person is guilty of a felony and upon conviction shall be punished by a fine of not less than Five Thousand Dollars ($5,000.00), or by imprisonment of not more than five (5) years, or by both who:

1. Willfully intercepts, endeavors to intercept or procures any other person to intercept or endeavor to intercept any wire, oral or electronic communication;

2. Willfully uses, endeavors to use or procures any other person to use or endeavor to use any electronic, mechanical or other device to intercept any oral communication;

3. Willfully discloses or endeavors to disclose to any other person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

4. Willfully uses or endeavors to use the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

5. Willfully and maliciously, without legal authority, removes, injures or obstructs any telephone or telegraph line, or any part or appurtenances or apparatus connected thereto, or severs any wires thereof;

6. Sends through the mail or sends or carries any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act;

7. Manufactures, assembles, possesses or sells any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act; or

8. Willfully uses any communication facility in committing or in causing or facilitating the commission of any act or acts constituting one or more of the felonies enumerated in Section 176.7 of this title. Each separate use of a communication facility to cause or facilitate such a felony shall be a separate offense. Venue for any violation of this section shall lie in the same county as venue for the underlying felony enumerated in Section 176.7 of this title.

Added by Laws 1982, c. 343, § 3. Amended by Laws 1989, c. 216, § 2, eff. Nov. 1, 1989; Laws 1989, c. 348, § 2, eff. Nov. 1, 1989; Laws 1997, c. 133, § 132, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 59, eff. July 1, 1999; Laws 2003, c. 148, § 1, eff. Nov. 1, 2003.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 132 from July 1, 1998, to July 1, 1999.

§13-176.4. Acts not prohibited.

It is not unlawful pursuant to the Security of Communications Act for:

1. an operator of a switchboard, or an officer, employee, or agent of any communication common carrier whose facilities are used

in the transmission of a wire, oral or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. Said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks; or

2. an officer, employee, or agent of any communication common carrier or other person authorized to provide information, facilities, or technical assistance to a law enforcement officer who is authorized to intercept a wire, oral or electronic communication; or

3. an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of Chapter 5 of Title 47 of the United States Code, to intercept a wire, oral or electronic communication transmitted by radio or to disclose or use the information obtained; or

4. a person acting under color of law to intercept a wire, oral or electronic communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; or

5. a person not acting under color of law to intercept a wire, oral or electronic communication when such person is a party to the communication or when one of the parties to the communication has given prior consent to such interception unless the communication is intercepted for the purpose of committing any criminal act; or

6. a communication common carrier or an officer, agent, or employee thereof, or a person under contract with a communication common carrier, in the normal course of the business of the communication common carrier bidding upon contracts with or in the course of doing business with the United States, a state, or a political subdivision thereof, in the normal course of the activities of said entities, to send through the mail, send or carry in interstate or foreign commerce, manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications; or

7. an officer or employee of the Oklahoma Department of Corrections to monitor any wire, oral or electronic communication where an incarcerated inmate is a party to that communication, if the inmate is given prior and conspicuous notice of the surveillance or monitoring.

Added by Laws 1982, c. 343, § 4. Amended by Laws 1983, c. 105, § 1, emerg. eff. May 10, 1983; Laws 1989, c. 216, § 3, eff. Nov. 1, 1989.

§13-176.5. Seizure and forfeiture of certain devices.

Any electronic, mechanical or other device used, sent, carried, manufactured, assembled, possessed or sold in violation of the Security of Communications Act may be seized and forfeited to the state.

Added by Laws 1982, c. 343, § 5.

§13-176.6. Use of certain intercepted communications as evidence prohibited.

Whenever any wire, oral or electronic communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee or other authority of the state, or a political subdivision thereof, if the disclosure of that information would be in violation of the Security of Communications Act.

Added by Laws 1982, c. 343, § 6. Amended by Laws 1989, c. 216, § 4, eff. Nov. 1, 1989.

§13-176.7. Court order authorizing interception of communications.

The Attorney General, upon application by a district attorney, may make application to a judge of competent jurisdiction for, and such judge may grant in conformity with the Security of Communications Act, an order authorizing the interception of wire, oral or electronic communications by any law enforcement agency of this state or any political subdivision thereof having responsibility for the investigation of the offense as to which the application is made, when such interception may provide evidence of acts of biochemical terrorism, terrorism, terrorism hoax, and biochemical assault, as defined in Section 1268.1 of Title 21 of the Oklahoma Statutes, the commission of the offense of murder, the cultivation or manufacture or distribution of narcotic drugs or other controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, trafficking in illegal drugs as defined in the Trafficking in Illegal Drugs Act, the trafficking of humans for labor or for commercial sex as defined in Section 748 of Title 21 of the Oklahoma Statutes, the pandering of humans for sex as provided in Section 1081 of Title 21 of the Oklahoma Statutes or the prostitution of a child as defined in Section 1030 of Title 21 of the Oklahoma Statutes, child sexual exploitation or permitting child sexual exploitation as defined in Section 843.5 of Title 21 of the Oklahoma Statutes, soliciting sexual conduct or communication with a minor by use of technology as defined in Section 1040.13a of Title 21 of the Oklahoma Statutes, and any conspiracy to commit the crimes specifically enumerated in this section.

Added by Laws 1982, c. 343, § 7. Amended by Laws 1989, c. 216, § 5, eff. Nov. 1, 1989; Laws 1990, c. 232, § 10, emerg. eff. May 18, 1990; Laws 2004, c. 289, § 2, eff. Nov. 1, 2004; Laws 2015, c. 28, § 1, eff. Nov. 1, 2015; Laws 2021, c. 145, § 1, eff. Nov. 1, 2021.

§13-176.8. Disclosure of information.

A. Any law enforcement officer who, by any means authorized by the Security of Communications Act, has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived from such communication may disclose the contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

B. Any law enforcement officer who, by any authorized means, has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived from such communication may use the contents to the extent such use is appropriate to the proper performance of the officer's official duties.

C. Any person who has received, by any authorized means, any information concerning a wire, oral or electronic communication or evidence derived from such communication intercepted in accordance with the provisions of the Security of Communications Act may disclose the contents of the communication or such derivative evidence while giving testimony under oath or affirmation in any administrative or criminal proceeding in any court of this state or of the United States or in any grand jury proceeding, if such testimony is otherwise admissible.

D. No otherwise privileged wire, oral or electronic communication intercepted in accordance with, or in violation of, the provisions of the Security of Communications Act shall lose its privileged character.

E. When a law enforcement officer, while engaged in intercepting wire, oral or electronic communications in an authorized manner, intercepts wire, oral or electronic communications relating to offenses for which an order or authorization could have been secured or any offense listed in Section 571 of Title 57 of the Oklahoma Statutes, which is other than those specified in the order of authorization, the contents of such communications and evidence derived therefrom may be disclosed or used as provided in this section. Such contents and any evidence derived from the contents may be used when authorized by a judge of competent jurisdiction when the judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of the Security of Communications Act. Such application shall be made as soon as practicable.

Added by Laws 1982, c. 343, § 8. Amended by Laws 1989, c. 216, § 6, eff. Nov. 1, 1989; Laws 2001, c. 85, § 1, eff. Nov. 1, 2001; Laws

2002, c. 224, § 1, emerg. eff. May 8, 2002; Laws 2023, c. 129, § 1, eff. Nov. 1, 2023.

§13-176.9. Application for court order - Contents - Additional evidence - Ex parte order - Specifications of order - Time limitations - Reports - Emergency oral authorization.

A. Each application for an order authorizing or approving the interception of a wire, oral or electronic communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the authority of the Attorney General to make such application. Each application shall include the following information:

1. The identity of the law enforcement officer initiating the application and the district attorney authorizing the application to the Attorney General;

2. A full and complete statement of the facts and circumstances relied upon by the Attorney General to justify that an order should be issued, including:

   a. details as to the particular offense that has been, is being or is about to be committed,

   b. a particular description of the nature and location of the facilities from which, or the place where the wire, oral or electronic communications are to be intercepted,

   c. a particular description of the type of communications sought to be intercepted, and

   d. the identity of the person, if known, committing the offense and whose wire, oral or electronic communications are to be intercepted;

3. A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be either unlikely to succeed if tried or are too dangerous;

4. A statement of the period of time for which the interception is required to be maintained, and, if the nature of the investigation is such that the authorization for interception should not automatically be terminated when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

5. A full and complete statement of the facts concerning:

   a. all previous applications made for authorization to intercept wire, oral or electronic communications involving any of the same persons, facilities or places specified in the application, and

   b. the action taken on each such application; and

6. When the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception or a reasonable explanation of the failure to obtain such results.

B. The judge of competent jurisdiction may require the applicant to furnish additional testimony or documentary evidence in support of the application.

C. Upon the submission of the application, an ex parte order may be entered, as requested or as modified, authorizing interception of wire, oral or electronic communications within the territorial jurisdiction of the judicial district of the district attorney requesting the order if the judge of competent jurisdiction determines on the basis of the facts submitted by the applicant that:

1. There is probable cause for belief that an individual is committing, has committed or is about to commit a particular offense enumerated in Section 176.7 of this title;

2. There is probable cause to believe that particular communications concerning the offense will be obtained through such interception;

3. Normal investigative procedures have been tried and have failed or reasonably appear to be either unlikely to succeed if tried or are too dangerous; or

4. There is probable cause to believe that the facilities from which, or the place where the wire, oral or electronic communications are to be intercepted, are being used by an individual or are about to be used in connection with the commission of such offense or are leased to, listed in the name of or commonly used by such person.

D. Each order authorizing the interception of any wire, oral or electronic communication shall specify:

1. The identity of the person, if known, whose communications are to be intercepted;

2. The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

3. A particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates;

4. The identity of the agency authorized to intercept the communications and of the person authorizing the application;

5. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained; and

6. An order authorizing the interception of a wire, oral or electronic communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or

other person shall furnish the applicant as soon as possible all information, facilities and technical assistance necessary to accomplish the interception with a minimum of interference with the services that such carrier, landlord, custodian or person is furnishing to the person whose communications are sought to be intercepted. Any communication common carrier, landlord, custodian or other person furnishing such facilities or technical assistance pursuant to the Security of Communications Act shall be compensated therefor by the applicant at the prevailing rates and shall be immune from any civil or criminal action or liability for compliance to an order under this or any other state or local law, rule, regulation or ordinance by reason of furnishing any such information, facilities or technical assistance.

E. No order entered pursuant to this section may authorize the interception of any wire, oral or electronic communication for any period longer than is necessary to achieve the objective of the authorization, or in any event, longer than thirty (30) days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection A of this section and upon the meeting of the requirements of subsection C of this section. The period of extension shall be no longer than the judge of competent jurisdiction deems necessary to achieve the purposes for which the extension was granted, and in no event for longer than thirty (30) days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under the Security of Communications Act and must terminate upon attainment of the authorized objective or within the time authorized as provided by this section.

F. Whenever an order authorizing interception is entered pursuant to the Security of Communications Act, the order may require reports to be made to the Attorney General and the judge of competent jurisdiction who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. The reports shall be made at such intervals as the judge of competent jurisdiction may require.

G. Any other provision of this act notwithstanding, a judge of competent jurisdiction or a judge of the district court may grant emergency oral authorization to a law enforcement officer to intercept wire, oral or electronic communications for a period not to exceed twenty-four (24) hours under the following circumstances:

1. When any emergency situation exists which poses the risk of death or bodily injury to any person, and there are reasonable grounds to believe that such interception would avert such death or bodily injury; or

2. When a law enforcement officer is investigating any offense of murder or conspiracy to commit murder, and there are reasonable grounds to believe that such interception may prevent the destruction of key evidence or the flight or escape of a suspect or material witness.

Application of such emergency authorization shall be made orally by the Attorney General, a district attorney in whose territorial jurisdiction the interception is to occur, or any such Assistant Attorney General or assistant district attorney as they may designate in writing. The oral application shall be made to a judge of competent jurisdiction or a judge of the district court, and either the prosecuting attorney making application or a law enforcement officer shall orally provide the relevant probable cause and emergency circumstances to the judge of competent jurisdiction or a judge of the district court, all of which shall be electronically recorded. Any such emergency interception shall terminate upon attainment of the authorized objective or at the end of twenty-four (24) hours, whichever comes first. If the assistance of a communication common carrier is needed to implement the interception, the person obtaining the emergency authorization shall certify in writing to the communication common carrier that emergency oral authorization has been obtained and no warrant or order is required. The communication common carrier shall provide the same facilities, information, and assistance as required under subsection D of this section, and shall enjoy the same immunity from civil and criminal penalties as is provided for therein.

Following such oral authorization, the district attorney or assistant district attorney shall apply through the Attorney General for an order pursuant to Section 176.7 of this title. The application shall be made as soon as is practicable, and in no event later than forty-eight (48) hours after termination of the interception pursuant to the oral authorization. The written application shall include an intelligible copy of the electronic recording of the conversation in which the oral authorization was granted. If the district attorney or the assistant district attorney fails to make such written application within forty-eight (48) hours after termination of the interception, or if written authorization to intercept communications is denied, no information obtained pursuant to the emergency interception shall be admitted in any court or other proceeding.

Added by Laws 1982, c. 343, § 9. Amended by Laws 1989, c. 216, § 7, eff. Nov. 1, 1989; Laws 2004, c. 289, § 3, eff. Nov. 1, 2004.

§13-176.10. Recording intercepted communication - Seal - Inventory - Inspection - Violation.

A. The contents of any wire, oral or electronic communication intercepted by any means authorized by the Security of

Communications Act shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents shall be securely kept in order to guarantee protection of the recording from editing or other alterations. Immediately upon the expiration of the period of the order and any extensions, the recordings shall be made available to the judge of competent jurisdiction issuing such order and shall be sealed under his directions. Custody of the recordings shall be determined by the judge of competent jurisdiction. Such recordings shall not be destroyed except upon an order of the issuing judge of competent jurisdiction and shall be kept for at least ten (10) years. Duplicate recordings may be made for use or disclosure in the conduct of investigations pursuant to the provisions of subsections A and B of Section 176.8 of this title.

B. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof as determined by the court where presented, shall be a prerequisite for the use or disclosure of the contents of any wire, oral or electronic communication or evidence derived therefrom under subsection C of Section 176.8 of this title.

C. Applications made and orders granted under the Security of Communications Act shall be sealed by the judge of competent jurisdiction. Custody of the applications and orders shall be determined by the judge of competent jurisdiction. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge of competent jurisdiction and shall be kept for at least ten (10) years.

D. Within a reasonable time but not later than ninety (90) days after the termination of the period of an order or extension thereof, the issuing judge of competent jurisdiction shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge of competent jurisdiction may determine in his discretion are in the interest of justice, an inventory which shall include notice of:

1. The entry of the order or application;

2. The date of such entry and the period of authorized, approved interception, or the date of denial of the application; and

3. Whether or not during such period, wire, oral or electronic communications were or were not intercepted.

E. The judge of competent jurisdiction, upon the filing of a motion, may make available to the person named in the order or application or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge of competent jurisdiction determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent

jurisdiction, the serving of the inventory required by this subsection may be postponed.

F. Any violation of the provisions of this section is punishable as contempt of the issuing judge of competent jurisdiction.

Added by Laws 1982, c. 343, § 10. Amended by Laws 1989, c. 216, § 8, eff. Nov. 1, 1989.

§13-176.11. Reports.

A. Within thirty (30) days after the expiration of an order, or each extension thereof, entered under Section 176.7 of this title, or the denial of an order approving an interception, the judge of competent jurisdiction shall file a sealed, written report with the Clerk of the Court of Criminal Appeals that includes the following information:

1. The fact that an order or extension was applied for;

2. The kind of order or extension applied for;

3. The fact that the order or extension was granted as applied for, was modified, or was denied;

4. The period of interceptions authorized by the order, and the number and duration of any extensions of the order;

5. The offense specified in the order or application, or extension of an order;

6. The identity of the law enforcement officer and the agency making the request for the application and the district attorney requesting the Attorney General to make the application; and

7. The nature of the facilities from which or the place where communications were to be intercepted.

B. In January of each year, the Attorney General shall file a sealed, written report with the Clerk of the Court of Criminal Appeals that includes the following information:

1. Regarding an order or extension:

a. the fact that it was applied for,

b. the kind applied for,

c. the fact that it was granted as applied for, was modified, or was denied,

d. the period of interceptions authorized, and the number and duration of any extensions of the order,

e. the offense specified,

f. the identity of the law enforcement officer and the agency making the request for the application and the district attorney requesting the Attorney General to make the application, and

g. the nature of the facilities from which or the place where communications were to be intercepted;

2. A general description of the interceptions made under such order or extension, including:

a. the approximate nature and frequency of incriminating communications intercepted,
b. the approximate nature and frequency of other communications intercepted,
c. the approximate number of persons whose communications were intercepted, and
d. the approximate nature, amount, and cost of the manpower and other resources used in the interceptions;

3. The number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made;

4. The number of trials resulting from such interceptions;

5. The number of motions to suppress made with respect to such interceptions, and the number granted or denied;

6. The number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and

7. The information required by paragraphs 2 through 6 of this subsection with respect to orders or extensions obtained in a preceding calendar year.

C. The Clerk of the Court of Criminal Appeals shall maintain the reports submitted pursuant to this section as confidential records which shall not be disclosed or made public absent an order from the Presiding Judge of the Court of Criminal Appeals.

Added by Laws 1982, c. 343, § 11. Amended by Laws 2022, c. 92, § 2, eff. Nov. 1, 2022.

§13-176.12. Conditions for use of intercepted communication as evidence or disclosure at trial.

The contents of any intercepted wire, oral or electronic communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding unless each party, not less than ten (10) days before the trial, hearing or proceeding, has been furnished with a copy of the court order and accompanying application under which the interception was authorized. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten (10) days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Added by Laws 1982, c. 343, § 12. Amended by Laws 1989, c. 216, § 9, eff. Nov. 1, 1989.

§13-176.13. Suppression of intercepted communication or evidence derived therefrom.

A. Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority may move to suppress the contents of any intercepted wire, oral or electronic communication, or evidence derived therefrom, on the grounds that:

1. The communication was unlawfully intercepted;

2. The order of authorization under which it was intercepted is insufficient on its face; or

3. The interception was not made in conformity with the order of authorization.

B. Said motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make the motion or the aggrieved person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, oral or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of the Security of Communications Act. The judge, upon the filing of the motion by the aggrieved person, may make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

Added by Laws 1982, c. 343, § 13. Amended by Laws 1989, c. 216, § 10, eff. Nov. 1, 1989.

§13-176.14. State's right to appeal certain orders.

In addition to any other right to appeal, the state shall have the right to appeal from either an order granting a motion to suppress made under Section 13 of the Security of Communications Act or the denial of an application for an order of authorization if the Attorney General certifies to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay. The appeal shall be taken within thirty (30) days after the date the order was entered and shall be diligently prosecuted.

Added by Laws 1982, c. 343, § 14.

§13-177.1. Definitions.

As used in Sections 177.1 through 177.5 of this title and Section 3 of this act:

1. "Court of competent jurisdiction" means a court of general criminal jurisdiction of this state, including the judges of the district court, associate district judges and special district judges, or any justice of the Supreme Court or judge of the Court of Criminal Appeals or Court of Civil Appeals;

2. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature

transmitted in whole or in part by a wire, radio, electro-magnetic, photo-electronic or photo-optical system, but does not include:

a. any wire or oral communication,

b. any communication made through a tone-only paging device, or

c. any communication from a tracking device;

3. "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

4. “Tracking device” means an electronic or mechanical device which permits the tracking of the movement of a person or object;

5. "Trap and trace device" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted, but does not include devices used by subscribers to identify the originating numbers of calls received by such subscribers; and

6. "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications or communications affecting intrastate, interstate or foreign commerce.

Added by Laws 1988, c. 264, § 1, emerg. eff. June 29, 1988. Amended by Laws 1991, c. 64, § 1, emerg. eff. April 11, 1991; Laws 2002, c. 224, § 2, emerg. eff. May 8, 2002; Laws 2007, c. 339, § 2, eff. July 1, 2007.

§13-177.2. Installation or use of pen register or trap and trace device without court order - Exceptions - Penalty.

A. Except as otherwise provided in this section, no person shall install or use a pen register or a trap and trace device without first obtaining a court order as provided by Section 4 of this act.

B. The prohibition of subsection A of this section shall not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service:

1. Relating to the operation, maintenance and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

2. To record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication or a user of that service, from fraudulent, unlawful or abusive use of service; or

3. Where the consent of the user of that service has been obtained.

C. Any person knowingly violating the provisions of subsection A of this section, upon conviction, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars ($1,000.00) or by imprisonment of not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1988, c. 264, § 2, emerg. eff. June 29, 1988.

§13-177.3. Application for order or extension of order.

An officer, attorney or agent of any law enforcement agency, a district attorney or assistant district attorney or the Attorney General or Assistant Attorney General may make application for an order or an extension of an order as provided in Section 4 of this act. Such application shall be in writing, under oath or equivalent affirmation, to a court of competent jurisdiction and shall include:

1. The identity of the person making the application and the identity of the law enforcement agency conducting the investigation; and

2. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

Added by Laws 1988, c. 264, § 3, emerg. eff. June 29, 1988.

§13-177.4. Court order - Contents - Duration.

A. The court, in considering an application made pursuant to Section 177.3 of this title, shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the person making the application has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The installation and use of a pen register or a trap and trace device shall be considered to be within the jurisdiction of the court if: (a) the law enforcement equipment to be used to collect electronic data is or will be physically installed within the geographical area over which the court has jurisdiction, (b) there are reasonable grounds to believe the telephone device is or will be used within

the geographical area over which the court has jurisdiction, or (c) the billing address for the telephone service for the telephone device is located within the geographical area over which the court has jurisdiction.

The order issued under this section:

1. Shall specify:
   a. the identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached,
   b. the identity, if known, of the person who is the subject of the criminal investigation,
   c. the number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order, and
   d. a statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates; and
2. Shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device.

B. An order issued pursuant to this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed sixty (60) days. Extensions of such an order may be granted, but only upon application as provided in Section 177.3 of this title and upon issuance of an order as required by subsection A of this section. Each period of extension shall be for a period not to exceed sixty (60) days.

C. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

1. The order be sealed until otherwise ordered by the court; and
2. The person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

Added by Laws 1988, c. 264, § 4, emerg. eff. June 29, 1988. Amended by Laws 2002, c. 224, § 3, emerg. eff. May 8, 2002.

§13-177.5. Assistance of service provider, landlord, custodian or other person - Compensation - Liability - Defense.

A. Upon the issuance of an order pursuant to the provisions of Section 4 of this act, a provider of wire or electronic communication service, landlord, custodian or other person shall furnish forthwith all information, facilities and technical assistance necessary to accomplish the installation of the pen register with a minimum of interference with the services provided, if such assistance is directed by a court order as provided in Section 4 of this act.

B. Upon the issuance of an order pursuant to the provisions of Section 4 of this act for a trap and trace device, a provider of a wire or electronic communication service, landlord, custodian or other person shall install such trap and trace device forthwith on the appropriate line and shall furnish such person all additional information, facilities and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services provided, if such installation and assistance is directed by a court order as provided in Section 4 of this act. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished at reasonable intervals during regular business hours for the duration of the order.

C. A provider of a wire or electronic communication service, landlord, custodian or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for any reasonable expenses incurred in providing such facilities and assistance.

D. No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents or other specified persons for providing information, facilities or assistance in accordance with the terms of a court order under this act.

E. A good faith reliance on a court order, a legislative authorization or a statutory authorization is a complete defense against any civil or criminal action brought under this act.

Added by Laws 1988, c. 264, § 5, emerg. eff. June 29, 1988.

§13-177.6. Search warrant for installation or use of tracking device - Period of monitoring - Service of warrant upon affected persons.

A. Any magistrate may issue a search warrant authorizing the installation or use of a tracking device in any moveable item, container, vehicle or other vessel. Such warrant may authorize the use of that tracking device within the jurisdiction of the magistrate, and outside that jurisdiction if the tracking device is installed within the magistrate’s jurisdiction. No such warrant shall issue unless probable cause is shown for believing that such installation or use will lead to the discovery of evidence, fruits,

or instrumentalities of the commission or attempted commission of an offense. Any application or affidavit seeking such a search warrant shall inform the magistrate of the name or names of the persons, if known, likely to have a reasonable expectation of privacy in the area where the tracking device is to be installed. Nothing here shall be construed as requiring a warrant for such installation or use if a warrant is not required under the Constitution of the United States of America.

B. Search warrants issued under this section may authorize intrusions into the item, container, vehicle or vessel for the purpose of installing the tracking device or for maintenance or retrieval of the tracking device. No search warrant issued under this section shall permit the monitoring of a tracking device for longer than sixty (60) days unless an extension warrant is issued by the magistrate upon a renewed showing of probable cause as required in subsection A of this section.

C. Within ninety (90) days after the expiration of any period of authorized monitoring of a tracking device, including any extensions thereof, the law enforcement officer who obtained the search warrant shall serve a copy of the search warrant which was obtained pursuant to this section upon the person or persons likely to have a reasonable expectation of privacy in the area where the tracking device was installed. This ninety-day period may be extended by the court for good cause shown. The search warrant and supporting affidavit shall also be filed with the clerk of the district court as is required of all other search warrants after such parties are notified.

Added by Laws 2007, c. 339, § 3, eff. July 1, 2007.

§13-178. Short title - Kelsey Smith Act – Wireless telecommunications carriers to provide call location information to law enforcement.

A. This act shall be known and may be cited as the "Kelsey Smith Act".

B. As used in this act, "law enforcement agency" means any department or agency of this state or a political subdivision of this state that employs personnel certified by the Council on Law Enforcement Education and Training and is empowered by law to maintain public order, make arrests and enforce the criminal laws of this state or municipal ordinances.

C. Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information of the telecommunications device of a user to the requesting agency in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm. If call location information is provided to a law enforcement agency for the purposes set forth in this section, notice shall be

given to the user within thirty (30) days after the call for emergency services or the emergency situation.

D. A wireless telecommunications carrier registered to do business in this state or otherwise submitting to the jurisdiction of this state and a reseller of wireless telecommunications services shall submit emergency contact information for the carrier to the Oklahoma State Bureau of Investigation (OSBI) to facilitate requests from a law enforcement agency for call location information in accordance with this section. Such contact information shall be submitted annually by July 1 or immediately upon any change in contact information. The OSBI shall maintain a database containing emergency contact information for carriers required pursuant to this subsection and shall make the information immediately available upon request to any law enforcement agency in this state. The OSBI shall promulgate rules to implement the requirements of this subsection. Nothing in this subsection shall be construed to require carriers to submit emergency contact information for individual customers to the OSBI.

E. A wireless telecommunications carrier, its officers, employees or agents shall have no civil or criminal liability for providing call location information while acting in good faith and in accordance with the provisions of this section.

Added by Laws 2021, c. 402, § 1, eff. Nov. 1, 2021.

§13-181. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-182. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-183. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-184. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-185. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-186. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-187. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-188. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-189. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-190. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-191. Repealed by Laws 1965, c. 9, § 1, eff. Feb. 10, 1965.

§13-201. Free choice of sureties by employees.

No common carrier authorized to do business in this state, when requiring of an employee a bond or undertaking of any nature whatever, shall require such employee to have such bond or undertaking executed as surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.
R.L. 1910, § 871.

§13-202. Sureties - Residence - Corporations.
No common carrier authorized to do business in this state, when requiring of any employee a bond or undertaking of any nature whatsoever, shall require as surety thereon any person not a resident of this state; nor shall any such common carrier accept as such surety any company, corporation or association, unless the same is a corporation duly organized under the laws of Oklahoma, or which shall have designated an agent residing within this state upon whom service of legal process against it may be had, as provided by law for foreign corporations doing business in this state, and which shall also have in this state a general office where it shall require that every such bond or undertaking shall be approved, if approved, and canceled if canceled, and where a complete record thereof shall be kept.
R.L. 1910, § 872.

§13-203. Term - Cancellation - Notice.
Every bond or undertaking of any nature whatsoever given by an employee of any common carrier authorized to do business in this state, shall be made to cover a definite term; and no such bond or undertaking shall be canceled without the consent of all parties thereto, except for a breach of one or more of the conditions thereof. Any such employee who shall have given any such bond or undertaking, shall, upon breach of any of the conditions thereof by the other party or parties hereto, have the power to cancel the same by giving the surety or sureties thereon and the common carrier for the benefit of whom the same shall have been made at least ten (10) days' notice in writing, setting out in full the reasons for canceling the same, said notice to be signed by such employee and sworn to by him in this state before any officer authorized to administer oaths. Any such notice to a company, corporation or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation or association may be had. Any surety on any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the common carrier employee for whom the same shall have been made, have

power to cancel the same by giving such employee at least ten (10) days' notice in writing, setting out in full the reasons for canceling the same, the said notice to be signed by an agent or manager of such surety, then a resident of this state and then authorized to approve or disapprove similar bonds or undertakings for such surety, and to be sworn to by the person signing the same in this state before an officer authorized to administer oaths: Provided, that nothing herein shall affect any right of action accruing to any person upon the breach of a contract.
R.L. 1910, § 873.

§13-204. Penalty - Invalidity of bond.

Any officer, agent, or representative of any company, corporation, association or firm, or any other person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1,000.00), and by imprisonment in the county jail for a period of not less than thirty days, nor more than one year. Any bond, contract or undertaking made in violation of the provisions of this article shall be void.
R.L. 1910, § 874.