

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 3201

By: Grau of the House

and

Sykes of the Senate

AS INTRODUCED

An Act relating to multiple versions of statutes; amending, merging, consolidating and repealing multiple versions of statutes; amending 10A O.S. 2011, Section 1-1-105, as last amended by Section 1, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2015, Section 1-1-105); repealing 10A O.S. 2011, Section 1-1-105, as last amended by Section 1, Chapter 274, O.S.L. 2015 (10A O.S. Supp. 2015, Section 1-1-105); amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277); repealing 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277); amending 21 O.S. 2011, Section 1289.23, as last amended by Section 1, Chapter 144, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1289.23); repealing 21 O.S. 2011, Section 1289.23, as last amended by Section 1, Chapter 216, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1289.23); amending 21 O.S. 2011, Section 1290.12, as last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1290.12); repealing 21 O.S. 2011, Section 1290.12, as last amended by Section 1, Chapter 72, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1290.12); amending 22 O.S. 2011, Section 988.2, as amended by Section 1, Chapter 331, O.S.L. 2015 (22 O.S. Supp. 2015, Section 988.2); repealing 22 O.S. 2011, Section 988.2, as amended by Section 3, Chapter 397, O.S.L. 2015 (22 O.S. Supp. 2015, Section 988.2); amending 26 O.S. 2011, Section 3-101, as last amended by Section 1, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2015, Section 3-101);

1 repealing 26 O.S. 2011, Section 3-101, as last
2 amended by Section 3, Chapter 219, O.S.L. 2015 (26
3 O.S. Supp. 2015, Section 3-101); amending 28 O.S.
4 2011, Section 152, as amended by Section 1, Chapter
5 384, O.S.L. 2015 (28 O.S. Supp. 2015, Section 152);
6 repealing 28 O.S. 2011, Section 152, as amended by
7 Section 1, Chapter 323, O.S.L. 2015 (28 O.S. Supp.
8 2015, Section 152); amending 37 O.S. 2011, Section
9 506, as last amended by Section 1, Chapter 275,
10 O.S.L. 2015 (37 O.S. Supp. 2015, Section 506);
11 repealing 37 O.S. 2011, Section 506, as last amended
12 by Section 1, Chapter 48, O.S.L. 2015 (37 O.S. Supp.
13 2015, Section 506); amending 37 O.S. 2011, Section
14 521, as last amended by Section 2, Chapter 275,
15 O.S.L. 2015 (37 O.S. Supp. 2015, Section 521);
16 repealing 37 O.S. 2011, Section 521, as last amended
17 by Section 3, Chapter 48, O.S.L. 2015 (37 O.S. Supp.
18 2015, Section 521); amending 46 O.S. 2011, Section
19 15, as amended by Section 1, Chapter 175, O.S.L. 2015
20 (46 O.S. Supp. 2015, Section 15); repealing 46 O.S.
21 2011, Section 15, as amended by Section 1, Chapter
22 177, O.S.L. 2015 (46 O.S. Supp. 2015, Section 15);
23 amending 47 O.S. 2011, Section 1107, as amended by
24 Section 2, Chapter 223, O.S.L. 2015 (47 O.S. Supp.
2015, Section 1107); repealing 47 O.S. 2011, Section
1107, as amended by Section 1, Chapter 318, O.S.L.
2015 (47 O.S. Supp. 2015, Section 1107); amending 47
O.S. 2011, Section 1135.3, as last amended by Section
1, Chapter 372, O.S.L. 2015 (47 O.S. Supp. 2015,
Section 1135.3); repealing 47 O.S. 2011, Section
1135.3, as last amended by Section 1, Chapter 378,
O.S.L. 2015 (47 O.S. Supp. 2015, Section 1135.3);
amending 47 O.S. 2011, Section 1135.5, as last
amended by Section 2, Chapter 378, O.S.L. 2015 (47
O.S. Supp. 2015, Section 1135.5); repealing 47 O.S.
2011, Section 1135.5, as last amended by Section 2,
Chapter 372, O.S.L. 2015 (47 O.S. Supp. 2015, Section
1135.5); amending 47 O.S. 2011, Section 6-107, as
amended by Section 2, Chapter 266, O.S.L. 2015 (47
O.S. Supp. 2015, Section 6-107); repealing 47 O.S.
2011, Section 6-107, as amended by Section 1, Chapter
96, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-107);
amending 47 O.S. 2011, Section 6-110, as last amended
by Section 3, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
2015, Section 6-110); repealing 47 O.S. 2011, Section
6-110, as last amended by Section 2, Chapter 97,
O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-110);

1 amending 57 O.S. 2011, Section 510.9, as last amended
2 by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
3 2015, Section 510.9); repealing 57 O.S. 2011, Section
4 510.9, as last amended by Section 1, Chapter 312,
5 O.S.L. 2015 (57 O.S. Supp. 2015, Section 510.9);
6 amending 59 O.S. 2011, Section 1315, as last amended
7 by Section 2, Chapter 212, O.S.L. 2015 (59 O.S. Supp.
8 2015, Section 1315); repealing 59 O.S. 2011, Section
9 1315, as last amended by Section 7, Chapter 110,
10 O.S.L. 2015 (59 O.S. Supp. 2015, Section 1315);
11 amending 63 O.S. 2011, Section 2-309D, as last
12 amended by Section 2, Chapter 1, O.S.L. 2015 (63 O.S.
13 Supp. 2015, Section 2-309D); repealing 63 O.S. 2011,
14 Section 2-309D, as last amended by Section 1, Chapter
15 84, O.S.L. 2015 (63 O.S. Supp. 2015, Section 2-309D);
16 amending 68 O.S. 2011, Section 205, as last amended
17 by Section 1, Chapter 299, O.S.L. 2015 (68 O.S. Supp.
18 2015, Section 205); repealing 68 O.S. 2011, Section
19 205, as last amended by Section 1, Chapter 10, O.S.L.
20 2015 (68 O.S. Supp. 2015, Section 205); amending 68
21 O.S. 2011, Section 2902, as last amended by Section
22 1, Chapter 153, O.S.L. 2015 (68 O.S. Supp. 2015,
23 Section 2902); repealing 68 O.S. 2011, Section 2902,
24 as last amended by Section 2, Chapter 335, O.S.L.
2015 (68 O.S. Supp. 2015, Section 2902); amending 70
O.S. 2011, Section 3-132, as last amended by Section
1, Chapter 170, O.S.L. 2015 (70 O.S. Supp. 2015,
Section 3-132); repealing 70 O.S. 2011, Section 3-
132, as last amended by Section 1, Chapter 205,
O.S.L. 2015 (70 O.S. Supp. 2015, Section 3-132);
amending 70 O.S. 2011, Section 3311, as last amended
by Section 1, Chapter 83, O.S.L. 2015 (70 O.S. Supp.
2015, Section 3311); repealing 70 O.S. 2011, Section
3311, as last amended by Section 1, Chapter 281,
O.S.L. 2015 (70 O.S. Supp. 2015, Section 3311);
amending 74 O.S. 2011, Section 150.23, as last
amended by Section 2, Chapter 292, O.S.L. 2015 (74
O.S. Supp. 2015, Section 150.23); repealing 74 O.S.
2011, Section 150.23, as last amended by Section 1,
Chapter 138, O.S.L. 2015 (74 O.S. Supp. 2015, Section
150.23); repealing Section 11, Chapter 375, O.S.L.
2014, as amended by Section 5, Chapter 303, O.S.L.
2015 (74 O.S. Supp. 2015, Section 935.11); amending
82 O.S. 2011, Section 874, as amended by Section 1,
Chapter 327, O.S.L. 2015 (82 O.S. Supp. 2015, Section
874); repealing 82 O.S. 2011, Section 874, as amended

1 by Section 2, Chapter 169, O.S.L. 2015 (82 O.S. Supp.
2 2015, Section 874); and declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
6 last amended by Section 1, Chapter 173, O.S.L. 2015 (10A O.S. Supp.
7 2015, Section 1-1-105), is amended to read as follows:

8 Section 1-1-105. When used in the Oklahoma Children's Code,
9 unless the context otherwise requires:

10 1. "Abandonment" means:

- 11 a. the willful intent by words, actions, or omissions not
12 to return for a child, or
13 b. the failure to maintain a significant parental
14 relationship with a child through visitation or
15 communication in which incidental or token visits or
16 communication are not considered significant, or
17 c. the failure to respond to notice of deprived
18 proceedings;

19 2. "Abuse" means harm or threatened harm ~~or failure to protect~~
20 ~~from harm or threatened harm~~ to the health, safety, or welfare of a
21 child by a person responsible for the child's health, safety, or
22 welfare, including but not limited to nonaccidental physical or
23 mental injury, sexual abuse, or sexual exploitation. Provided,
24 however, that nothing contained in this act shall prohibit any

1 parent from using ordinary force as a means of discipline including,
2 but not limited to, spanking, switching, or paddling.

3 a. "Harm or threatened harm to the health or safety of a
4 child" means any real or threatened physical, mental,
5 or emotional injury or damage to the body or mind that
6 is not accidental including but not limited to sexual
7 abuse, sexual exploitation, neglect, or dependency.

8 b. "Sexual abuse" includes but is not limited to rape,
9 incest, and lewd or indecent acts or proposals made to
10 a child, as defined by law, by a person responsible
11 for the health, safety, or welfare of the child.

12 c. "Sexual exploitation" includes but is not limited to
13 allowing, permitting, encouraging, or forcing a child
14 to engage in prostitution, as defined by law, by any
15 person eighteen (18) years of age or older or by a
16 person responsible for the health, safety, or welfare
17 of a child, or allowing, permitting, encouraging, or
18 engaging in the lewd, obscene, or pornographic, as
19 defined by law, photographing, filming, or depicting
20 of a child in those acts by a person responsible for
21 the health, safety, and welfare of the child;

22 3. "Adjudication" means a finding by the court that the
23 allegations in a petition alleging that a child is deprived are
24 supported by a preponderance of the evidence;

1 4. "Adjudicatory hearing" means a hearing by the court as
2 provided by Section 1-4-601 of this title;

3 5. "Age-appropriate or developmentally appropriate" means:

4 a. activities or items that are generally accepted as
5 suitable for children of the same age or level of
6 maturity or that are determined to be developmentally
7 appropriate for a child, based on the development of
8 cognitive, emotional, physical, and behavioral
9 capacities that are typical for an age or age group,
10 and

11 b. in the case of a specific child, activities or items
12 that are suitable for that child based on the
13 developmental stages attained by the child with
14 respect to the cognitive, emotional, physical, and
15 behavioral capacities of the specific child.

16 In the event that any age-related activities have implications
17 relative to the academic curriculum of a child, nothing in this
18 paragraph shall be construed to authorize an officer or employee of
19 the federal government to mandate, direct, or control a state or
20 local educational agency, or the specific instructional content,
21 academic achievement standards and assessments, curriculum, or
22 program of instruction of a school;

23 6. "Assessment" means a comprehensive review of child safety
24 and evaluation of family functioning and protective capacities that

1 is conducted in response to a child abuse or neglect referral that
2 does not allege a serious and immediate safety threat to a child;

3 7. "Behavioral health" means mental health, substance abuse, or
4 co-occurring mental health and substance abuse diagnoses, and the
5 continuum of mental health, substance abuse, or co-occurring mental
6 health and substance abuse treatment;

7 8. "Child" means any unmarried person under eighteen (18) years
8 of age;

9 9. "Child advocacy center" means a center and the
10 multidisciplinary child abuse team of which it is a member that is
11 accredited by the National Children's Alliance or that is completing
12 a sixth year of reaccreditation. Child advocacy centers shall be
13 classified, based on the child population of a district attorney's
14 district, as follows:

- 15 a. nonurban centers in districts with child populations
16 that are less than sixty thousand (60,000), and
- 17 b. midlevel nonurban centers in districts with child
18 populations equal to or greater than sixty thousand
19 (60,000), but not including Oklahoma and Tulsa
20 counties;

21 10. "Child with a disability" means any child who has a
22 physical or mental impairment which substantially limits one or more
23 of the major life activities of the child, or who is regarded as
24 having such an impairment by a competent medical professional;

1 11. "Child-placing agency" means an agency that arranges for or
2 places a child in a foster family home, group home, adoptive home,
3 or a successful adulthood program;

4 12. "Community-based services" or "community-based programs"
5 means services or programs which maintain community participation or
6 supervision in their planning, operation, and evaluation.

7 Community-based services and programs may include, but are not
8 limited to, emergency shelter, crisis intervention, group work, case
9 supervision, job placement, recruitment and training of volunteers,
10 consultation, medical, educational, home-based services, vocational,
11 social, preventive and psychological guidance, training, counseling,
12 early intervention and diversionary substance abuse treatment,
13 sexual abuse treatment, transitional living, independent living, and
14 other related services and programs;

15 13. "Concurrent permanency planning" means, when indicated, the
16 implementation of two plans for a child entering foster care. One
17 plan focuses on reuniting the parent and child; the other seeks to
18 find a permanent out-of-home placement for the child with both plans
19 being pursued simultaneously;

20 14. "Court-appointed special advocate" or "CASA" means a
21 responsible adult volunteer who has been trained and is supervised
22 by a court-appointed special advocate program recognized by the
23 court, and when appointed by the court, serves as an officer of the
24 court in the capacity as a guardian ad litem;

1 15. "Court-appointed special advocate program" means an
2 organized program, administered by either an independent, not-for-
3 profit corporation, a dependent project of an independent, not-for-
4 profit corporation or a unit of local government, which recruits,
5 screens, trains, assigns, supervises and supports volunteers to be
6 available for appointment by the court as guardians ad litem;

7 16. "Custodian" means an individual other than a parent, legal
8 guardian or Indian custodian, to whom legal custody of the child has
9 been awarded by the court. As used in this title, the term
10 "custodian" shall not mean the Department of Human Services;

11 17. "Day treatment" means a nonresidential program which
12 provides intensive services to a child who resides in the child's
13 own home, the home of a relative, group home, a foster home or
14 residential child care facility. Day treatment programs include,
15 but are not limited to, educational services;

16 18. "Department" means the Department of Human Services;

17 19. "Dependency" means a child who is homeless or without
18 proper care or guardianship through no fault of his or her parent,
19 legal guardian, or custodian;

20 20. "Deprived child" means a child:

- 21 a. who is for any reason destitute, homeless, or
22 abandoned,
23 b. who does not have the proper parental care or
24 guardianship,

- 1 c. who has been abused, neglected, or is dependent,
- 2 d. whose home is an unfit place for the child by reason
- 3 of depravity on the part of the parent or legal
- 4 guardian of the child, or other person responsible for
- 5 the health or welfare of the child,
- 6 e. who is a child in need of special care and treatment
- 7 because of the child's physical or mental condition,
- 8 and the child's parents, legal guardian, or other
- 9 custodian is unable or willfully fails to provide such
- 10 special care and treatment. As used in this
- 11 paragraph, a child in need of special care and
- 12 treatment includes, but is not limited to, a child who
- 13 at birth tests positive for alcohol or a controlled
- 14 dangerous substance and who, pursuant to a drug or
- 15 alcohol screen of the child and an assessment of the
- 16 parent, is determined to be at risk of harm or
- 17 threatened harm to the health or safety of a child,
- 18 f. who is a child with a disability deprived of the
- 19 nutrition necessary to sustain life or of the medical
- 20 treatment necessary to remedy or relieve a life-
- 21 threatening medical condition in order to cause or
- 22 allow the death of the child if such nutrition or
- 23 medical treatment is generally provided to similarly
- 24 situated children without a disability or children

1 with disabilities; provided that no medical treatment
2 shall be necessary if, in the reasonable medical
3 judgment of the attending physician, such treatment
4 would be futile in saving the life of the child,

5 g. who, due to improper parental care and guardianship,
6 is absent from school as specified in Section 10-106
7 of Title 70 of the Oklahoma Statutes, if the child is
8 subject to compulsory school attendance,

9 h. whose parent, legal guardian or custodian for good
10 cause desires to be relieved of custody,

11 i. who has been born to a parent whose parental rights to
12 another child have been involuntarily terminated by
13 the court and the conditions which led to the making
14 of the finding, which resulted in the termination of
15 the parental rights of the parent to the other child,
16 have not been corrected, or

17 j. whose parent, legal guardian, or custodian has
18 subjected another child to abuse or neglect or has
19 allowed another child to be subjected to abuse or
20 neglect and is currently a respondent in a deprived
21 proceeding.

22 Nothing in the Oklahoma Children's Code shall be construed to
23 mean a child is deprived for the sole reason the parent, legal
24 guardian, or person having custody or control of a child, in good

1 faith, selects and depends upon spiritual means alone through
2 prayer, in accordance with the tenets and practice of a recognized
3 church or religious denomination, for the treatment or cure of
4 disease or remedial care of such child.

5 Nothing contained in this paragraph shall prevent a court from
6 immediately assuming custody of a child and ordering whatever action
7 may be necessary, including medical treatment, to protect the
8 child's health or welfare;

9 21. "Dispositional hearing" means a hearing by the court as
10 provided by Section 1-4-706 of this title;

11 22. "Drug-endangered child" means a child who is at risk of
12 suffering physical, psychological or sexual harm as a result of the
13 use, possession, distribution, manufacture or cultivation of
14 controlled substances, or the attempt of any of these acts, by a
15 person responsible for the health, safety or welfare of the child,
16 as defined in paragraph ~~50~~ 51 of this section. This term includes
17 circumstances wherein the substance abuse of the person responsible
18 for the health, safety or welfare of the child interferes with that
19 person's ability to parent and provide a safe and nurturing
20 environment for the child. The term also includes newborns who test
21 positive for a controlled dangerous substance, with the exception of
22 those substances administered under the care of a physician;

23 23. "Emergency custody" means the custody of a child prior to
24 adjudication of the child following issuance of an order of the

1 district court pursuant to Section 1-4-201 of this title or
2 following issuance of an order of the district court pursuant to an
3 emergency custody hearing, as specified by Section 1-4-203 of this
4 title;

5 24. "Facility" means a place, an institution, a building or
6 part thereof, a set of buildings, or an area whether or not
7 enclosing a building or set of buildings used for the lawful custody
8 and treatment of children;

9 25. "Failure to protect" means failure to take reasonable
10 action to remedy or prevent child abuse or neglect, and includes the
11 conduct of a non-abusing parent or guardian who knows the identity
12 of the abuser or the person neglecting the child, but lies, conceals
13 or fails to report the child abuse or neglect or otherwise take
14 reasonable action to end the abuse or neglect;

15 26. "Foster care" or "foster care services" means continuous
16 twenty-four-hour care and supportive services provided for a child
17 in foster placement including, but not limited to, the care,
18 supervision, guidance, and rearing of a foster child by the foster
19 parent;

20 ~~26.~~ 27. "Foster family home" means the private residence of a
21 foster parent who provides foster care services to a child. Such
22 term shall include a nonkinship foster family home, a therapeutic
23 foster family home, or the home of a relative or other kinship care
24 home;

1 ~~27.~~ 28. "Foster parent eligibility assessment" includes a
2 criminal background investigation including, but not limited to, a
3 national criminal history records search based upon the submission
4 of fingerprints, home assessments, and any other assessment required
5 by the Department of Human Services, the Office of Juvenile Affairs,
6 or any child-placing agency pursuant to the provisions of the
7 Oklahoma Child Care Facilities Licensing Act;

8 ~~28.~~ 29. "Guardian ad litem" means a person appointed by the
9 court pursuant to the provisions of Section 1-4-306 of this title
10 having those duties and responsibilities as set forth in that
11 section. The term "guardian ad litem" shall refer to a court-
12 appointed special advocate as well as to any other person appointed
13 pursuant to the provisions of Section 1-4-306 of this title to serve
14 as a guardian ad litem;

15 ~~29.~~ 30. "Guardian ad litem of the estate of the child" means a
16 person appointed by the court to protect the property interests of a
17 child pursuant to Section 1-8-108 of this title;

18 ~~30.~~ 31. "Group home" means a residential facility licensed by
19 the Department to provide full-time care and community-based
20 services for more than five but fewer than thirteen children;

21 ~~31.~~ 32. "Harm or threatened harm to the health or safety of a
22 child" means any real or threatened physical, mental, or emotional
23 injury or damage to the body or mind that is not accidental
24

1 including, but not limited to, sexual abuse, sexual exploitation,
2 neglect, or dependency;

3 ~~32.~~ 33. "Heinous and shocking abuse" includes, but is not
4 limited to, aggravated physical abuse that results in serious
5 bodily, mental, or emotional injury. "Serious bodily injury" means
6 injury that involves:

- 7 a. a substantial risk of death,
- 8 b. extreme physical pain,
- 9 c. protracted disfigurement,
- 10 d. a loss or impairment of the function of a body member,
11 organ, or mental faculty,
- 12 e. an injury to an internal or external organ or the
13 body,
- 14 f. a bone fracture,
- 15 g. sexual abuse or sexual exploitation,
- 16 h. chronic abuse including, but not limited to, physical,
17 emotional, or sexual abuse, or sexual exploitation
18 which is repeated or continuing,
- 19 i. torture that includes, but is not limited to,
20 inflicting, participating in or assisting in
21 inflicting intense physical or emotional pain upon a
22 child repeatedly over a period of time for the purpose
23 of coercing or terrorizing a child or for the purpose
24

1 of satisfying the craven, cruel, or prurient desires
2 of the perpetrator or another person, or

3 j. any other similar aggravated circumstance;

4 ~~33.~~ 34. "Heinous and shocking neglect" includes, but is not
5 limited to:

6 a. chronic neglect that includes, but is not limited to,
7 a persistent pattern of family functioning in which
8 the caregiver has not met or sustained the basic needs
9 of a child which results in harm to the child,

10 b. neglect that has resulted in a diagnosis of the child
11 as a failure to thrive,

12 c. an act or failure to act by a parent that results in
13 the death or near death of a child or sibling, serious
14 physical or emotional harm, sexual abuse, sexual
15 exploitation, or presents an imminent risk of serious
16 harm to a child, or

17 d. any other similar aggravating circumstance;

18 ~~34.~~ 35. "Individualized service plan" means a document written
19 pursuant to Section 1-4-704 of this title that has the same meaning
20 as "service plan" or "treatment plan" where those terms are used in
21 the Oklahoma Children's Code;

22 ~~35.~~ 36. "Infant" means a child who is twelve (12) months of age
23 or younger;

1 ~~36.~~ 37. "Institution" means a residential facility offering
2 care and treatment for more than twenty residents;

3 ~~37.~~

4 38. a. "Investigation" means a response to an allegation of
5 abuse or neglect that involves a serious and immediate
6 threat to the safety of the child, making it necessary
7 to determine:

8 (1) the current safety of a child and the risk of
9 subsequent abuse or neglect, and

10 (2) whether child abuse or neglect occurred and
11 whether the family needs prevention- and
12 intervention-related services.

13 b. "Investigation" results in a written response stating
14 one of the following findings:

15 (1) "substantiated" means the Department has
16 determined, after an investigation of a report of
17 child abuse or neglect and based upon some
18 credible evidence, that child abuse or neglect
19 has occurred. When child abuse or neglect is
20 substantiated, the Department may recommend:

21 (a) court intervention if the Department finds
22 the health, safety, or welfare of the child
23 is threatened, or
24

1 (b) child abuse and neglect prevention- and
2 intervention-related services for the child,
3 parents or persons responsible for the care
4 of the child if court intervention is not
5 determined to be necessary,

6 (2) "unsubstantiated" means the Department has
7 determined, after an investigation of a report of
8 child abuse or neglect, that insufficient
9 evidence exists to fully determine whether child
10 abuse or neglect has occurred. If child abuse or
11 neglect is unsubstantiated, the Department may
12 recommend, when determined to be necessary, that
13 the parents or persons responsible for the care
14 of the child obtain child abuse and neglect
15 prevention- and intervention-related services, or

16 (3) "ruled out" means a report in which a child
17 protective services specialist has determined,
18 after an investigation of a report of child abuse
19 or neglect, that no child abuse or neglect has
20 occurred;

21 ~~38.~~ 39. "Kinship care" means full-time care of a child by a
22 kinship relation;

23 ~~39.~~ 40. "Kinship guardianship" means a permanent guardianship
24 as defined in this section;

1 ~~40.~~ 41. "Kinship relation" or "kinship relationship" means
2 relatives, stepparents, or other responsible adults who have a bond
3 or tie with a child and/or to whom has been ascribed a family
4 relationship role with the child's parents or the child; provided,
5 however, in cases where the Indian Child Welfare Act applies, the
6 definitions contained in 25 U.S.C., Section 1903 shall control;

7 ~~41.~~ 42. "Mental health facility" means a mental health or
8 substance abuse treatment facility as defined by the Inpatient
9 Mental Health and Substance Abuse Treatment of Minors Act;

10 ~~42.~~ 43. "Minor" means the same as the term "child" as defined
11 in this section;

12 ~~43.~~ 44. "Minor in need of treatment" means a child in need of
13 mental health or substance abuse treatment as defined by the
14 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

15 ~~44.~~ 45. "Multidisciplinary child abuse team" means any team
16 established pursuant to Section 1-9-102 of this title of three or
17 more persons who are trained in the prevention, identification,
18 investigation, prosecution, and treatment of physical and sexual
19 child abuse and who are qualified to facilitate a broad range of
20 prevention- and intervention-related services and services related
21 to child abuse. For purposes of this definition, "freestanding"
22 means a team not used by a child advocacy center for its
23 accreditation;

24

1 ~~45.~~ 46. "Near death" means a child is in serious or critical
2 condition, as certified by a physician, as a result of abuse or
3 neglect;

4 ~~46.~~ 47. "Neglect" means:

5 a. the failure or omission to provide any of the
6 following:

- 7 (1) adequate nurturance and affection, food,
8 clothing, shelter, sanitation, hygiene, or
9 appropriate education,
10 (2) medical, dental, or behavioral health care,
11 (3) supervision or appropriate caretakers, or
12 (4) special care made necessary by the physical or
13 mental condition of the child,

14 b. the failure or omission to protect a child from
15 exposure to any of the following:

- 16 (1) the use, possession, sale, or manufacture of
17 illegal drugs,
18 (2) illegal activities, or
19 (3) sexual acts or materials that are not age-
20 appropriate, or

21 c. abandonment.

22 Nothing in this paragraph shall be construed to mean a child is
23 abused or neglected for the sole reason the parent, legal guardian
24 or person having custody or control of a child, in good faith,

1 selects and depends upon spiritual means alone through prayer, in
2 accordance with the tenets and practice of a recognized church or
3 religious denomination, for the treatment or cure of disease or
4 remedial care of such child. Nothing contained in this paragraph
5 shall prevent a court from immediately assuming custody of a child,
6 pursuant to the Oklahoma Children's Code, and ordering whatever
7 action may be necessary, including medical treatment, to protect the
8 child's health or welfare;

9 ~~47.~~ 48. "Permanency hearing" means a hearing by the court
10 pursuant to Section 1-4-811 of this title;

11 ~~48.~~ 49. "Permanent custody" means the court-ordered custody of
12 an adjudicated deprived child when a parent-child relationship no
13 longer exists due to termination of parental rights or due to the
14 death of a parent or parents;

15 ~~49.~~ 50. "Permanent guardianship" means a judicially created
16 relationship between a child, a kinship relation of the child, or
17 other adult established pursuant to the provisions of Section 1-4-
18 709 of this title;

19 ~~50.~~ 51. "Person responsible for a child's health, safety, or
20 welfare" includes a parent; a legal guardian; custodian; a foster
21 parent; a person eighteen (18) years of age or older with whom the
22 child's parent cohabitates or any other adult residing in the home
23 of the child; an agent or employee of a public or private
24 residential home, institution, facility or day treatment program as

1 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
2 an owner, operator, or employee of a child care facility as defined
3 by Section 402 of Title 10 of the Oklahoma Statutes;

4 ~~51.~~ 52. "Protective custody" means custody of a child taken by
5 a law enforcement officer or designated employee of the court
6 without a court order;

7 ~~52.~~ 53. "Putative father" means an alleged father as that term
8 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

9 ~~53.~~ 54. "Reasonable and prudent parent standard" means the
10 standard characterized by careful and sensible parental decisions
11 that maintain the health, safety, and best interests of a child
12 while at the same time encouraging the emotional and developmental
13 growth of the child. This standard shall be used by the child's
14 caregiver when determining whether to allow a child to participate
15 in extracurricular, enrichment, cultural, and social activities.
16 For purposes of this definition, the term "caregiver" means a foster
17 parent with whom a child in foster care has been placed, a
18 representative of a group home where a child has been placed or a
19 designated official for a residential child care facility where a
20 child in foster care has been placed;

21 ~~54.~~ 55. "Relative" means a grandparent, great-grandparent,
22 brother or sister of whole or half blood, aunt, uncle or any other
23 person related to the child;

24

1 ~~55.~~ 56. "Residential child care facility" means a twenty-four-
2 hour residential facility where children live together with or are
3 supervised by adults who are not their parents or relatives;

4 ~~56.~~ 57. "Review hearing" means a hearing by the court pursuant
5 to Section 1-4-807 of this title;

6 ~~57.~~ 58. "Risk" means the likelihood that an incident of child
7 abuse or neglect will occur in the future;

8 ~~58.~~ 59. "Safety threat" means the threat of serious harm due to
9 child abuse or neglect occurring in the present or in the very near
10 future and without the intervention of another person, a child would
11 likely or in all probability sustain severe or permanent disability
12 or injury, illness, or death;

13 ~~59.~~ 60. "Safety analysis" means action taken by the Department
14 in response to a report of alleged child abuse or neglect that may
15 include an assessment or investigation based upon an analysis of the
16 information received according to priority guidelines and other
17 criteria adopted by the Department;

18 ~~60.~~ 61. "Safety evaluation" means evaluation of a child's
19 situation by the Department using a structured, evidence-based tool
20 to determine if the child is subject to a safety threat;

21 ~~61.~~ 62. "Secure facility" means a facility which is designed
22 and operated to ensure that all entrances and exits from the
23 facility are subject to the exclusive control of the staff of the
24 facility, whether or not the juvenile being detained has freedom of

1 movement within the perimeter of the facility, or a facility which
2 relies on locked rooms and buildings, fences, or physical restraint
3 in order to control behavior of its residents;

4 ~~62.~~ 63. "Sibling" means a biologically or legally related
5 brother or sister of a child;

6 ~~63.~~ 64. "Specialized foster care" means foster care provided to
7 a child in a foster home or agency-contracted home which:

- 8 a. has been certified by the Developmental Disabilities
9 Services Division of the Department of Human Services,
- 10 b. is monitored by the Division, and
- 11 c. is funded through the Home- and Community-Based Waiver
12 Services Program administered by the Division;

13 ~~64.~~ 65. "Successful adulthood program" means a program
14 specifically designed to assist a child to enhance those skills and
15 abilities necessary for successful adult living. A successful
16 adulthood program may include, but shall not be limited to, such
17 features as minimal direct staff supervision, and the provision of
18 supportive services to assist children with activities necessary for
19 finding an appropriate place of residence, completing an education
20 or vocational training, obtaining employment, or obtaining other
21 similar services;

22 ~~65.~~ 66. "Temporary custody" means court-ordered custody of an
23 adjudicated deprived child;

24

1 ~~66.~~ 67. "Therapeutic foster family home" means a foster family
2 home which provides specific treatment services, pursuant to a
3 therapeutic foster care contract, which are designed to remedy
4 social and behavioral problems of a foster child residing in the
5 home;

6 ~~67.~~ 68. "Trafficking in persons" means sex trafficking or
7 severe forms of trafficking in persons as described in Section 7102
8 of Title 22 of the United States Code:

9 a. "sex trafficking" means the recruitment, harboring,
10 transportation, provision, or obtaining of a person
11 for the purpose of a commercial sex act, and

12 b. "severe forms of trafficking in persons" means:

13 (1) sex trafficking in which a commercial sex act is
14 induced by force, fraud, or coercion, or in which
15 the person induced to perform such act has not
16 attained eighteen (18) years of age, or

17 (2) the recruitment, harboring, transportation,
18 provision, or obtaining of a person for labor or
19 services, through the use of force, fraud, or
20 coercion for the purpose of subjection to
21 involuntary servitude, peonage, debt bondage, or
22 slavery;

23 ~~68.~~ 69. "Transitional living program" means a residential
24 program that may be attached to an existing facility or operated

1 solely for the purpose of assisting children to develop the skills
2 and abilities necessary for successful adult living. The program
3 may include, but shall not be limited to, reduced staff supervision,
4 vocational training, educational services, employment and employment
5 training, and other appropriate independent living skills training
6 as a part of the transitional living program; and

7 ~~69.~~ 70. "Voluntary foster care placement" means the temporary
8 placement of a child by the parent, legal guardian or custodian of
9 the child in foster care pursuant to a signed placement agreement
10 between the Department or a child-placing agency and the child's
11 parent, legal guardian or custodian.

12 SECTION 2. REPEALER 10A O.S. 2011, Section 1-1-105, as
13 last amended by Section 1, Chapter 274, O.S.L. 2015 (10A O.S. Supp.
14 2015, Section 1-1-105), is hereby repealed.

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
17 2015, Section 1277), is amended to read as follows:

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

20 A. It shall be unlawful for any person in possession of a valid
21 handgun license issued pursuant to the provisions of the Oklahoma
22 Self-Defense Act to carry any concealed or unconcealed handgun into
23 any of the following places:
24

1 1. Any structure, building, or office space which is owned or
2 leased by a city, town, county, state, or federal governmental
3 authority for the purpose of conducting business with the public;

4 2. Any prison, jail, detention facility or any facility used to
5 process, hold, or house arrested persons, prisoners or persons
6 alleged delinquent or adjudicated delinquent, except as provided in
7 Section 21 of Title 57 of the Oklahoma Statutes;

8 3. Any public or private elementary or public or private
9 secondary school, except as provided in subsections C and D of this
10 section;

11 4. Any sports arena during a professional sporting event;

12 5. Any place where pari-mutuel wagering is authorized by law;
13 and

14 6. Any other place specifically prohibited by law.

15 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
16 of this section, the prohibited place does not include and
17 specifically excludes the following property:

18 1. Any property set aside for the use or parking of any
19 vehicle, whether attended or unattended, by a city, town, county,
20 state, or federal governmental authority;

21 2. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, by any entity offering any
23 professional sporting event which is open to the public for
24

1 admission, or by any entity engaged in pari-mutuel wagering
2 authorized by law;

3 3. Any property adjacent to a structure, building, or office
4 space in which concealed or unconcealed weapons are prohibited by
5 the provisions of this section;

6 4. Any property designated by a city, town, county, or state
7 governmental authority as a park, recreational area, or fairgrounds;
8 provided, nothing in this paragraph shall be construed to authorize
9 any entry by a person in possession of a concealed or unconcealed
10 handgun into any structure, building, or office space which is
11 specifically prohibited by the provisions of subsection A of this
12 section; and

13 5. Any property set aside by a public or private elementary or
14 secondary school for the use or parking of any vehicle, whether
15 attended or unattended; provided, however, said handgun shall be
16 stored and hidden from view in a locked motor vehicle when the motor
17 vehicle is left unattended on school property.

18 Nothing contained in any provision of this subsection or
19 subsection C of this section shall be construed to authorize or
20 allow any person in control of any place described in paragraph 1,
21 2, 3, 4 or 5 of subsection A of this section to establish any policy
22 or rule that has the effect of prohibiting any person in lawful
23 possession of a handgun license from possession of a handgun

24

1 allowable under such license in places described in paragraph 1, 2,
2 3, 4 or 5 of this subsection.

3 C. A concealed or unconcealed weapon may be carried onto
4 private school property or in any school bus or vehicle used by any
5 private school for transportation of students or teachers by a
6 person who is licensed pursuant to the Oklahoma Self-Defense Act,
7 provided a policy has been adopted by the governing entity of the
8 private school that authorizes the carrying and possession of a
9 weapon on private school property or in any school bus or vehicle
10 used by a private school. Except for acts of gross negligence or
11 willful or wanton misconduct, a governing entity of a private school
12 that adopts a policy which authorizes the possession of a weapon on
13 private school property, a school bus or vehicle used by the private
14 school shall be immune from liability for any injuries arising from
15 the adoption of the policy. The provisions of this subsection shall
16 not apply to claims pursuant to the Workers' Compensation Code.

17 D. Notwithstanding paragraph 3 of subsection A of this section,
18 a board of education of a school district may adopt a policy
19 pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma
20 Statutes to authorize the carrying of a handgun onto school property
21 by school personnel specifically designated by the board of
22 education, provided such personnel either:

23 1. Possess a valid armed security guard license as provided for
24 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

1 2. Hold a valid reserve peace officer certification as provided
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.
3 Nothing in this subsection shall be construed to restrict authority
4 granted elsewhere in law to carry firearms.

5 E. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00).

9 F. No person in possession of a valid handgun license issued
10 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
11 authorized to carry the handgun into or upon any college,
12 university, or technology center school property, except as provided
13 in this subsection. For purposes of this subsection, the following
14 property shall not be construed as prohibited for persons having a
15 valid handgun license:

16 1. Any property set aside for the use or parking of any
17 vehicle, whether attended or unattended, provided the handgun is
18 carried or stored as required by law and the handgun is not removed
19 from the vehicle without the prior consent of the college or
20 university president or technology center school administrator while
21 the vehicle is on any college, university, or technology center
22 school property;

23 2. Any property authorized for possession or use of handguns by
24 college, university, or technology center school policy; and

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university,
5 or technology center school property.

6 The college, university, or technology center school may notify
7 the Oklahoma State Bureau of Investigation within ten (10) days of a
8 violation of any provision of this subsection by a licensee. Upon
9 receipt of a written notification of violation, the Bureau shall
10 give a reasonable notice to the licensee and hold a hearing. At the
11 hearing, upon a determination that the licensee has violated any
12 provision of this subsection, the licensee may be subject to an
13 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
14 have the handgun license suspended for three (3) months.

15 Nothing contained in any provision of this subsection shall be
16 construed to authorize or allow any college, university, or
17 technology center school to establish any policy or rule that has
18 the effect of prohibiting any person in lawful possession of a
19 handgun license from possession of a handgun allowable under such
20 license in places described in paragraphs 1, 2 and 3 of this
21 subsection. Nothing contained in any provision of this subsection
22 shall be construed to limit the authority of any college, university
23 or technology center school in this state from taking administrative
24

1 action against any student for any violation of any provision of
2 this subsection.

3 G. The provisions of this section shall not apply to any peace
4 officer or to any person authorized by law to carry a pistol in the
5 course of employment. District judges, associate district judges
6 and special district judges, who are in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act and whose names appear on a list maintained by the
9 Administrative Director of the Courts, shall be exempt from this
10 section when acting in the course and scope of employment within the
11 courthouses of this state. Private investigators with a firearms
12 authorization shall be exempt from this section when acting in the
13 course and scope of employment.

14 H. For the purposes of this section, "motor vehicle" means any
15 automobile, truck, minivan or sports utility vehicle.

16 SECTION 4. REPEALER 21 O.S. 2011, Section 1277, as last
17 amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015,
18 Section 1277), is hereby repealed.

19 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.23, as
20 last amended by Section 1, Chapter 144, O.S.L. 2015 (21 O.S. Supp.
21 2015, Section 1289.23), is amended to read as follows:

22 Section 1289.23

23 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

24

1 A. Notwithstanding any provision of law to the contrary, a
2 full-time duly appointed peace officer who is certified by the
3 Council on Law Enforcement Education and Training (CLEET), pursuant
4 to the provisions of Section 3311 of Title 70 of the Oklahoma
5 Statutes, is hereby authorized to carry a weapon approved by the
6 employing agency anywhere in the state of Oklahoma, both while on
7 active duty and during periods when the officer is not on active
8 duty as provided by the provisions of subsection B of this section.

9 B. When a full-time duly appointed officer carries an approved
10 weapon, the officer shall be wearing the law enforcement uniform
11 prescribed by the employing agency or plainclothes. When not
12 wearing the prescribed law enforcement uniform, the officer shall be
13 required:

14 1. To have the official peace officers badge, Commission Card
15 and CLEET Certification Card on his or her person at all times when
16 carrying a weapon approved by the employing agency; and

17 2. To keep the approved weapon concealed or unconcealed at all
18 times, except when the weapon is used within the guidelines
19 established by the employing agency.

20 C. Nothing in this section shall be construed to alter or amend
21 the provisions of Section 1272.1 of this title or expand the duties,
22 authority or jurisdiction of any peace officer.

23 D. A reserve peace officer who has satisfactorily completed a
24 basic police course of not less than one hundred twenty (120) hours

1 of accredited instruction for reserve police officers and reserve
2 deputies from the Council on Law Enforcement Education and Training
3 or a course of study approved by CLEET may carry an approved weapon
4 when such officer is off duty as provided by subsection E of this
5 section, provided:

6 1. The officer has been granted written authorization signed by
7 the director of the employing agency; and

8 2. The employing agency shall maintain a current list of any
9 officers authorized to carry an approved weapon while the officers
10 are off duty, and shall provide a copy of such list to the Council
11 on Law Enforcement Education and Training. Any change to the list
12 shall be made in writing and mailed to the Council on Law
13 Enforcement Education and Training within five (5) days.

14 E. When an off-duty reserve peace officer carries an approved
15 weapon, the officer shall be wearing the law enforcement uniform
16 prescribed by the employing agency or when not wearing the
17 prescribed law enforcement uniform, the officer shall be required:

18 1. To have his or her official peace officer's badge,
19 Commission Card, CLEET Certification Card ~~and written authorization~~
20 ~~on his or her person at all times when carrying a weapon approved by~~
21 ~~the employing agency; and~~

22 2. To keep the approved weapon concealed or unconcealed at all
23 times, except when the weapon is used within the guidelines
24 established by the employing agency.

1 F. Nothing in subsection D of this section shall be construed
2 to alter or amend the provisions of Section 1750.2 of Title 59 of
3 the Oklahoma Statutes or expand the duties, jurisdiction or
4 authority of any reserve peace officer.

5 G. Nothing in this section shall be construed to limit or
6 restrict any peace officer or reserve peace officer from carrying a
7 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
8 Defense Act after issuance of a valid license. An off-duty, full-
9 time peace officer or reserve peace officer shall be deemed to have
10 elected to carry a handgun under the authority of the Oklahoma Self-
11 Defense Act when the officer:

12 1. Has been issued a valid handgun license and is carrying a
13 handgun not authorized by the employing agency; or

14 2. Is carrying a handgun in a manner or in a place not
15 specifically authorized for off-duty carry by the employing agency.

16 H. Any off-duty peace officer who carries any weapon in
17 violation of the provisions of this section shall be deemed to be in
18 violation of Section 1272 of this title and may be prosecuted as
19 provided by law for a violation of that section.

20 I. On or after November 1, 2004, a reserve or full-time
21 commissioned peace officer may apply to carry a weapon pursuant to
22 the Oklahoma Self-Defense Act as follows:

23 1. The officer shall apply in writing to the Council on Law
24 Enforcement Education and Training (CLEET) stating that the officer

1 desires to have a handgun license pursuant to the Oklahoma Self-
2 Defense Act and certifying that he or she has no preclusions to
3 having such handgun license. The officer shall submit with the
4 application:

5 a. an official letter from his or her employing agency
6 confirming the officer's employment and status as a
7 full-time commissioned peace officer or an active
8 reserve peace officer,

9 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
10 license, and

11 c. two passport-size photographs of the peace officer
12 applicant;

13 2. Upon receiving the required information, CLEET shall
14 determine whether the peace officer is in good standing, has CLEET
15 certification and training, and is otherwise eligible for a handgun
16 license. Upon verification of the officer's eligibility, CLEET
17 shall send the information to the Oklahoma State Bureau of
18 Investigation (OSBI) and OSBI shall issue a handgun license in the
19 same or similar form as other handgun licenses. All other
20 requirements in Section 1290.12 of this title concerning application
21 for a handgun license shall be waived for active duty peace officers
22 except as provided in this subsection including, but not limited to,
23 training, fingerprints and criminal history records checks unless
24 the officer does not have fingerprints on file or a criminal history

1 records background check conducted prior to employment as a peace
2 officer. The OSBI shall not be required to conduct any further
3 investigation into the eligibility of the peace officer applicant
4 and shall not deny a handgun license except when preclusions are
5 found to exist;

6 3. The term of the handgun license for an active duty reserve
7 or full-time commissioned peace officer pursuant to this section
8 shall be as provided in Section 1290.5 of this title, renewable in
9 the same manner provided in this subsection for an original
10 application by a peace officer. The handgun license shall be valid
11 when the peace officer is in possession of a valid driver license
12 and law enforcement commission card;

13 4. If the commission card of a law enforcement officer is
14 terminated, revoked or suspended, the handgun license shall be
15 immediately returned to CLEET. When a peace officer in possession
16 of a handgun license pursuant to this subsection changes employment,
17 the person must notify CLEET within ninety (90) days and send a new
18 letter verifying employment and status as a full-time commissioned
19 or reserve peace officer;

20 5. There shall be no refund of any fee for any unexpired term
21 of any handgun license that is suspended, revoked or voluntarily
22 returned to CLEET, or that is denied, suspended or revoked by the
23 OSBI;

24

- 1 b. procedures to follow to process the application form,
2 and
3 c. a copy of the Oklahoma Self-Defense Act with any
4 modifications thereto;

5 2. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title or from an interactive online firearms safety
9 and training course available electronically via the Internet
10 approved and certified by the Council on Law Enforcement Education
11 and Training, and the person shall be required to demonstrate
12 competency and qualification with a pistol authorized for concealed
13 or unconcealed carry by the Oklahoma Self-Defense Act. The original
14 certificate of successful completion of a firearms safety and
15 training course and an original certificate of successful
16 demonstration of competency and qualification to carry and handle a
17 pistol shall be submitted with the application for a handgun
18 license. No duplicate, copy, facsimile or other reproduction of the
19 certificate of training, certificate of competency and qualification
20 or exemption from training shall be acceptable as proof of training
21 as required by the provisions of the Oklahoma Self-Defense Act. A
22 person exempt from the training requirements as provided in Section
23 1290.15 of this title must show the required proof of such exemption
24 to the firearms instructor to receive an exemption certificate. The

1 original exemption certificate must be submitted with the
2 application for a handgun license when the person claims an
3 exemption from training and qualification;

4 3. The application form shall be completed and delivered by the
5 applicant, in person, to the sheriff of the county wherein the
6 applicant resides;

7 4. The person shall deliver to the sheriff at the time of
8 delivery of the completed application form a fee of One Hundred
9 Dollars (\$100.00) for processing the application through the
10 Oklahoma State Bureau of Investigation and processing the required
11 fingerprints through the Federal Bureau of Investigation. The
12 processing fee shall be in the form of:

- 13 a. a money order or a cashier's check made payable to the
14 Oklahoma State Bureau of Investigation,
- 15 b. by a nationally recognized credit card issued to the
16 applicant. For purposes of this paragraph,
17 "nationally recognized credit card" means any
18 instrument or device, whether known as a credit card,
19 credit plate, charge plate, or by any other name,
20 issued with or without fee by the issuer for the use
21 of the cardholder in obtaining goods, services, or
22 anything else of value on credit which is accepted by
23 over one thousand merchants in the state. The
24 Oklahoma State Bureau of Investigation shall determine

1 which nationally recognized credit cards will be
2 accepted by the Bureau, or
3 c. by electronic funds transfer.

4 Any person paying application fees to the Oklahoma State Bureau of
5 Investigation by means of a nationally recognized credit card or by
6 means of an electronic funds transfer shall be required to complete
7 and submit his or her application through the online application
8 process of the Bureau.

9 The processing fee shall not be refundable in the event of a
10 denial of a handgun license or any suspension or revocation
11 subsequent to the issuance of a license. Persons making application
12 for a firearms instructor shall not be required to pay the
13 application fee as provided in this section, but shall be required
14 to pay the costs provided in paragraphs 6 and 8 of this subsection;

15 5. The completed application form shall be signed by the
16 applicant in person before the sheriff. The signature shall be
17 given voluntarily upon a sworn oath that the person knows the
18 contents of the application and that the information contained in
19 the application is true and correct. Any person making any false or
20 misleading statement on an application for a handgun license shall,
21 upon conviction, be guilty of perjury as defined by Section 491 of
22 this title. Any conviction shall be punished as provided in Section
23 500 of this title. In addition to a criminal conviction, the person
24 shall be denied the right to have a handgun license pursuant to the

1 provisions of Section 1290.10 of this title and the Oklahoma State
2 Bureau of Investigation shall revoke the handgun license, if issued;

3 6. Two passport-size photographs of the applicant shall be
4 submitted with the completed application. The cost of the
5 photographs shall be the responsibility of the applicant. The
6 sheriff is authorized to take the photograph of the applicant for
7 purposes of the Oklahoma Self-Defense Act and, if such photographs
8 are taken by the sheriff, the cost of the photographs shall not
9 exceed Ten Dollars (\$10.00) for the two photos. All money received
10 by the sheriff from photographing applicants pursuant to the
11 provisions of this paragraph shall be retained by the sheriff and
12 deposited into the Sheriff's Service Fee Account;

13 7. The sheriff shall witness the signature of the applicant and
14 review or take the photographs of the applicant and shall verify
15 that the person making application for a handgun license is the same
16 person in the photographs submitted and the same person who signed
17 the application form. Proof of a valid Oklahoma driver license with
18 a photograph of the applicant or an Oklahoma state photo
19 identification for the applicant shall be required to be presented
20 by the applicant to the sheriff for verification of the person's
21 identity;

22 8. Upon verification of the identity of the applicant, the
23 sheriff shall take two complete sets of fingerprints of the
24 applicant. Both sets of fingerprints shall be submitted by the

1 sheriff with the completed application, certificate of training or
2 an exemption certificate, photographs and processing fee to the
3 Oklahoma State Bureau of Investigation within fourteen (14) days of
4 taking the fingerprints. The cost of the fingerprints shall be paid
5 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
6 for the two sets. All fees collected by the sheriff from taking
7 fingerprints pursuant to the provisions of this paragraph shall be
8 retained by the sheriff and deposited into the Sheriff's Service Fee
9 Account;

10 9. The sheriff shall submit to the Oklahoma State Bureau of
11 Investigation within the fourteen-day period, together with the
12 completed application, including the certificate of training,
13 certificate of competency and qualification or exemption
14 certificate, photographs, processing fee and legible fingerprints
15 meeting the Oklahoma State Bureau of Investigation's Automated
16 Fingerprint Identification System (AFIS) submission standards, and a
17 report of information deemed pertinent to an investigation of the
18 applicant for a handgun license. The sheriff shall make a
19 preliminary investigation of pertinent information about the
20 applicant and the court clerk shall assist the sheriff in locating
21 pertinent information in court records for this purpose. If no
22 pertinent information is found to exist either for or against the
23 applicant, the sheriff shall so indicate in the report;

24

1 10. The Oklahoma State Bureau of Investigation, upon receipt of
2 the application and required information from the sheriff, shall
3 forward one full set of fingerprints of the applicant to the Federal
4 Bureau of Investigation for a national criminal history records
5 search. The cost of processing the fingerprints nationally shall be
6 paid from the processing fee collected by the Oklahoma State Bureau
7 of Investigation;

8 11. Notwithstanding the provisions of the Oklahoma Self-Defense
9 Act, or any other provisions of law, any person who has been granted
10 a permanent victim's protective order by the court, as provided for
11 in the Protection from Domestic Abuse Act, may be issued a temporary
12 handgun license for a period not to exceed six (6) months. A
13 temporary handgun license may be issued if the person has
14 successfully passed the required weapons course, completed the
15 application process for the handgun license, passed the preliminary
16 investigation of the person by the sheriff and court clerk, and
17 provided the sheriff proof of a certified permanent victim
18 protection order and a valid Oklahoma state photo identification
19 card or driver license. The sheriff shall issue a temporary handgun
20 license on a form approved by the Oklahoma State Bureau of
21 Investigation, at no cost. Any person who has been issued a
22 temporary license shall carry the temporary handgun license and a
23 valid Oklahoma state photo identification on his or her person at
24 all times, and shall be subject to all the requirements of the

1 Oklahoma Self-Defense Act when carrying a handgun. The person may
2 proceed with the handgun licensing process. In the event the
3 victim's protection order is no longer enforceable, the temporary
4 handgun license shall cease to be valid;

5 12. The Oklahoma State Bureau of Investigation shall make a
6 reasonable effort to investigate the information submitted by the
7 applicant and the sheriff, to ascertain whether or not the issuance
8 of a handgun license would be in violation of the provisions of the
9 Oklahoma Self-Defense Act. The investigation by the Bureau of an
10 applicant shall include, but shall not be limited to: a statewide
11 criminal history records search, a national criminal history records
12 search, a Federal Bureau of Investigation fingerprint search, and if
13 applicable, an investigation of medical records or other records or
14 information deemed by the Bureau to be relevant to the application.

15 a. In the course of the investigation by the Bureau, it
16 shall present the name of the applicant along with any
17 known aliases, the address of the applicant and the
18 social security number of the applicant to the
19 Department of Mental Health and Substance Abuse
20 Services. The Department of Mental Health and
21 Substance Abuse Services shall respond within ten (10)
22 days of receiving such information to the Bureau as
23 follows:

24

1 (1) with a "Yes" answer, if the records of the
2 Department indicate that the person was
3 involuntarily committed to a mental institution
4 in Oklahoma,

5 (2) with a "No" answer, if there are no records
6 indicating the name of the person as a person
7 involuntarily committed to a mental institution
8 in Oklahoma, or

9 (3) with an "Inconclusive" answer if the records of
10 the Department suggest the applicant may be a
11 formerly committed person. In the case of an
12 inconclusive answer, the Bureau shall ask the
13 applicant whether he or she was involuntarily
14 committed. If the applicant states under penalty
15 of perjury that he or she has not been
16 involuntarily committed, the Bureau shall
17 continue processing the application for a
18 license.

19 b. In the course of the investigation by the Bureau, it
20 shall check the name of any applicant who is twenty-
21 eight (28) years of age or younger along with any
22 known aliases, the address of the applicant and the
23 social security number of the applicant against the
24 records in the Juvenile Online Tracking System (JOLTS)

1 of the Office of Juvenile Affairs. The Office of
2 Juvenile Affairs shall provide the Bureau direct
3 access to check the applicant against the records
4 available on JOLTS.

5 (1) If the Bureau finds a record on the JOLTS that
6 indicates the person was adjudicated a delinquent
7 for an offense that would constitute a felony
8 offense if committed by an adult within the last
9 ten (10) years the Bureau shall deny the license,

10 (2) If the Bureau finds no record on the JOLTS
11 indicating the named person was adjudicated
12 delinquent for an offense that would constitute a
13 felony offense if committed by an adult within
14 the last ten (10) years, or

15 (3) If the records suggest the applicant may have
16 been adjudicated delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult but such record is inconclusive, the
19 Bureau shall ask the applicant whether he or she
20 was adjudicated a delinquent for an offense that
21 would constitute a felony offense if committed by
22 an adult within the last ten (10) years. If the
23 applicant states under penalty of perjury that he
24 or she was not adjudicated a delinquent within

1 ten (10) years, the Bureau shall continue
2 processing the application for a license; and

3 13. If the background check set forth in paragraph 12 of this
4 subsection reveals no records pertaining to the applicant, the
5 Oklahoma State Bureau of Investigation shall either issue a handgun
6 license or deny the application within sixty (60) days of the date
7 of receipt of the applicant's completed application and the required
8 information from the sheriff. In all other cases, the Oklahoma
9 State Bureau of Investigation shall either issue a handgun license
10 or deny the application within ninety (90) days of the date of the
11 receipt of the applicant's completed application and the required
12 information from the sheriff. The Bureau shall approve an applicant
13 who appears to be in full compliance with the provisions of the
14 Oklahoma Self-Defense Act, if completion of the federal fingerprint
15 search is the only reason for delay of the issuance of the handgun
16 license to that applicant. Upon receipt of the federal fingerprint
17 search information, if the Bureau receives information which
18 precludes the person from having a handgun license, the Bureau shall
19 revoke the handgun license previously issued to the applicant. The
20 Bureau shall deny a license when the applicant fails to properly
21 complete the application form or application process or is
22 determined not to be eligible as specified by the provisions of
23 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
24 approve an application in all other cases. If an application is

1 denied, the Bureau shall notify the applicant in writing of its
2 decision. The notification shall state the grounds for the denial
3 and inform the applicant of the right to an appeal as may be
4 provided by the provisions of the Administrative Procedures Act.
5 All notices of denial shall be mailed by first-class mail to the
6 address of the applicant listed in the application. Within sixty
7 (60) calendar days from the date of mailing a denial of application
8 to an applicant, the applicant shall notify the Bureau in writing of
9 the intent to appeal the decision of denial or the right of the
10 applicant to appeal shall be deemed waived. Any administrative
11 hearing on a denial which may be provided shall be conducted by a
12 hearing examiner appointed by the Bureau. The decision of the
13 hearing examiner shall be a final decision appealable to a district
14 court in accordance with the Administrative Procedures Act. When an
15 application is approved, the Bureau shall issue the license and
16 shall mail the license by first-class mail to the address of the
17 applicant listed in the application.

18 B. Nothing contained in any provision of the Oklahoma Self-
19 Defense Act shall be construed to require or authorize the
20 registration, documentation or providing of serial numbers with
21 regard to any firearm. For purposes of the Oklahoma Self-Defense
22 Act, the sheriff may designate a person to receive, fingerprint,
23 photograph or otherwise process applications for handgun licenses.

24

1 SECTION 8. REPEALER 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 1, Chapter 72, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1290.12), is hereby repealed.

4 SECTION 9. AMENDATORY 22 O.S. 2011, Section 988.2, as
5 amended by Section 1, Chapter 331, O.S.L. 2015 (22 O.S. Supp. 2015,
6 Section 988.2), is amended to read as follows:

7 Section 988.2 A. For purposes of the Oklahoma Community
8 Sentencing Act:

9 1. "Local community sentencing system" means the use of public
10 and private entities to deliver services to the sentencing court for
11 punishment of eligible felony offenders under the authority of a
12 community sentence;

13 2. "Community sentence" or "community punishment" means a
14 punishment imposed by the court as a condition of a deferred or
15 suspended sentence for an eligible offender;

16 3. "Continuum of sanctions" means a variety of coercive
17 measures and treatment options ranked by degrees of public safety,
18 punitive effect, and cost benefit which are available to the
19 sentencing judge as punishment for criminal conduct;

20 4. "Community sentencing system planning council" or "planning
21 council" means a group of citizens and elected officials specified
22 by law or appointed by the Chief Judge of the Judicial District
23 which plans the local community sentencing system and with the
24 assistance of the Community Sentencing Division of the Department of

1 Corrections locates treatment providers and resources to support the
2 local community sentencing system;

3 5. "Incentive" means a court-ordered reduction in the terms or
4 conditions of a community sentence which is given for exceptional
5 performance or progress by the offender;

6 6. "Disciplinary sanction" means a court-ordered punishment in
7 response to a technical or noncompliance violation of a community
8 sentence which increases in intensity or duration with each
9 successive violation;

10 7. "Division" means the Community Sentencing Division within
11 the Department of Corrections which is the state administration
12 agency for the Oklahoma Community Sentencing Act, the statewide
13 community sentencing system, and all local community sentencing
14 systems;

15 8. "Eligible offender" means a felony offender who has been
16 convicted of or who has entered a plea other than not guilty to a
17 felony offense and who upon completion of a Level of Services
18 Inventory or another assessment instrument has been found to be in a
19 range other than the low range, who has been convicted of at least
20 one prior felony, and who is not otherwise prohibited by law;
21 provided, however, that no person who has been convicted of or who
22 has entered a plea other than not guilty to an offense enumerated in
23 paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes, ~~as~~
24 ~~an exception to the definition of "nonviolent offense"~~ shall be

1 eligible for a community sentence or community punishment unless the
2 district attorney or an assistant district attorney for the district
3 in which the offender's conviction was obtained consents thereto.
4 The district attorney may consent to eligibility for an offender who
5 has a mental illness or a developmental disability or a co-occurring
6 mental illness and substance abuse disorder and who scores in the
7 low range on the LSI or another assessment instrument if the
8 offender is not otherwise prohibited by law. Any consent by a
9 district attorney shall be made a part of the record of the case;
10 and

11 9. "Statewide community sentencing system" means a network of
12 all counties through their respective local community sentencing
13 systems serving the state judicial system and offering support
14 services to each other through reciprocal and interlocal agreements
15 and interagency cooperation.

16 B. For the purposes of the Oklahoma Community Sentencing Act,
17 if a judicial district does not have a Chief Judge or if a judicial
18 district has more than one Chief Judge, the duties of the Chief
19 Judge provided for in the Oklahoma Community Sentencing Act shall be
20 performed by the Presiding Judge of the Judicial Administrative
21 District.

22 SECTION 10. REPEALER 22 O.S. 2011, Section 988.2, as
23 amended by Section 3, Chapter 397, O.S.L. 2015 (22 O.S. Supp. 2015,
24 Section 988.2), is hereby repealed.

1 SECTION 11. AMENDATORY 26 O.S. 2011, Section 3-101, as
2 last amended by Section 1, Chapter 380, O.S.L. 2015 (26 O.S. Supp.
3 2015, Section 3-101), is amended to read as follows:

4 Section 3-101. A. No election required to be conducted by any
5 county election board shall be scheduled for a day other than
6 Tuesday.

7 B. Except as otherwise provided by law, no regular or special
8 election to fill an elective office shall be held by any county,
9 school district, technology center school district, municipality or
10 other political subdivision authorized to call elections except as
11 follows:

- 12 1. The second Tuesday of February in any year;
- 13 2. The first Tuesday of April in any year;
- 14 3. The date of any regularly scheduled statewide state or
15 federal election in an even-numbered year;
- 16 4. The second Tuesday of September in an odd-numbered year; and
- 17 5. The second Tuesday of November in an odd-numbered year.

18 C. Except as otherwise provided by law, no election for any
19 purpose other than to fill an elective office shall be held by any
20 county, school district, technology center school district,
21 municipality or other political subdivision authorized to call
22 elections except on:

- 23 1. The second Tuesday of January, February, May, June, July,
24 August, September, October and November and the first Tuesday in

1 March and April in odd-numbered years; provided, a municipality with
2 a population in excess of two hundred fifty thousand (250,000)
3 persons, according to the most recent federal decennial census, may
4 also hold an election on the second Tuesday of December in odd-
5 numbered years; and

6 2. The second Tuesday of January and February, the first
7 Tuesday in March and April, the last Tuesday in June, the fourth
8 Tuesday in August, and the first Tuesday after the first Monday in
9 November of any even-numbered year.

10 D. In the event that a regular or special election date occurs
11 on an official state holiday, the election shall be scheduled for
12 the next following Tuesday. In the event that any day of a
13 candidate filing period occurs on a Saturday, Sunday or any official
14 state holiday, that day of the filing period shall be scheduled for
15 the next business day.

16 E. Notwithstanding any other provision of law or any provision
17 of a municipal charter, any municipality, school district,
18 technology center district, county, rural fire protection district,
19 or any other entity seeking to hold a regular or special election to
20 be conducted by a county election board on the same date as a
21 regular or special federal or state election, shall file the
22 resolution calling for the election with the county election board
23 secretary no later than seventy-five (75) days prior to the election
24 date. A candidate filing period of three (3) days, if so required

1 by the resolution, shall begin no later than ten (10) days following
2 the deadline to file the resolution with the secretary of the county
3 election board; provided, the filing period for such municipal
4 office may be scheduled on the same dates as the filing period for
5 state or federal office to be filled at such election.

6 F. Any school district, technology center district,
7 municipality, including any municipality governed by charter, rural
8 fire protection district or any other entity seeking to hold a
9 special election for the purpose of filling a vacancy shall schedule
10 a candidate filing period of three (3) days to begin not more than
11 twenty (20) days following the date the resolution calling the
12 election is required to be filed with the secretary of the county
13 election board.

14 SECTION 12. REPEALER 26 O.S. 2011, Section 3-101, as
15 last amended by Section 3, Chapter 219, O.S.L. 2015 (26 O.S. Supp.
16 2015, Section 3-101), is hereby repealed.

17 SECTION 13. AMENDATORY 28 O.S. 2011, Section 152, as
18 amended by Section 1, Chapter 384, O.S.L. 2015 (28 O.S. Supp. 2015,
19 Section 152), is amended to read as follows:

20 Section 152. A. In any civil case filed in a district court,
21 the court clerk shall collect, at the time of filing, the following
22 flat fees, none of which shall ever be refundable, and which shall
23 be the only charge for court costs, except as is otherwise
24 specifically provided for by law:

1	1. Actions for divorce, alimony without	
2	divorce, separate maintenance, custody or	
3	support.....	\$143.00
4	2. Any ancillary proceeding to modify or	
5	vacate a divorce decree providing for	
6	custody or support.....	\$43.00
7	3. Probate and guardianship.....	\$135.00
8	4. Annual guardianship report.....	\$33.00
9	5. Any proceeding for sale or lease of real or	
10	personal property or mineral interest in	
11	probate or guardianship.....	\$43.00
12	6. Any proceeding to revoke the probate of a	
13	will.....	\$43.00
14	7. Judicial determination of death.....	\$58.00
15	8. Adoption.....	\$105.00
16	9. Civil actions for an amount of Ten Thousand	
17	Dollars (\$10,000.00) or less and	
18	condemnation.....	\$150.00
19	10. Civil actions for an amount of Ten	
20	Thousand One Dollars (\$10,001.00) or more	\$163.00
21	11. Garnishment.....	\$23.00
22	12. Continuing wage garnishment.....	\$63.00
23	13. Any other proceeding after judgment.....	\$33.00
24		

- 1 14. All others, including but not limited to
2 actions for forcible entry and detainer,
3 judgments from all other courts, including
4 the Workers' Compensation Court.....\$85.00
5 15. Notice of renewal of judgment.....\$23.00

6 B. In addition to the amounts collected pursuant to paragraphs
7 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
8 Six Dollars (\$6.00) shall be assessed and credited to the Law
9 Library Fund.

10 C. In addition to the amounts collected pursuant to subsections
11 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
12 shall be assessed and credited to the Oklahoma Court Information
13 System Revolving Fund created pursuant to Section 1315 of Title 20
14 of the Oklahoma Statutes.

15 D. In addition to the amounts collected pursuant to subsection
16 A of this section, the sum of Five Dollars (\$5.00) shall be assessed
17 and credited to the Oklahoma court-appointed special advocates
18 (OCASA).

19 E. In addition to the amounts collected pursuant to subsection
20 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
21 and credited as follows:

- 22 1. One Dollar and fifty-five cents (\$1.55) of such amount shall
23 be credited to the Council on Judicial Complaints Revolving Fund;
24 and

1 2. Forty-five cents (\$0.45) of such amount shall be credited to
2 the State Judicial Revolving Fund to be used to reimburse district
3 courts for expenses related to services of interpreters and
4 translators. Vouchers for such expenses shall be submitted by the
5 district court and approved by the Chief Justice of the Supreme
6 Court or another justice designated by the Chief Justice.

7 F. In addition to the amounts collected pursuant to paragraphs
8 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
9 may assess, upon approval by the board of county commissioners, a
10 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
11 the Sheriff's Service Fee Account in the county in which the action
12 arose for the purpose of enhancing existing or providing additional
13 courthouse security.

14 G. In any case in which a litigant claims to have a just cause
15 of action and that, by reason of poverty, the litigant is unable to
16 pay the fees and costs provided for in this section and is
17 financially unable to employ counsel, upon the filing of an
18 affidavit in forma pauperis executed before any officer authorized
19 by law to administer oaths to that effect and upon satisfactory
20 showing to the court that the litigant has no means and is,
21 therefore, unable to pay the applicable fees and costs and to employ
22 counsel, no fees or costs shall be required. The opposing party or
23 parties may file with the court clerk of the court having
24 jurisdiction of the cause an affidavit similarly executed

1 contradicting the allegation of poverty. In all such cases, the
2 court shall promptly set for hearing the determination of
3 eligibility to litigate without payment of fees or costs. Until a
4 final order is entered determining that the affiant is ineligible,
5 the clerk shall permit the affiant to litigate without payment of
6 fees or costs. Any litigant executing a false affidavit or counter
7 affidavit pursuant to the provisions of this section shall be guilty
8 of perjury.

9 ~~G.~~ H. Payments to the court clerk for fees and costs assessed
10 pursuant to this section may be made by a nationally recognized
11 credit or debit card or other electronic payment method as provided
12 in paragraph 1 of subsection B of Section 151 of this title.

13 SECTION 14. REPEALER 28 O.S. 2011, Section 152, as
14 amended by Section 1, Chapter 323, O.S.L. 2015 (28 O.S. Supp. 2015,
15 Section 152), is hereby repealed.

16 SECTION 15. AMENDATORY 37 O.S. 2011, Section 506, as
17 last amended by Section 1, Chapter 275, O.S.L. 2015 (37 O.S. Supp.
18 2015, Section 506), is amended to read as follows:

19 Section 506. When used in the Oklahoma Alcoholic Beverage
20 Control Act, the following words and phrases shall have the
21 following meaning:

22 1. "ABLE Commission" means the Alcoholic Beverage Laws
23 Enforcement Commission;

24

1 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
2 alcohol, ethanol, or spirits of wine, from whatever source or by
3 whatever process produced. It does not include wood alcohol or
4 alcohol which has been denatured or produced as denatured in
5 accordance with Acts of Congress and regulations promulgated
6 thereunder;

7 3. "Alcoholic beverage" means alcohol, spirits, beer, and wine
8 as those terms are defined herein and also includes every liquid or
9 solid, patented or not, containing alcohol, spirits, wine or beer
10 and capable of being consumed as a beverage by human beings, but
11 does not include low-point beer as that term is defined in Section
12 163.2 of this title;

13 4. "Applicant" means any individual, legal or commercial
14 business entity, or any individual involved in any legal or
15 commercial business entity allowed to hold any license issued in
16 accordance with the Oklahoma Alcoholic Beverage Control Act;

17 5. "Beer" means any beverage containing more than three and
18 two-tenths percent (3.2%) of alcohol by weight and obtained by the
19 alcoholic fermentation of an infusion or decoction of barley, or
20 other grain, malt or similar products. "Beer" may or may not
21 contain hops or other vegetable products. "Beer" includes, among
22 other things, beer, ale, stout, lager beer, porter and other malt or
23 brewed liquors, but does not include sake, known as Japanese rice
24 wine;

1 6. "Bottle club" means any establishment in a county which has
2 not authorized the retail sale of alcoholic beverages by the
3 individual drink, which is required to be licensed to keep, mix, and
4 serve alcoholic beverages belonging to club members on club
5 premises;

6 7. "Brewer" means any person who produces beer in this state;

7 8. "Class B wholesaler" means and includes any person doing any
8 such acts or carrying on any such business that would require such
9 person to obtain a Class B wholesaler license hereunder;

10 9. "Convicted" and "conviction" mean and include a finding of
11 guilt resulting from a plea of guilty or nolo contendere, the
12 decision of a court or magistrate or the verdict of a jury,
13 irrespective of the pronouncement of judgment or the suspension
14 thereof;

15 10. "Director" means the Director of the Alcoholic Beverage
16 Laws Enforcement Commission under the supervision of ~~said~~ the
17 Commission;

18 11. "Distiller" means any person who produces spirits from any
19 source or substance, or any person who brews or makes mash, wort, or
20 wash, fit for distillation or for the production of spirits (except
21 a person making or using such material in the authorized production
22 of wine or beer, or the production of vinegar by fermentation), or
23 any person who by any process separates alcoholic spirits from any
24

1 fermented substance, or any person who, making or keeping mash,
2 wort, or wash, has also in his or her possession or use a still;

3 12. "Hotel" or "motel" shall mean an establishment which is
4 licensed to sell alcoholic beverages by the individual drink and
5 which contains guestroom accommodations with respect to which the
6 predominant relationship existing between the occupants thereof and
7 the owner or operator of the establishment is that of innkeeper and
8 guest. For purposes of this section, the existence of other legal
9 relationships as between some occupants and the owner or operator
10 thereof shall be immaterial;

11 13. "Legal newspaper" means a newspaper meeting the requisites
12 of a newspaper for publication of legal notices as prescribed in
13 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

14 14. "Licensee" means any person holding a license under the
15 Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or
16 employee of such licensee while in the performance of any act or
17 duty in connection with the licensed business or on the licensed
18 premises;

19 15. "Light beer" means a low-point beer controlled under this
20 title;

21 16. "Light wine" means any wine containing not more than
22 fourteen percent (14%) alcohol measured by volume at sixty (60)
23 degrees Fahrenheit;

24

1 17. "Manufacturer's agent" means a salaried or commissioned
2 salesman who sells to a wholesaler or Class B wholesaler only;

3 18. "Manufacturer" means a brewer, distiller, winemaker,
4 rectifier, or bottler of any alcoholic beverage;

5 19. "Meals" means foods commonly ordered at lunch or dinner and
6 at least part of which is cooked on the licensed premises and
7 requires the use of dining implements for consumption. Provided,
8 that the service of only food such as appetizers, sandwiches, salads
9 or desserts shall not be considered "meals";

10 20. "Mini-bar" means a closed container, either refrigerated,
11 in whole or in part, or nonrefrigerated, and access to the interior
12 of which is (1) restricted by means of a locking device which
13 requires the use of a key, magnetic card, or similar device, or (2)
14 controlled at all times by the licensee;

15 21. "Mixed beverage cooler" means any beverage, by whatever
16 name designated, consisting of an alcoholic beverage and fruit or
17 vegetable juice, fruit or vegetable flavorings, dairy products or
18 carbonated water containing more than one-half of one percent (1/2
19 of 1%) of alcohol measured by volume but not more than seven percent
20 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
21 packaged in a container not larger than three hundred seventy-five
22 (375) milliliters. Such term shall include, but not be limited to,
23 the beverage popularly known as a "wine cooler";
24

1 22. "Mixed beverages" means one or more servings of a beverage
2 composed in whole or part of an alcoholic beverage in a sealed or
3 unsealed container of any legal size for consumption on the premises
4 where served or sold by the holder of a mixed beverage, beer and
5 wine, caterer, public event, charitable event or special event
6 license;

7 23. "Motion picture theater" means a place where motion
8 pictures are exhibited and to which the general public is admitted,
9 but does not include a place where meals, as defined by this
10 section, are served, if only persons over twenty-one (21) years of
11 age are admitted;

12 24. "Retail salesperson" means a salesperson soliciting orders
13 from and calling upon retail alcoholic beverage stores with regard
14 to his or her product;

15 25. "Occupation" as used in connection with "occupation tax"
16 means the sites occupied as the places of business of the
17 manufacturers, wholesalers, Class B wholesalers, retailers, mixed
18 beverage licensees, beer and wine licensees, bottle clubs, caterers,
19 public event, and special event licensees;

20 26. "Original package" means any container of alcoholic
21 beverage filled and stamped or sealed by the manufacturer;

22 27. "Patron" means any person, customer, or visitor who is not
23 employed by a licensee or who is not a licensee;

24

1 28. "Person" means an individual, any type of partnership,
2 corporation, association, limited liability company or any
3 individual involved in the legal structure of any such business
4 entity;

5 29. "Premises" means the grounds and all buildings and
6 appurtenances pertaining to the grounds including any adjacent
7 premises if under the direct or indirect control of the licensee and
8 the rooms and equipment under the control of the licensee and used
9 in connection with or in furtherance of the business covered by a
10 license. Provided that the ABLE Commission shall have the authority
11 to designate areas to be excluded from the licensed premises solely
12 for the purpose of:

- 13 a. allowing the presence and consumption of alcoholic
14 beverages by private parties which are closed to the
15 general public, or
- 16 b. allowing the services of a caterer serving alcoholic
17 beverages provided by a private party.

18 This exception shall in no way limit the licensee's concurrent
19 responsibility for any violations of the Oklahoma Alcoholic Beverage
20 Control Act occurring on the licensed premises;

21 30. "Public event" means any event that can be attended by the
22 general public;

23 31. "Private event" means a social gathering or event attended
24 by invited guests who share a common cause, membership, business or

1 task and have a prior established relationship. For purposes of
2 this definition, advertisement for general public attendance or
3 sales of tickets to the general public shall not constitute a
4 private event;

5 32. "Rectifier" means any person who rectifies, purifies, or
6 refines spirits or wines by any process (other than by original and
7 continuous distillation, or original and continuous processing, from
8 mash, wort, wash, or other substance, through continuous closed
9 vessels and pipes, until the production thereof is complete), and
10 any person who, without rectifying, purifying, or refining spirits,
11 shall by mixing (except for immediate consumption on the premises
12 where mixed) such spirits, wine, or other liquor with any material,
13 manufactures any spurious, imitation, or compound liquors for sale,
14 under the name of whiskey, brandy, rum, gin, wine, spirits,
15 cordials, or any other name;

16 33. "Regulation" or "rule" means a formal rule of general
17 application promulgated by the ABLE Commission as herein required;

18 34. "Restaurant" means an establishment that is licensed to
19 sell alcoholic beverages by the individual drink for on-premises
20 consumption and where food is prepared and sold for immediate
21 consumption on the premises;

22 35. "Retail container for spirits and wines" means an original
23 package of any capacity approved by the United States Bureau of
24 Alcohol, Tobacco and Firearms;

1 36. "Retailer" means the holder of a Package Store License;

2 37. "Sale" means any transfer, exchange or barter in any manner
3 or by any means whatsoever, and includes and means all sales made by
4 any person, whether as principal, proprietor or as an agent, servant
5 or employee. The term "sale" is also declared to be and include the
6 use or consumption in this state of any alcoholic beverage obtained
7 within or imported from without this state, upon which the excise
8 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
9 been paid or exempted;

10 38. "Short order food" means food other than full meals
11 including but not limited to sandwiches, soups, and salads.
12 Provided that popcorn, chips, and other similar snack food shall not
13 be considered "short order food";

14 39. "Small Farm Wine" means a wine that is produced by a small
15 farm winery with seventy-five percent (75%) or more Oklahoma-grown
16 grapes, berries, other fruits, honey or vegetables;

17 40. "Small Farm Winery" means a wine-making establishment that
18 does not annually produce for sale more than ten thousand (10,000)
19 gallons of wine as reported on the United States Department of the
20 Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine
21 Premises Operations (TTB Form 5120.17);

22 41. "Sparkling wine" means champagne or any artificially
23 carbonated wine;

1 ~~40.~~ 42. "Spirits" means any beverage other than wine, beer or
2 light beer, which contains more than one-half of one percent (1/2 of
3 1%) alcohol measured by volume and obtained by distillation, whether
4 or not mixed with other substances in solution and includes those
5 products known as whiskey, brandy, rum, gin, vodka, liqueurs,
6 cordials and fortified wines and similar compounds; but shall not
7 include any alcohol liquid completely denatured in accordance with
8 the Acts of Congress and regulations pursuant thereto;

9 ~~41.~~ 43. "Wholesaler" means and includes any person doing any
10 such acts or carrying on any such business or businesses that would
11 require such person to obtain a wholesaler's license or licenses
12 hereunder;

13 ~~42.~~ 44. "Wine" means and includes any beverage containing more
14 than one-half of one percent (1/2 of 1%) alcohol by volume and not
15 more than twenty-four percent (24%) alcohol by volume at sixty (60)
16 degrees Fahrenheit obtained by the fermentation of the natural
17 contents of fruits, vegetables, honey, milk or other products
18 containing sugar, whether or not other ingredients are added, and
19 includes vermouth and sake, known as Japanese rice wine;

20 ~~43.~~ 45. "Winemaker" means any person who produces wine; and

21 ~~44.~~ 46. "Oklahoma winemaker" means a business premises in
22 Oklahoma licensed pursuant to the Oklahoma Alcoholic Beverage
23 Control Act wherein wine is produced by the licensee who must be a
24 resident of the state. The wine product fermented in ~~said~~ the

1 licensed premises shall be of grapes, berries and other fruits and
2 vegetables imported into this state and processed herein or shall be
3 of grapes, berries and other fruits and vegetables grown in
4 Oklahoma.

5 Words in the plural include the singular, and vice versa, and
6 words imparting the masculine gender include the feminine, as well
7 as persons and licensees as defined in this section.

8 SECTION 16. REPEALER 37 O.S. 2011, Section 506, as last
9 amended by Section 1, Chapter 48, O.S.L. 2015 (37 O.S. Supp. 2015,
10 Section 506), is hereby repealed.

11 SECTION 17. AMENDATORY 37 O.S. 2011, Section 521, as
12 last amended by Section 2, Chapter 275, O.S.L. 2015 (37 O.S. Supp.
13 2015, Section 521), is amended to read as follows:

14 Section 521. A. A brewer license shall authorize the holder
15 thereof: To manufacture, bottle, package, and store beer on
16 licensed premises; to sell beer in this state to holders of Class B
17 wholesaler licenses and retail licenses and to sell beer out of this
18 state to qualified persons; and to serve free samples of beer
19 produced by the licensee to visitors twenty-one (21) years of age or
20 older. For purposes of this section, no visitor may sample more
21 than a total of twelve (12) fluid ounces of beer per day. The
22 brewer must restrict the distribution and consumption of beer
23 samples to an area within the licensed premises designated by the
24 brewer. A current floor plan that includes the designated sampling

1 area must be on file with the Oklahoma Alcoholic Beverage Laws
2 Enforcement (ABLE) Commission. No visitor under twenty-one (21)
3 years of age shall be permitted to enter this designated sampling
4 area when samples are being distributed or consumed. Samples may
5 only be distributed or consumed between ~~ten~~ 10:00 a.m. and ~~nine~~ 9:00
6 p.m. Samples of beer served by a brewery under this section shall
7 not be considered a "sale" of beer within the meaning of Article
8 XXVIII of the Oklahoma Constitution or Section 506 of this title;
9 however, such samples of beer shall be considered beer removed or
10 withdrawn from the brewery for "use or consumption" within the
11 meaning of Section 542 of this title for excise tax determination
12 and reporting requirements.

13 B. A distiller license shall authorize the holder thereof: To
14 manufacture, bottle, package, and store spirits on licensed
15 premises; to sell spirits in this state to licensed wholesalers and
16 manufacturers only; to sell spirits out of this state to qualified
17 persons; to purchase from licensed distillers and rectifiers in this
18 state, and import spirits from without this state for manufacturing
19 purposes in accordance with federal laws and regulations.

20 C. A winemaker license shall authorize the holder thereof: To
21 manufacture (including such mixing, blending and cellar treatment as
22 authorized by federal law), bottle, package, and store on licensed
23 premises wine containing not more than twenty-four percent (24%)
24 alcohol by volume, provided the bottle or package sizes authorized

1 shall be limited to the capacities approved by the United States
2 Alcohol and Tobacco Tax and Trade Bureau; to sell wine in this state
3 to licensed wholesalers and manufacturers; to sell bottles of wine
4 produced at the winery from grapes and other fruits and berries
5 grown in this state, if available, to consumers on the premises of
6 the winery; to serve visitors on the licensed premises samples of
7 wine produced on the premises; to serve samples of wine produced at
8 the winery at festivals and trade shows; to sell wine produced at
9 the winery, in original sealed containers, at festivals and trade
10 shows; to sell wine out of this state to qualified persons; to
11 purchase from licensed winemakers, distillers and rectifiers in this
12 state, and to import into this state wine, brandy and fruit spirits
13 for use in manufacturing in accordance with federal laws and
14 regulations; provided, a winemaker either within or without this
15 state that annually produces no more than ten thousand (10,000)
16 gallons of wine may elect to sell and self-distribute the wine
17 produced by such winemaker directly to licensed retail package
18 stores and restaurants in this state; and provided further that:

19 1. Any such winemaker which elects to directly sell its wine to
20 package stores and restaurants shall not also use a licensed
21 wholesale distributor as a means of distribution, and shall be
22 required to sell its wines to every package store and restaurant
23 licensee who desires to purchase the same, on the same price basis
24 and without discrimination;

1 2. If a winemaker or winery sells directly to a retail package
2 store or restaurant, the winemaker shall transport the wine from the
3 winemaker's winery to the premises where the wine is to be delivered
4 only in vehicles owned or leased by the winemaker and not by common
5 or private contract carrier and shall obtain all necessary permits
6 as required by the Oklahoma Alcoholic Beverage Control Act; and

7 3. If the production volume limit applicable to winemakers is
8 ruled to be unconstitutional by a court of competent jurisdiction,
9 then no winemaker shall be permitted to directly sell its wine to
10 retail package stores or restaurants in this state.

11 D. A winemaker self-distribution license shall authorize a
12 licensed winemaker within or without this state which is permitted
13 by Section 3 of Article XXVIII of the Oklahoma Constitution and
14 subsection C of this section, to distribute its wine directly to
15 retail package stores and restaurants in this state and that elects
16 to do so, to sell and deliver its wines directly to licensed retail
17 package stores and restaurants in this state in full case lots only,
18 and in accordance with the provisions of the Oklahoma Alcoholic
19 Beverage Control Act and such rules as the ABLE Commission shall
20 adopt.

21 E. A rectifier license shall authorize the holder thereof: To
22 rectify spirits and wines, bottle, package, and store same on the
23 licensed premises; to sell spirits and wines in this state to
24 licensed wholesalers and manufacturers only; to sell spirits and

1 wines out of this state to qualified persons; to purchase from
2 licensed manufacturers in this state; and to import into this state
3 for manufacturing purposes spirits and wines in accordance with
4 federal laws and regulations.

5 F. 1. A wholesaler license shall authorize the holder thereof:
6 To purchase and import into this state spirits and wines from
7 persons authorized to sell same who are the holders of a nonresident
8 seller license, and their agents who are the holders of
9 manufacturers agent licenses; to purchase spirits and wines from
10 licensed distillers, rectifiers and winemakers in this state; to
11 purchase spirits and wines from licensed wholesalers, to the extent
12 set forth in paragraphs 2 and 3 of this subsection; to sell in
13 retail containers in this state to retailers, mixed beverage,
14 caterer, special event, public event, hotel beverage or
15 airline/railroad beverage licensees, spirits and wines which have
16 been received and unloaded at the bonded warehouse facilities of the
17 wholesaler before such sale; to sell to licensed wholesalers, to the
18 extent set forth in paragraphs 2 and 3 of this subsection, spirits
19 and wines which have been received and unloaded at the bonded
20 warehouse facilities of the wholesaler before such sale; and to sell
21 spirits and wines out of this state to qualified persons. Provided,
22 however, sales of spirits and wine in containers with a capacity of
23 less than one-twentieth (1/20) gallon by a holder of a wholesaler
24 license shall be in full case lots and in the original unbroken

1 case. Wholesalers shall be authorized to place such signs outside
2 their place of business as are required by Acts of Congress and by
3 such laws and regulations promulgated under such Acts.

4 2. Wholesalers are prohibited from purchasing annually in
5 excess of fifteen percent (15%) of their total spirits inventory and
6 fifteen percent (15%) of their total wine inventory from one or more
7 wholesalers. Wholesalers are also prohibited from purchasing
8 annually in excess of fifteen percent (15%) of their inventory of
9 any individual brand of spirits or wine from one or more
10 wholesalers. The volume of spirits and wine and of each brand that
11 each wholesaler is permitted to purchase annually from other
12 wholesalers shall be calculated by the ABLE Commission by
13 multiplying fifteen percent (15%) by:

- 14 a. the total volume of spirits sales of the wholesaler,
15 by liter, from the previous calendar year, and
- 16 b. the total volume of wine sales of the wholesaler, by
17 liter, from the previous calendar year, and
- 18 c. the volume of sales of each brand of spirits or wine
19 of the wholesaler, by liter, from the previous
20 calendar year.

21 A wholesaler who did not post any sales of spirits, wine or of a
22 particular brand in the previous calendar year shall be deemed to
23 have sold the same volume of spirits, wine or of a particular brand
24 as the wholesaler posting the smallest volumes of sales in spirits,

1 wine or of a particular brand for that year for the purposes of this
2 paragraph. Notwithstanding the foregoing, wholesalers shall not
3 purchase any inventory in spirits or wine from any other wholesaler
4 until such time that the purchasing wholesaler possesses an
5 inventory valued at no less than Two Hundred Fifty Thousand Dollars
6 (\$250,000.00). Inventory valuation shall be based on the original
7 actual price paid by the purchasing wholesaler to the nonresident
8 seller for the inventory.

9 3. A wholesaler may sell spirits and wine to other wholesalers
10 or purchase spirits and wines from other wholesalers without
11 complying with paragraph 2 of this subsection in the case of the
12 sale, purchase, or other transfer or acquisition of the entire
13 business of a wholesaler, including the inventory of spirits and
14 wine.

15 4. A wholesaler license shall authorize the holder thereof to
16 operate a single bonded warehouse with a single central office
17 together with delivery facilities at a location in this state only
18 at the principal place of business for which the wholesaler license
19 was granted.

20 5. All licensed wholesalers shall register prices, purchase and
21 keep on hand or have on order a fifteen-day supply of all brands
22 constituting the top eighteen brands in total sales by all Oklahoma
23 wholesalers during the past twelve-month period, according to the
24 records of the ABLE Commission as revised by the ABLE Commission

1 quarterly; provided, however, that not more than three brands of any
2 particular nonresident seller shall be included in the top-brands
3 classification. All purchase orders for these top eighteen brands
4 must show an expected due delivery date. These purchase orders may
5 only be canceled with prior approval of the Director of the ABLE
6 Commission, unless a wholesaler shall have in its warehouse a
7 fifteen-day supply of merchandise on such purchase order.

8 In order to allow the ABLE Commission to determine the top
9 eighteen brands, wholesalers must submit to the ABLE Commission
10 every sixty (60) days a sworn affidavit listing their top twenty-
11 five brands in sales for the previous sixty (60) days, excluding
12 sales to wholesalers. Such affidavits shall be submitted in
13 conjunction with the original price postings of wholesalers.

14 A fifteen-day supply of a particular brand for a particular
15 wholesaler shall be based upon the market share of the wholesaler,
16 determined by first multiplying the total number of liters of such
17 brand sold by all wholesalers to all retailers during the previous
18 calendar year by the percentage that the total sales of wine and
19 spirits of the particular wholesaler, in liters, for such calendar
20 year bears to the total sales of wine and spirits, in liters,
21 reported by all wholesalers for such calendar year; and then
22 dividing by twenty-four (24); provided, that a fifteen-day supply
23 for a wholesaler who has not been in business for the entirety of
24 the previous calendar year shall be deemed to be equal to that of

1 the wholesaler who was in business for the entirety of the previous
2 calendar year and who reported the lowest volume of sales of wine
3 and spirits, in liters, of any wholesaler having been in business
4 for such period.

5 G. A Class B wholesaler license shall authorize the holder
6 thereof: To purchase and import into this state beer from persons
7 authorized to sell same who are the holders of nonresident seller
8 licenses, and their agents who are the holders of manufacturers
9 agent licenses; to purchase beer from licensed brewers and Class B
10 wholesalers in this state; to sell in retail containers to
11 retailers, mixed beverage, caterer, special event, public event,
12 hotel beverage, and airline/railroad beverage licensees in this
13 state, beer which has been unloaded and stored at the holder's self-
14 owned or leased and self-operated warehouse facilities for a period
15 of at least twenty-four (24) hours before such sale; and to sell
16 beer in this state to Class B wholesalers and out of this state to
17 qualified persons, including federal instrumentalities and voluntary
18 associations of military personnel on federal enclaves in this state
19 over which this state has ceded jurisdiction.

20 H. A package store license shall authorize the holder thereof:
21 To purchase alcohol, spirits, beer, and wine in retail containers
22 from the holder of a brewer, wholesaler or Class B wholesaler
23 license and to purchase wine from a winemaker who is permitted and
24 has elected to self-distribute as provided in Section 3 of Article

1 XXVIII of the Oklahoma Constitution and to sell same on the licensed
2 premises in such containers to consumers for off-premises
3 consumption only and not for resale; provided, wine, beer, and
4 spirits may be sold to charitable organizations that are holders of
5 charitable alcoholic beverage auction or charitable alcoholic
6 beverage event licenses. All alcoholic beverages that are sold by a
7 package store are to be sold at ordinary room temperature.

8 I. A mixed beverage license shall authorize the holder thereof:
9 To purchase alcohol, spirits, beer or wine in retail containers from
10 the holder of a wholesaler or Class B wholesaler license or as
11 specifically provided by law and to sell, offer for sale and possess
12 mixed beverages for on-premises consumption only; provided, the
13 holder of a mixed beverage license issued for an establishment which
14 is also a restaurant may purchase wine directly from a winemaker who
15 is permitted and has elected to self-distribute as provided in
16 Section 3 of Article XXVIII of the Oklahoma Constitution.

17 Sales and service of mixed beverages by holders of mixed
18 beverage licenses shall be limited to the licensed premises of the
19 licensee unless the holder of the mixed beverage license also
20 obtains a caterer license or a mixed beverage/caterer combination
21 license. A mixed beverage license shall only be issued in counties
22 of this state where the sale of alcoholic beverages by the
23 individual drink for on-premises consumption has been authorized. A
24 separate license shall be required for each place of business. No

1 mixed beverage license shall be issued for any place of business
2 functioning as a motion picture theater, as defined by Section 506
3 of this title. A mixed beverage licensee whose main purpose is
4 hosting live performance art presentations may utilize the services
5 of a licensed caterer for its alcoholic beverage service as long as
6 it is not open to the public more than one hundred twenty (120) days
7 per year.

8 J. A bottle club license shall authorize the holder thereof: To
9 store, possess and mix alcoholic beverages belonging to members of
10 the club and to serve such alcoholic beverages for on-premises
11 consumption to club members. A bottle club license shall only be
12 issued in counties of this state where the sale of alcoholic
13 beverages by the individual drink for on-premises consumption has
14 not been authorized. A separate license shall be required for each
15 place of business.

16 K. A caterer license shall authorize the holder thereof: To
17 sell mixed beverages for on-premises consumption incidental to the
18 sale or distribution of food at particular functions, occasions, or
19 events which are private and temporary in nature. A caterer license
20 shall not be issued in lieu of a mixed beverage license. A caterer
21 license shall only be issued or utilized in counties of this state
22 where the sale of alcoholic beverages by the individual drink for
23 on-premises consumption has been authorized. A separate license
24 shall be required for each place of business.

1 A licensed caterer shall be authorized to sell mixed beverages
2 for on-premises consumption incidental to the distribution of food
3 at temporary private functions, at temporary public events that are
4 licensed and approved by the ABLE Commission, and on the premises of
5 a mixed beverage licensee whose main purpose is the hosting of live
6 performing art presentations and is not open to the public more than
7 one hundred twenty (120) days per year.

8 L. 1. An annual special event license shall authorize the
9 holder thereof: To sell and distribute mixed beverages for
10 consumption on the premises for which the license has been issued
11 for up to four events to be held over a period not to exceed one (1)
12 year, not to exceed two such events in any three-month period. For
13 purposes of this paragraph, an event shall not exceed a period of
14 ten (10) consecutive days. An annual special event license shall
15 only be issued in counties of this state where the sale of alcoholic
16 beverages by the individual drink for on-premises consumption has
17 been authorized. The holder of an annual special event license
18 shall provide written notice to the ABLE Commission of each special
19 event not less than ten (10) days before the event is held.

20 2. A quarterly special event license shall authorize the holder
21 thereof: To sell and distribute mixed beverages for consumption on
22 the premises for which the license has been issued for up to three
23 events to be held over a period not to exceed three (3) months. For
24 purposes of this paragraph, an event shall not exceed a period of

1 ten (10) consecutive days. A quarterly special event license shall
2 only be issued in counties of this state where the sale of alcoholic
3 beverages by the individual drink for on-premises consumption has
4 been authorized. The holder of a quarterly special event license
5 shall provide written notice to the ABLE Commission of each special
6 event not less than ten (10) days before the event is held.

7 3. An annual public event license shall authorize the holder
8 thereof: to sell and distribute mixed beverages for consumption on
9 the premises for which the license has been issued for up to six
10 events to be held over a period not to exceed one (1) year. The
11 applicant for an annual public event license, who does not already
12 hold a license issued by the ABLE Commission, shall make application
13 not less than sixty (60) days before its first event. The ABLE
14 Commission shall have the authority to waive the sixty-day
15 requirement at its discretion. For purposes of this paragraph, an
16 event shall not exceed a period of three (3) consecutive days. An
17 annual public event license shall only be issued in counties of this
18 state where the sale of alcoholic beverages by the individual drink
19 for on-premises consumption has been authorized. The holder of an
20 annual public event license shall provide written notice to the ABLE
21 Commission of each subsequent public event not less than ten (10)
22 days before the event is held. A public event license shall not be
23 used in lieu of a mixed beverage license. The holder of an annual
24 public event license may choose to utilize the services of a

1 licensed caterer to provide and distribute the alcoholic beverages
2 at their events. When the applicant chooses to utilize the services
3 of a licensed caterer, the applicant shall declare upon application
4 which licensed caterer will be used. The licensed caterer shall be
5 responsible for payment of all applicable mixed beverage taxes
6 through the existing Mixed Beverage Tax Permit issued to his or her
7 business by the Oklahoma Tax Commission.

8 4. A one-time public event license shall authorize the holder
9 thereof: to sell and distribute mixed beverages for consumption on
10 the premises for which the license has been issued. The applicant
11 for a one-time public event license, who does not already hold a
12 license issued by the ABLE Commission, shall make application not
13 less than sixty (60) days before the event. The ABLE Commission
14 shall have the authority to waive the sixty-day requirement at its
15 discretion. For purposes of this paragraph, an event shall not
16 exceed a period of three (3) consecutive days. A public event
17 license shall only be issued in counties of this state where the
18 sale of alcoholic beverages by the individual drink for on-premises
19 consumption has been authorized. A public event license shall not
20 be used in lieu of a mixed beverage license. The holder of a one-
21 time public event license may choose to utilize the services of a
22 licensed caterer to provide and distribute the alcoholic beverages
23 at his or her event. When the applicant chooses to utilize the
24 services of a licensed caterer, the applicant shall declare upon

1 application which licensed caterer will be used. The licensed
2 caterer shall be responsible for payment of all applicable mixed
3 beverage taxes through the existing Mixed Beverage Tax Permit issued
4 to his or her business by the Oklahoma Tax Commission.

5 M. A hotel beverage license shall authorize the holder thereof:
6 To sell or serve alcoholic beverages in 50 milliliter spirits, 187
7 milliliter wine, and 12-ounce malt beverage containers which are
8 distributed from a hotel room mini-bar. A hotel beverage license
9 shall only be issued in counties of this state where the sale of
10 alcoholic beverages by the individual drink for on-premises
11 consumption has been authorized. A hotel beverage license shall
12 only be issued to a hotel or motel as defined by Section 506 of this
13 title which is also the holder of a mixed beverage license.
14 Provided, that application may be made simultaneously for both such
15 licenses. A separate license shall be required for each place of
16 business.

17 N. An airline/railroad beverage license shall authorize the
18 holder thereof: To sell or serve alcoholic beverages in or from any
19 size container on a commercial passenger airplane or railroad
20 operated in compliance with a valid license, permit or certificate
21 issued under the authority of the United States or this state, even
22 though the airplane or train, in the course of its travel, may cross
23 an area in which the sale of alcoholic beverages by the individual
24 drink is not authorized and to store alcoholic beverages in sealed

1 containers of any size at any airport or station regularly served by
2 the licensee, in accordance with rules promulgated by the Alcoholic
3 Beverage Laws Enforcement Commission. Alcoholic beverages purchased
4 by the holder of an airline/railroad license from the holder of a
5 wholesaler license shall be presumed to be purchased for consumption
6 outside the State of Oklahoma or in interstate commerce, and shall
7 be exempt from the excise tax provided for in Section 553 of this
8 title.

9 O. An agent license shall authorize the holder thereof: To
10 represent only the holders of licenses within this state, other than
11 retailers, authorized to sell alcoholic beverages to retail dealers
12 in Oklahoma, and to solicit and to take orders for the purchase of
13 alcoholic beverages from retailers including licensees authorized to
14 sell alcoholic beverages by the individual drink for on-premises
15 consumption. Such license shall be issued only to agents and
16 employees of the holder of a license under the Oklahoma Alcoholic
17 Beverage Control Act, but no such license shall be required of an
18 employee making sales of alcoholic beverages on licensed premises of
19 the employee's principal. No person holding an agent license shall
20 be entitled to a manufacturers agent license.

21 P. An employee license shall authorize the holder thereof: To
22 work in a package store, mixed beverage establishment, beer and wine
23 establishment, bottle club, public event or any establishment where
24 alcohol or alcoholic beverages are sold, mixed, or served. Persons

1 employed by a mixed beverage licensee, beer and wine licensee,
2 public event licensee or a bottle club who do not participate in the
3 service, mixing, or sale of mixed beverages shall not be required to
4 have an employee license. Provided, however, that a manager
5 employed by a mixed beverage licensee, public event licensee or a
6 bottle club shall be required to have an employee license whether or
7 not the manager participates in the service, mixing or sale of mixed
8 beverages. Applicants for an employee license must have a health
9 card issued by the county in which they are employed, if the county
10 issues such a card. Employees of special event, caterer, unless
11 catering a mixed beverage licensed premises, or airline/railroad
12 beverage licensees shall not be required to obtain an employee
13 license. Persons employed by a hotel licensee who participate in
14 the stocking of hotel room mini-bars or in the handling of alcoholic
15 beverages to be placed in such devices shall be required to have an
16 employee license.

17 Q. An industrial license may be issued to persons desiring to
18 import, transport, and use alcohol for the following purposes:

19 1. Manufacture of patent, proprietary, medicinal,
20 pharmaceutical, antiseptic, and toilet preparations;

21 2. Manufacture of extracts, syrups, condiments, and food
22 products; and

23 3. For use in scientific, chemical, mechanical, industrial, and
24 medicinal products and purposes.

1 No other provisions of the Oklahoma Alcoholic Beverage Control
2 Act shall apply to alcohol intended for industrial, medical,
3 mechanical or scientific use.

4 Any person receiving alcohol under authority of an industrial
5 license who shall use, permit, or cause same to be used for purposes
6 other than authorized purposes specified above, and all such
7 alcohol, shall be liable to all provisions of the Oklahoma Alcoholic
8 Beverage Control Act, including payment of tax thereon.

9 No provisions of the Oklahoma Alcoholic Beverage Control Act
10 shall apply to alcohol withdrawn by any person free of federal tax
11 under a tax-free permit issued by the United States government, if
12 such alcohol is received, stored, and used as authorized by federal
13 laws.

14 R. A carrier license may be issued to any common carrier
15 operating under a certificate of convenience and necessity issued by
16 any duly authorized federal or state regulatory agency. Such
17 license shall authorize the holder thereof to transport alcoholic
18 beverages other than wine sold directly by a winemaker or winery to
19 a retail package store or restaurant into, within, and out of this
20 state under such terms, conditions, limitations, and restrictions as
21 the ABLE Commission may prescribe by order issuing such license and
22 by regulations.

23 S. A private carrier license may be issued to any carrier other
24 than a common carrier described in subsection Q of this section.

1 Such license shall authorize the holder thereof to transport
2 alcoholic beverages other than wine sold directly by a winemaker or
3 winery to a retail package store or restaurant into, within, or out
4 of this state under such terms, conditions, limitations, and
5 restrictions as the ABLE Commission may prescribe by order issuing
6 such license and by regulations. No carrier license or private
7 carrier license shall be required of licensed brewers, distillers,
8 winemakers, rectifiers, wholesalers, or Class B wholesalers, to
9 transport alcoholic beverages from the place of purchase or
10 acquisition to the licensed premises of such licensees and from such
11 licensed premises to the licensed premises of the purchaser in
12 vehicles owned or leased by such licensee when such transportation
13 is for a lawful purpose and not for hire.

14 No carrier license or private carrier license shall be required
15 of the holder of a package store, mixed beverage, caterer, special
16 event, hotel beverage, public event or airline/railroad license to
17 pick up alcoholic beverage orders from the licensees' wholesaler or
18 Class B wholesaler from whom they are purchased, and to transport
19 such alcoholic beverages from the place of purchase or acquisition
20 to the licensed premise of such licensees in vehicles owned or under
21 the control of such licensee or a licensed employee of such licensee
22 under such terms, conditions, limitations and restrictions as the
23 ABLE Commission may prescribe.

24

1 T. A bonded warehouse license shall authorize the holder
2 thereof: To receive and store alcoholic beverages for the holders of
3 storage licenses on the licensed premises of the bonded warehouse
4 licensee. No goods, wares or merchandise other than alcoholic
5 beverages may be stored in the same bonded warehouse with alcoholic
6 beverages. The holder of a bonded warehouse license shall furnish
7 and file with the ABLE Commission a bond running to all bailers of
8 alcoholic beverages under proper storage licenses and their
9 assignees (including mortgagees or other bona fide lienholders)
10 conditioned upon faithful performance of the terms and conditions of
11 such bailments.

12 U. A storage license may be issued to a holder of a brewer,
13 distiller, winemaker, rectifier, wholesaler, Class B wholesaler,
14 nonresident seller, package store, mixed beverage, caterer, public
15 event or hotel beverage license, and shall authorize the holder
16 thereof: To store alcoholic beverages in a public warehouse holding
17 a bonded warehouse license, and no goods, wares or merchandise other
18 than alcoholic beverages may be stored in the same warehouse with
19 alcoholic beverages in private warehouses owned or leased and
20 operated by such licensees elsewhere than on their licensed
21 premises. Provided:

22 1. A storage license issued to a Class B wholesaler shall
23 permit the storage of light beer and permit the sale and delivery to
24 retailers from the premises covered by such license;

1 2. Any licensee who is the holder of a mixed beverage/caterer
2 combination license or the holder of a mixed beverage license and a
3 hotel beverage license who is issued a storage license shall store
4 all inventories of alcoholic beverages either on the premises of the
5 mixed beverage establishment or in the warehouse;

6 3. A storage license shall not be required for a special event
7 licensee storing alcoholic beverages for use at a subsequent event;

8 4. A storage license shall be required for a public event
9 licensee storing alcoholic beverages for use at a subsequent event;
10 and

11 5. Notwithstanding the provisions of subsection I of this
12 section or any other provision of this title, a licensee who wholly
13 owns more than one licensed mixed beverage establishment may store
14 alcoholic beverages for each of the licensed establishments in one
15 location under one storage license. Alcoholic beverages purchased
16 and stored pursuant to the provisions of a storage license, for one
17 licensed mixed beverage establishment may be transferred by a
18 licensee to another licensed mixed beverage establishment which is
19 wholly owned by the same licensee. Notice of such a transfer shall
20 be given in writing to the Oklahoma Tax Commission and the ABLE
21 Commission within three (3) business days of the transfer. The
22 notice shall clearly show the quantity, brand and size of every
23 transferred bottle or case.

1 V. A sacramental wine supplier license shall authorize the
2 holder thereof: To sell, ship or deliver sacramental wine to any
3 religious corporation or society of this state holding a valid
4 exemption from taxation issued pursuant to Section 501(a) of the
5 Internal Revenue Code, 1986, and listed as an exempt organization in
6 Section 501(c)(3) of the Internal Revenue Code, 1986, of the United
7 States, as amended.

8 W. A beer and wine license shall authorize the holder thereof:
9 To purchase beer and wine in retail containers from the holder of a
10 wholesaler or Class B wholesaler license or as specifically provided
11 by law and to sell, offer for sale and possess beer and wine for on-
12 premises consumption only; provided, the holder of a beer and wine
13 license issued for an establishment which is also a restaurant may
14 purchase wine from a winemaker who is permitted and has elected to
15 self-distribute as provided in Section 3 of Article XXVIII of the
16 Oklahoma Constitution.

17 Sales and service of beer and wine by holders of beer and wine
18 licenses shall be limited to the licensed premises of the licensee
19 unless the holder of the beer and wine license also obtains a
20 caterer license. A beer and wine license shall only be issued in
21 counties of this state where the sale of alcoholic beverages by the
22 individual drink for on-premises consumption has been authorized. A
23 separate license shall be required for each place of business. No
24 beer and wine license shall be issued for any place of business

1 functioning as a motion picture theater, as defined by Section 506
2 of this title. No spirits shall be stored, possessed or consumed on
3 the licensed premises of a beer and wine licensee.

4 X. A charitable auction or charitable alcoholic beverage event
5 license may be issued to a charitable organization exempt from
6 taxation under Section 501(c)(3), (4), (5), (6), (7), (8), (9),
7 (10), or (19) of the United States Internal Revenue Code. The
8 charitable alcoholic beverage event license shall authorize the
9 holder thereof to conduct a wine, spirit and/or beer event which may
10 consist of one or more of a wine, spirit and/or beer tasting event,
11 a wine, spirit and/or beer dinner event or a wine, spirit and/or
12 beer auction, which may be either a live auction conducted by an
13 auctioneer or a silent auction for which:

14 1. Bid sheets are accepted from interested bidders at the
15 event;

16 2. The holders of tickets are allowed to bid online for a
17 period not exceeding thirty (30) days prior to the event; or

18 3. Both bid sheets are accepted at the event and online bids
19 are accepted pursuant to paragraph 2 of this subsection.

20 A charitable alcoholic beverage event shall be conducted solely
21 to raise funds for charitable purposes. A charitable alcoholic
22 beverage license will allow the event attendees access to tastings,
23 samples, dinners, and alcoholic beverages as parts of their entrance
24 fee or ticket price. Wine, spirits and/or beer used in, served, or

1 consumed at a charitable alcoholic beverage event may be purchased
2 by the charitable organization or donated by any person or entity.
3 The charitable alcoholic beverage event license shall be issued for
4 a period not exceeding four (4) days. Only eight such licenses may
5 be issued to an organization in any twelve-month period. The
6 charitable organization holding a charitable alcoholic beverage
7 event license shall not be required to obtain a special event
8 license. Charitable auction and charitable alcoholic beverage event
9 license holders may also utilize a licensed caterer to provide
10 additional alcohol services at the event and on the premises. The
11 charitable auction license shall authorize the holder thereof to
12 auction wine, spirits, and/or beer purchased from a retail package
13 store or received as a gift from an individual if the auction is
14 conducted to raise funds for charitable purposes. The charitable
15 auction license shall be issued for a period not to exceed two (2)
16 days. Only four such licenses shall be issued to an organization in
17 any twelve-month period. The maximum amount of wine, spirits,
18 and/or beer auctioned pursuant to the charitable auction license
19 shall not exceed fifty (50) gallons. All wine, beer, and spirits
20 auctioned pursuant to the charitable auction license shall be
21 registered and all fees and taxes shall be paid in accordance with
22 the Oklahoma Alcoholic Beverage Control Act.

23 Y. A mixed beverage/caterer combination license shall authorize
24 the holder thereof: To purchase or sell mixed beverages as

1 specifically provided by law for the holder of a mixed beverage
2 license or a caterer license. All provisions of the Oklahoma
3 Alcoholic Beverage Control Act applicable to mixed beverage licenses
4 or caterer licenses, or the holders thereof, shall also be
5 applicable to mixed beverage/caterer combination licenses or the
6 holders thereof, except where specifically otherwise provided. A
7 mixed beverage/caterer combination license shall only be issued in
8 counties of this state where the sale of alcoholic beverages by the
9 individual drink for on-premises consumption has been authorized. A
10 separate license shall be required for each place of business.

11 A licensed mixed beverage/caterer licensee shall be authorized
12 to sell mixed beverages for on-premises consumption incidental to
13 the distribution of food at temporary private functions, at
14 temporary public events that are licensed and approved by the ABLE
15 Commission, and on the premises of a mixed beverage licensee whose
16 main purpose is the hosting of live art presentations and is not
17 open to the public more than one hundred twenty (120) days per year.

18 Z. A small farm winery license shall authorize the holder
19 thereof: To manufacture and bottle wines produced by that small
20 farm winery. In addition, a small farm winery license authorizes
21 the holder of that permit to bottle and sell wines produced by
22 another small farm winery. In order for a small farm winery to
23 bottle and sell another small farm winery's products, both the
24 selling winery and the buying winery shall be small farm winery

1 permit holders. A small farm wine may display the trademarked
2 "Oklahoma Grown" sticker available from the Oklahoma Grape Industry
3 Council.

4 AA. In the event any portion of this section is declared
5 invalid for any reason, the invalid portion shall be severed and the
6 rest and remainder of the section shall be saved and given full
7 force and application.

8 ~~AA.~~ BB. Except as provided in Sections 554.1 and 554.2 of this
9 title with respect to cities, towns and counties, and except as may
10 be provided under Title 68 of the Oklahoma Statutes with respect to
11 the Oklahoma Tax Commission, no license or permit other than
12 licenses as provided under the Oklahoma Alcoholic Beverage Control
13 Act shall be required of any licensee by any agency, instrumentality
14 or political subdivision of this state to engage in any activity
15 covered by the Oklahoma Alcoholic Beverage Control Act anywhere
16 within the State of Oklahoma and no agency, instrumentality or
17 political subdivision of this state shall interfere with the ABLE
18 Commission's regulation of, or a wholesaler's performance of, the
19 sale, distribution, possession, handling or marketing of alcoholic
20 beverages on any premises of any licensee as defined in Section 506
21 of this title.

22 SECTION 18. REPEALER 37 O.S. 2011, Section 521, as last
23 amended by Section 3, Chapter 48, O.S.L. 2015 (37 O.S. Supp. 2015,
24 Section 521), is hereby repealed.

1 SECTION 19. AMENDATORY 46 O.S. 2011, Section 15, as
2 amended by Section 1, Chapter 175, O.S.L. 2015 (46 O.S. Supp. 2015,
3 Section 15), is amended to read as follows:

4 Section 15. A. Any mortgage on real estate shall be released
5 by the holder of any such mortgage within ~~fifty (50)~~ thirty (30)
6 days of the payment of the debt secured by the mortgage and the
7 holder of the mortgage shall file the release of the mortgage with
8 the county clerk where the mortgage is recorded. If, at the end of
9 the ~~fifty-day~~ thirty-day period, the holder has failed to release
10 the mortgage, the mortgagor may at any time request in writing the
11 holder of the mortgage to release the mortgage and the holder of the
12 mortgage shall have ten (10) days from the date of the request to
13 release such mortgage. If the holder of the mortgage fails to
14 release the mortgage by the end of such ten-day period, the mortgage
15 holder shall then forfeit and pay to the mortgagor a penalty of one
16 percent (1%) of the principal debt not to exceed One Hundred Dollars
17 (\$100.00) per day each day the release is not recorded after the
18 ten-day period has expired and the penalty shall be recovered in a
19 civil action in any court having jurisdiction thereof, but the
20 request for the release shall be in writing and describe the
21 mortgage and premises with reasonable certainty. Provided that, the
22 total penalty shall not exceed one hundred percent (100%) of the
23 total principal debt.

24

1 B. A title insurance company or its duly appointed agent may
2 bring action on behalf of the mortgagor to recover the penalty
3 described in subsection A of this section.

4 C. For purposes of this section:

5 1. "Mortgagor" shall include any subsequent purchaser of the
6 mortgaged real estate; and

7 2. "Title insurance company" shall mean a corporation or other
8 business entity authorized and licensed to transact business of
9 insuring titles to interests in real property in this state.

10 SECTION 20. REPEALER 46 O.S. 2011, Section 15, as
11 amended by Section 1, Chapter 177, O.S.L. 2015 (46 O.S. Supp. 2015,
12 Section 15), is hereby repealed.

13 SECTION 21. AMENDATORY 47 O.S. 2011, Section 1107, as
14 amended by Section 2, Chapter 223, O.S.L. 2015 (47 O.S. Supp. 2015,
15 Section 1107), is amended to read as follows:

16 Section 1107. A. In the event of the sale or transfer of the
17 ownership of a vehicle for which a certificate of title has been
18 issued as provided by Section 1105 of this title, the holder of such
19 certificate shall endorse on the back of same a complete assignment
20 thereof with warranty of title in form printed thereon with a
21 statement of all liens or encumbrances on the vehicle, sworn to
22 before a notary public or some other person authorized by law to
23 take acknowledgments, and deliver same to the purchaser or
24 transferee at the time of delivery to the purchaser or transferee of

1 the vehicle; provided, a transfer of the ownership of a vehicle to
2 an insurer resulting from the settlement of a total loss claim shall
3 not require a notarized signature on the certificate of title. The
4 purchaser or transferee, unless such person is a bona fide used
5 motor vehicle dealer licensed by this state, a retail implement
6 dealer in connection with the purchase or transfer of off-road
7 vehicles or a charitable organization shall, within thirty (30) days
8 from the time of delivery to the purchaser or transferee of the
9 vehicle, present the assigned certificate of title and the insurance
10 security verification to the vehicle to the Oklahoma Tax Commission,
11 or one of its motor license agents, accompanied by a fee of Eleven
12 Dollars (\$11.00), together with any motor vehicle excise tax or
13 license fee that may be due, whereupon a new certificate of title,
14 shall be issued to the assignee. One Dollar (\$1.00) of each fee
15 shall be deposited in the Oklahoma Tax Commission Reimbursement
16 Fund. Any charitable organization utilizing the exemption
17 authorized by this subsection shall receive training as prescribed
18 by the Oklahoma Used Motor Vehicle and Parts Commission.

19 B. A licensed dealer, a retail implement dealer in connection
20 with the sale or disposal of off-road vehicles or a charitable
21 organization shall, on selling or otherwise disposing of a vehicle,
22 execute and deliver to the purchaser thereof the certificate of
23 title properly and completely reassigned. Thereupon, the purchaser
24 of the vehicle shall present the reassigned certificate to the

1 Commission, or a motor license agent, accompanied by a fee of Eleven
2 Dollars (\$11.00), and any motor vehicle excise tax or license fee
3 that may be due, whereupon a new certificate of title will be issued
4 to the purchaser. One Dollar (\$1.00) of each fee shall be deposited
5 in the Oklahoma Tax Commission Reimbursement Fund. The certificate,
6 when so assigned and returned to the Commission, together with any
7 subsequent assignment or reissue thereof, shall be appropriately
8 filed and indexed so that at all times it will be possible to trace
9 title to the vehicle designated therein. Provided, when the
10 ownership of any motor vehicle shall pass by operation of law, the
11 person owning the vehicle may, upon furnishing satisfactory proof to
12 the Commission of ownership, procure a title to the motor vehicle,
13 regardless of whether a certificate of title has ever been issued.
14 The dealer shall execute and deliver to the purchaser bills of sale
15 on forms prescribed by the Commission for all new vehicles sold by
16 the dealer. On presentation of a bill of sale executed on forms
17 prescribed by the Commission, by a manufacturer or dealer for a new
18 vehicle sold in this state, accompanied by remittance in the sum of
19 Eleven Dollars (\$11.00), together with any motor vehicle excise tax
20 or license fee that may be due, a certificate of title shall be
21 issued in accordance with the provisions of the Oklahoma Vehicle
22 License and Registration Act. One Dollar (\$1.00) of each fee shall
23 be deposited in the Oklahoma Tax Commission Reimbursement Fund. For
24 purposes of this subsection, "charitable organization" shall mean

1 any organization which is exempt from taxation pursuant to the
2 provisions of the Internal Revenue Code, 26 U.S.C., Section
3 501(c)(3) and which is registered as a charitable organization with
4 the Oklahoma Secretary of State and the Oklahoma Attorney General's
5 office; "off-road vehicles" means all-terrain vehicles, utility
6 vehicles, and motorcycles used exclusively for off-road use; "retail
7 implement dealer" means a business engaged primarily in the sale of
8 farm tractors as defined in Section 1-118 of this title or
9 implements of husbandry as defined in Section 1-125 of this title or
10 a combination thereof.

11 C. Any person violating the provisions of this section shall be
12 guilty of a misdemeanor and upon the first conviction thereof shall
13 be punished by a fine not to exceed Five Hundred Dollars (\$500.00),
14 with impoundment of the vehicle until all taxes and fees are paid.
15 A second or subsequent conviction shall be punished by a fine not to
16 exceed One Thousand Dollars (\$1,000.00), with impoundment of the
17 vehicle until all taxes and fees are paid. If a vehicle is
18 impounded pursuant to the provisions of this section, the vehicle
19 shall not be released to the owner until the owner provides proof of
20 security or an affidavit that the vehicle will not be used on public
21 highways or public streets, as required pursuant to Section 7-600 et
22 seq. of this title. Each vehicle involved in a violation of this
23 section shall be considered a separate offense.

24

1 SECTION 22. REPEALER 47 O.S. 2011, Section 1107, as
2 amended by Section 1, Chapter 318, O.S.L. 2015 (47 O.S. Supp. 2015,
3 Section 1107), is hereby repealed.

4 SECTION 23. AMENDATORY 47 O.S. 2011, Section 1135.3, as
5 last amended by Section 1, Chapter 372, O.S.L. 2015 (47 O.S. Supp.
6 2015, Section 1135.3), is amended to read as follows:

7 Section 1135.3 A. The Oklahoma Tax Commission is hereby
8 authorized to design and issue appropriate official special license
9 plates to persons wishing to demonstrate support, interest, or
10 membership to or for an organization, occupation, cause or other
11 subject as provided by this section.

12 Special license plates shall not be transferred to any other
13 person but shall be removed from the vehicle upon transfer of
14 ownership and retained. The special license plate may then be used
15 on another vehicle but only after such other vehicle has been
16 registered for the current year.

17 Special license plates shall be renewed each year by the Tax
18 Commission or a motor license agent. The Tax Commission shall
19 annually notify by mail all persons issued special license plates.
20 The notice shall contain all necessary information and shall contain
21 instructions for the renewal procedure upon presentation to a motor
22 license agent or the Tax Commission. The license plates shall be
23 issued on a staggered system.

24

1 The Tax Commission is hereby directed to develop and implement a
2 system whereby motor license agents are permitted to accept
3 applications for special license plates authorized under this
4 section. The motor license agent shall confirm the applicant's
5 eligibility, if applicable, collect and deposit any amount
6 specifically authorized by law, accept and process the necessary
7 information directly into such system and generate a receipt
8 accordingly. For performance of these duties, motor license agents
9 shall retain the fee provided in Section 1141.1 of this title for
10 registration of a motor vehicle. The motor license agent fees for
11 acceptance of applications and renewals shall be paid out of the
12 Oklahoma Tax Commission Reimbursement Fund.

13 If fewer than one hundred of any type of special license plates
14 authorized prior to January 1, 2004, are issued prior to January 1,
15 2006, the Tax Commission shall discontinue issuance and renewal of
16 that type of special license plate. Any such authorized special
17 license plate registrant shall be allowed to display the license
18 plate upon the designated vehicle until the registration expiration
19 date. After such time the expired special license plate shall be
20 removed from the vehicle.

21 Except as otherwise provided in this section, for special
22 license plates authorized on or after July 1, 2004, no special
23 license plates shall be developed or issued by the Tax Commission
24 until the Commission receives one hundred (100) prepaid applications

1 therefor. The prepaid applications must be received by the Tax
2 Commission within one hundred eighty (180) days of the effective
3 date of the authorization or the authority to issue shall be null
4 and void. In the event one hundred (100) prepaid applications are
5 not received by the Tax Commission within such prescribed time
6 period any payment so received shall be refunded accordingly.

7 B. The special license plates provided by this section are as
8 follows:

9 1. Round and Square Dance License Plates - such plates shall be
10 designed and issued to any person wishing to demonstrate support for
11 round and square dancing;

12 2. National Association for the Advancement of Colored People
13 License Plates - such plates shall be designed, subject to the
14 criteria to be presented to the Tax Commission by the NAACP, and
15 issued to any person wishing to demonstrate support for the NAACP;

16 3. National Rifle Association License Plates - such plates
17 shall be designed, subject to the criteria to be presented to the
18 Tax Commission by the National Rifle Association, and issued to any
19 person wishing to demonstrate support for the National Rifle
20 Association;

21 4. Masonic Fraternity License Plates - such plates shall be
22 designed and issued to any resident of this state who is a member of
23 a Masonic Fraternity of Oklahoma. Such persons may apply for a
24 Masonic Fraternity license plate for each vehicle with a rated

1 carrying capacity of one (1) ton or less upon proof of a Masonic
2 Fraternity membership or upon the presentment of an application for
3 a Masonic Fraternity license plate authorized and approved by the
4 Grand Lodge of Oklahoma. The license plates shall be designed in
5 consultation with the Masonic Fraternities of Oklahoma and shall
6 contain the Masonic emblem;

7 5. Shriner's Hospitals for Burned and Crippled Children License
8 Plates - such plates shall be designed to demonstrate support for
9 Shriner's Hospitals for Burned and Crippled Children and shall be
10 issued to any resident of this state who is a member of a Shriner's
11 Temple in Oklahoma. The license plate shall be designed in
12 consultation with the Shriner's Temples in Oklahoma and shall
13 contain the Shriner's emblem;

14 6. Balloonists License Plate - such plates shall be designed
15 and issued to any person wishing to demonstrate support for hot air
16 ballooning in this state;

17 7. Order of the Eastern Star License Plates - such plates shall
18 be designed and issued to any resident of this state who is a member
19 of an Order of the Eastern Star. Such persons may apply for an
20 Order of the Eastern Star license plate for each vehicle with a
21 rated carrying capacity of one (1) ton or less upon proof of an
22 Order of the Eastern Star membership or upon the presentment of an
23 application for an Order of the Eastern Star license plate
24 authorized and approved by the organization. The license plate

1 shall be designed in consultation with the Order of the Eastern Star
2 and shall contain the Order of the Eastern Star emblem;

3 8. Knights of Columbus License Plates - such plates shall be
4 designed and issued to any resident of this state who is a member of
5 the Knights of Columbus. Such persons may apply for a Knights of
6 Columbus license plate for each vehicle with a rated carrying
7 capacity of one (1) ton or less upon proof of a Knights of Columbus
8 membership or upon the presentment of an application for a Knights
9 of Columbus license plate authorized and approved by the
10 organization. The license plate shall be designed in consultation
11 with the Knights of Columbus and shall contain the Knights of
12 Columbus emblem;

13 9. Jaycees License Plates - such plates shall be designed and
14 issued to members of the Jaycees. Persons applying for such license
15 plate must show proof of membership in the Jaycees. The license
16 plates shall be designed in consultation with the Jaycees;

17 10. Ducks Unlimited License Plates - such plates shall be
18 designed and issued to persons wishing to demonstrate support for
19 Ducks Unlimited. The license plates shall be designed in
20 consultation with Ducks Unlimited;

21 11. Kiwanis International License Plates - such plates shall be
22 designed and issued to members of Kiwanis International. Persons
23 applying for such license plate must show proof of membership in
24

1 Kiwanis International. The license plates shall be designed in
2 consultation with Kiwanis International;

3 12. Certified Public Accountants License Plates - such plates
4 shall be designed and issued to any resident of this state who is a
5 Certified Public Accountant. Such persons may apply for a Certified
6 Public Accountant license plate for each vehicle with a rated
7 carrying capacity of one (1) ton or less upon proof of status as a
8 Certified Public Accountant. The license plates shall be designed
9 in consultation with the Oklahoma Society of Certified Public
10 Accountants;

11 13. Civil Emergency Management License Plates - such plates
12 shall be designed and issued to persons wishing to demonstrate
13 support for the state civil emergency management system. Persons
14 applying for such license plate must show proof of official
15 affiliation by presenting a nonexpired proof of employment,
16 affiliation or retirement in the form of an identification card or
17 letter on official letterhead from a municipal, county or state
18 emergency management department head;

19 14. Civilian Conservation Corps License Plates - such plates
20 shall be designed, subject to criteria to be presented to the Tax
21 Commission, by the Civilian Conservation Corps Association, and
22 issued to any person wishing to demonstrate support of the Civilian
23 Conservation Corps;

24

1 15. Rotarian License Plates - such plates shall be designed and
2 issued to any resident of this state who is a member of a Rotarian
3 Club of Oklahoma. Such persons may apply for a Rotarian license
4 plate for each vehicle with a rated carrying capacity of one (1) ton
5 or less upon proof of a Rotarian Club membership or upon the
6 presentment of an application for a Rotarian license plate
7 authorized and approved by a Rotarian Club of Oklahoma. The license
8 plates shall be designed in consultation with the five Rotarian
9 District Governors and shall contain the Rotarian emblem;

10 16. Benevolent Protective Order of Elks - such plates shall be
11 designed, subject to criteria to be presented to the Tax Commission,
12 by the Benevolent Protective Order of Elks, and issued to any
13 resident of this state who is a member of the Benevolent Protective
14 Order of Elks;

15 17. Humane Society License Plates - such plates shall be
16 designed and issued to any person wishing to demonstrate support for
17 the Humane Society of the United States. The plates shall be issued
18 to any person in any combination of numbers and letters from one to
19 a maximum of seven, as for personalized license plates. The plate
20 shall contain the official Humane Society logo;

21 18. Oklahoma Mustang Club - such plates shall be designed,
22 subject to criteria to be presented to the Tax Commission, by the
23 Oklahoma Mustang Club, and issued to any resident of this state who
24 is a member of the Oklahoma Mustang Club. Such persons may apply

1 for an Oklahoma Mustang Club license plate upon presentment of proof
2 of membership in the Oklahoma Mustang Club. The plates shall be
3 issued to any person in any combination of numbers and letters from
4 one to a maximum of seven, as for personalized license plates;

5 19. American Business Clubs (AMBUCS) License Plates - such
6 plates shall be designed and issued to members of American Business
7 Clubs. Persons applying for such license plate must show proof of
8 membership in AMBUCS. The license plates shall be designed in
9 consultation with American Business Clubs;

10 20. West Point 200th Anniversary License Plates - such plates
11 shall be designed and issued to any person wishing to commemorate
12 the Two Hundredth Anniversary of the founding of the United States
13 Military Academy at West Point, New York. The license plates shall
14 be designed in consultation with the West Point Society of Central
15 Oklahoma;

16 21. Oklahoma Aquarium License Plate - such plates shall be
17 designed and issued to persons wishing to demonstrate support for
18 the Oklahoma Aquarium. The license plates shall be designed in
19 consultation with the Oklahoma Aquarium;

20 22. The Pride of Broken Arrow License Plates - such plates
21 shall be designed and issued to any person wishing to demonstrate
22 support for The Pride of Broken Arrow marching band. The plates
23 shall be designed in consultation with the Broken Arrow Public
24 School System;

1 23. Fellowship of Christian Athletes License Plates - such
2 plates shall be designed in consultation with the Fellowship of
3 Christian Athletes and issued to members and supporters of the
4 Fellowship of Christian Athletes;

5 24. Parrothead Club License Plates - such plates shall be
6 designed and issued to members and supporters of the Parrothead
7 Club. The license plate shall be issued to any person in any
8 combination of numbers and letters from one to a maximum of seven as
9 for personalized license plates;

10 25. Oklahoma Bicycling Coalition License Plates - such plates
11 shall be designed and issued to any person who is a member of the
12 Oklahoma Bicycling Coalition. The license plates shall be designed
13 in consultation with the Oklahoma Bicycling Coalition;

14 26. Electric Lineman License Plate - such plates shall be
15 designed and issued to persons wishing to demonstrate support for
16 Oklahoma's electric linemen. The license plates shall be designed
17 in consultation with the Oklahoma Electric Superintendent's
18 Association;

19 27. Alpha Kappa Alpha License Plate - such plates shall be
20 designed and issued to any person who is a member of Alpha Kappa
21 Alpha Sorority. The license plates shall be designed in
22 consultation with the Oklahoma Chapter of Alpha Kappa Alpha
23 Sorority;

1 28. The National Pan-Hellenic Council Incorporated License
2 Plate - such plates shall be designed and issued to any person
3 wishing to demonstrate support to any of the nine sororities and
4 fraternities recognized by the National Pan-Hellenic Council
5 Incorporated. The license plates shall be designed in consultation
6 with the Oklahoma Chapter of the National Pan-Hellenic Council
7 Incorporated;

8 29. Organ, Eye and Tissue License Plate - such plates shall be
9 designed and issued to persons wishing to demonstrate support and
10 increase awareness for organ, eye and tissue donation. The license
11 plates shall be designed in consultation with the State Department
12 of Health;

13 30. Central Oklahoma Habitat for Humanity License Plate - such
14 plates shall be designed and issued to persons wishing to
15 demonstrate support and increase awareness for Habitat for Humanity.
16 The license plate shall be designed in consultation with Central
17 Oklahoma Habitat for Humanity;

18 31. Family Career and Community Leaders of America Incorporated
19 License Plate - such plates shall be designed and issued to persons
20 wishing to demonstrate support for Family Career and Community
21 Leaders of America Incorporated. The license plates shall be
22 designed in consultation with Family Career and Community Leaders of
23 America Incorporated;

24

1 32. Delta Sigma Theta License Plate - such plates shall be
2 designed and issued to any person who is a member of Delta Sigma
3 Theta Sorority. The license plates shall be designed in
4 consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority
5 Incorporated;

6 33. Omega Psi Phi License Plate - such plates shall be designed
7 and issued to any person who is a member of Omega Psi Phi
8 Fraternity. The license plates shall be designed in consultation
9 with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

10 34. Alpha Phi Alpha License Plate - such plates shall be
11 designed and issued to any person who is a member of Alpha Phi Alpha
12 Fraternity. The license plates shall be designed in consultation
13 with the Oklahoma Chapter of Alpha Phi Alpha Fraternity
14 Incorporated;

15 35. 50th Anniversary of the Interstate System of Highways
16 License Plate - such plates shall be designed and issued to persons
17 wishing to commemorate the 50th Anniversary of the Interstate System
18 of Highways. The license plates shall be designed in consultation
19 with the American Association of State Highway and Transportation
20 Officials;

21 36. Kappa Alpha Psi License Plate - such plates shall be
22 designed and issued to any person who is a member of Kappa Alpha Psi
23 Fraternity. The license plates shall be designed in consultation
24

1 with the Oklahoma Chapter of Kappa Alpha Psi Fraternity
2 Incorporated;

3 37. Sigma Gamma Rho License Plate - such plates shall be
4 designed and issued to any person who is a member of Sigma Gamma Rho
5 Sorority. The license plates shall be designed in consultation with
6 the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated.
7 Subject to the provisions of subsection A of this section, the Sigma
8 Gamma Rho License Plate is hereby reauthorized effective November 1,
9 2013;

10 38. Multiple Sclerosis License Plate - such plates shall be
11 designed and issued to persons wishing to demonstrate support for
12 and increase awareness of multiple sclerosis. The license plates
13 shall be designed in consultation with the Oklahoma Chapter of the
14 National Multiple Sclerosis Society;

15 39. Frederick Douglass High School License Plates - such plates
16 shall be designed and issued to any person wishing to demonstrate
17 support for Frederick Douglass High School located in Oklahoma City.
18 The plates shall be designed in consultation with representatives of
19 Frederick Douglass High School National Alumni Association;

20 40. United States Air Force Academy License Plates - such
21 plates shall be designed and issued to any person wishing to
22 demonstrate support for the United States Air Force Academy;

23
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1 41. In God We Trust License Plate - such plates shall be
2 designed to include the motto, "In God We Trust", and shall be
3 issued to any person wishing to demonstrate support for the motto;

4 42. National Weather Center License Plate - such plates shall
5 be designed and issued to any person wishing to demonstrate support
6 for the National Weather Center in Norman. The plates shall be
7 designed in consultation with representatives of the National
8 Weather Center Directors;

9 43. Make-A-Wish Foundation License Plate - such plates shall be
10 designed and issued to persons wishing to demonstrate support for
11 the Make-A-Wish Foundation. The license plates shall be designed in
12 consultation with the Oklahoma Chapter of the National Make-A-Wish
13 Foundation;

14 44. South Central Section PGA Foundation License Plate - such
15 plates shall be designed and issued to persons wishing to
16 demonstrate support for the South Central Section PGA Foundation.
17 The license plates shall be designed in consultation with the South
18 Central Section PGA Foundation;

19 45. Putnam City High School License Plate - such plates shall
20 be designed and issued to any person wishing to demonstrate support
21 for Putnam City High School. The plates shall be designed in
22 consultation with representatives of Putnam City High School Alumni
23 Association, Inc.;

24

1 46. Autism Awareness License Plate - such plates shall be
2 designed and issued to any person wishing to increase awareness of
3 autism. The license plate shall be designed in consultation with
4 the Oklahoma Autism Network;

5 47. Oklahoma Blood Institute License Plate - such plates shall
6 be designed and issued to any person wishing to demonstrate support
7 for the Oklahoma Blood Institute. The license plates shall be
8 designed in consultation with the Oklahoma Blood Institute;

9 48. Zeta Phi Beta and Phi Beta Sigma License Plate - such
10 plates shall be designed and issued to any person who is a member of
11 Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license
12 plates shall be designed in consultation with the Oklahoma chapters
13 of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity
14 Incorporated;

15 49. Star Spencer High School License Plate - such plates shall
16 be designed and issued to any person wishing to demonstrate support
17 for Star Spencer High School located in Oklahoma City. The plates
18 shall be designed in consultation with representatives of the Star
19 Spencer High School Alumni Association. Subject to the provisions
20 of subsection A of this section, the Star Spencer High School
21 License Plate is hereby reauthorized effective November 1, 2015;

22 50. Northeast High School License Plate - such plates shall be
23 designed and issued to any person wishing to demonstrate support for
24 Northeast High School located in Oklahoma City. The plates shall be

1 designed in consultation with representatives of the Northeast High
2 School Alumni Association;

3 51. Oklahoma City Central High School License Plate - such
4 plates shall be designed and issued to any person wishing to
5 demonstrate support for the Oklahoma City Central High School Alumni
6 Association. The plates shall be designed in consultation with
7 representatives of the Oklahoma City Central High School Alumni
8 Association;

9 52. Historic Greenwood District License Plate - such plates
10 shall be issued to persons wishing to demonstrate support for music
11 festivals held in the Historic Greenwood District in Tulsa,
12 Oklahoma. The license plates shall be designed in consultation with
13 the Greenwood Cultural Center;

14 53. Oklahoma Rifle Association License Plate - such plates
15 shall be designed and issued to any person wishing to demonstrate
16 support for the Oklahoma Rifle Association. The plates shall be
17 designed in consultation with representatives of the Oklahoma Rifle
18 Association;

19 54. Oklahoma City Thunder License Plate - such plates shall be
20 designed and issued to any person wishing to demonstrate support for
21 the Oklahoma City Thunder. The license plate shall be designed in
22 consultation with the Oklahoma City Thunder organization;

23 55. Ovarian Cancer Awareness License Plate - such plates shall
24 be designed and issued to any person wishing to increase awareness

1 of ovarian cancer. The license plate shall be designed in
2 consultation with the HOPE in Oklahoma organization;

3 56. BMW Car Club of America License Plate - such plates shall
4 be designed and issued to any person wishing to demonstrate support
5 for the BMW Car Club of America. The plates shall be issued to any
6 person in any combination of numbers and letters from one to a
7 maximum of seven, as for personalized license plates. The license
8 plate shall be designed in consultation with the Sunbelt Chapter of
9 the BMW Car Club of America. Subject to the provisions of
10 subsection A of this section, the BMW Car Club of America License
11 Plate is hereby reauthorized effective November 1, 2013;

12 57. Don't Tread On Me License Plate - such plates shall be
13 designed to include the yellow background and rattlesnake emblem
14 above the motto "DON'T TREAD ON ME" as found on the historic Gadsden
15 flag, and shall be issued to any person wishing to demonstrate
16 support for the freedom and liberty of the Republic;

17 58. Oklahomans for the Arts License Plate - such plates shall
18 be designed and issued to any person wishing to demonstrate support
19 for arts, culture and creative industries as well as arts education.
20 The plates shall be designed in consultation with Oklahomans for the
21 Arts;

22 59. Oklahoma City Barons License Plate - such plates shall be
23 designed and issued to any person wishing to demonstrate support for
24 the Oklahoma City Barons. The license plate shall be designed in

1 consultation with the Oklahoma City Barons organization. The
2 license plates shall be issued to any person in any combination of
3 numbers and letters from one to a maximum of six;

4 60. Oklahoma City Redhawks License Plate - such plates shall be
5 designed and issued to any person wishing to demonstrate support for
6 the Oklahoma City Redhawks. The license plate shall be designed in
7 consultation with the Oklahoma City Redhawks organization;

8 61. Tulsa Shock License Plate - such plates shall be designed
9 and issued to any person wishing to demonstrate support for the
10 Tulsa Shock. The license plate shall be designed in consultation
11 with the Tulsa Shock organization;

12 62. Tulsa Oilers License Plate - such plates shall be designed
13 and issued to any person wishing to demonstrate support for the
14 Tulsa Oilers. The license plate shall be designed in consultation
15 with the Tulsa Oilers organization;

16 63. Tulsa Drillers License Plate - such plates shall be
17 designed and issued to any person wishing to demonstrate support for
18 the Tulsa Drillers. The license plate shall be designed in
19 consultation with the Tulsa Drillers organization;

20 64. Millwood School District License Plate - such plates shall
21 be designed and issued to any person wishing to demonstrate support
22 for the Millwood School District. The license plate shall be
23 designed in consultation with representatives of the Millwood School
24 District;

1 65. Booker T. Washington High School License Plate - such
2 plates shall be issued to persons wishing to demonstrate support for
3 Booker T. Washington High School and shall be designed in
4 consultation with the Booker T. Washington High School National
5 Alumni Association;

6 66. Oklahoma Current State Flag License Plate - such plates
7 shall be designed to include the current Oklahoma state flag and
8 issued to any person wishing to demonstrate support for the current
9 Oklahoma state flag. The plates shall be designed in consultation
10 with the Friends of the Oklahoma History Center;

11 67. Oklahoma Original State Flag License Plate - such plates
12 shall be designed to include the original Oklahoma state flag and
13 issued to any person wishing to demonstrate support for the original
14 Oklahoma state flag. The plates shall be designed in consultation
15 with the Friends of the Oklahoma History Center. The plates shall
16 be issued to any person in any combination of numbers and letters
17 from one to a maximum of seven, as for personalized plates. Subject
18 to the provisions of subsection A of this section, the Oklahoma
19 Original State Flag license plate is hereby reauthorized effective
20 November 1, 2015;

21 68. Tulsa 66ers License Plate - such plates shall be designed
22 and issued to any person wishing to demonstrate support for the
23 Tulsa 66ers. The plates shall be designed in consultation with the
24 Tulsa 66ers Organization;

1 69. Jenks Trojans License Plate - such plates shall be issued
2 to persons wishing to demonstrate support for Jenks School District
3 and shall be designed in consultation with representatives of the
4 Jenks School District;

5 70. Frederick Bombers License Plate - such plates shall be
6 issued to persons wishing to demonstrate support for the Frederick
7 School District and shall be designed in consultation with
8 representatives of the Frederick School District; and

9 71. 911 Dispatcher License Plate - such plates shall be issued
10 to persons wishing to demonstrate support for 911 dispatchers.
11 Persons applying for such license plate must show proof of current
12 employment as a 911 dispatcher or sign an attestation that they are
13 a currently employed or retired 911 dispatcher.

14 C. The fee for such plates shall be Fifteen Dollars (\$15.00)
15 and shall be in addition to all other registration fees provided by
16 the Oklahoma Vehicle License and Registration Act. Unless otherwise
17 provided in this section, the fee shall be apportioned as follows:
18 Eight Dollars (\$8.00) of the special license plate fee shall be
19 deposited in the Oklahoma Tax Commission Reimbursement Fund to be
20 used for the administration of the Oklahoma Vehicle License and
21 Registration Act and the remaining Seven Dollars (\$7.00) of the
22 special license plate fee shall be apportioned as provided in
23 Section 1104 of this title.

24

1 SECTION 24. REPEALER 47 O.S. 2011, Section 1135.3, as
2 last amended by Section 1, Chapter 378, O.S.L. 2015 (47 O.S. Supp.
3 2015, Section 1135.3), is hereby repealed.

4 SECTION 25. AMENDATORY 47 O.S. 2011, Section 1135.5, as
5 last amended by Section 2, Chapter 378, O.S.L. 2015 (47 O.S. Supp.
6 2015, Section 1135.5), is amended to read as follows:

7 Section 1135.5 A. The Oklahoma Tax Commission is hereby
8 authorized to design and issue appropriate official special license
9 plates to persons wishing to demonstrate support and provide
10 financial assistance as provided by this section.

11 Special license plates shall not be transferred to any other
12 person but shall be removed from the vehicle upon transfer of
13 ownership and retained. The special license plate may then be used
14 on another vehicle but only after such other vehicle has been
15 registered for the current year with a motor license agent.

16 Special license plates shall be renewed each year by the Tax
17 Commission or a motor license agent. The Tax Commission shall
18 annually notify by mail all persons issued special license plates.
19 The notice shall contain all necessary information and shall contain
20 instructions for the renewal procedure upon presentation to a motor
21 license agent or the Tax Commission. The license plates shall be
22 issued on a staggered system.

23 The Tax Commission is hereby directed to develop and implement a
24 system whereby motor license agents are permitted to accept

1 applications for special license plates authorized under this
2 section. The motor license agent shall confirm the applicant's
3 eligibility, if applicable, collect and deposit any amount
4 specifically authorized by law, accept and process the necessary
5 information directly into such system and generate a receipt
6 accordingly. For performance of these duties, motor license agents
7 shall retain the fee provided in Section 1141.1 of this title for
8 registration of a motor vehicle. The motor license agent fees for
9 acceptance of applications and renewals shall be paid out of the
10 Oklahoma Tax Commission Reimbursement Fund.

11 If fewer than one hundred of any type of special license plates
12 authorized prior to January 1, 2004, are issued prior to January 1,
13 2006, the Tax Commission shall discontinue issuance and renewal of
14 that type of special license plate. Any such authorized special
15 license plate registrant shall be allowed to display the license
16 plate upon the designated vehicle until the registration expiration
17 date. After such time the expired special license plate shall be
18 removed from the vehicle.

19 For special license plates authorized on or after July 1, 2004,
20 no special license plates shall be developed or issued by the Tax
21 Commission until the Commission receives one hundred prepaid
22 applications therefor. The prepaid applications must be received by
23 the Tax Commission within one hundred eighty (180) days of the
24 effective date of the authorization or the authority to issue shall

1 be null and void. In the event one hundred prepaid applications are
2 not received by the Tax Commission within such prescribed time
3 period any payment so received shall be refunded accordingly.

4 B. The special license plates provided by this section are as
5 follows:

6 1. University or College Supporter License Plates - such plates
7 shall be designed and issued to any person wishing to demonstrate
8 support to any state-supported or private university or college. As
9 provided in this section, an amount of the fee collected shall be
10 apportioned as provided in Section 1104.1 of this title;

11 2. Environmental Awareness License Plates - such plates shall
12 be designed, subject to the criteria to be presented to the Tax
13 Commission by the Department of Environmental Quality in
14 consultation with the Oklahoma Arts Council, and issued to any
15 person wishing to demonstrate support to implement the statewide
16 general public environmental education program created pursuant to
17 the provisions of the Oklahoma Environmental Quality Code. Such
18 plates shall be designed and issued to any person in any combination
19 of numbers and letters from one to a maximum of seven, as for
20 personalized license plates. A dealer's license plate issued
21 pursuant to Section 1116.1 or 1128 of this title may be designated
22 an Environmental Awareness License Plate upon payment of the fee
23 imposed by this section and any other registration fees required by
24 the Oklahoma Vehicle License and Registration Act. As provided in

1 this section, an amount of the fee collected shall be apportioned
2 pursuant to Section 1104.2 of this title;

3 3. Firefighter License Plates - such plates shall be designed
4 for any career or retired firefighter, volunteer or paid.

5 Firefighters may apply for firefighter plates for up to four
6 vehicles with a rated capacity of one (1) ton or less or for a
7 motorcycle upon proof of a fire department membership by either an
8 identification card or letter from the chief of the fire department.
9 Retirees who are eligible for such plates shall provide proof of
10 eligibility upon initial application, but shall not be required to
11 provide proof of eligibility annually. The surviving spouse of any
12 deceased firefighter, if the spouse has not since remarried, may
13 apply for a firefighter license plate for one vehicle with a rated
14 carrying capacity of one (1) ton or less or for a motorcycle upon
15 proof that the deceased firefighter was a member of a fire
16 department by either an identification card or letter from the chief
17 of the fire department. The license plate shall be designed in
18 consultation with the Oklahoma Firefighters Association.

19 As provided in this section, an amount of the fee collected
20 shall be deposited to the Oklahoma State Firemen's Museum Building &
21 Memorial Fund for support of the Oklahoma Firefighters Museum and
22 the Oklahoma Firefighter Fallen and Living Memorial;

23 4. Wildlife Conservation License Plates - such plates shall be
24 designed, subject to the criteria to be presented to the Tax

1 Commission by the Oklahoma Department of Wildlife Conservation in
2 consultation with the Oklahoma Arts Council, and issued to any
3 person wishing to demonstrate support for wildlife conservation in
4 this state through the Wildlife Diversity Fund, provided for in
5 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
6 be designed and issued to any person as for personalized license
7 plates.

8 As provided in this section, an amount of the fee collected
9 shall be apportioned pursuant to subsection D of Section 3-310 of
10 Title 29 of the Oklahoma Statutes;

11 5. Child Abuse Prevention License Plates - such plates shall be
12 designed, subject to the criteria to be presented to the Tax
13 Commission by the Office of Child Abuse Prevention in the State
14 Department of Health and the Oklahoma Committee to Prevent Child
15 Abuse, and issued to any person wishing to demonstrate support for
16 the prevention of child abuse.

17 As provided in this section, an amount of the fee collected
18 shall be deposited in the Child Abuse Prevention Fund;

19 6. United States Olympic Committee Supporter License Plates -
20 such plates shall be designed and issued to any person wishing to
21 demonstrate support for the United States Olympic Committee. The
22 plates shall be issued to any person in any combination of numbers
23 and letters from one to a maximum of seven, as for personalized
24 license plates. The plate shall contain the official United States

1 Olympic Committee logo. The Tax Commission shall be authorized, if
2 necessary, to enter into a licensing agreement with the United
3 States Olympic Committee for any licensing fees which may be
4 required in order to use the United States Olympic Committee logo or
5 design. The licensing agreement shall provide for a payment of not
6 more than Twenty-five Dollars (\$25.00) for each license plate
7 issued;

8 7. Oklahoma History License Plates - such plates shall be
9 designed and issued to any person wishing to demonstrate interest in
10 Oklahoma history. As provided in this section, an amount of the fee
11 collected shall be deposited to the Oklahoma Historical Society
12 Revolving Fund to be used for educational purposes;

13 8. Historic Route 66 License Plates - such plates shall be
14 designed to honor historic Route 66, also known as the "Mother
15 Road". As provided in this section, an amount of the fee collected
16 shall be apportioned to the Oklahoma Historical Society Revolving
17 Fund to be distributed to the Route 66 Museum located in Clinton,
18 Oklahoma;

19 9. Heart of the Heartland License Plates - such plates shall be
20 designed and issued to any person wishing to honor the victims of
21 the terrorist bombing attack on the Alfred P. Murrah Federal
22 Building in downtown Oklahoma City on April 19, 1995. As provided
23 in this section, an amount of the fee collected shall be deposited
24

1 in the Heart of the Heartland Scholarship Fund, as established in
2 Section 2282 of Title 70 of the Oklahoma Statutes;

3 10. Emergency Medical Technician License Plates - such plates
4 shall be designed and issued to any person who is an emergency
5 medical technician. Such persons may apply for an emergency medical
6 technician license plate for each vehicle with a rated carrying
7 capacity of one (1) ton or less upon proof of an emergency medical
8 technician's license. The license plate shall be designed in
9 consultation with the state association of emergency medical
10 technicians. As provided in this section, an amount of the fee
11 collected shall be apportioned to the Emergency Medical Technician
12 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
13 of the Oklahoma Statutes;

14 11. Fight Breast Cancer License Plates - such plates shall be
15 designed to demonstrate support for the prevention and treatment of
16 breast cancer in this state. As provided in this section, an amount
17 of the fee collected shall be apportioned to the Breast Cancer Act
18 Revolving Fund;

19 12. Crime Victims Awareness License Plates - such plates shall
20 be designed and issued to any person wishing to demonstrate
21 awareness of and support for victims of crimes. The license plates
22 shall be designed in consultation with the Oklahoma Crime Victims
23 Centre. As provided in this section, an amount of the fee collected
24 shall be apportioned to the Attorney General's Revolving Fund for

1 the Office of the Attorney General, which is hereby directed to use
2 such funds to contract with a statewide nonprofit organization to
3 provide services to crime victims;

4 13. Oklahoma Safe Kids Association License Plates - such plates
5 shall be designed and issued to any person wishing to demonstrate
6 support and awareness of the Oklahoma Safe Kids Association. The
7 license plate shall be designed in consultation with the Oklahoma
8 Safe Kids Association. As provided in this section, an amount of
9 the fee collected shall be deposited in the Children's Hospital -
10 Oklahoma Safe Kids Association Revolving Fund to be distributed to
11 the Oklahoma Safe Kids Association program;

12 14. Four-H Club License Plates - such plates shall be designed,
13 subject to criteria to be presented to the Tax Commission by the
14 Four-H Foundation, and issued to any person wishing to demonstrate
15 support of the Four-H Club. Such plates may be designed and issued
16 to any person as for personalized license plates. As provided in
17 this section, an amount of the fee collected shall be apportioned to
18 the OSU Extension Service License Plate Revolving Fund created in
19 Section 1104.4 of this title;

20 15. Agricultural Awareness License Plates - such plates shall
21 be designed, subject to criteria to be presented to the Tax
22 Commission, by the Oklahoma Department of Agriculture, Food, and
23 Forestry in consultation with the Oklahoma Arts Council, and issued
24 to any person wishing to demonstrate support of the Department's Ag

1 in the Classroom Education Program. As provided in this section, an
2 amount of the fee collected shall be apportioned as provided in
3 Section 1104.3 of this title;

4 16. Oklahoma Statehood Centennial License Plates - such plates
5 shall be designed and issued to any person wishing to commemorate
6 the centennial of Oklahoma's admission to statehood in 1907. The
7 license plates shall be designed in consultation with the Oklahoma
8 Capitol Complex and Centennial Commemoration Commission. As
9 provided in this section, an amount of the fee collected shall be
10 deposited in the Oklahoma Capitol Complex and Centennial
11 Commemoration Commission Revolving Fund created in Section 98.5 of
12 Title 73 of the Oklahoma Statutes;

13 17. Support Education License Plates - such plates shall be
14 designed, subject to criteria to be presented to the Tax Commission
15 by the State Department of Education in consultation with the
16 Oklahoma Arts Council, and issued to any person wishing to
17 demonstrate support for education in this state. All motor license
18 agents shall display a sample of the Support Education License plate
19 in the area of the business accessed by the public. Twenty-three
20 Dollars (\$23.00) of the fee collected shall be apportioned as
21 follows:

22 a. five percent (5%) shall be deposited to the Education
23 Reform Revolving Fund,

24

- 1 b. five percent (5%) shall be deposited to the Higher
2 Education Revolving Fund,
3 c. five percent (5%) shall be deposited to the State
4 Career Technology Fund, and
5 d. eighty-five percent (85%) of the fee shall be
6 deposited to the Teachers' Retirement Benefit Fund as
7 set forth in Section 17-108 of Title 70 of the
8 Oklahoma Statutes.

9 However, when the Teachers' Retirement Benefit Fund attains a
10 seventy percent (70%) funded ratio based on an annual actuarial
11 valuation as required by law, the amount of the fee shall be
12 apportioned equally pursuant to subparagraphs a, b and c of this
13 paragraph;

14 18. Retired Oklahoma Highway Patrol Officers License Plates -
15 such plates shall be designed and issued to any retired officer of
16 the Oklahoma Highway Patrol. The license plate shall have the
17 legend "Oklahoma" and shall contain, in the center of the plate, the
18 Highway Patrol Officers patch using the same colors and pattern as
19 used in the patch. Centered on the bottom of the license plate
20 shall be the word "Retired". The letters "TRP" shall be used in
21 combination with three numbers on either side of the insignia or
22 emblem. The color of the letters and numbers shall be brown.
23 Retirees who are eligible for such plates shall provide proof of
24 eligibility upon initial application, but shall not be required to

1 provide proof of eligibility annually. The surviving spouse of any
2 deceased retired officer of the Oklahoma Highway Patrol, if the
3 spouse has not since remarried, or if remarried, the remarriage is
4 terminated by death, divorce, or annulment, may apply for a Retired
5 Oklahoma Highway Patrol Officers license plate. As provided in this
6 section, an amount of the fee collected shall be deposited into the
7 Law Enforcement Retirement Fund;

8 19. Boy Scouts of America Supporter License Plates - such
9 plates shall be designed and issued to any person wishing to
10 demonstrate support for the Boy Scouts of America. The plates shall
11 be issued to any person in any combination of numbers and letters
12 from one to a maximum of seven, as for personalized license plates.
13 The plate shall contain the official Boy Scouts of America logo.
14 The Tax Commission shall be authorized, if necessary, to enter into
15 a licensing agreement with the Boy Scouts of America for any
16 licensing fees which may be required in order to use the Boy Scouts
17 of America logo or design. The licensing agreement shall provide
18 for a payment to the Boy Scouts of America of not more than Twenty
19 Dollars (\$20.00) for each license plate issued;

20 20. Urban Forestry and Beautification License Plates - such
21 plates shall be designed, subject to criteria to be presented to the
22 Tax Commission, by the Oklahoma Department of Agriculture, Food, and
23 Forestry in consultation with nonprofit organizations in this state
24 that develop and operate programs to encourage urban forestry and

1 beautification, and issued to any person wishing to demonstrate
2 support of such programs. As provided in this section, an amount of
3 the fee collected shall be apportioned as provided in Section 1104.5
4 of this title;

5 21. Oklahoma State Parks Supporter License Plates - such plates
6 shall be designed, subject to criteria to be presented to the Tax
7 Commission by the Oklahoma Tourism and Recreation Department, and
8 issued to any person wishing to demonstrate support for the Oklahoma
9 state parks system. Twenty-three Dollars (\$23.00) of the fee
10 collected shall be deposited in the Oklahoma Tourism and Recreation
11 Department Revolving Fund. Such money shall be designated for and
12 may only be expended for the support of Oklahoma state parks;

13 22. Adoption Creates Families License Plates - such plates
14 shall be issued to any person wishing to demonstrate support of
15 pregnant women who are committed to placing their children for
16 adoption and wishing to provide assistance to guardians, adoptive
17 parents and other created families to assist in the adoption and
18 placement of children in permanent, safe homes. The license plates
19 shall be designed and final terminology delivered in consultation
20 with the Oklahoma Adoption Coalition and the Department of Human
21 Services. Twenty-five Dollars (\$25.00) of the fee collected shall
22 be deposited in a revolving fund established in the State Treasury
23 for and to be used by the Department of Human Services for the
24

1 implementation of the Investing in Stronger Oklahoma Families Act
2 specifically for created families;

3 23. Choose Life License Plates - such plates shall be designed,
4 subject to criteria presented to the Tax Commission, by Choose Life,
5 Inc., and issued to any person who wishes to demonstrate support of
6 organizations that encourage adoption as a positive choice for women
7 with unplanned pregnancies. As provided in this section, an amount
8 of the fee collected shall be deposited in the Choose Life
9 Assistance Program Revolving Fund established in Section 1104.6 of
10 this title;

11 24. Future Farmers of America License Plate - such plates shall
12 be designed and issued to persons wishing to demonstrate support for
13 the Oklahoma FFA (formerly known as Future Farmers of America). The
14 license plates shall be designed in consultation with the Oklahoma
15 FFA Foundation Board of Directors. As provided in this section, an
16 amount of the fee collected shall be apportioned as provided in
17 Section 1104.7 of this title;

18 25. Lions Club License Plates - such plates shall be designed
19 and issued to persons wishing to demonstrate support for the Lions
20 Club of Oklahoma. The plates shall be issued to any person in any
21 combination of numbers and letters from one to a maximum of seven,
22 as for personalized license plates. The license plates shall be
23 designed in consultation with the Oklahoma Lions Service Foundation
24 and shall contain the official logo of the International Association

1 of Lions Clubs. The Tax Commission shall be authorized to enter
2 into a licensing agreement with the Oklahoma Lions Service
3 Foundation. The licensing agreement shall provide for a payment to
4 the Oklahoma Lions Service Foundation of not more than Ten Dollars
5 (\$10.00) for each license plate issued;

6 26. Color Oklahoma License Plates - such plates shall be
7 designed, subject to criteria to be presented to the Tax Commission
8 by the Oklahoma Native Plant Society, and issued to any person
9 wishing to demonstrate support for preserving and planting
10 wildflowers and native plants in Oklahoma and to promote Oklahoma's
11 wildflower heritage through education. As provided in this section,
12 an amount of the fee collected shall be apportioned as provided in
13 Section 1104.8 of this title;

14 27. Girl Scouts of the United States of America Supporter
15 License Plates - such plates shall be designed and issued to any
16 person wishing to demonstrate support for the Girl Scouts of the
17 United States of America. The plates shall be issued to any person
18 in any combination of numbers and letters from one to a maximum of
19 seven, as for personalized license plates. The plate shall contain
20 the official Girl Scouts of the United States of America logo. The
21 Tax Commission shall be authorized, if necessary, to enter into a
22 licensing agreement with the Girl Scouts of the United States of
23 America for any licensing fees which may be required in order to use
24 the Girl Scouts of the United States of America logo or design. The

1 licensing agreement shall provide for a payment to the Girl Scouts
2 of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout
3 councils, of not more than Twenty Dollars (\$20.00) for each license
4 plate issued;

5 28. Oklahoma City Memorial Marathon License Plates - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the Oklahoma City Memorial Marathon. The
8 plate shall be designed in consultation with the Oklahoma City
9 Memorial Marathon. The Tax Commission shall be authorized to enter
10 into a licensing agreement with the Oklahoma City Memorial Marathon
11 for any licensing fees which may be required in order to use the
12 Oklahoma City Memorial Marathon logo or design. The licensing
13 agreement shall provide for a payment to the Oklahoma City Memorial
14 Marathon of not more than Twenty Dollars (\$20.00) for each license
15 plate issued;

16 29. Oklahoma Scenic Rivers License Plate - such plates shall be
17 designed to demonstrate support for the Oklahoma Scenic Rivers. The
18 plates shall be designed in consultation with the Oklahoma Scenic
19 Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be
20 apportioned to the Oklahoma Scenic Rivers Commission;

21 30. Fight Cancer License Plate - such plates shall be designed
22 to demonstrate support for the Oklahoma Central Cancer Registry.
23 The plate shall contain the American Cancer Society logo. The
24 American Cancer Society logo shall be used in accordance with the

1 American Cancer Society's branding guidelines and shall only be
2 utilized to support the Oklahoma Central Cancer Registry. Twenty
3 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
4 Central Cancer Registry Revolving Fund;

5 31. Animal Friendly License Plate - such plates shall be
6 designed and issued to any person wishing to demonstrate support for
7 controlling the overpopulation of dogs and cats through educational
8 and sterilization efforts. The plates shall be designed in
9 consultation with the Veterinary Medical Association. Twenty
10 Dollars (\$20.00) of the fee collected shall be designated by the
11 purchaser of the plate to be deposited in the Oklahoma Pet
12 Overpopulation Fund created in Section 2368.13 of Title 68 of the
13 Oklahoma Statutes or the Animal Friendly Revolving Fund created in
14 Section 1104.10 of this title;

15 32. Patriot License Plate - such plates shall be designed in
16 consultation with the Military Department of Oklahoma and issued to
17 any person wishing to demonstrate support for Oklahoma residents who
18 are members of the Oklahoma National Guard and deployed on active
19 duty. The plates shall be issued to any person in any combination
20 of numbers and letters from one to a maximum of seven, as for
21 personalized license plates. As provided in this section, a portion
22 of the fee collected shall be deposited in the Patriot License Plate
23 Revolving Fund created in Section 1104.11 of this title;

24

1 33. Global War on Terrorism License Plate - such plate shall be
2 designed in consultation with the Military Department of Oklahoma
3 and issued to any person wishing to demonstrate support for Oklahoma
4 residents who are members of the Armed Forces of the United States
5 or Oklahoma National Guard that have served in the Global War on
6 Terrorism. The plate shall be issued to any person in any
7 combination of numbers and letters from one to a maximum of six. As
8 provided in this section, a portion of the fee collected shall be
9 deposited in the 45th Infantry Division Museum Fund created in
10 Section 235.1 of Title 44 of the Oklahoma Statutes;

11 34. Boys and Girls Clubs of America Supporter License Plates -
12 such plates shall be designed and issued to any person wishing to
13 demonstrate support for the Boys and Girls Clubs of America. The
14 plates shall be issued to any person in any combination of numbers
15 and letters from one to a maximum of seven, as for personalized
16 license plates. The plate shall contain the official Boys and Girls
17 Clubs of America logo. The Tax Commission, if necessary, may enter
18 into a licensing agreement with the Boys and Girls Clubs of America
19 for any licensing fees which may be required in order to use the
20 Boys and Girls Clubs of America logo or design. The licensing
21 agreement shall provide for a payment to the Boys and Girls Clubs of
22 America of not more than Twenty Dollars (\$20.00) for each license
23 plate issued;

24

1 35. Oklahoma Quarter Horse License Plates - such plates shall
2 be designed and issued to any person wishing to demonstrate support
3 for the American Quarter Horse in Oklahoma. The plate shall be
4 designed in consultation with the Oklahoma Quarter Horse
5 Association. As provided in this section, a portion of the fee
6 collected shall be deposited in the Oklahoma Quarter Horse Revolving
7 Fund created in Section 1104.12 of this title;

8 36. Oklahoma Association for the Deaf License Plate - such
9 plates shall be designed in consultation with the Oklahoma
10 Association for the Deaf and issued to any person wishing to
11 demonstrate support for Oklahoma residents who are deaf. The plates
12 shall be issued to any person in any combination of numbers and
13 letters from one to maximum of seven, as for personalized license
14 plates. As provided in this section, a portion of the fee collected
15 shall be deposited in the Oklahoma Association for the Deaf License
16 Plate Revolving Fund created in Section 1104.15 of this title;

17 37. Oklahoma City Zoo License Plate - such plates shall be
18 issued to any person wishing to demonstrate support for the Oklahoma
19 City Zoo. The license plates shall be designed in consultation with
20 the Oklahoma Zoological Society, Inc. As provided in this section,
21 an amount of the fee collected shall be deposited in the Oklahoma
22 Zoological Society Revolving Fund created in Section 1104.13 of this
23 title;

24

1 38. March of Dimes License Plate - such plates shall be issued
2 to persons wishing to demonstrate support for the March of Dimes
3 mission to improve the health of babies by preventing birth defects,
4 premature birth and infant mortality. The license plates shall be
5 designed in consultation with the Oklahoma Chapter March of Dimes.
6 As provided in this section, an amount of the fee collected shall be
7 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
8 Infant Mortality Fund established in Section 1104.14 of this title;

9 39. Support Our Troops Supporter License Plates - such plates
10 shall be designed and issued to any person wishing to demonstrate
11 support for Support Our Troops Incorporated. The plates shall be
12 issued to any person in any combination of numbers and letters from
13 one to a maximum of six. The plate shall contain the official
14 Support Our Troops Incorporated logo which includes the mark
15 "Support Our Troops" across the bottom of the plate. The Tax
16 Commission, if necessary, may enter into a licensing agreement with
17 Support Our Troops Incorporated for any licensing fees which may be
18 required in order to use the Support Our Troops Incorporated logo or
19 design. The licensing agreement shall provide for a payment to
20 Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for
21 each license plate issued;

22 40. Folds of Honor Supporter License Plate - such plates shall
23 be designed and issued to any person wishing to demonstrate support
24 for Folds of Honor Incorporated, a nonprofit charitable organization

1 exempt from taxation pursuant to the provisions of the Internal
2 Revenue Code, 26 U.S.C., Section 501(c)(3), providing academic and
3 vocational training scholarships to dependents of military
4 servicemen and servicewomen who were either killed or wounded in
5 action due to military service in the war in Iraq or Afghanistan.
6 The plates shall be issued to any person in any combination of
7 numbers and letters from one to a maximum of six. The plate shall
8 be designed in consultation with Folds of Honor Incorporated and
9 shall contain the official Folds of Honor Incorporated logo which
10 includes the mark "Folds of Honor" across the bottom of the plate.
11 The Tax Commission, if necessary, may enter into a licensing
12 agreement with Folds of Honor Incorporated for any licensing fees
13 which may be required in order to use the Folds of Honor
14 Incorporated logo or design. The licensing agreement shall provide
15 for a payment to Folds of Honor Incorporated of Twenty-five Dollars
16 (\$25.00) for each license plate issued;

17 41. Downed Bikers Association License Plate - such plates shall
18 be designed and issued to any person wishing to demonstrate support
19 for the Downed Bikers Association, a nonprofit charitable
20 organization exempt from taxation pursuant to the provisions of the
21 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
22 emotional and financial support for downed bikers. The license
23 plate shall be designed in consultation with the Central Oklahoma
24 Chapter of the Downed Bikers Association and shall contain any

1 official logo or design of the organization. The Tax Commission, if
2 necessary, may enter into a licensing agreement with the Downed
3 Bikers Association for any licensing fees which may be required in
4 order to use the organization's logo or design. The licensing
5 agreement shall provide for a payment to the Downed Bikers
6 Association of not more than Twenty Dollars (\$20.00) for each
7 license plate;

8 42. Armed Forces Veterans Motorcycle License Plate - such
9 plates shall be designed for use on a motorcycle in consultation
10 with A Brotherhood Aiming Toward Education of Oklahoma, Inc.
11 (ABATE), and issued to any honorably discharged former member of the
12 United States Armed Forces wishing to demonstrate support for the
13 45th Infantry Division Museum. Persons applying for such license
14 plate must show proof of past military service. As provided in this
15 section, a portion of the fee collected shall be deposited in the
16 45th Infantry Division Museum Fund created in Section 235.1 of Title
17 44 of the Oklahoma Statutes;

18 43. Buffalo Soldier License Plate - such plates shall be issued
19 to any person wishing to honor and celebrate the history and
20 contribution of the Buffalo Soldiers. The license plates shall be
21 designed in consultation with the Lawton-Fort Sill Chapter of the
22 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
23 provided in this section, an amount of the fee collected shall be
24

1 deposited in the Buffalo Soldier License Plate Revolving Fund
2 created in Section 1104.16 of this title;

3 44. Prevent Blindness Oklahoma License Plate - such plates
4 shall be issued to any person wishing to provide financial support
5 for vision screening of school age children in this state. The
6 license plates shall be designed in consultation with Prevent
7 Blindness Oklahoma. As provided in this section, an amount of the
8 fee collected shall be deposited in the Prevent Blindness Oklahoma
9 License Plate Revolving Fund created in Section 1104.17 of this
10 title;

11 45. Oklahoma State Capitol Restoration License Plate - such
12 plates shall be designed and issued to any person wishing to
13 demonstrate support for restoration of the Oklahoma State Capitol
14 building. The license plates shall be designed in consultation with
15 the Friends of the Capitol corporation, created pursuant to Section
16 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol
17 Preservation Commission created pursuant to Section 4102 of Title 74
18 of the Oklahoma Statutes. As provided in this section, an amount of
19 the fee collected shall be deposited in the Oklahoma Friends of the
20 Capitol License Plate Revolving Fund established in Section 1104.18
21 of this title;

22 46. Eastern Red Cedar Tree License Plates - such plates shall
23 be designed, subject to criteria to be presented to the Tax
24 Commission and issued to any person wishing to demonstrate support

1 for the removal of Eastern Red Cedar trees from lands in the state
2 and to develop marketable uses for the harvested trees. The license
3 plate shall be designed in consultation with the Eastern Red Cedar
4 Registry Board. Twenty-three Dollars (\$23.00) of the fee collected
5 shall be deposited in the Eastern Red Cedar Revolving Fund created
6 in Section 18-407 of Title 2 of the Oklahoma Statutes. The money
7 shall be designated for and may only be expended for the purposes as
8 set forth in the Eastern Red Cedar Registry Board Act;

9 47. Pancreatic Cancer Research License Plate - such plates
10 shall be issued to any person wishing to provide financial support
11 for the University of Oklahoma Foundation, Pancreatic Cancer
12 Research Fund. The plates shall be issued to any person in any
13 combination of numbers and letters from one to a maximum of six.
14 The license plates shall be designed in consultation with the
15 University of Oklahoma Foundation, Pancreatic Cancer Research Fund.
16 As provided in this section, an amount of the fee collected shall be
17 deposited in the Pancreatic Cancer Research License Plate Revolving
18 Fund created in Section 1104.19 of this title;

19 48. Alzheimer's Research License Plate - such plates shall be
20 issued to any person wishing to provide financial support for the
21 Oklahoma Chapter of the Alzheimer's Association. The license plates
22 shall be designed in consultation with the Oklahoma Chapter of the
23 Alzheimer's Association. As provided in this section, an amount of
24 the fee collected shall be deposited in the Alzheimer's Research

1 License Plate Revolving Fund created in Section 1104.20 of this
2 title;

3 49. Hospice and Palliative Care License Plate - such plates
4 shall be issued to any person wishing to provide financial support
5 for the Oklahoma Hospice and Palliative Care Association. The
6 license plates shall be designed in consultation with the Oklahoma
7 Hospice and Palliative Care Association. As provided in this
8 section, an amount of the fee collected shall be deposited in the
9 Hospice and Palliative Care License Plate Revolving Fund created in
10 Section 1104.21 of this title;

11 50. Juvenile Diabetes Research License Plate - such plates
12 shall be issued to any person wishing to provide financial support
13 for the Oklahoma Chapters of the Juvenile Diabetes Research
14 Foundation. The license plates shall be designed in consultation
15 with the Oklahoma Chapters of the Juvenile Diabetes Research
16 Foundation. As provided in this section, an amount of the fee
17 collected shall be deposited in the Juvenile Diabetes Research
18 License Plate Revolving Fund created in Section 1104.22 of this
19 title;

20 51. Deer Creek Schools Foundation License Plate - such plates
21 shall be issued to any person wishing to provide financial support
22 for the Deer Creek Schools Foundation. The license plates shall be
23 designed in consultation with the Deer Creek Schools Foundation.
24 The plates shall be issued to any person in any combination of

1 numbers and letters from one to a maximum of seven, as for
2 personalized license plates. As provided in this section, an amount
3 of the fee collected shall be deposited in the Deer Creek Schools
4 Foundation License Plate Revolving Fund created in Section 1104.23
5 of this title;

6 52. Lupus Awareness and Education License Plate - such plates
7 shall be issued to any person wishing to provide financial support
8 for the Lupus Foundation of Oklahoma. The license plates shall be
9 designed in consultation with the Lupus Foundation of Oklahoma. As
10 provided in this section, an amount of the fee collected shall be
11 deposited in the Oklahoma Lupus License Plate Revolving Fund created
12 in Section 1104.24 of this title. Subject to the provisions of
13 subsection A of this section, the Lupus Awareness and Education
14 License Plate is hereby reauthorized effective November 1, 2015;

15 53. Chiefs of Police License Plate - such plates shall be
16 issued to any person wishing to provide financial support for the
17 Oklahoma Association of Chiefs of Police for a vehicle or motorcycle
18 in any combination of numbers and letters from one to a maximum of
19 seven, as for personalized plates. The license plates shall be
20 designed in consultation with the Oklahoma Association of Chiefs of
21 Police. The license plate for a motorcycle may be of similar design
22 as space permits or a new design in order to meet the space
23 requirements of a motorcycle license plate. The Tax Commission
24 shall be authorized to enter into a licensing agreement with the

1 Oklahoma Association of Chiefs of Police for any licensing fees
2 which may be required in order to use the association's logo or
3 design. The licensing agreement shall provide for a payment to the
4 Oklahoma Association of Chiefs of Police of not more than Twenty
5 Dollars (\$20.00) for each license plate issued. Subject to the
6 provisions of subsection A of this section, the Chiefs of Police
7 License Plate is hereby reauthorized effective November 1, 2015;

8 54. Crossings Christian School License Plate - such plates
9 shall be designed and issued to any person wishing to demonstrate
10 support for Crossings Christian School located in Oklahoma City.
11 The license plates shall be designed in consultation with the
12 administration of Crossings Christian School. The Tax Commission
13 shall be authorized to enter into a licensing agreement with
14 Crossings Christian School for any licensing fees which may be
15 required in order to use the school's logo or design. The licensing
16 agreement shall provide for a payment to the Crossings Christian
17 School of not more than Twenty Dollars (\$20.00) for each license
18 plate issued;

19 55. Hilldale Education Foundation License Plates - such plates
20 shall be designed and issued to any person wishing to demonstrate
21 support for the Hilldale Education Foundation. The license plates
22 shall be designed in consultation with the administration of the
23 Hilldale Education Foundation. The Tax Commission shall be
24 authorized to enter into a licensing agreement with the Hilldale

1 Education Foundation for any licensing fees which may be required in
2 order to use the foundation's logo or design. The licensing
3 agreement shall provide for a payment to the Hilldale Education
4 Foundation of not more than Twenty Dollars (\$20.00) for each license
5 plate issued;

6 56. Oklahoma Nurses License Plate - such plates shall be issued
7 to any person licensed pursuant to the Oklahoma Nursing Practice Act
8 and providing such documentation of current licensure as may be
9 required by the Oklahoma Tax Commission. The license plates shall
10 be designed in consultation with the Oklahoma Nurses Association.
11 As provided in this section, an amount of the fee collected shall be
12 deposited in the Oklahoma Nurses License Plate Revolving Fund
13 created in Section 1104.26 of this title;

14 ~~56.~~ 57. Oklahoma Sports Hall of Fame License Plate - such
15 plates shall be issued to any person wishing to demonstrate support
16 for the Oklahoma Sports Hall of Fame. The license plates shall be
17 designed in consultation with the administration of the Oklahoma
18 Sports Hall of Fame. The Oklahoma Tax Commission shall be
19 authorized to enter into a licensing agreement with the Oklahoma
20 Sports Hall of Fame for any licensing fees which may be required in
21 order to use the Hall of Fame's logo or design. The licensing
22 agreement shall provide for a payment to the Oklahoma Sports Hall of
23 Fame of not more than Twenty Dollars (\$20.00) for each license plate
24 issued;

1 58. Childhood Cancer Awareness License Plate - such plates
2 shall be issued to any person wishing to demonstrate support for the
3 Oklahoma Children's Cancer Association. The license plates shall be
4 designed in consultation with the administration of the Oklahoma
5 Children's Cancer Association. The Oklahoma Tax Commission shall be
6 authorized to enter into a licensing agreement with the Oklahoma
7 Children's Cancer Association for any licensing fees which may be
8 required in order to use the Oklahoma Children's Cancer
9 Association's logo or design. The licensing agreement shall provide
10 for a payment to the Oklahoma Children's Cancer Association of not
11 more than Twenty Dollars (\$20.00) for each license plate issued;

12 59. Oklahoma Educational Television Authority License Plate -
13 such plates shall be designed and issued to any person wishing to
14 demonstrate support for the Oklahoma Educational Television
15 Authority and such plates shall be designed in consultation with the
16 Authority. As provided in this section, an amount of the fee
17 collected shall be deposited in the Educational Television Authority
18 Revolving Fund created in Section 156 of Title 62 of the Oklahoma
19 Statutes; and

20 ~~57.~~ 60. Remembering Fallen Heroes License Plate - such plates
21 shall be designed and issued to any person wishing to demonstrate
22 support for Concerns of Police Survivors, Inc. Such plates shall be
23 designed in consultation with the Oklahoma chapter of Concerns of
24 Police Survivors, Inc. As provided in this section, an amount of

1 the fee collected shall be deposited in the Oklahoma Concerns of
2 Police Survivors License Plate Revolving Fund created in Section ~~3~~
3 1104.27 of this ~~act~~ title.

4 C. The fee for such plates shall be Thirty-five Dollars
5 (\$35.00) and shall be in addition to all other registration fees
6 provided by the Oklahoma Vehicle License and Registration Act. The
7 fee shall be apportioned as follows:

8 1. Twenty Dollars (\$20.00) or any other amount as provided in
9 this title of the fee shall be apportioned as provided or deposited
10 in a fund as specified within the paragraph authorizing the special
11 license plate;

12 2. Eight Dollars (\$8.00) of the fee shall be deposited in the
13 Oklahoma Tax Commission Reimbursement Fund to be used for the
14 administration of the Oklahoma Vehicle License and Registration Act;
15 and

16 3. Any remaining amounts of the fee shall be apportioned as
17 provided in Section 1104 of this title.

18 SECTION 26. REPEALER 47 O.S. 2011, Section 1135.5, as
19 last amended by Section 2, Chapter 372, O.S.L. 2015 (47 O.S. Supp.
20 2015, Section 1135.5), is hereby repealed.

21 SECTION 27. AMENDATORY 47 O.S. 2011, Section 6-107, as
22 amended by Section 2, Chapter 266, O.S.L. 2015 (47 O.S. Supp. 2015,
23 Section 6-107), is amended to read as follows:

24

1 Section 6-107. A. In addition to the requirements of Section
2 6-106 of this title, the application of any unemancipated person
3 under the age of eighteen (18) years for a restricted license shall
4 be signed and verified by the legal custodial parent or legal
5 guardian of the applicant, either in person before a person
6 authorized to administer oaths, electronically if completing an
7 online application, or by a notarized affidavit signed by a
8 custodial legal parent or legal guardian and submitted with the
9 application by the person under the age of eighteen (18) years
10 before a person authorized to administer oaths. The signature of
11 the legal custodial parent or legal guardian shall be evidence that
12 the legal custodial parent or legal guardian is willing to assume
13 the obligation imposed under Section 1-101 et seq. of this title
14 upon a person signing the application of a person under the age of
15 eighteen (18) years. Provided, however, any unemancipated person
16 under the age of eighteen (18) years who is in the permanent custody
17 of the Department of Human Services, upon proof of financial
18 responsibility in respect to the operation of a motor vehicle owned
19 by him or her or if not the owner of a motor vehicle then with
20 respect to the operation of any motor vehicle, in form and in
21 amounts as required under the motor vehicle financial responsibility
22 laws of this state, shall not be required to have his or her
23 application for restricted license signed or verified by another
24 person.

1 B. Any negligence or willful misconduct of a person under the
2 age of eighteen (18) years when driving a motor vehicle upon a
3 highway with the knowledge and consent of the person who signed the
4 application or notarized affidavit for the restricted license shall
5 be imputed to the person who has signed the application or notarized
6 affidavit. Such person shall be jointly and severally liable with
7 the minor for any damages caused by such negligence or willful
8 misconduct, except as otherwise provided in subsection C of this
9 section.

10 C. In the event a person under the age of eighteen (18) years
11 deposits, or there is deposited upon his or her behalf, proof of
12 financial responsibility in respect to the operation of a motor
13 vehicle owned by him or her or if not the owner of a motor vehicle
14 then with respect to the operation of any motor vehicle, in form and
15 in amounts as required under the motor vehicle financial
16 responsibility laws of this state, then the Department may accept
17 the application of such person when signed by the legal custodial
18 parent or the legal guardian of such person, and while such proof is
19 maintained the legal custodial parent or legal guardian shall not be
20 subject to the liability imposed under subsection B of this section.

21 D. The Department may, at its discretion, cancel or suspend the
22 license of any person under the age of eighteen (18) years for any
23 unlawful act, negligence or misconduct while driving a motor
24 vehicle.

1 E. As provided in Section 6-103.1 of this title, any legal
2 custodial parent or legal guardian who has signed the application or
3 notarized affidavit of a person under the age of eighteen (18) years
4 for a license may thereafter file with the Department of Public
5 Safety a verified written request that the license of that person so
6 granted be canceled. The Department shall then cancel the license
7 of the person and the legal custodial parent or legal guardian who
8 signed the application or notarized affidavit of the person shall be
9 relieved from the liability imposed under Section 1-101 et seq. of
10 this title by reason of having signed the application on account of
11 any subsequent negligence or willful misconduct of the person in
12 operating a motor vehicle.

13 F. The Department of Public Safety upon receipt of satisfactory
14 evidence of the death of the legal custodial parent or legal
15 guardian who signed the application or notarized affidavit of a
16 person under the age of eighteen (18) years for a license shall
17 cancel the license and shall not issue a new license until such time
18 as a new application, duly signed and verified, is made as required
19 by this chapter. This provision shall not apply in the event the
20 person has attained the age of eighteen (18) years.

21 SECTION 28. REPEALER 47 O.S. 2011, Section 6-107, as
22 amended by Section 1, Chapter 96, O.S.L. 2015 (47 O.S. Supp. 2015,
23 Section 6-107), is hereby repealed.

24

1 SECTION 29. AMENDATORY 47 O.S. 2011, Section 6-110, as
2 last amended by Section 3, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
3 2015, Section 6-110), is amended to read as follows:

4 Section 6-110. A. 1. The Department of Public Safety shall
5 examine every applicant for an original Class A, B, C or D license
6 and for any endorsements thereon, except as otherwise provided in
7 Section 6-101 et seq. of this title or as provided in paragraph 2 of
8 this subsection or in subsection D of this section. The examination
9 shall include a test of the applicant's:

- 10 a. eyesight,
- 11 b. ability to read and understand highway signs
12 regulating, warning and directing traffic,
- 13 c. knowledge of the traffic laws of this state, including
14 a portion on bicycle and motorcycle safety, and
- 15 d. ability, by actual demonstration, to exercise ordinary
16 and reasonable control in the operation of a motor
17 vehicle. The actual demonstration shall be conducted
18 in the type of motor vehicle for the class of driver
19 license being applied for.

20 The Department may create a knowledge test that may be taken on the
21 Internet by an applicant applying for a Class D license.

22 Any licensee seeking to apply for a driver license of another class
23 which is not covered by the licensee's current driver license shall
24 be considered an applicant for an original license for that class.

1 2. The Department of Public Safety shall have the authority to
2 waive the requirement of any part of the examination required in
3 paragraph 1 of this subsection for those applicants whose driving
4 record meets the standards set by the Department of Public Safety
5 and surrenders either of the following:

6 a. a valid unexpired driver license issued by any state
7 or country for the same type or types of vehicles, or

8 b. an expired driver license that:

9 (1) is not expired more than six (6) months past the
10 expiration date listed on the driver license, and

11 (2) is not a Class A, B or C commercial driver
12 license or commercial driver license permit.

13 3. The Department shall accept skills test results from another
14 state for Class A, B or C license applicants who have successfully
15 completed commercial motor vehicle driver training in that state and
16 successfully passed the skills test in that state; provided, the
17 Department shall not accept skills test results from another state
18 when the applicant has not successfully completed commercial motor
19 vehicle driver training in that state. Nothing in this section
20 shall be construed to prohibit the Department from administering the
21 skills test to any applicant who has successfully completed
22 commercial vehicle driver training in another state.

23 4. All applicants requiring a hazardous materials endorsement
24 shall be required, for the renewal of the endorsement, to

1 successfully complete the examination and to submit to a security
2 threat assessment performed by the Transportation Security
3 Administration of the Department of Homeland Security as required by
4 and pursuant to 49 C.F.R., Part 1572, which shall be used to
5 determine whether the applicant is eligible for renewal of the
6 endorsement pursuant to federal law and regulation.

7 5. The Department of Public Safety shall give the complete
8 examination as provided for in this section within thirty (30) days
9 from the date the application is received, and the examination shall
10 be given at a location within one hundred (100) miles of the
11 residence of the applicant. The Department shall make every effort
12 to make the examination locations and times convenient for
13 applicants. The Department shall consider giving the examination at
14 various school sites if the district board of education for the
15 district in which the site is located agrees and if economically
16 feasible and practicable.

17 B. Any person holding a valid Oklahoma Class D license or
18 provisional driver license pursuant to Section 6-212 of this title
19 and applying for a Class A, B or C commercial license shall be
20 required to successfully complete all examinations as required for
21 the specified class. Failure to submit to the Department federally
22 required medical certification information pursuant to 49 C.F.R.,
23 Part 391.41 et seq. shall result in an automatic downgrade of a
24 commercial license to a Class D license. Provided, however, once

1 the required medical certification information has been received by
2 the Department, the license shall be reinstated to the
3 classification of the commercial license prior to the downgrade and
4 the holder of such a license shall not be required to reapply.

5 C. Except as provided in subsection E of Section 6-101 of this
6 title, any person holding a valid Oklahoma Class A, B or C
7 commercial license shall, upon time for renewal thereof, be entitled
8 to a Class D license without any type of testing or examination,
9 except for any endorsements thereon as otherwise provided for by
10 Section 6-110.1 of this title.

11 D. 1. Any certified driver education instructor who is
12 currently an operator or an employee of a commercial driver training
13 school in this state or any driver education instructor employed by
14 any school district in this state shall be eligible to apply to be a
15 designated examiner of the Department of Public Safety for the
16 purposes of administering the Class D driving skills portion of the
17 Oklahoma driving examination to any person who has not previously
18 been a student of the instructor.

19 2. The Department of Public Safety shall adopt a curriculum of
20 required courses and training to be offered to applicants who are
21 qualified to apply to be a designated examiner. The courses and
22 training for certification shall meet the same standards as required
23 for driver examiners of the Department of Public Safety.

24

1 3. Each person applying to be a designated examiner shall be
2 required to pay an initial designated examiner certification fee of
3 One Thousand Dollars (\$1,000.00). Upon successful completion of
4 training prescribed by paragraph 2 of this subsection, the person
5 shall be required to pay an annual designated examiner certification
6 fee of Five Hundred Dollars (\$500.00). If an applicant for the
7 designated examiner program is employed by an Oklahoma public school
8 system that offers driver education, and he or she administers the
9 skills test only to students enrolled in a public school driver
10 education program, the certification fee may be waived by the
11 Department. Each designated examiner certification shall expire on
12 the last day of the calendar year and may be renewed upon
13 application to the Department of Public Safety. The designated
14 examiner certification fees collected by the Department pursuant to
15 this subsection shall be deposited to the credit of the Department
16 of Public Safety Restricted Revolving Fund to be used for the
17 purposes of this subsection. No designated examiner certification
18 fee shall be refunded in the event that certification is denied,
19 suspended or revoked.

20 4. A designated examiner may charge a fee of no more than
21 Twenty-five Dollars (\$25.00) for each Class D driving skills
22 examination given, whether the person being examined passes or fails
23 the examination.

24

1 5. The Department shall conduct an annual complete nationwide
2 criminal history background check on each designated examiner and a
3 complete nationwide criminal history background check on each
4 designated examiner applicant. The fees for the background check
5 shall be borne by the designated examiner or designated examiner
6 applicant.

7 6. The Department of Public Safety shall promulgate rules to
8 implement and administer the provisions of this subsection.

9 SECTION 30. REPEALER 47 O.S. 2011, Section 6-110, as
10 last amended by Section 2, Chapter 97, O.S.L. 2015 (47 O.S. Supp.
11 2015, Section 6-110), is hereby repealed.

12 SECTION 31. AMENDATORY 57 O.S. 2011, Section 510.9, as
13 last amended by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
14 2015, Section 510.9), is amended to read as follows:

15 Section 510.9 A. There is hereby created the Electronic
16 Monitoring Program for inmates in the custody of the Department of
17 Corrections who are sentenced for a nonviolent offense not included
18 as a violent offense defined in Section 571 of this title. The
19 Department is authorized to use an electronic monitoring global
20 positioning device to satisfy its custody duties and
21 responsibilities.

22 B. After an inmate has been processed and received through a
23 Department Assessment and Reception Center, has been incarcerated
24 for a minimum of ninety (90) days, and has met the criteria

1 established in subsection C of Section 521 of this title, the
2 Director of the Department of Corrections may assign the inmate, if
3 eligible, to the Electronic Monitoring Program. Nothing shall
4 prohibit the Director from assigning an inmate to the Electronic
5 Monitoring Program while assigned to the accredited halfway house or
6 transitional living facility. The following inmates, youthful
7 offenders, and juveniles shall not be eligible for assignment to the
8 program:

9 1. Any inmate serving a sentence of more than five (5) years
10 who has eleven (11) months or more left on the sentence or any
11 inmate serving a sentence of five (5) years or less whose initial
12 custody assessment requires placement above the minimum security
13 level;

14 2. Inmates convicted of a violent offense within the previous
15 ten (10) years pursuant to Section 571 of this title;

16 3. Inmates convicted of any violation of the provisions of the
17 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
18 of the Oklahoma Statutes;

19 4. Inmates denied parole within the previous twelve (12) months
20 pursuant to Section 332.7 of this title;

21 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
22 the Oklahoma Statutes who are not receptive to substance abuse
23 treatment and follow-up treatment;

24

1 6. Inmates removed from the Electronic Monitoring Program or
2 any other alternative to incarceration authorized by law for
3 violation of any rule or condition of the program and reassigned to
4 imprisonment in a correctional facility;

5 7. Inmates deemed by the Department to be a security risk or
6 threat to the public;

7 8. Inmates requiring educational, medical or other services or
8 programs not available in a community setting as determined by the
9 Department;

10 9. Inmates convicted of any violation of subsection C of
11 Section 644 of Title 21 of the Oklahoma Statutes or who have an
12 active protection order that was issued under the Protection from
13 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
14 Oklahoma Statutes;

15 10. Inmates who have outstanding felony warrants or detainers
16 from another jurisdiction;

17 11. Inmates convicted of a sex offense who, upon release from
18 incarceration, would be required by law to register pursuant to the
19 Sex Offender Registration Act;

20 12. Inmates convicted of racketeering activity as defined in
21 Section 1402 of Title 22 of the Oklahoma Statutes;

22 13. Inmates convicted pursuant to subsection F of Section 2-401
23 of Title 63 of the Oklahoma Statutes;

24

1 14. Inmates convicted pursuant to Section 650 of Title 21 of
2 the Oklahoma Statutes;

3 15. Inmates who have escaped from a penal or correctional
4 institution within the previous ten (10) years; or

5 16. Inmates who currently have active misconduct actions on
6 file with the Department of Corrections.

7 C. Every eligible inmate assigned to the Electronic Monitoring
8 Program shall remain in such program until one of the following
9 conditions has been met:

10 1. The inmate discharges the term of the sentence;

11 2. The inmate is removed from the Electronic Monitoring Program
12 for violation of any rule or condition of the program and reassigned
13 to imprisonment in a correctional facility; or

14 3. The inmate is paroled by the Governor pursuant to Section
15 332.7 of this title.

16 D. After an inmate has been assigned to the Electronic
17 Monitoring Program, denial of parole pursuant to Section 332.7 of
18 this title, shall not be cause for removal from the program,
19 provided the inmate has not violated the rules or conditions of the
20 program. The inmate may remain assigned to the program, if
21 otherwise eligible, until the completion of the sentence.

22 E. The Electronic Monitoring Program shall require active
23 supervision of the inmate in a community setting by a correctional
24 officer or other employee of the Department of Corrections with

1 monitoring by a global positioning device approved by the Department
2 under such rules and conditions as may be established by the
3 Department. If an inmate violates any rule or condition of the
4 program, the Department may take necessary disciplinary action
5 consistent with the rules established pursuant to this section,
6 including reassignment to a higher level of security or removing the
7 inmate from the program with reassignment to imprisonment in a
8 correctional facility. Any inmate who escapes from the Electronic
9 Monitoring Program shall be subject to the provisions of Section 443
10 of Title 21 of the Oklahoma Statutes.

11 F. Upon an inmate assigned to the Electronic Monitoring Program
12 becoming eligible for parole consideration, pursuant to Section
13 332.7 of this title, the Department of Corrections shall deliver the
14 inmate, in person, to a correctional facility for interview,
15 together with any Department records necessary for the Pardon and
16 Parole Board's investigation. Inmates assigned to the Electronic
17 Monitoring Program shall not be allowed to waive consideration or
18 recommendation for parole.

19 G. Prior to placement of any eligible inmate assigned to the
20 Electronic Monitoring Program being placed in a community setting,
21 the Department of Corrections shall deliver a written notification
22 to the sheriff and district attorney of the county, and the chief
23 law enforcement officer of any incorporated city or town in which
24 the inmate is to be monitored and supervised under the program. The

1 district attorney shall disseminate such information to victims of
2 the crime for which the inmate is serving sentence, if any, when the
3 victims are known to live in the same city, town or county.

4 H. An inmate assigned to the Electronic Monitoring Program may
5 be required to pay the Department of Corrections for all or part of
6 any monitoring equipment or fee, substance abuse treatment program
7 or follow-up treatment expense, supervision cost, or other costs
8 while assigned to the program. The Department shall determine
9 whether the inmate has the ability to pay all or part of such fee or
10 costs.

11 I. The Department of Corrections shall promulgate and adopt
12 rules and procedures necessary to implement the Electronic
13 Monitoring Program, including but not limited to methods of
14 monitoring and supervision, disciplinary action, reassignment to
15 higher and lower security levels, removal from the program, and
16 costs of monitoring and supervision to be paid by the inmate, if
17 any.

18 J. An inmate assigned to the Electronic Monitoring Program
19 shall, within thirty (30) days of being placed in a community
20 setting, report to the court clerk and the district attorney of the
21 county from which the judgment and sentence resulting in
22 incarceration arose to address payment of any fines, costs,
23 restitution and assessments owed by the inmate, if any.

24

1 SECTION 32. REPEALER 57 O.S. 2011, Section 510.9, as
2 last amended by Section 1, Chapter 312, O.S.L. 2015 (57 O.S. Supp.
3 2015, Section 510.9), is hereby repealed.

4 SECTION 33. AMENDATORY 59 O.S. 2011, Section 1315, as
5 last amended by Section 2, Chapter 212, O.S.L. 2015 (59 O.S. Supp.
6 2015, Section 1315), is amended to read as follows:

7 Section 1315. A. The following persons or classes shall not be
8 bail bondsmen, shall not perform the acts of a bail bondsman and
9 shall not directly or indirectly receive any benefits from the
10 execution of any bail bond:

11 1. Persons convicted of, or who have pled guilty or nolo
12 contendere to, any felony or to a misdemeanor involving dishonesty
13 or moral turpitude;

14 2. Jailers;

15 3. Police officers;

16 4. Committing judges;

17 5. Municipal or district court judges;

18 6. Prisoners;

19 7. Sheriffs, deputy sheriffs and any person having the power to
20 arrest or having anything to do with the control of federal, state,
21 county or municipal prisoners;

22 8. Any person who possesses a permit pursuant to the provisions
23 of Section 163.11 of Title 37 of the Oklahoma Statutes or is an
24 officer, director or stockholder of any corporation holding such a

1 permit, except as specifically authorized for a licensed bondsman in
2 Section ~~±~~ 1315.1 of this ~~act~~ title;

3 9. Any person who is an agent or owner of any establishment at
4 which low-point beer as defined by Section 163.2 of Title 37 of the
5 Oklahoma Statutes is sold for on-premises consumption, except as
6 specifically authorized for a licensed bondsman in Section ~~±~~ 1315.1
7 of this ~~act~~ title;

8 10. Any person who holds any license provided for in Section
9 518 of Title 37 of the Oklahoma Statutes or is an agent or officer
10 of any such licensee, except for an individual holding an employee
11 license pursuant to paragraph 20 of subsection A of Section 518 of
12 Title 37 of the Oklahoma Statutes or as specifically authorized for
13 a licensed bondsman in Section ~~±~~ 1315.1 of this ~~act~~ title;

14 11. Any person who holds any license or permit from any city,
15 town, county, or other governmental subdivision for the operation of
16 any private club at which alcoholic beverages are consumed or
17 provided, except as specifically authorized for a licensed bondsman
18 in Section ~~±~~ 1315.1 of this ~~act~~ title;

19 12. Any person or agent of a retail liquor package store; and

20 13. Any person whose bail bondsman license has been revoked by
21 the Insurance Commissioner.

22 B. This section shall not apply to a sheriff, deputy sheriff,
23 police officer, or officer of the law who is not on duty and who
24 assists in the apprehension of a defendant.

1 C. The provisions of this section shall not apply to persons
2 possessing permits or licenses pertaining to low-point beer or
3 alcoholic beverages, as defined in Sections 163.2 and 506 of Title
4 37 of the Oklahoma Statutes, which were issued prior to May 23,
5 1984. No one shall be permitted to maintain an office for
6 conducting bail bonds business where low-point beer or alcoholic
7 beverages are sold for on-premises consumption.

8 SECTION 34. REPEALER 59 O.S. 2011, Section 1315, as last
9 amended by Section 7, Chapter 110, O.S.L. 2015 (59 O.S. Supp. 2015,
10 Section 1315), is hereby repealed.

11 SECTION 35. AMENDATORY 63 O.S. 2011, Section 2-309D, as
12 last amended by Section 2, Chapter 1, O.S.L. 2015 (63 O.S. Supp.
13 2015, Section 2-309D), is amended to read as follows:

14 Section 2-309D. A. The information collected at the central
15 repository pursuant to the Anti-Drug Diversion Act shall be
16 confidential and shall not be open to the public. Access to the
17 information shall be limited to:

18 1. Peace officers certified pursuant to Section 3311 of Title
19 70 of the Oklahoma Statutes who are employed as investigative agents
20 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control;

22 2. The United States Drug Enforcement Administration Diversion
23 Group Supervisor;

24

1 3. The executive director or chief investigator, as designated
2 by each board, of the following state boards:

- 3 a. Board of Podiatric Medical Examiners,
- 4 b. Board of Dentistry,
- 5 c. State Board of Pharmacy,
- 6 d. State Board of Medical Licensure and Supervision,
- 7 e. State Board of Osteopathic Examiners,
- 8 f. State Board of Veterinary Medical Examiners,
- 9 g. Oklahoma Health Care Authority,
- 10 h. Department of Mental Health and Substance Abuse
11 Services,
- 12 i. Board of Examiners in Optometry,
- 13 j. Board of Nursing,
- 14 k. Office of the Chief Medical Examiner, and
- 15 l. State Board of Health;

16 4. A multicounty grand jury properly convened pursuant to the
17 Multicounty Grand Jury Act;

18 5. Medical practitioners employed by the United States
19 Department of Veterans Affairs, the United States Military, or other
20 federal agencies treating patients in this state; and

21 6. At the discretion of the Director of the Oklahoma State
22 Bureau of Narcotics and Dangerous Drugs Control, medical
23 practitioners and their staff, including those employed by the
24 federal government in this state.

1 B. This section shall not prevent access, at the discretion of
2 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
3 Drugs Control, to investigative information by peace officers and
4 investigative agents of federal, state, county or municipal law
5 enforcement agencies, district attorneys and the Attorney General in
6 furtherance of criminal, civil or administrative investigations or
7 prosecutions within their respective jurisdictions, designated
8 legal, communications, and analytical employees of the Bureau, and
9 to registrants in furtherance of efforts to guard against the
10 diversion of controlled dangerous substances.

11 C. This section shall not prevent the disclosure, at the
12 discretion of the Director of the Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control, of statistical information gathered
14 from the central repository to the general public which shall be
15 limited to types and quantities of controlled substances dispensed
16 and the county where dispensed.

17 D. This section shall not prevent the disclosure, at the
18 discretion of the Director of the Oklahoma State Bureau of Narcotics
19 and Dangerous Drugs Control, of prescription-monitoring-program
20 information to prescription-monitoring programs of other states
21 provided a reciprocal data-sharing agreement is in place.

22 E. The Department of Mental Health and Substance Abuse Services
23 and the State Department of Health may utilize the information in
24 the central repository for statistical, research, substance abuse

1 prevention, or educational purposes, provided that consumer
2 confidentiality is not compromised.

3 F. Any unauthorized disclosure of any information collected at
4 the central repository provided by the Anti-Drug Diversion Act shall
5 be a misdemeanor. Violation of the provisions of this section shall
6 be deemed willful neglect of duty and shall be grounds for removal
7 from office.

8 G. 1. Registrants shall have access to the central repository
9 for the purposes of patient treatment and for determination in
10 prescribing or screening new patients. The patient's history may be
11 disclosed to the patient for the purposes of treatment of
12 information at the discretion of the physician.

13 2. a. Prior to prescribing or authorizing for refill, if one
14 hundred eighty (180) days have elapsed prior to the
15 previous access and check, of opiates, synthetic
16 opiates, semisynthetic opiates, benzodiazepine or
17 carisoprodol to a patient of record, registrants or
18 members of their medical or administrative staff shall
19 be required until October 31, 2020, to access the
20 information in the central repository to assess
21 medical necessity and the possibility that the patient
22 may be unlawfully obtaining prescription drugs in
23 violation of the Uniform Controlled Dangerous
24 Substances Act. The duty to access and check shall

1 not alter or otherwise amend appropriate medical
2 standards of care. The registrant or medical provider
3 shall note in the patient file that the central
4 repository has been checked and may maintain a copy of
5 the information.

6 b. The requirements set forth in subparagraph a of this
7 paragraph shall not apply:

8 (1) to medical practitioners who prescribe the
9 controlled substances set forth in subparagraph a
10 of this paragraph for hospice or end-of-life
11 care, or

12 (2) for a prescription of a controlled substance set
13 forth in subparagraph a of this paragraph that is
14 issued by a practitioner for a patient residing
15 in a nursing facility as defined by Section 1-
16 1902 of this title, provided that the
17 prescription is issued to a resident of such
18 facility.

19 3. Registrants shall not be liable to any person for any claim
20 of damages as a result of accessing or failing to access the
21 information in the central repository and no lawsuit may be
22 predicated thereon.

23 H. The State Board of Podiatric Examiners, the State Board of
24 Dentistry, the State Board of Medical Licensure and Supervision, the

1 State Board of Examiners in Optometry, the State Board of Nursing,
2 the State Board of Osteopathic Examiners and the State Board of
3 Veterinary Medical Examiners shall have the sole responsibility for
4 enforcement of the provisions of subsection G of this section.
5 Nothing in this section shall be construed so as to permit the
6 Director of the State Bureau of Narcotics and Dangerous Drugs
7 Control to assess administrative fines provided for in Section 2-304
8 of this title.

9 I. The Director of the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control, or a designee thereof, shall provide a
11 monthly list to the Directors of the State Board of Podiatric
12 Examiners, the State Board of Dentistry, the State Board of Medical
13 Licensure and Supervision, the State Board of Examiners in
14 Optometry, the State Board of Nursing, the State Board of
15 Osteopathic Examiners and the State Board of Veterinary Medical
16 Examiners of the top twenty prescribers of controlled dangerous
17 substances within their respective areas of jurisdiction. Upon
18 discovering that a registrant is prescribing outside the limitations
19 of his or her licensure or outside of drug registration rules or
20 applicable state laws, the respective licensing board shall be
21 notified by the Bureau in writing. Such notifications may be
22 considered complaints for the purpose of investigations or other
23 actions by the respective licensing board. Licensing boards shall

24

1 have exclusive jurisdiction to take action against a licensee for a
2 violation of subsection G of this section.

3 J. Information regarding fatal and nonfatal overdoses, other
4 than statistical information as required by Section 2-106 of this
5 title, shall be completely confidential. Access to this information
6 shall be strictly limited to the Director of the Oklahoma State
7 Bureau of Narcotics and Dangerous Drugs Control or designee, the
8 Chief Medical Examiner, state agencies and boards provided in
9 subsection A of this section, and the registrant that enters the
10 information. Registrants shall not be liable to any person for a
11 claim of damages for information reported pursuant to the provisions
12 of Section 2-105 of this title.

13 K. The Director of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control shall provide adequate means and procedures
15 allowing access to central repository information for registrants
16 lacking direct computer access.

17 L. Upon completion of an investigation in which it is
18 determined that a death was caused by an overdose, either
19 intentionally or unintentionally, of a controlled dangerous
20 substance, the medical examiner shall be required to report the
21 decedent's name and date of birth to the Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall be required to maintain
24 a database containing the classification of medical practitioners

1 who prescribed or authorized controlled dangerous substances
2 pursuant to this subsection.

3 SECTION 36. REPEALER 63 O.S. 2011, Section 2-309D, as
4 last amended by Section 1, Chapter 84, O.S.L. 2015 (63 O.S. Supp.
5 2015, Section 2-309D), is hereby repealed.

6 SECTION 37. AMENDATORY 68 O.S. 2011, Section 205, as
7 last amended by Section 1, Chapter 299, O.S.L. 2015 (68 O.S. Supp.
8 2015, Section 205), is amended to read as follows:

9 Section 205. A. The records and files of the Oklahoma Tax
10 Commission concerning the administration of the Uniform Tax
11 Procedure Code or of any state tax law shall be considered
12 confidential and privileged, except as otherwise provided for by
13 law, and neither the Tax Commission nor any employee engaged in the
14 administration of the Tax Commission or charged with the custody of
15 any such records or files nor any person who may have secured
16 information from the Tax Commission shall disclose any information
17 obtained from the records or files or from any examination or
18 inspection of the premises or property of any person.

19 B. Except as provided in paragraph 26 of subsection C of this
20 section, neither the Tax Commission nor any employee engaged in the
21 administration of the Tax Commission or charged with the custody of
22 any such records or files shall be required by any court of this
23 state to produce any of the records or files for the inspection of
24 any person or for use in any action or proceeding, except when the

1 records or files or the facts shown thereby are directly involved in
2 an action or proceeding pursuant to the provisions of the Uniform
3 Tax Procedure Code or of the state tax law, or when the
4 determination of the action or proceeding will affect the validity
5 or the amount of the claim of the state pursuant to any state tax
6 law, or when the information contained in the records or files
7 constitutes evidence of violation of the provisions of the Uniform
8 Tax Procedure Code or of any state tax law.

9 C. The provisions of this section shall not prevent the Tax
10 Commission from disclosing the following information and no
11 liability whatsoever, civil or criminal, shall attach to any member
12 of the Tax Commission or any employee thereof for any error or
13 omission in the disclosure of such information:

14 1. The delivery to a taxpayer or a duly authorized
15 representative of the taxpayer of a copy of any report or any other
16 paper filed by the taxpayer pursuant to the provisions of the
17 Uniform Tax Procedure Code or of any state tax law;

18 2. The exchange of information that is not protected by the
19 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,
20 pursuant to reciprocal agreements entered into by the Tax Commission
21 and other state agencies or agencies of the federal government;

22 3. The publication of statistics so classified as to prevent
23 the identification of a particular report and the items thereof;

24

1 4. The examination of records and files by the State Auditor
2 and Inspector or the duly authorized agents of the State Auditor and
3 Inspector;

4 5. The disclosing of information or evidence to the Oklahoma
5 State Bureau of Investigation, Attorney General, Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control, any district
7 attorney, or agent of any federal law enforcement agency when the
8 information or evidence is to be used by such officials to
9 investigate or prosecute violations of the criminal provisions of
10 the Uniform Tax Procedure Code or of any state tax law or of any
11 federal crime committed against this state. Any information
12 disclosed to the Oklahoma State Bureau of Investigation, Attorney
13 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
14 Control, any district attorney, or agent of any federal law
15 enforcement agency shall be kept confidential by such person and not
16 be disclosed except when presented to a court in a prosecution for
17 violation of the tax laws of this state or except as specifically
18 authorized by law, and a violation by the Oklahoma State Bureau of
19 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
20 and Dangerous Drugs Control, district attorney, or agent of any
21 federal law enforcement agency by otherwise releasing the
22 information shall be a felony;

23 6. The use by any division of the Tax Commission of any
24 information or evidence in the possession of or contained in any

1 report or return filed with any other division of the Tax
2 Commission;

3 7. The furnishing, at the discretion of the Tax Commission, of
4 any information disclosed by its records or files to any official
5 person or body of this state, any other state, the United States, or
6 foreign country who is concerned with the administration or
7 assessment of any similar tax in this state, any other state or the
8 United States. The provisions of this paragraph shall include the
9 furnishing of information by the Tax Commission to a county assessor
10 to determine the amount of gross household income pursuant to the
11 provisions of Section 8C of Article X of the Oklahoma Constitution
12 or Section 2890 of this title. The Tax Commission shall promulgate
13 rules to give guidance to the county assessors regarding the type of
14 information which may be used by the county assessors in determining
15 the amount of gross household income pursuant to Section 8C of
16 Article X of the Oklahoma Constitution or Section 2890 of this
17 title. The provisions of this paragraph shall also include the
18 furnishing of information to the State Treasurer for the purpose of
19 administration of the Uniform Unclaimed Property Act;

20 8. The furnishing of information to other state agencies for
21 the limited purpose of aiding in the collection of debts owed by
22 individuals to such requesting agencies;

23 9. The furnishing of information requested by any member of the
24 general public and stated in the sworn lists or schedules of taxable

1 property of public service corporations organized, existing, or
2 doing business in this state which are submitted to and certified by
3 the State Board of Equalization pursuant to the provisions of
4 Section 2858 of this title and Section 21 of Article X of the
5 Oklahoma Constitution, provided such information would be a public
6 record if filed pursuant to Sections 2838 and 2839 of this title on
7 behalf of a corporation other than a public service corporation;

8 10. The furnishing of information requested by any member of
9 the general public and stated in the findings of the Tax Commission
10 as to the adjustment and equalization of the valuation of real and
11 personal property of the counties of the state, which are submitted
12 to and certified by the State Board of Equalization pursuant to the
13 provisions of Section 2865 of this title and Section 21 of Article X
14 of the Oklahoma Constitution;

15 11. The furnishing of information to an Oklahoma wholesaler of
16 low-point beer, licensed under the provisions of Section 163.1 et
17 seq. of Title 37 of the Oklahoma Statutes, or an association or
18 organization whose membership is comprised of such wholesalers, of
19 the licensed retailers authorized by law to purchase low-point beer
20 in this state or the furnishing of information to a licensed
21 Oklahoma wholesaler of low-point beer of shipments by licensed
22 manufacturers into this state;

23 12. The furnishing of information as to the issuance or
24 revocation of any tax permit, license or exemption by the Tax

1 Commission as provided for by law. Such information shall be
2 limited to the name of the person issued the permit, license or
3 exemption, the name of the business entity authorized to engage in
4 business pursuant to the permit, license or exemption, the address
5 of the business entity, and the grounds for revocation;

6 13. The posting of notice of revocation of any tax permit or
7 license upon the premises of the place of business of any business
8 entity which has had any tax permit or license revoked by the Tax
9 Commission as provided for by law. Such notice shall be limited to
10 the name of the person issued the permit or license, the name of the
11 business entity authorized to engage in business pursuant to the
12 permit or license, the address of the business entity, and the
13 grounds for revocation;

14 14. The furnishing of information upon written request by any
15 member of the general public as to the outstanding and unpaid amount
16 due and owing by any taxpayer of this state for any delinquent tax,
17 together with penalty and interest, for which a tax warrant or a
18 certificate of indebtedness has been filed pursuant to law;

19 15. After the filing of a tax warrant pursuant to law, the
20 furnishing of information upon written request by any member of the
21 general public as to any agreement entered into by the Tax
22 Commission concerning a compromise of tax liability for an amount
23 less than the amount of tax liability stated on such warrant;

24

1 16. The disclosure of information necessary to complete the
2 performance of any contract authorized by this title to any person
3 with whom the Tax Commission has contracted;

4 17. The disclosure of information to any person for a purpose
5 as authorized by the taxpayer pursuant to a waiver of
6 confidentiality. The waiver shall be in writing and shall be made
7 upon such form as the Tax Commission may prescribe;

8 18. The disclosure of information required in order to comply
9 with the provisions of Section 2369 of this title;

10 19. The disclosure to an employer, as defined in Sections
11 2385.1 and 2385.3 of this title, of information required in order to
12 collect the tax imposed by Section 2385.2 of this title;

13 20. The disclosure to a plaintiff of a corporation's last-known
14 address shown on the records of the Franchise Tax Division of the
15 Tax Commission in order for such plaintiff to comply with the
16 requirements of Section 2004 of Title 12 of the Oklahoma Statutes;

17 21. The disclosure of information directly involved in the
18 resolution of the protest by a taxpayer to an assessment of tax or
19 additional tax or the resolution of a claim for refund filed by a
20 taxpayer, including the disclosure of the pendency of an
21 administrative proceeding involving such protest or claim, to a
22 person called by the Tax Commission as an expert witness or as a
23 witness whose area of knowledge or expertise specifically addresses
24 the issue addressed in the protest or claim for refund. Such

1 disclosure to a witness shall be limited to information pertaining
2 to the specific knowledge of that witness as to the transaction or
3 relationship between taxpayer and witness;

4 22. The disclosure of information necessary to implement an
5 agreement authorized by Section 2702 of this title when such
6 information is directly involved in the resolution of issues arising
7 out of the enforcement of a municipal sales tax ordinance. Such
8 disclosure shall be to the governing body or to the municipal
9 attorney, if so designated by the governing body;

10 23. The furnishing of information regarding incentive payments
11 made pursuant to the provisions of Sections 3601 through 3609 of
12 this title or incentive payments made pursuant to the provisions of
13 Sections 3501 through 3508 of this title;

14 24. The furnishing to a prospective purchaser of any business,
15 or his or her authorized representative, of information relating to
16 any liabilities, delinquencies, assessments or warrants of the
17 prospective seller of the business which have not been filed of
18 record, established, or become final and which relate solely to the
19 seller's business. Any disclosure under this paragraph shall only
20 be allowed upon the presentment by the prospective buyer, or the
21 buyer's authorized representative, of the purchase contract and a
22 written authorization between the parties;

23 25. The furnishing of information as to the amount of state
24 revenue affected by the issuance or granting of any tax permit,

1 license, exemption, deduction, credit or other tax preference by the
2 Tax Commission as provided for by law. Such information shall be
3 limited to the type of permit, license, exemption, deduction, credit
4 or other tax preference issued or granted, the date and duration of
5 such permit, license, exemption, deduction, credit or other tax
6 preference and the amount of such revenue. The provisions of this
7 paragraph shall not authorize the disclosure of the name of the
8 person issued such permit, license, exemption, deduction, credit or
9 other tax preference, or the name of the business entity authorized
10 to engage in business pursuant to the permit, license, exemption,
11 deduction, credit or other tax preference;

12 26. The examination of records and files of a person or entity
13 by the Oklahoma State Bureau of Narcotics and Dangerous Drugs
14 Control pursuant to a court order by a magistrate in whose
15 territorial jurisdiction the person or entity resides, or where the
16 Tax Commission records and files are physically located. Such an
17 order may only be issued upon a sworn application by an agent of the
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
19 certifying that the person or entity whose records and files are to
20 be examined is the target of an ongoing investigation of a felony
21 violation of the Uniform Controlled Dangerous Substances Act and
22 that information resulting from such an examination would likely be
23 relevant to that investigation. Any records or information obtained
24 pursuant to such an order may only be used by the Oklahoma State

1 Bureau of Narcotics and Dangerous Drugs Control in the investigation
2 and prosecution of a felony violation of the Uniform Controlled
3 Dangerous Substances Act. Any such order issued pursuant to this
4 paragraph, along with the underlying application, shall be sealed
5 and not disclosed to the person or entity whose records were
6 examined, for a period of ninety (90) days. The issuing magistrate
7 may grant extensions of such period upon a showing of good cause in
8 furtherance of the investigation. Upon the expiration of ninety
9 (90) days and any extensions granted by the magistrate, a copy of
10 the application and order shall be served upon the person or entity
11 whose records were examined, along with a copy of the records or
12 information actually provided by the Tax Commission;

13 27. The disclosure of information, as prescribed by this
14 paragraph, which is related to the proposed or actual usage of tax
15 credits pursuant to Section 2357.7 of this title, the Small Business
16 Capital Formation Incentive Act or the Rural Venture Capital
17 Formation Incentive Act. Unless the context clearly requires
18 otherwise, the terms used in this paragraph shall have the same
19 meaning as defined by Section 2357.7, 2357.61 or 2357.72 of this
20 title. The disclosure of information authorized by this paragraph
21 shall include:

22 a. the legal name of any qualified venture capital
23 company, qualified small business capital company, or
24 qualified rural small business capital company,

1 b. the identity or legal name of any person or entity
2 that is a shareholder or partner of a qualified
3 venture capital company, qualified small business
4 capital company, or qualified rural small business
5 capital company,

6 c. the identity or legal name of any Oklahoma business
7 venture, Oklahoma small business venture, or Oklahoma
8 rural small business venture in which a qualified
9 investment has been made by a capital company, or

10 d. the amount of funds invested in a qualified venture
11 capital company, the amount of qualified investments
12 in a qualified small business capital company or
13 qualified rural small business capital company and the
14 amount of investments made by a qualified venture
15 capital company, qualified small business capital
16 company, or qualified rural small business capital
17 company;

18 28. The disclosure of specific information as required by
19 Section 46 of Title 62 of the Oklahoma Statutes;

20 29. The disclosure of specific information as required by
21 Section 205.5 of this title;

22 30. The disclosure of specific information as required by
23 Section 205.6 of this title; ~~or~~

1 31. The disclosure of information to the State Treasurer
2 necessary to implement Section ~~2~~ 2368.27 of this ~~act~~ title; or

3 32. The disclosure of specific information to the Oklahoma
4 Health Care Authority for purposes of determining eligibility for
5 current or potential recipients of assistance from the Oklahoma
6 Medicaid Program.

7 D. The Tax Commission shall cause to be prepared and made
8 available for public inspection in the office of the Tax Commission
9 in such manner as it may determine an annual list containing the
10 name and post office address of each person, whether individual,
11 corporate, or otherwise, making and filing an income tax return with
12 the Tax Commission.

13 It is specifically provided that no liability whatsoever, civil
14 or criminal, shall attach to any member of the Tax Commission or any
15 employee thereof for any error or omission of any name or address in
16 the preparation and publication of the list.

17 E. The Tax Commission shall prepare or cause to be prepared a
18 report on all provisions of state tax law that reduce state revenue
19 through exclusions, deductions, credits, exemptions, deferrals or
20 other preferential tax treatments. The report shall be prepared not
21 later than October 1 of each even-numbered year and shall be
22 submitted to the Governor, the President Pro Tempore of the Senate
23 and the Speaker of the House of Representatives. The Tax Commission
24 may prepare and submit supplements to the report at other times of

1 the year if additional or updated information relevant to the report
2 becomes available. The report shall include, for the previous
3 fiscal year, the Tax Commission's best estimate of the amount of
4 state revenue that would have been collected but for the existence
5 of each such exclusion, deduction, credit, exemption, deferral or
6 other preferential tax treatment allowed by law. The Tax Commission
7 may request the assistance of other state agencies as may be needed
8 to prepare the report. The Tax Commission is authorized to require
9 any recipient of a tax incentive or tax expenditure to report to the
10 Tax Commission such information as requested so that the Tax
11 Commission may fulfill its obligations as required by this
12 subsection. The Tax Commission may require this information to be
13 submitted in an electronic format. The Tax Commission may disallow
14 any claim of a person for a tax incentive due to its failure to file
15 a report as required under the authority of this subsection.

16 F. It is further provided that the provisions of this section
17 shall be strictly interpreted and shall not be construed as
18 permitting the disclosure of any other information contained in the
19 records and files of the Tax Commission relating to income tax or to
20 any other taxes.

21 G. Unless otherwise provided for in this section, any violation
22 of the provisions of this section shall constitute a misdemeanor and
23 shall be punishable by the imposition of a fine not exceeding One
24 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail

1 for a term not exceeding one (1) year, or by both such fine and
2 imprisonment, and the offender shall be removed or dismissed from
3 office.

4 H. Offenses described in Section 2376 of this title shall be
5 reported to the appropriate district attorney of this state by the
6 Tax Commission as soon as the offenses are discovered by the Tax
7 Commission or its agents or employees. The Tax Commission shall
8 make available to the appropriate district attorney or to the
9 authorized agent of the district attorney its records and files
10 pertinent to prosecutions, and such records and files shall be fully
11 admissible as evidence for the purpose of such prosecutions.

12 SECTION 38. REPEALER 68 O.S. 2011, Section 205, as last
13 amended by Section 1, Chapter 10, O.S.L. 2015 (68 O.S. Supp. 2015,
14 Section 205), is hereby repealed.

15 SECTION 39. AMENDATORY 68 O.S. 2011, Section 2902, as
16 last amended by Section 1, Chapter 153, O.S.L. 2015 (68 O.S. Supp.
17 2015, Section 2902), is amended to read as follows:

18 Section 2902. A. Except as otherwise provided by subsection H
19 of Section 3658 of this title pursuant to which the exemption
20 authorized by this section may not be claimed, a qualifying
21 manufacturing concern, as defined by Section 6B of Article X of the
22 Oklahoma Constitution, and as further defined herein, shall be
23 exempt from the levy of any ad valorem taxes upon new, expanded or
24 acquired manufacturing facilities, including facilities engaged in

1 research and development, for a period of five (5) years. The
2 provisions of Section 6B of Article X of the Oklahoma Constitution
3 requiring an existing facility to have been unoccupied for a period
4 of twelve (12) months prior to acquisition shall be construed as a
5 qualification for a facility to initially receive an exemption, and
6 shall not be deemed to be a qualification for that facility to
7 continue to receive an exemption in each of the four (4) years
8 following the initial year for which the exemption was granted.
9 Such facilities are hereby classified for the purposes of taxation
10 as provided in Section 22 of Article X of the Oklahoma Constitution.

11 B. For purposes of this section, the following definitions
12 shall apply:

13 1. "Manufacturing facilities" means facilities engaged in the
14 mechanical or chemical transformation of materials or substances
15 into new products and except as provided by paragraph 8 of
16 subsection C of this section shall include:

- 17 a. establishments which have received a manufacturer
18 exemption permit pursuant to the provisions of Section
19 1359.2 of this title,
- 20 b. facilities, including repair and replacement parts,
21 primarily engaged in aircraft repair, building and
22 rebuilding whether or not on a factory basis,
- 23 c. establishments primarily engaged in computer services
24 and data processing as defined under Industrial Group

1 Numbers 5112 and 5415, and U.S. Industry Number 334611
2 and 519130 of the NAICS Manual, latest revision, and
3 which derive at least fifty percent (50%) of their
4 annual gross revenues from the sale of a product or
5 service to an out-of-state buyer or consumer, and as
6 defined under Industrial Group Number 5142 of the
7 NAICS Manual, latest revision, which derive at least
8 eighty percent (80%) of their annual gross revenues
9 from the sale of a product or service to an out-of-
10 state buyer or consumer. Eligibility as a
11 manufacturing facility pursuant to this subparagraph
12 shall be established, subject to review by the
13 Oklahoma Tax Commission, by annually filing an
14 affidavit with the Tax Commission stating that the
15 facility so qualifies and such other information as
16 required by the Tax Commission. For purposes of
17 determining whether annual gross revenues are derived
18 from sales to out-of-state buyers, all sales to the
19 federal government shall be considered to be an out-
20 of-state buyer,

21 d. for which the investment cost of the construction,
22 acquisition or expansion of the manufacturing facility
23 is Two Hundred Fifty Thousand Dollars (\$250,000.00) or
24 more. Provided, "investment cost" shall not include

1 the cost of direct replacement, refurbish, repair or
2 maintenance of existing machinery or equipment, and
3 e. establishments primarily engaged in distribution as
4 defined under Industry Numbers 49311, 49312, 49313 and
5 49319 and Industry Sector Number 42 of the NAICS
6 Manual, latest revision, and which meet the following
7 qualifications:

- 8 (1) construction with an initial capital investment
9 of at least Five Million Dollars (\$5,000,000.00),
- 10 (2) employment of at least one hundred (100) full-
11 time-equivalent employees, as certified by the
12 Oklahoma Employment Security Commission,
- 13 (3) payment of wages or salaries to its employees at
14 a wage which equals or exceeds one hundred
15 seventy-five percent (175%) of the federally
16 mandated minimum wage, as certified by the
17 Oklahoma Employment Security Commission, and
- 18 (4) commencement of construction on or after November
19 1, 2007, with construction to be completed within
20 three (3) years from the date of the commencement
21 of construction.

22 Eligibility as a manufacturing facility pursuant to this
23 subparagraph shall be established, subject to review by the Tax
24 Commission, by annually filing an affidavit with the Tax Commission

1 stating that the facility so qualifies and containing such other
2 information as required by the Tax Commission.

3 Provided, eating and drinking places, as well as other retail
4 establishments, shall not qualify as manufacturing facilities for
5 purposes of this section, nor shall centrally assessed properties.

6 Eligibility as a manufacturing facility pursuant to this
7 subparagraph shall be established, subject to review by the Tax
8 Commission, by annually filing an application with the Tax
9 Commission stating that the facility so qualifies and containing
10 such other information as required by the Tax Commission;

11 2. "Facility" and "facilities" means and includes the land,
12 buildings, structures, improvements, machinery, fixtures, equipment
13 and other personal property used directly and exclusively in the
14 manufacturing process; and

15 3. "Research and development" means activities directly related
16 to and conducted for the purpose of discovering, enhancing,
17 increasing or improving future or existing products or processes or
18 productivity.

19 C. The following provisions shall apply:

20 1. A manufacturing concern shall be entitled to the exemption
21 herein provided for each new manufacturing facility constructed,
22 each existing manufacturing facility acquired and the expansion of
23 existing manufacturing facilities on the same site, as such terms
24

1 are defined by Section 6B of Article X of the Oklahoma Constitution
2 and by this section;

3 2. Except as otherwise provided in paragraph 5 of this
4 subsection, no manufacturing concern shall receive more than one
5 five-year exemption for any one manufacturing facility unless the
6 expansion which qualifies the manufacturing facility for an
7 additional five-year exemption meets the requirements of paragraph 4
8 of this subsection and the employment level established for any
9 previous exemption is maintained;

10 3. Any exemption as to the expansion of an existing
11 manufacturing facility shall be limited to the increase in ad
12 valorem taxes directly attributable to the expansion;

13 4. Except as provided in paragraphs 5 and 6 of this subsection,
14 all initial applications for any exemption for a new, acquired or
15 expanded manufacturing facility shall be granted only if:

16 a. there is a net increase in annualized base payroll
17 over the initial payroll of at least Two Hundred Fifty
18 Thousand Dollars (\$250,000.00) if the facility is
19 located in a county with a population of fewer than
20 seventy-five thousand (75,000), according to the most
21 recent Federal Decennial Census, while maintaining or
22 increasing base payroll in subsequent years, or at
23 least One Million Dollars (\$1,000,000.00) if the
24 facility is located in a county with a population of

1 seventy-five thousand (75,000) or more, according to
2 the most recent Federal Decennial Census, while
3 maintaining or increasing base payroll in subsequent
4 years; provided the payroll requirement of this
5 subparagraph shall be waived for claims for
6 exemptions, including claims previously denied or on
7 appeal on March 3, 2010, for all initial applications
8 for exemption filed on or after January 1, 2004, and
9 on or before March 31, 2009, and all subsequent annual
10 exemption applications filed related to the initial
11 application for exemption, for an applicant, if the
12 facility has been located in Oklahoma for at least
13 fifteen (15) years engaged in marine engine
14 manufacturing as defined under U.S. Industry Number
15 333618 of the NAICS Manual, latest revision, and has
16 maintained an average employment of five hundred (500)
17 or more full-time-equivalent employees over a ten-year
18 period. Any applicant that qualifies for the payroll
19 requirement waiver as outlined in the previous
20 sentence and subsequently closes its Oklahoma
21 manufacturing plant prior to January 1, 2012, may be
22 disqualified for exemption and subject to recapture.
23 For an applicant engaged in paperboard manufacturing
24 as defined under U.S. Industry Number 322130 of the

1 NAICS Manual, latest revision, union master payouts
2 paid by the buyer of the facility to specified
3 individuals employed by the facility at the time of
4 purchase, as specified under the purchase agreement,
5 shall be excluded from payroll for purposes of this
6 section.

7 In order to provide certainty with respect to
8 investments in manufacturing facilities pertaining to
9 all initial applications for exemption filed on or
10 after January 1, 2016, the following definitions shall
11 apply:

12 (1) "base payroll" shall mean total payroll adjusted
13 for any nonrecurring bonuses, exercise of stock
14 option or stock rights and other nonrecurring,
15 extraordinary items included in total payroll,
16 and

17 (2) "initial payroll" shall mean base payroll for the
18 year immediately preceding the initial
19 construction, acquisition or expansion.

20 The Tax Commission shall verify payroll information
21 through the Oklahoma Employment Security Commission by
22 using reports from the Oklahoma Employment Security
23 Commission for the calendar year immediately preceding
24 the year for which initial application is made for

1 base-line payroll, which must be maintained or
2 increased for each subsequent year; provided, a
3 manufacturing facility shall have the option of
4 excluding from its payroll, for purposes of this
5 section:

- 6 i. payments to sole proprietors, members
7 of a partnership, members of a limited
8 liability company who own at least ten
9 percent (10%) of the capital of the
10 limited liability company or
11 stockholder-employees of a corporation
12 who own at least ten percent (10%) of
13 the stock in the corporation, and
- 14 ii. any nonrecurring bonuses, exercise of
15 stock option or stock rights or other
16 nonrecurring, extraordinary items
17 included in total payroll numbers as
18 reported by the Oklahoma Employment
19 Security Commission. A manufacturing
20 facility electing either option shall
21 indicate such election upon its
22 application for an exemption under this
23 section. Any manufacturing facility
24 electing either option shall submit

1 such information as the Tax Commission
2 may require in order to verify payroll
3 information. Payroll information
4 submitted pursuant to the provisions of
5 this paragraph shall be submitted to
6 the Tax Commission and shall be subject
7 to the provisions of Section 205 of
8 this title, and

9 b. the facility offers, or will offer within one hundred
10 eighty (180) days of the date of employment, a basic
11 health benefits plan to the full-time-equivalent
12 employees of the facility, which is determined by the
13 Department of Commerce to consist of the elements
14 specified in subparagraph b of paragraph 1 of
15 subsection A of Section 3603 of this title or elements
16 substantially equivalent thereto.

17 For purposes of this section, calculation of the amount of
18 increased base payroll shall be measured from the start of initial
19 construction or expansion to the completion of such construction or
20 expansion or for three (3) years from the start of initial
21 construction or expansion, whichever occurs first. The amount of
22 increased base payroll shall include payroll for full-time-
23 equivalent employees in this state who are employed by an entity
24 other than the facility which has previously or is currently

1 qualified to receive an exemption pursuant to the provisions of this
2 section and who are leased or otherwise provided to the facility, if
3 such employment did not exist in this state prior to the start of
4 initial construction or expansion of the facility. The
5 manufacturing concern shall submit an affidavit to the Tax
6 Commission, signed by an officer, stating that the construction,
7 acquisition or expansion of the facility will result in a net
8 increase in the annualized base payroll as required by this
9 paragraph and that full-time-equivalent employees of the facility
10 are or will be offered a basic health benefits plan as required by
11 this paragraph. If, after the completion of such construction or
12 expansion or after three (3) years from the start of initial
13 construction or expansion, whichever occurs first, the construction,
14 acquisition or expansion has not resulted in a net increase in the
15 amount of annualized base payroll, if required, or any other
16 qualification specified in this paragraph has not been met, the
17 manufacturing concern shall pay an amount equal to the amount of any
18 exemption granted, including penalties and interest thereon, to the
19 Tax Commission for deposit to the Ad Valorem Reimbursement Fund;

20 5. If a facility fails to meet the base payroll requirement of
21 subparagraph a of paragraph 4 of this subsection, the payroll
22 requirement shall be waived for claims for exemptions, including
23 claims previously denied or on appeal on June 1, 2009, for all
24 initial applications for exemption filed on or after January 1,

1 2004, and on or before March 31, 2009, and all subsequent annual
2 exemption applications filed related to such initial application for
3 exemption, for an applicant, if the facility:

- 4 a. has been located for at least five (5) years as of
5 March 31, 2009, in a county in Oklahoma with a
6 population of six hundred thousand (600,000) or more,
- 7 b. is owned by an applicant that has been engaged in
8 manufacturing as defined under U.S. Industry Numbers
9 323110, 323111, 323121 and 323122 of the NAICS Manual,
10 latest revision,
- 11 c. is owned by an applicant that maintains a workforce of
12 at least three hundred (300) employees on June 1,
13 2009,
- 14 d. is owned by an applicant that has filed multiple
15 applications for exemption pursuant to this section,
16 and
- 17 e. is owned by an applicant that operates at least one
18 facility in this state of at least seven hundred
19 thirty thousand (730,000) square feet on June 1, 2009.

20 In the event that any applicant obtaining a waiver of the payroll
21 requirement pursuant to this paragraph ceases to operate all of its
22 facilities in this state on or before a date that is four (4) years
23 after any initial application for an exemption is filed by such
24 applicant, all sums of property taxes exempted under this paragraph

1 through a waiver of the payroll requirement that relate to such
2 application shall become due and payable as if such sums were
3 assessed in the year in which the applicant ceases to operate all of
4 its facilities in the state;

5 6. Any new, acquired or expanded automotive final assembly
6 manufacturing facility which does not meet the requirements of
7 paragraph 4 of this subsection shall be granted an exemption only if
8 all other requirements of this section are met and only if the
9 investment cost of the construction, acquisition or expansion of the
10 manufacturing facility is Three Hundred Million Dollars
11 (\$300,000,000.00) or more and the manufacturing facility retains an
12 average employment of one thousand seven hundred fifty (1,750) or
13 more full-time-equivalent employees in the year in which the
14 exemption is initially granted and in each of the four (4)
15 subsequent years only if an average employment of one thousand seven
16 hundred fifty (1,750) or more full-time-equivalent employees is
17 maintained in the subsequent year. Any property installed to
18 replace property damaged by the tornado or natural disaster that
19 occurred May 8, 2003, may continue to receive the exemption provided
20 in this paragraph for the full five-year period based on the value
21 of the previously qualifying assets as of January 1, 2003. The
22 exemption shall continue in effect as long as all other
23 qualifications in this paragraph are met. If the average employment
24 of one thousand seven hundred fifty (1,750) or more full-time-

1 equivalent employees is reduced as a result of temporary layoffs
2 because of a tornado or natural disaster on May 8, 2003, then the
3 average employment requirement shall be waived for year 2003 of the
4 exemption period. Calculation of the number of employees shall be
5 made in the same manner as required under Section 2357.4 of this
6 title for an investment tax credit. As used in this paragraph,
7 "expand" and "expansion" shall mean and include any increase to the
8 size or scope of a facility as well as any renovation, restoration,
9 replacement or remodeling of a facility which permits the
10 manufacturing of a new or redesigned product;

11 7. Any new, acquired, or expanded computer data processing,
12 data preparation, or information processing services provider
13 classified in Industrial Group Number 7374 of the SIC Manual, latest
14 revision, and U.S. Industry Number 514210 of the North American
15 Industrial Classification System (NAICS) Manual, latest revision,
16 may apply for exemptions under this section for each year in which
17 new, acquired, or expanded capital improvements to the facility are
18 made if:

19 a. there is a net increase in annualized payroll of the
20 applicant at any facility or facilities of the
21 applicant in this state of at least Two Hundred Fifty
22 Thousand Dollars (\$250,000.00), which is attributable
23 to the capital improvements, or a net increase of
24 Seven Million Dollars (\$7,000,000.00) or more in

1 capital improvements, while maintaining or increasing
2 payroll at the facility or facilities in this state
3 which are included in the application, and

4 b. the facility offers, or will offer within one hundred
5 eighty (180) days of the date of employment of new
6 employees attributable to the capital improvements, a
7 basic health benefits plan to the full-time-equivalent
8 employees of the facility, which is determined by the
9 Department of Commerce to consist of the elements
10 specified in subparagraph b of paragraph 1 of
11 subsection A of Section 3603 of this title or elements
12 substantially equivalent thereto;

13 8. ~~An~~ Effective January 1, 2017, an entity engaged in electric
14 power generation by means of wind, as described by the North
15 American Industry Classification System, No. 221119, ~~which does not~~
16 ~~meet the requirements of paragraph 4 of this subsection shall be~~
17 ~~granted an exemption only if all other requirements of this section~~
18 ~~are met and only if there is a net increase in annualized payroll at~~
19 ~~the facility of at least Two Hundred Fifty Thousand Dollars~~
20 ~~(\$250,000.00) or a net increase of Two Million Dollars~~
21 ~~(\$2,000,000.00) or more in capital improvements while maintaining or~~
22 ~~increasing payroll shall not be defined as a qualifying~~
23 manufacturing concern for purposes of the exemption otherwise
24 authorized pursuant to Section 6B of Article X of the Oklahoma

1 Constitution or qualify as a "manufacturing facility" as defined in
2 this section. No initial application for exemption shall be filed
3 by or accepted from an entity engaged in electric power generation
4 by means of wind on or after January 1, 2018; and

5 9. An entity or applicant engaged in an industry as defined
6 under U.S. Industry Number 324110 of the NAICS Manual, latest
7 revision, which has applied for or been granted an exemption for a
8 time period which began on or after calendar year 2012 and before
9 calendar year 2016 but which did not meet the payroll requirements
10 of subparagraph a of paragraph 4 of this subsection because of
11 nonrecurring bonuses, exercise of stock option or stock rights or
12 other nonrecurring, extraordinary items included in total payroll in
13 the previous year, shall be allowed an exemption, beginning with
14 calendar year 2016, for the number of years, including the calendar
15 year for which the exemption was denied, remaining in the entity's
16 five-year exemption period, provided such entity attains or
17 increases payroll at or above the initial or base payroll
18 established for the exemption.

19 D. 1. Except as provided in paragraph 2 of this subsection,
20 the five-year period of exemption from ad valorem taxes for any
21 qualifying manufacturing facility property shall begin on January 1
22 following the initial qualifying use of the property in the
23 manufacturing process.

24

1 2. The five-year period of exemption from ad valorem taxes for
2 any qualifying manufacturing facility, as defined in subparagraph c
3 of paragraph 1 of subsection B of this section which is located
4 within a tax incentive district created pursuant to the Local
5 Development Act by a county having a population of at least five
6 hundred thousand (500,000), according to the most recent Federal
7 Decennial Census, shall begin on January 1 following the expiration
8 or termination of the ad valorem exemption, abatement, or other
9 incentive provided through the tax incentive district.

10 E. Any person, firm or corporation claiming the exemption
11 herein provided for shall file each year for which exemption is
12 claimed, an application therefor with the county assessor of the
13 county in which the new, expanded or acquired facility is located.
14 The application shall be on a form or forms prescribed by the Tax
15 Commission, and shall be filed on or before March 15, except as
16 provided in Section 2902.1 of this title, of each year in which the
17 facility desires to take the exemption or within thirty (30) days
18 from and after receipt by such person, firm or corporation of notice
19 of valuation increase, whichever is later. In a case where
20 completion of the facility or facilities will occur after January 1
21 of a given year, a facility may apply to claim the ad valorem tax
22 exemption for that year. If such facility is found to be qualified
23 for exemption, the ad valorem tax exemption provided for herein
24 shall be granted for that entire year and shall apply to the ad

1 valorem valuation as of January 1 of that given year. For
2 applicants which qualify under the provisions of subparagraph b of
3 paragraph 1 of subsection B of this section, the application shall
4 include a copy of the affidavit and any other information required
5 to be filed with the Tax Commission.

6 F. The application shall be examined by the county assessor and
7 approved or rejected in the same manner as provided by law for
8 approval or rejection of claims for homestead exemptions. The
9 taxpayer shall have the same right of review by and appeal from the
10 county board of equalization, in the same manner and subject to the
11 same requirements as provided by law for review and appeals
12 concerning homestead exemption claims. Approved applications shall
13 be filed by the county assessor with the Tax Commission no later
14 than June 15, except as provided in Section 2902.1 of this title, of
15 the year in which the facility desires to take the exemption.
16 Incomplete applications and applications filed after June 15 will be
17 declared null and void by the Tax Commission. In the event that a
18 taxpayer qualified to receive an exemption pursuant to the
19 provisions of this section shall make payment of ad valorem taxes in
20 excess of the amount due, the county treasurer shall have the
21 authority to credit the taxpayer's real or personal property tax
22 overpayment against current taxes due. The county treasurer may
23 establish a schedule of up to five (5) years of credit to resolve
24 the overpayment.

1 G. Nothing herein shall in any manner affect, alter or impair
2 any law relating to the assessment of property, and all property,
3 real or personal, which may be entitled to exemption hereunder shall
4 be valued and assessed as is other like property and as provided by
5 law. The valuation and assessment of property for which an
6 exemption is granted hereunder shall be performed by the Tax
7 Commission.

8 H. The Tax Commission shall have the authority and duty to
9 prescribe forms and to promulgate rules as may be necessary to carry
10 out and administer the terms and provisions of this section.

11 SECTION 40. REPEALER 68 O.S. 2011, Section 2902, as last
12 amended by Section 2, Chapter 335, O.S.L. 2015 (68 O.S. Supp. 2015,
13 Section 2902), is hereby repealed.

14 SECTION 41. AMENDATORY 70 O.S. 2011, Section 3-132, as
15 last amended by Section 1, Chapter 170, O.S.L. 2015 (70 O.S. Supp.
16 2015, Section 3-132), is amended to read as follows:

17 Section 3-132. A. The Oklahoma Charter Schools Act shall apply
18 only to charter schools formed and operated under the provisions of
19 the act. Charter schools shall be sponsored only as follows:

20 1. By any school district located in the State of Oklahoma,
21 provided such charter school shall only be located within the
22 geographical boundaries of the sponsoring district and subject to
23 the restrictions of Section 3-145.6 of this title;

24

1 2. By a technology center school district if the charter school
2 is located in a school district served by the technology center
3 school district in which all or part of the school district is
4 located in a county having more than five hundred thousand (500,000)
5 population according to the latest Federal Decennial Census;

6 3. By a technology center school district if the charter school
7 is located in a school district served by the technology center
8 school district and the school district has a school site that has
9 been identified as in need of improvement by the State Board of
10 Education pursuant to the Elementary and Secondary Education Act of
11 1965, as amended or reauthorized;

12 4. By an accredited comprehensive or regional institution that
13 is a member of The Oklahoma State System of Higher Education or a
14 community college if the charter school is located in a school
15 district in which all or part of the school district is located in a
16 county having more than five hundred thousand (500,000) population
17 according to the latest Federal Decennial Census;

18 5. By a comprehensive or regional institution that is a member
19 of The Oklahoma State System of Higher Education if the charter
20 school is located in a school district that has a school site that
21 has been identified as in need of improvement by the State Board of
22 Education pursuant to the Elementary and Secondary Education Act of
23 1965, as amended or reauthorized. In addition, the institution
24 shall have a teacher education program accredited by the Oklahoma

1 Commission for Teacher Preparation and have a branch campus or
2 constituent agency physically located within the school district in
3 which the charter school is located in the State of Oklahoma;

4 6. By a federally recognized Indian tribe, operating a high
5 school under the authority of the Bureau of Indian Affairs as of
6 November 1, 2010, if the charter school is for the purpose of
7 demonstrating native language immersion instruction, and is located
8 within its former reservation or treaty area boundaries. For
9 purposes of this paragraph, native language immersion instruction
10 shall require that educational instruction and other activities
11 conducted at the school site are primarily conducted in the native
12 language;

13 7. By the State Board of Education when the applicant of the
14 charter school is the Office of Juvenile Affairs or the applicant
15 has a contract with the Office of Juvenile Affairs to provide a
16 fixed rate level E, D, or D+ group home service and the charter
17 school is for the purpose of providing education services to youth
18 in the custody or supervision of the state. Not more than two
19 charter schools shall be sponsored by the Board as provided for in
20 this paragraph during the period of time beginning July 1, 2010,
21 through July 1, 2016; ~~or~~

22 8. By a federally recognized Indian tribe only when the charter
23 school is located within the former reservation or treaty area
24 boundaries of the tribe on property held in trust by the Bureau of

1 Indian Affairs of the United States Department of the Interior for
2 the benefit of the tribe; or

3 9. By the State Board of Education when the applicant has first
4 been denied a charter by the local school district in which it seeks
5 to operate. In counties with fewer than five hundred thousand
6 (500,000) population, according to the latest Federal Decennial
7 Census, the State Board of Education shall not sponsor more than
8 five charter schools per year each year for the first five (5) years
9 after the effective date of this act, with not more than one charter
10 school sponsored in a single school district per year. In order to
11 authorize a charter school under this section, the State Board of
12 Education shall find evidence of all of the following:

- 13 a. a thorough and high-quality charter school application
14 from the applicant based on the authorizing standards
15 in subsection B of Section 3-134 of this title,
- 16 b. a clear demonstration of community support for the
17 charter school, and
- 18 c. the grounds and basis of objection by the school
19 district for denying the operation of the charter are
20 not supported by the greater weight of evidence and
21 the strength of the application.

22 B. An eligible non-school-district sponsor shall give priority
23 to opening charter schools that serve at-risk student populations or
24 students from low-performing traditional public schools.

1 C. An eligible non-school-district sponsor shall give priority
2 to applicants that have demonstrated a record of operating at least
3 one school or similar program that demonstrates academic success and
4 organizational viability and serves student populations similar to
5 those the proposed charter school seeks to serve. In assessing the
6 potential for quality replication of a charter school, a sponsor
7 shall consider the following factors before approving a new site or
8 school:

9 1. Evidence of a strong and reliable record of academic success
10 based primarily on student performance data, as well as other viable
11 indicators, including financial and operational success;

12 2. A sound, detailed, and well-supported growth plan;

13 3. Evidence of the ability to transfer successful practices to
14 a potentially different context that includes reproducing critical
15 cultural, organizational and instructional characteristics;

16 4. Any management organization involved in a potential
17 replication is fully vetted, and the academic, financial and
18 operational records of the schools it operates are found to be
19 satisfactory;

20 5. Evidence the program seeking to be replicated has the
21 capacity to do so successfully without diminishing or putting at
22 risk its current operations; and

23 6. A financial structure that ensures that funds attributable
24 to each charter school within a network and required by law to be

1 utilized by a school remain with and are used to benefit that
2 school.

3 D. For purposes of the Oklahoma Charter Schools Act, "charter
4 school" means a public school established by contract with a board
5 of education of a school district, a conversion charter school, an
6 area vocational-technical school district, a higher education
7 institution, a federally recognized Indian tribe, or the State Board
8 of Education pursuant to the Oklahoma Charter Schools Act to provide
9 learning that will improve student achievement and as defined in the
10 Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

11 E. For the purposes of the Oklahoma Charter Schools Act,
12 "conversion charter school" means a charter school created by
13 converting all or any part of a traditional public school into a
14 charter school which may be operated by the school district board of
15 education or by an independent operating board elected by and
16 accountable to the school district board of education.

17 F. A charter school may consist of a new school site, new
18 school sites or all or any portion of an existing school site. An
19 entire school district may not become a charter school site.

20 SECTION 42. REPEALER 70 O.S. 2011, Section 3-132, as
21 last amended by Section 1, Chapter 205, O.S.L. 2015 (70 O.S. Supp.
22 2015, Section 3-132), is hereby repealed.

23
24

1 SECTION 43. AMENDATORY 70 O.S. 2011, Section 3311, as
2 last amended by Section 1, Chapter 83, O.S.L. 2015 (70 O.S. Supp.
3 2015, Section 3311), is amended to read as follows:

4 Section 3311. A. There is hereby created a Council on Law
5 Enforcement Education and Training which shall be, and is hereby
6 declared to be, a governmental law enforcement agency of the State
7 of Oklahoma, body politic and corporate, with powers of government
8 and with the authority to exercise the rights, privileges and
9 functions necessary to ensure the professional training and
10 continuing education of law enforcement officers in the State of
11 Oklahoma. These rights, privileges and functions include, but are
12 not limited to, those specified in Sections 3311 through 3311.14 of
13 this title and in the Oklahoma Security Guard and Private
14 Investigator Act and the Oklahoma Bail Enforcement and Licensing
15 Act. The Council shall be composed of thirteen (13) members as
16 follows:

17 1. The Commissioner of the Department of Public Safety, or
18 designee;

19 2. The Director of the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control, or designee;

21 3. The Director of the Oklahoma State Bureau of Investigation,
22 or designee;

23

24

1 4. One member appointed by the Governor who shall be a law
2 enforcement administrator representing a tribal law enforcement
3 agency;

4 5. One member appointed by the Governor who shall be a chief of
5 police of a municipality with a population over one hundred thousand
6 (100,000), as determined by the latest Federal Decennial Census;

7 6. One member appointed by the Board of Directors of the
8 Oklahoma Sheriffs' and Peace Officers Association who shall be a
9 sheriff of a county with a population under fifty thousand (50,000),
10 as determined by the latest Federal Decennial Census;

11 7. One member appointed by the Oklahoma Association of Police
12 Chiefs who shall be a chief of police representing a municipality
13 with a population over ten thousand (10,000), as determined by the
14 latest Federal Decennial Census;

15 8. One member shall be appointed by the Board of Directors of
16 the Oklahoma Sheriffs' Association who shall be a sheriff of a
17 county with a population of one hundred thousand (100,000) or more,
18 as determined by the latest Federal Decennial Census;

19 9. One member appointed by the Board of Directors of the
20 Fraternal Order of Police who shall have experience as a training
21 officer;

22 10. One member appointed by the Chancellor of Higher Education
23 who shall be a representative of East Central University;

24

1 11. One member who is the immediate past chair of the Council
2 on Law Enforcement Education and Training;

3 12. The President Pro Tempore of the Senate shall appoint one
4 member from a list of three or more nominees submitted by a
5 statewide organization representing cities and towns that is exempt
6 from taxation under federal law and designated pursuant to the
7 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
8 and

9 13. The Speaker of the House of Representatives shall appoint
10 one member from a list of three or more nominees submitted by an
11 organization that assists in the establishment of accreditation
12 standards and training programs for law enforcement agencies
13 throughout the State of Oklahoma.

14 The Executive Director selected by the Council shall be an ex
15 officio member of the Council and shall act as Secretary. The
16 Council on Law Enforcement Education and Training shall select a
17 chair and vice-chair from among its members. Members of the Council
18 on Law Enforcement Education and Training shall not receive a salary
19 for duties performed as members of the Council, but shall be
20 reimbursed for their actual and necessary expenses incurred in the
21 performance of Council duties pursuant to the provisions of the
22 State Travel Reimbursement Act.

23 B. The Council on Law Enforcement Education and Training is
24 hereby authorized and directed to:

1 1. Appoint a larger Advisory Council to discuss problems and
2 hear recommendations concerning necessary research, minimum
3 standards, educational needs, and other matters imperative to
4 upgrading Oklahoma law enforcement to professional status;

5 2. Promulgate rules with respect to such matters as
6 certification, revocation, suspension, withdrawal and reinstatement
7 of certification, minimum courses of study, testing and test scores,
8 attendance requirements, equipment and facilities, minimum
9 qualifications for instructors, minimum standards for basic and
10 advanced in-service courses, and seminars for Oklahoma police and
11 peace officers;

12 3. Authorize research, basic and advanced courses, and seminars
13 to assist in program planning directly and through subcommittees;

14 4. Authorize additional staff and services necessary for
15 program expansion;

16 5. Recommend legislation necessary to upgrade Oklahoma law
17 enforcement to professional status;

18 6. Establish policies and regulations concerning the number,
19 geographic and police unit distribution, and admission requirements
20 of those receiving tuition or scholarship aid available through the
21 Council. Such waiver of costs shall be limited to duly appointed
22 members of legally constituted local, county, and state law
23 enforcement agencies on the basis of educational and financial need;

24

1 7. Appoint an Executive Director and an Assistant Director to
2 direct the staff, inform the Council of compliance with the
3 provisions of this section and perform such other duties imposed on
4 the Council by law. An Executive Director appointed by the Council
5 must qualify for the position with a bachelor or higher degree in
6 law enforcement from an accredited college or university, or a
7 bachelor or higher degree in a law-enforcement-related subject area,
8 and a minimum of five (5) years of active law enforcement experience
9 including, but not limited to, responsibility for enforcement,
10 investigation, administration, training, or curriculum
11 implementation.

12 The Executive Director of the Council on Law Enforcement
13 Education and Training may commission CLEET staff as peace officers
14 for purposes consistent with the duties of CLEET as set out in state
15 law. The powers and duties conferred on the Executive Director or
16 any staff member appointed by the Executive Director as a peace
17 officer shall not limit the powers and duties of other peace
18 officers of this state or any political subdivision thereof. The
19 Executive Director or any staff member appointed by the Executive
20 Director as a peace officer may, upon request, assist any federal,
21 state, county or municipal law enforcement agency;

22 8. Enter into contracts and agreements for the payment of
23 classroom space, food, and lodging expenses as may be necessary for
24 law enforcement officers attending any official course of

1 instruction approved or conducted by the Council. Such expenses may
2 be paid directly to the contracting agency or business
3 establishment. The food and lodging expenses for each law
4 enforcement officer shall not exceed the authorized rates as
5 provided for in the State Travel Reimbursement Act; provided,
6 however, the Council may provide food and lodging to law enforcement
7 officials attending any official course of instruction approved or
8 conducted by the Council rather than paying for the provision of
9 such food and lodging by an outside contracting agency or business
10 establishment;

- 11 9. a. Certify canine teams, consisting of a dog and a
12 handler working together as a team, trained to detect:
- 13 (1) controlled dangerous substances, or
 - 14 (2) explosives, explosive materials, explosive
15 devices, or materials which could be used to
16 construct an explosive device;
- 17 provided, the dog of a certified canine team shall not
18 be certified at any time as both a drug dog and a bomb
19 dog, and any dog of a certified canine team who has
20 been previously certified as either a drug dog or a
21 bomb dog shall not be eligible at any time to be
22 certified in the other category.
- 23 b. Upon retiring the dog from the service it was
24 certified to perform, the law enforcement department

1 that handled the dog shall retain possession of the
2 dog. The handler shall have first option of adopting
3 the dog. If that option is not exercised, the law
4 enforcement department shall provide for its adoption.
5 Once adopted the dog shall not be placed back into
6 active service;

7 10. Enter into a lease, loan or other agreement with the
8 Oklahoma Development Finance Authority or a local public trust for
9 the purpose of facilitating the financing of a new facility for its
10 operations and use and pledge, to the extent authorized by law, all
11 or a portion of its receipts of the assessment penalty herein
12 referenced for the payment of its obligations under such lease, loan
13 or other agreement. It is the intent of the Legislature to increase
14 the assessment penalty to such a level or appropriate sufficient
15 monies to the Council on Law Enforcement Education and Training to
16 make payments on the lease, loan or other agreement for the purpose
17 of retiring the bonds to be issued by the Oklahoma Development
18 Finance Authority or local public trust. Such lease, loan or other
19 agreement and the bonds issued to finance such facilities shall not
20 constitute an indebtedness of the State of Oklahoma or be backed by
21 the full faith and credit of the State of Oklahoma, and the lease,
22 loan or other agreement and the bonds shall contain a statement to
23 such effect;

1 11. Accept gifts, bequests, devises, contributions and grants,
2 public or private, of real or personal property;

3 12. Appoint an advisory committee composed of representatives
4 from security guard and private investigative agencies to advise the
5 Council concerning necessary research, minimum standards for
6 licensure, education, and other matters related to licensure of
7 security guards, security guard agencies, private investigators, and
8 private investigative agencies;

9 13. Enter into agreements with individuals, educational
10 institutions, agencies, and business and tribal entities for
11 professional services, the use of facilities and supplies, and staff
12 overtime costs incurred as a result of the user's requests to
13 schedule functions after-hours, on weekends, or anytime such
14 requests extend staff beyond its normal capacity, whereby
15 contracting individuals, educational institutions, agencies, and
16 business and tribal entities shall pay a fee to be determined by the
17 Council by rule. All fees collected pursuant to these agreements
18 shall be deposited to the credit of the C.L.E.E.T. Training Center
19 Revolving Fund created pursuant to Section 3311.6 of this title.
20 The Council is authorized to promulgate emergency rules to
21 effectuate the provisions of this paragraph;

22 14. Promulgate rules to establish a state firearms
23 requalification standard for active peace officers and meet any
24

1 requirements imposed on the Council by the federal Law Enforcement
2 Officers Safety Act of 2004;

3 15. Set minimal criteria relating to qualifications for chief
4 of police administrative training pursuant to Section 34-102 of
5 Title 11 of the Oklahoma Statutes, assist in developing a course of
6 training for a Police Chief Administrative School, and approve all
7 police chief administrative training offered in this state;

8 16. Appoint a Curriculum Review Board to be composed of six (6)
9 members as follows:

- 10 a. one member shall be selected by the Chancellor for
11 Higher Education, who possesses a background of
12 creation and review of curriculum and experience
13 teaching criminal justice or law enforcement courses,
14 who shall serve an initial term of one (1) year,
- 15 b. one member shall represent a municipal jurisdiction
16 with a population of fifty thousand (50,000) or more
17 and who shall be a management-level CLEET-certified
18 training officer, who shall serve an initial term of
19 two (2) years,
- 20 c. one member shall represent a county jurisdiction with
21 a population of fifty thousand (50,000) or more and
22 who shall be a management-level CLEET-certified
23 training officer, who shall serve an initial term of
24 three (3) years,

- 1 d. one member shall represent a municipal jurisdiction
2 with a population of less than fifty thousand (50,000)
3 and who shall be a CLEET-certified training officer,
4 who shall serve an initial term of two (2) years,
5 e. one member shall represent a county jurisdiction with
6 a population of less than fifty thousand (50,000) and
7 who shall be a CLEET-certified training officer, who
8 shall serve an initial term of one (1) year, and
9 f. one member selected by the Oklahoma Department of
10 Career and Technology Education from the Curriculum
11 Material and Instructional Material Center, who shall
12 serve an initial term of three (3) years.

13 After the initial terms of office, all members shall be
14 appointed to serve three-year terms. Any member may be reappointed
15 to serve consecutive terms. Members shall serve without
16 compensation, but may be reimbursed for travel expenses pursuant to
17 the State Travel Reimbursement Act. The Board shall review and
18 establish curriculum for all CLEET academies and training courses
19 pursuant to procedures established by the Council on Law Enforcement
20 Education and Training;

21 17. Conduct review and verification of any records relating to
22 the statutory duties of CLEET;

23 18. Receive requested reports including investigative reports,
24 court documents, statements, or other applicable information from

1 local, county and state agencies and other agencies for use in
2 actions where a certification or license issued by CLEET may be
3 subject to disciplinary or other actions provided by law;

4 19. Summarily suspend a certification of a peace officer,
5 without prior notice but otherwise subject to administrative
6 proceedings, if CLEET finds that the actions of the certified peace
7 officer may present a danger to the peace officer, the public, a
8 family or household member, or involve a crime against a minor. A
9 certified copy of the information or indictment charging such a
10 crime shall be considered clear and convincing evidence of the
11 charge; and

12 20. Approve law enforcement agencies and police departments in
13 accordance with the following:

14 a. this section applies only to an entity authorized by
15 statute or by the Constitution to create a law
16 enforcement agency or police department and
17 commission, appoint, or employ officers that first
18 creates or reactivates an inactive law enforcement
19 agency or police department and first begins to
20 commission, appoint, or employ officers on or after
21 November 1, 2011,

22 b. the entity shall submit to CLEET, a minimum of sixty
23 (60) days prior to creation of the law enforcement
24 agency or police department, information regarding:

- 1 (1) the need for the law enforcement agency or police
2 department in the community,
- 3 (2) the funding sources for the law enforcement
4 agency or police department, and proof that no
5 more than fifty percent (50%) of the funding of
6 the entity will be derived from ticket revenue or
7 fines,
- 8 (3) the physical resources available to officers,
- 9 (4) the physical facilities that the law enforcement
10 agency or police department will operate,
11 including descriptions of the evidence room,
12 dispatch area, restroom facilities, and public
13 area,
- 14 (5) law enforcement policies of the law enforcement
15 agency or police department, including published
16 policies on:
 - 17 (a) use of force,
 - 18 (b) vehicle pursuit,
 - 19 (c) mental health,
 - 20 (d) professional conduct of officers,
 - 21 (e) domestic abuse,
 - 22 (f) response to missing persons,
 - 23 (g) supervision of part-time officers, and
 - 24 (h) impartial policing,

- 1 (6) the administrative structure of the law
2 enforcement agency or police department,
3 (7) liability insurance, and
4 (8) any other information CLEET requires by rule,
5 c. within sixty (60) days of receiving an entity's
6 request, CLEET will forward to the entity by certified
7 mail, return receipt requested, a letter of
8 authorization or denial to create a law enforcement
9 agency or police department and commission, appoint,
10 or employ officers, signed by the Executive Director
11 of CLEET, and
12 d. in cases of denial, the entity may appeal the decision
13 of the Executive Director to the full CLEET Council.
14 The Executive Director shall ensure that the final
15 report is provided to all members of the Council. The
16 Council shall review and make recommendations
17 concerning the report at the first meeting of the
18 Council to occur after all members of the Council have
19 received the report. The Council may, by majority
20 vote:
21 (1) order additional information be provided,
22 (2) order confirmation of the opinion of the
23 Executive Director, or
24 (3) order authorization of the entity.

1 C. 1. Payment of any fee provided for in this section may be
2 made by a nationally recognized credit or debit card issued to the
3 applicant. The Council may publicly post and collect a fee for the
4 acceptance of the nationally recognized credit or debit card not to
5 exceed five percent (5%) of the amount of the payment. For purposes
6 of this subsection, "nationally recognized credit card" means any
7 instrument or device, whether known as a credit card, credit plate,
8 charge plate, or by any other name, issued with or without fee by an
9 issuer for the use of the cardholder in obtaining goods, services,
10 or anything else of value and which is accepted by over one thousand
11 merchants in this state. "Debit card" means an identification card
12 or device issued to a person by a business organization which
13 permits such person to obtain access to or activate a consumer
14 banking electronic facility. The Council shall determine which
15 nationally recognized credit or debit cards will be accepted as
16 payment for fees.

17 2. Payment for any fee provided for in this title may be made
18 by a business check. The Council may:

19 a. add an amount equal to the amount of the service
20 charge incurred, not to exceed three percent (3%) of
21 the amount of the check as a service charge for the
22 acceptance and verification of the check, or

23 b. add an amount of no more than Five Dollars (\$5.00) as
24 a service charge for the acceptance and verification

1 of a check. For purposes of this subsection,
2 "business check" shall not mean a money order,
3 cashier's check, or bank certified check.

4 D. Failure of the Legislature to appropriate necessary funds to
5 provide for expenses and operations of the Council on Law
6 Enforcement Education and Training shall not invalidate other
7 provisions of this section relating to the creation and duties of
8 the Council.

9 E. 1. No person shall be eligible for employment as a peace
10 officer or reserve peace officer until the employing law enforcement
11 agency has conducted a background investigation of such person
12 consisting of the following:

13 a. a fingerprint search submitted to the Oklahoma State
14 Bureau of Investigation with a return report to the
15 submitting agency that such person has no felony
16 record,

17 b. a fingerprint search submitted to the Federal Bureau
18 of Investigation with a return report to the
19 submitting agency that such person has no felony
20 record,

21 c. such person has undergone psychological evaluation by
22 a psychologist licensed by the State of Oklahoma and
23 has been evaluated to be suitable to serve as a peace
24 officer in the State of Oklahoma,

- 1 d. the employing agency has verified that such person has
2 a high school diploma or a GED equivalency certificate
3 as recognized by state law,
- 4 e. such person is not participating in a deferred
5 sentence agreement for a felony, a crime involving
6 moral turpitude or a crime of domestic violence, and
7 does not have any criminal charges pending in any
8 court in this state, another state, in tribal court or
9 pursuant to the United States Code,
- 10 f. such person is not currently subject to an order of
11 the Council revoking, suspending, or accepting a
12 voluntary surrender of peace officer certification,
- 13 g. such person is not currently undergoing treatment for
14 a mental illness, condition or disorder. For purposes
15 of this subsection, "currently undergoing treatment
16 for mental illness, condition or disorder" means the
17 person has been diagnosed by a licensed physician ~~or,~~
18 psychologist, or licensed mental health professional
19 as being afflicted with a substantial disorder of
20 thought, mood, perception, psychological orientation
21 or memory that significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to
23 meet the ordinary demands of life and such condition
24 continues to exist,

1 h. such person is twenty-one (21) years of age.

2 Provided, this requirement shall not affect those
3 persons who are already employed as a police or peace
4 officer prior to November 1, 1985, and

5 i. such person has provided proof of United States
6 citizenship or resident alien status, pursuant to an
7 employment eligibility verification form from the
8 United States Citizenship and Immigration Services.

9 2. To aid the evaluating psychologist in interpreting the test
10 results, including automated scoring and interpretations, the
11 employing agency shall provide the psychologist a statement
12 confirming the identity of the individual taking the test as the
13 person who is employed or seeking employment as a peace officer of
14 the agency and attesting that it administered the psychological
15 instrument in accordance with standards within the test document.
16 The psychologist shall report to the employing agency the evaluation
17 of the assessment instrument and may include any additional
18 recommendations to assist the employing agency in determining
19 whether to certify to the Council on Law Enforcement Education and
20 Training that the person being evaluated is suitable to serve as a
21 peace officer in the State of Oklahoma. No additional procedures or
22 requirements shall be imposed for performance of the psychological
23 evaluation. The psychological instrument utilized shall be
24 evaluated by a psychologist licensed by the State of Oklahoma, and

1 the employing agency shall certify to the Council that the
2 evaluation was conducted in accordance with this provision and that
3 the employee or applicant is suitable to serve as a peace officer in
4 the State of Oklahoma.

5 a. Any person found not to be suitable for employment or
6 certification by the Council shall not be employed,
7 retained in employment as a peace officer, or
8 certified by the Council for at least one (1) year, at
9 which time the employee or applicant may be
10 reevaluated by a psychologist licensed by the State of
11 Oklahoma. This section shall also be applicable to
12 all reserve peace officers in the State of Oklahoma.

13 b. Any person who is certified by CLEET and has undergone
14 the psychological evaluation required by this
15 subparagraph and has been found to be suitable as a
16 peace officer shall not be required to be reevaluated
17 for any subsequent employment as a peace officer
18 following retirement or any break in service as a
19 peace officer, unless such break in service exceeds
20 five (5) years or the Council determines that a peace
21 officer may present a danger to himself or herself,
22 the public, or a family or household member.

23 c. All persons seeking certification shall have their
24 name, gender, date of birth, and address of such

1 person submitted to the Department of Mental Health
2 and Substance Abuse Services by the Council. The
3 Department of Mental Health and Substance Abuse
4 Services shall respond to the Council within ten (10)
5 days whether the computerized records of the
6 Department indicate the applicant has ever been
7 involuntarily committed to an Oklahoma state mental
8 institution. In the event that the Department of
9 Mental Health and Substance Abuse Services reports to
10 the Council that the applicant has been involuntarily
11 committed, the Council shall immediately inform the
12 employing agency.

13 All basic police courses shall include a minimum of four (4)
14 hours of education and training in recognizing and managing a person
15 appearing to require mental health treatment or services. The
16 training shall include training in crime and drug prevention, crisis
17 intervention, youth and family intervention techniques, recognizing,
18 investigating and preventing abuse and exploitation of elderly
19 persons, mental health issues, and criminal jurisdiction on
20 Sovereign Indian Land.

21 Subject to the availability of funding, for full-time salaried
22 police or peace officers a basic police course academy shall consist
23 of a minimum of six hundred (600) hours.
24

1 For reserve deputies a basic reserve academy shall consist of a
2 minimum of two hundred forty (240) hours.

3 Beginning January 1, 2014, any reserve peace officer who has
4 completed the two-hundred-forty-hour reserve peace officer
5 certification program, and who has been in active service in that
6 capacity for the past two (2) consecutive years, shall be eligible
7 to attend a three-hundred-sixty-hour basic full-time training
8 academy to become certified as a full-time police or peace officer.

9 3. Every person who has not been certified as a police or peace
10 officer and is duly appointed or elected as a police or peace
11 officer shall hold such position on a temporary basis only, and
12 shall, within six (6) months from the date of appointment or taking
13 office, qualify as required in this subsection or forfeit such
14 position. In computing the time for qualification, all service
15 shall be cumulative from date of first appointment or taking office
16 as a police or peace officer with any department in this state.

17 a. The Council may extend the time requirement specified
18 in this paragraph for good cause as determined by the
19 Council.

20 b. A duty is hereby imposed upon the employing agency to
21 withhold payment of the compensation or wage of such
22 unqualified officer.

23 c. If the police or peace officer fails to forfeit the
24 position or the employing agency fails to require the

1 officer to forfeit the position, the district attorney
2 shall file the proper action to cause the forfeiting
3 of such position. The district court of the county
4 where the officer is employed shall have jurisdiction
5 to hear the case.

6 4. The Council may certify officers who have completed a course
7 of study in another state deemed by the Council to meet standards
8 for Oklahoma peace officers providing the officer's certification in
9 the other state has not been revoked or voluntarily surrendered and
10 is not currently under suspension.

11 5. For purposes of this section, a police or peace officer is
12 defined as a full-time duly appointed or elected officer who is paid
13 for working more than twenty-five (25) hours per week and whose
14 duties are to preserve the public peace, protect life and property,
15 prevent crime, serve warrants, transport prisoners, and enforce laws
16 and ordinances of this state, or any political subdivision thereof;
17 provided, elected sheriffs and their deputies and elected,
18 appointed, or acting chiefs of police shall meet the requirements of
19 this subsection within the first six (6) months after assuming the
20 duties of the office to which they are elected or appointed or for
21 which they are an acting chief; provided further, that this section
22 shall not apply to persons designated by the Director of the
23 Department of Corrections as peace officers pursuant to Section 510
24 of Title 57 of the Oklahoma Statutes.

1 F. No person shall be certified as a police or peace officer by
2 the Council or be employed by the state, a county, a city, or any
3 political subdivision thereof, who is currently subject to an order
4 of the Council revoking, suspending, or accepting a voluntary
5 surrender of peace officer certification or who has been convicted
6 of a felony, a crime involving moral turpitude, or a crime of
7 domestic violence, unless a full pardon has been granted by the
8 proper agency; however, any person who has been trained and
9 certified by the Council on Law Enforcement Education and Training
10 and is actively employed as a full-time peace officer as of November
11 1, 1985, shall not be subject to the provisions of this subsection
12 for convictions occurring prior to November 1, 1985.

13 G. 1. The Council is hereby authorized to provide to any
14 employing agency the following information regarding a person who is
15 or has applied for employment as a police or peace officer of such
16 employing agency:

- 17 a. Oklahoma State Bureau of Investigation and Federal
18 Bureau of Investigation reports,
- 19 b. administration of the psychological tests provided for
20 herein,
- 21 c. performance in the course of study or other basis of
22 certification,
- 23 d. previous certifications issued, and

24

1 e. any administrative or judicial determination denying
2 certification.

3 2. An employing agency shall not be liable in any action
4 arising out of the release of contents of personnel information
5 relevant to the qualifications or ability of a person to perform the
6 duties of a police or peace officer when such information is
7 released pursuant to written authorization for release of
8 information signed by such person and is provided to another
9 employing agency which has employed or has received an application
10 for employment from such person.

11 3. As used in this subsection, "employing agency" means a
12 political subdivision or law enforcement agency which either has
13 employed or received an employment application from a person who, if
14 employed, would be subject to this section.

15 H. 1. A law enforcement agency employing police or peace
16 officers in this state shall report the hiring, resignation, or
17 termination for any reason of a police or peace officer to the
18 Council within ten (10) days. Failure to comply with the provisions
19 of this subsection may disqualify a law enforcement agency from
20 participating in training programs sponsored by the Council. Every
21 law enforcement agency employing police or peace officers in this
22 state shall submit to CLEET on or before October 1 of each calendar
23 year a complete list of all commissioned employees with a current
24 mailing address and phone number for each such employee. In

1 addition to the above, CLEET may impose an administrative fine for
2 violations of this section.

3 2. A tribal law enforcement agency that has peace officers
4 commissioned by an Oklahoma law enforcement agency pursuant to a
5 cross-deputization agreement with the State of Oklahoma or any
6 political subdivision of the State of Oklahoma pursuant to the
7 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
8 shall report the commissioning, resignation, or termination of
9 commission for any reason of a cross-deputized tribal police or
10 peace officer to CLEET within ten (10) days of the commissioning,
11 resignation, or termination. Failure to comply with the provisions
12 of this subsection may disqualify a tribal law enforcement agency
13 from participating in training programs sponsored by the Council.

14 I. It is unlawful for any person to willfully make any
15 statement in an application to CLEET knowing the statement is false
16 or intentionally commit fraud in any application to the Council for
17 attendance in any CLEET-conducted or CLEET-approved peace officer
18 academy or Collegiate Officer Program or for the purpose of
19 obtaining peace officer certification or reinstatement. It is
20 unlawful for any person to willfully submit false or fraudulent
21 documents relating to continuing education rosters, transcripts or
22 certificates, or any canine license application. Any person
23 convicted of a violation of this subsection shall be guilty of a
24 felony punishable by imprisonment in the Department of Corrections

1 for a term of not less than two (2) years nor more than five (5)
2 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
3 or by both such fine and imprisonment. In addition to the above,
4 CLEET may impose an administrative fine.

5 J. 1. A police or peace officer shall be subject to
6 disciplinary action to include a denial, suspension, revocation or
7 acceptance of voluntary surrender of peace officer certification
8 upon a showing of clear and convincing evidence for the following:

- 9 a. conviction of a felony or a crime of domestic
10 violence,
- 11 b. conviction of a misdemeanor involving moral turpitude;
12 provided, if the conviction is a single isolated
13 incident that occurred more than five (5) years ago
14 and the Council is satisfied that the person has been
15 sufficiently rehabilitated, the Council may, in its
16 discretion, certify such person providing that all
17 other statutory requirements have been met,
- 18 c. a verdict of guilt or entry of a plea of guilty or
19 nolo contendere or an "Alford" plea or any plea other
20 than a not guilty plea for a felony offense, a crime
21 of moral turpitude, or a crime of domestic violence,
- 22 d. falsification or a willful misrepresentation of
23 information in an employment application or
24 application to the Council on Law Enforcement

1 Education and Training, records of evidence, or in
2 testimony under oath,

3 e. revocation or voluntary surrender of police or peace
4 officer certification in another state for a violation
5 of any law or rule or in settlement of any
6 disciplinary action in such state,

7 f. involuntary commitment of a reserve or peace officer
8 in a mental institution or licensed private mental
9 health facility for any mental illness, condition or
10 disorder that is diagnosed by a licensed physician ~~or,~~
11 psychologist or a licensed mental health professional
12 as a substantial disorder of thought, mood,
13 perception, psychological orientation, or memory that
14 significantly impairs judgment, behavior, capacity to
15 recognize reality, or ability to meet the ordinary
16 demands of life. Provided, the peace officer
17 certification may be reinstated upon the Council
18 receiving notification of a psychological evaluation
19 conducted by a licensed physician ~~or,~~ psychologist or
20 licensed mental health professional which attests and
21 states by affidavit that the officer and the
22 evaluation test data of the officer have been examined
23 and that, in the professional opinion of the physician
24 ~~or,~~ psychologist or licensed mental health

1 professional, the officer is psychologically suitable
2 to return to duty as a peace officer. Notwithstanding
3 any other provision of state law pertaining to
4 confidentiality of hospital or other medical records,
5 and as allowable under federal law, CLEET may subpoena
6 or request a court to subpoena records necessary to
7 assure compliance with these provisions. Any
8 confidential information received by CLEET for such
9 purpose shall retain its confidential character while
10 in the possession of CLEET,

- 11 g. abuse of office,
- 12 h. entry of a final order of protection against applicant
- 13 or officer, or
- 14 i. any violation of the Oklahoma Private Security
- 15 Licensing Act.

16 2. Disciplinary proceedings shall be commenced by filing a
17 complaint with the Council on a form approved by the Council. Any
18 employing agency or other person having information may submit such
19 information to the Council for consideration as provided in this
20 subsection.

21 3. Upon the filing of the complaint, a preliminary
22 investigation shall be conducted to determine whether:
23
24

1 a. there is reason to believe the person has violated any
2 provision of this subsection or any other provision of
3 law or rule, or

4 b. there is reason to believe the person has been
5 convicted of a felony, a crime involving moral
6 turpitude or a domestic violence offense or is
7 currently participating in a deferred sentence for
8 such offenses.

9 4. When the investigation of a complaint does not find the
10 person has violated any of the provisions of this subsection, or
11 finds that the person is sufficiently rehabilitated as provided in
12 subparagraph b or f of paragraph 1 of this subsection, no
13 disciplinary action shall be required and the person shall remain
14 certified as a police or peace officer. When the investigation of a
15 complaint finds that the person has violated any of the provisions
16 of this subsection, the matter shall be referred for disciplinary
17 proceedings. The disciplinary proceedings shall be in accordance
18 with Articles I and II of the Administrative Procedures Act.

19 5. The Council shall revoke the certification of any person
20 upon determining that such person has been convicted of a felony or
21 a crime involving moral turpitude or a domestic violence offense or
22 has entered a plea of guilty, or nolo contendere or an "Alford" plea
23 or any plea other than a not guilty plea for a felony offense, a
24 crime of moral turpitude or a crime of domestic violence or is the

1 respondent in a final Victims Protective Order; provided, that if
2 the conviction has been reversed, vacated or otherwise invalidated
3 by an appellate court, such conviction shall not be the basis for
4 revocation of certification; provided further, that any person who
5 has been trained and certified by the Council on Law Enforcement
6 Education and Training and is actively employed as a full-time peace
7 officer as of November 1, 1985, shall not be subject to the
8 provisions of this subsection for convictions occurring prior to
9 November 1, 1985. The sole issue to be determined at the hearing
10 shall be whether the person has been convicted of a felony, a crime
11 involving moral turpitude or a domestic violence offense.

12 6. The Council shall revoke the certification of any person
13 upon determining that such person has received a deferred sentence
14 for a felony, a crime involving moral turpitude or a domestic
15 violence offense.

16 7. The Council may suspend the certification of any person upon
17 a determination that such person has been involuntarily committed to
18 a mental institution or mental health facility for a mental illness,
19 condition or disorder as provided in subparagraph f of paragraph 1
20 of this subsection.

21 8. Every law enforcement agency in this state shall, within
22 thirty (30) days of a final order of termination or resignation
23 while under investigation of a CLEET-certified peace officer, report
24 such order or resignation in writing to the Executive Director of

1 the Council. Any report, upon receipt by the Council, shall be
2 considered as personnel records and shall be afforded confidential
3 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
4 Oklahoma Statutes. Any medical or other confidential records
5 obtained by subpoena pursuant to this subsection shall not be made a
6 part of such report. The Executive Director shall ensure that the
7 report is provided to all members of the Council. The Council shall
8 review and make recommendations concerning the report at the first
9 meeting of the Council to occur after all members of the Council
10 have received the report. The Council may, by a majority vote,
11 order the suspension, for a given period of time, or revocation of
12 the CLEET certification of the peace officer in question if there
13 are grounds for such actions pursuant to this section and the peace
14 officer in question has been provided with notice and an opportunity
15 for a hearing pursuant to the Administrative Procedures Act.
16 Suspension or revocation of CLEET certification pursuant to this
17 paragraph shall be reported to the district attorney for the
18 jurisdiction in which the peace officer was employed, to the
19 liability insurance company of the law enforcement agency that
20 employed the peace officer, the chief elected official of the
21 governing body of the law enforcement agency and the chief law
22 enforcement officer of the law enforcement agency.

23 9. For all other violations of this subsection, the hearing
24 examiner shall take into consideration the severity of the

1 violation, any mitigating circumstances offered by the person
2 subject to disciplinary action, and any other evidence relevant to
3 the person's character to determine the appropriate disciplinary
4 action.

5 10. a. A police or peace officer may voluntarily surrender
6 and relinquish the peace officer certification to
7 CLEET. Pursuant to such surrender or relinquishment,
8 the person surrendering the certification shall be
9 prohibited from applying to CLEET for reinstatement
10 within five (5) years of the date of the surrender or
11 relinquishment, unless otherwise provided by law for
12 reinstatement.

13 b. No person who has had a police or peace officer
14 certification from another state revoked or
15 voluntarily surrendered and has not been reinstated by
16 that state shall be considered for certification by
17 CLEET.

18 c. Any person seeking reinstatement of police or peace
19 officer certification which has been suspended,
20 revoked, or voluntarily surrendered may apply for
21 reinstatement pursuant to promulgated CLEET rules
22 governing reinstatement. Except as provided in this
23 subsection, any person whose certification has been
24 revoked, suspended or voluntarily surrendered for any

1 reason, including failure to comply with mandatory
2 education and training requirements, shall pay a
3 reinstatement fee of One Hundred Fifty Dollars
4 (\$150.00) to be deposited to the credit of the Peace
5 Officer Revolving Fund created pursuant to Section
6 3311.7 of this title.

7 11. A duty is hereby imposed upon the district attorney who, on
8 behalf of the State of Oklahoma, prosecutes a person holding police
9 or peace officer or reserve peace officer certification for a
10 felony, a crime involving moral turpitude, or a crime of domestic
11 violence in which a plea of guilty, nolo contendere, or an "Alford"
12 plea or any other plea other than a not guilty plea or other finding
13 of guilt is entered by, against or on behalf of a certified police
14 or peace officer to report such plea, agreement, or other finding of
15 guilt to the Council on Law Enforcement Education and Training
16 within ten (10) days of such plea agreement or the finding of guilt.

17 12. Any person or agency required or authorized to submit
18 information pursuant to this section to the Council shall be immune
19 from liability arising from the submission of the information as
20 long as the information was submitted in good faith and without
21 malice.

22 13. Any peace officer employed by a law enforcement agency in
23 this state which has internal discipline policies and procedures on
24 file with CLEET shall be exempt from the disciplinary proceedings

1 and actions provided for in this subsection; provided, however, such
2 exemption shall not apply if the peace officer has been convicted of
3 a felony crime, a crime of moral turpitude, or a crime of domestic
4 violence.

5 14. As used in this subsection:

6 a. "law enforcement agency" means any department or
7 agency of the state, a county, a municipality, or
8 political subdivision thereof, with the duties to
9 maintain public order, make arrests, and enforce the
10 criminal laws of this state or municipal ordinances,
11 which employs CLEET-certified personnel,

12 b. "final order of termination" means a final notice of
13 dismissal from employment provided after all
14 grievance, arbitration, and court actions have been
15 completed, and

16 c. "resignation while under investigation" means the
17 resignation from employment of a peace officer who is
18 under investigation for any felony violation of law, a
19 crime of moral turpitude, a crime of domestic
20 violence, or the resignation from employment of a
21 peace officer as part of an arbitration or plea
22 agreement.

23 K. 1. Every canine team in the state trained to detect
24 controlled dangerous substances shall be certified, by test, in the

1 detection of such controlled dangerous substances and shall be
2 recertified annually so long as the canine is used for such
3 detection purposes. The certification test and annual
4 recertification test provisions of this subsection shall not be
5 applicable to canines that are owned by a law enforcement agency and
6 that are certified and annually recertified in the detection of
7 controlled dangerous substances by the United States Customs
8 Service. No employee of CLEET may be involved in the training or
9 testing of a canine team.

10 2. The Council shall appoint a Drug Dog Advisory Council to
11 make recommendations concerning minimum standards, educational
12 needs, and other matters imperative to the certification of canines
13 and canine teams trained to detect controlled dangerous substances.
14 The Council shall promulgate rules based upon the recommendations of
15 the Advisory Council. Members of the Advisory Council shall
16 include, but need not be limited to, a commissioned officer with
17 practical knowledge of such canines and canine teams from each of
18 the following:

- 19 a. the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control,
- 21 b. the Department of Public Safety,
- 22 c. a police department,
- 23 d. a sheriff's office, and
- 24 e. a university or college campus police department.

1 3. The fee for the certification test shall be Two Hundred
2 Dollars (\$200.00) and the annual recertification test fee shall be
3 One Hundred Dollars (\$100.00) per canine team. A retest fee of
4 Fifty Dollars (\$50.00) will be charged if the team fails the test.
5 No such fee shall be charged to any local, state or federal
6 government agency. The fees provided for in this paragraph shall be
7 deposited to the credit of the CLEET Fund created pursuant to
8 Section 1313.2 of Title 20 of the Oklahoma Statutes.

9 L. 1. Every canine team in the state trained to detect
10 explosives, explosive materials, explosive devices, and materials
11 which could be used to construct an explosive device shall be
12 certified, by test, in the detection of such explosives and
13 materials and shall be recertified annually so long as the canine is
14 used for such detection purposes. The certification test and annual
15 recertification test provisions of this subsection shall not be
16 applicable to canines that are owned by a law enforcement agency if
17 such canines are certified and annually recertified in the detection
18 of explosives and materials by the United States Department of
19 Defense. No employee of CLEET may be involved in the training or
20 testing of a canine team.

21 2. The Council shall appoint a Bomb Dog Advisory Council to
22 make recommendations concerning minimum standards, educational
23 needs, and other matters imperative to the certification of canines
24 and canine teams trained to detect explosives, explosive materials,

1 explosive devices and materials which could be used to construct an
2 explosive device. The Council shall promulgate rules based upon the
3 recommendations of the Advisory Council. Members of the Advisory
4 Council shall include, but need not be limited to, a commissioned
5 officer with practical knowledge of such canines and canine teams
6 from each of the following:

- 7 a. the Department of Public Safety,
- 8 b. a police department,
- 9 c. a sheriff's office, and
- 10 d. a university or college campus police department.

11 3. The fee for the certification test shall be Two Hundred
12 Dollars (\$200.00) and the annual recertification test fee shall be
13 One Hundred Dollars (\$100.00) per canine team. A retest fee of
14 Fifty Dollars (\$50.00) will be charged if the team fails the test.
15 No such fee shall be charged to any local, state or federal
16 government agency. The fees provided for in this paragraph shall be
17 deposited to the credit of the CLEET Fund created pursuant to
18 Section 1313.2 of Title 20 of the Oklahoma Statutes.

19 M. All tribal police officers of any Indian tribe or nation who
20 have been commissioned by an Oklahoma law enforcement agency
21 pursuant to a cross-deputization agreement with the State of
22 Oklahoma or any political subdivision of the State of Oklahoma
23 pursuant to the provisions of Section 1221 of Title 74 of the
24 Oklahoma Statutes shall be eligible for peace officer certification

1 under the same terms and conditions required of members of the law
2 enforcement agencies of the State of Oklahoma and its political
3 subdivisions. CLEET shall issue peace officer certification to
4 tribal police officers who, as of July 1, 2003, are commissioned by
5 an Oklahoma law enforcement agency pursuant to a cross-deputization
6 agreement with the State of Oklahoma or any political subdivision of
7 the State of Oklahoma pursuant to the provisions of Section 1221 of
8 Title 74 of the Oklahoma Statutes and have met the training and
9 qualification requirements of this section.

10 N. If an employing law enforcement agency in this state has
11 paid the salary of a person while that person is completing in this
12 state a basic police course approved by the Council and if within
13 one (1) year after certification that person resigns and is hired by
14 another law enforcement agency in this state, the second agency or
15 the person receiving the training shall reimburse the original
16 employing agency for the salary paid to the person while completing
17 the basic police course by the original employing agency. CLEET
18 shall not be a party to any court action based on this provision.

19 O. The Council on Law Enforcement Education and Training, in
20 its discretion, may waive all or part of any moneys due to the
21 Council, if deemed uncollectable by the Council.

22 P. Peace officers, reserve peace officers, tribal peace
23 officers, agencies, bail enforcers, security guards and private
24 investigators shall maintain with the Council current mailing

1 addresses and shall notify the Council, in writing, of any change of
2 address or name. Notification of change of name shall require
3 certified copies of any marriage license or other court document
4 which reflects the change of name. Notice of change of address or
5 telephone number must be made within ten (10) days of the effected
6 change. Notices shall not be accepted over the phone. In any
7 proceeding in which the Council is required to serve notice or an
8 order on an individual or an agency, the Council may send a letter
9 to the mailing address on file with the Council. If the letter is
10 returned and a notation of the U.S. Postal Service indicates
11 "unclaimed", or "moved", or "refused" or any other nondelivery
12 markings and the records of the Council indicate that no change of
13 address as required by this subsection has been received by the
14 Council, the notice and any subsequent notices or orders shall be
15 deemed by the Court as having been legally served for all purposes.

16 Q. All CLEET records of Bail Enforcers may be released only in
17 compliance with this section and the Oklahoma Bail Enforcement and
18 Licensing Act. All records in CLEET possession concerning other
19 persons or entities shall be released only in compliance with this
20 section and the Oklahoma Open Records Act.

21 SECTION 44. REPEALER 70 O.S. 2011, Section 3311, as last
22 amended by Section 1, Chapter 281, O.S.L. 2015 (70 O.S. Supp. 2015,
23 Section 3311), is hereby repealed.

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1 SECTION 45. AMENDATORY 74 O.S. 2011, Section 150.23, as
2 last amended by Section 2, Chapter 292, O.S.L. 2015 (74 O.S. Supp.
3 2015, Section 150.23), is amended to read as follows:

4 Section 150.23 A. An officer, investigator, or agent of the
5 Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control, the Department of Wildlife
7 Conservation, the Law Enforcement Division of the Oklahoma Horse
8 Racing Commission, the State Fire Marshal's Office, the Oklahoma
9 Tourism and Recreation Department, the Office of Inspector General
10 and the Oklahoma Child Support Services divisions of the Department
11 of Human Services, a Probation and Parole officer or Internal
12 Affairs agent of the Department of Corrections, law enforcement
13 officers employed by the Grand River Dam Authority or the office of
14 a district attorney shall be entitled to receive, upon retirement by
15 reason of length of service, the continued custody and possession of
16 the sidearm and badge carried by such officer, investigator, or
17 agent immediately prior to retirement.

18 B. An officer, investigator, or agent specified in subsection A
19 of this section may be entitled to receive, upon retirement by
20 reason of disability, the continued custody and possession of the
21 sidearm and badge carried by such officer or agent immediately prior
22 to retirement upon written approval of the applicable Director of
23 the appropriate Bureau, Department, Commission, or district
24 attorney.

1 C. Custody and possession of the sidearm and badge of an
2 officer, investigator, or agent who dies while employed by any
3 Bureau, Department, Commission, or office specified in subsection A
4 of this section may be awarded by the applicable Director of the
5 appropriate Bureau, Department, Commission, or office to the spouse
6 or next of kin of the deceased officer, investigator, or agent.

7 D. A correctional officer, ~~a probation and parole officer or an~~
8 ~~internal affairs agent~~ of the Oklahoma Department of Corrections
9 shall be entitled to receive, upon retirement by reason of length of
10 service, the continued custody and possession of the badge carried
11 by such officer immediately prior to retirement.

12 E. In addition to the sidearm carried by a retired agent of the
13 Oklahoma State Bureau of Investigation, the retired agent may
14 purchase the rifle or shotgun, or both, issued to the retired agent
15 immediately prior to retirement. The cost to the retired agent of
16 purchasing the rifle or shotgun, or both, shall be the price the
17 Oklahoma State Bureau of Investigation paid at the time of purchase,
18 and upon payment of that price, the retired agent shall be entitled
19 to ownership of the rifle or shotgun, or both.

20 SECTION 46. REPEALER 74 O.S. 2011, Section 150.23, as
21 last amended by Section 1, Chapter 138, O.S.L. 2015 (74 O.S. Supp.
22 2015, Section 150.23), is hereby repealed.

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1 SECTION 47. REPEALER Section 11, Chapter 375, O.S.L.
2 2014, as amended by Section 5, Chapter 303, O.S.L. 2015 (74 O.S.
3 Supp. 2015, Section 935.11), is hereby repealed.

4 SECTION 48. AMENDATORY 82 O.S. 2011, Section 874, as
5 amended by Section 1, Chapter 327, O.S.L. 2015 (82 O.S. Supp. 2015,
6 Section 874), is amended to read as follows:

7 Section 874. A. Nothing in Sections 861 through 890 of this
8 title shall be construed as authorizing the district and it shall
9 not be authorized to mortgage or otherwise encumber any of its
10 property of any kind, real, personal or mixed, or any interest
11 therein, or to acquire any property or interest subject to a
12 mortgage or conditional sale, provided that this section shall not
13 be construed as preventing the pledging of the revenues of the
14 district as herein authorized.

15 B. Nothing in Sections 861 through 890 of this title shall be
16 construed as authorizing the sale, lease or other disposition of any
17 property or interest of the district by the district or any receiver
18 of any of its properties or through any court proceeding or
19 otherwise.

20 C. 1. The district may sell for cash, subject to competitive
21 bidding as provided by the Board of Directors of the Grand River Dam
22 Authority, any property or interest in an aggregate value not
23 exceeding the sum of Five Hundred Thousand Dollars (\$500,000.00) in
24 any one (1) year, except that the district may sell any or all

1 surplus property that the district may have acquired without regard
2 to the limitations herein, if the Board, by the affirmative vote of
3 five or more of the members, shall have determined that the same is
4 not necessary to the business of the district and shall have
5 approved the terms of any sale.

6 2. Notwithstanding any other provision of law, the district may
7 sell real and personal property directly used for the generation,
8 transmission or distribution of electricity to any corporation,
9 limited liability company, association, cooperative, municipal
10 corporation or a beneficial trust thereof engaged in the furnishing
11 of wholesale or retail electric if the Board approves by a vote of
12 five or more members that the property is not necessary to the
13 business of the district. Sales pursuant to this paragraph shall be
14 exempt from the requirements and limitations of paragraph 1 of this
15 subsection and from the requirements of Section 129.4 of Title 74 of
16 the Oklahoma Statutes.

17 3. If approved by affirmative vote of five or more members, the
18 Board may authorize the district to enter into agreements to
19 purchase letters of credit or other financial instruments to
20 facilitate the exercise of the powers, rights, and privileges
21 granted it.

22 D. The district may lease any of its lands if the Board, by the
23 affirmative vote of five or more of the members, shall have
24 determined that the same can be leased without injury to or without

1 interference with the operations of the project, and shall have
2 approved the terms of any lease. Except as otherwise provided, no
3 shorelands (lands lying between the low and high water marks) shall
4 be leased for a term longer than two (2) years and not more than
5 one-fourth (1/4) mile of the lake front shall be leased to any one
6 person, firm or corporation. The district may lease shorelands for
7 a term longer than two (2) years and more than one-fourth (1/4) mile
8 of lake front may be leased to any one person, firm, or corporation
9 without regard to the limitations herein, if the Board, by the
10 affirmative vote of a majority of the members, determines that the
11 lease is necessary or beneficial to the business of the district.
12 The district may lease shorelands to political subdivisions,
13 agencies of the State of Oklahoma, or tax-exempt public trusts, for
14 any public purpose, on such terms as are mutually satisfactory to
15 the parties, notwithstanding the limitations herein. No lease shall
16 deprive the owner of any land adjacent to the shorelands or lake
17 front, or abutting thereon, of ingress or egress to and from the
18 water of the lakes and shall not deprive the owner of any wharf,
19 dock or boat anchorage privileges that would belong to the owner if
20 the shorelands or lake front were not leased.

21 E. It is the intention of Sections 861 through 890 of this
22 title that, except by sale, lease or agreement as expressly
23 authorized in Sections 861 through 890 of this title, no property or
24 interest of the district shall ever come into the ownership or

1 control, directly or indirectly, of any person, firm or corporation
2 other than a public authority created under the laws of the State of
3 Oklahoma.

4 F. Nothing in this section shall be construed as preventing the
5 district from contracting with the United States or any agency
6 thereof for the temporary possession, control and use of properties
7 by the United States or any agency thereof for the safety and
8 defense of the United States in time of a national emergency or in
9 anticipation thereof.

10 G. All property of the district shall be at all times exempted
11 from forced sale, and nothing contained in Sections 861 through 890
12 of this title shall authorize the sale of any of the property of the
13 district under any judgment rendered in any suit, and such sales are
14 hereby prohibited and forbidden. The provisions of this subsection
15 shall not apply to any property constructed on a lease or the
16 interest in a lease of shoreland that has been entered into by the
17 district pursuant to subsection B of this section for a term of
18 longer than two (2) years, provided the provisions of the lease
19 authorizing the mortgage and forced sale of the property or lease
20 interest has been approved by an affirmative vote of a majority of
21 the members of the Board.

22 H. The provisions of this section shall not apply to any sale
23 agreement, lease agreement or other agreement entered into by the
24 district pursuant to paragraphs (f) or (g) of Section 862 of this

1 title, provided that the agreement is in compliance with any
2 applicable provision restricting the sale or leasing of property by
3 the district contained in any resolution of the district providing
4 for the issuance of revenue bonds.

5 SECTION 49. REPEALER 82 O.S. 2011, Section 874, as
6 amended by Section 2, Chapter 169, O.S.L. 2015 (82 O.S. Supp. 2015,
7 Section 874), is hereby repealed.

8 SECTION 50. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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