

1 ENGROSSED HOUSE
2 BILL NO. 3718

By: Kannady of the House

3 and

4 Sykes of the Senate

5
6 An Act relating to multiple versions of statutes;
7 amending, merging, consolidating and repealing
8 multiple versions of statutes; amending 3 O.S. 2011,
9 Section 85, as amended by Section 1, Chapter 103,
10 O.S.L. 2017 (3 O.S. Supp. 2017, Section 85);
11 repealing 3 O.S. 2011, Section 85, as amended by
12 Section 1, Chapter 138, O.S.L. 2017 (3 O.S. Supp.
13 2017, Section 85); repealing 10 O.S. 2011, Section
14 404.1, as last amended by Section 1, Chapter 253,
15 O.S.L. 2017 (10 O.S. Supp. 2017, Section 404.1);
16 amending Section 26, Chapter 150, O.S.L. 2012, as
17 last amended by Section 8, Chapter 10, O.S.L. 2017
18 (15 O.S. Supp. 2017, Section 141.26); repealing
19 Section 26, Chapter 150, O.S.L. 2012, as amended by
20 Section 2, Chapter 72, O.S.L. 2016 (15 O.S. Supp.
21 2017, Section 141.26); amending 20 O.S. 2011, Section
22 1313.2, as last amended by Section 1, Chapter 343,
23 O.S.L. 2017 (20 O.S. Supp. 2017, Section 1313.2);
24 repealing 20 O.S. 2011, Section 1313.2, as amended by
Section 1, Chapter 194, O.S.L. 2017 (20 O.S. Supp.
2017, Section 1313.2); amending 21 O.S. 2011, Section
1277, as last amended by Section 1, Chapter 165,
O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277);
repealing 21 O.S. 2011, Section 1277, as last amended
by Section 1, Chapter 135, O.S.L. 2017 (21 O.S. Supp.
2017, Section 1277); amending 22 O.S. 2011, Section
991a, as last amended by Section 1, Chapter 313,
O.S.L. 2017 (22 O.S. Supp. 2017, Section 991a);
repealing 22 O.S. 2011, Section 991a, as last amended
by Section 2, Chapter 194, O.S.L. 2017 (22 O.S. Supp.
2017, Section 991a); repealing 29 O.S. 2011, Section
4-112, as last amended by Section 1, Chapter 300,
O.S.L. 2017 (29 O.S. Supp. 2017, Section 4-112);
amending Section 3, Chapter 366, O.S.L. 2016, as
amended by Section 5, Chapter 381, O.S.L. 2017 (37A
O.S. Supp. 2017, Section 1-103); repealing Section 3,
Chapter 366, O.S.L. 2016, as amended by Section 8,

1 Chapter 364, O.S.L. 2017 (37A O.S. Supp. 2017,
2 Section 1-103); amending 47 O.S. 2011, Section
3 1135.5, as last amended by Section 3, Chapter 331,
4 O.S.L. 2017 (47 O.S. Supp. 2017, Section 1135.5);
5 repealing 47 O.S. 2011, Section 1135.5, as last
6 amended by Section 1, Chapter 339, O.S.L. 2017 (47
7 O.S. Supp. 2017, Section 1135.5); amending 51 O.S.
8 2011, Section 6, as last amended by Section 1,
9 Chapter 75, O.S.L. 2017 (51 O.S. Supp. 2017, Section
10 6); repealing 51 O.S. 2011, Section 6, as last
11 amended by Section 1, Chapter 114, O.S.L. 2017 (51
12 O.S. Supp. 2017, Section 6); amending 70 O.S. 2011,
13 Section 17-105, as last amended by Section 1, Chapter
14 270, O.S.L. 2017 (70 O.S. Supp. 2017, Section 17-
15 105); repealing 70 O.S. 2011, Section 17-105, as last
16 amended by Section 2, Chapter 48, O.S.L. 2017 (70
17 O.S. Supp. 2017, Section 17-105); repealing 70 O.S.
18 2011, Section 1210.508C, as last amended by Section
19 1, Chapter 210, O.S.L. 2017 (70 O.S. Supp. 2017,
20 Section 1210.508C); amending 74 O.S. 2011, Section
21 166.7, as last amended by Section 1, Chapter 126,
22 O.S.L. 2017 (74 O.S. Supp. 2017, Section 166.7);
23 repealing 74 O.S. 2011, Section 166.7, as last
24 amended by Section 1, Chapter 321, O.S.L. 2017 (74
O.S. Supp. 2017, Section 166.7); providing an
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 3 O.S. 2011, Section 85, as
amended by Section 1, Chapter 103, O.S.L. 2017 (3 O.S. Supp. 2017,
Section 85), is amended to read as follows:

Section 85. A. The Oklahoma Aeronautics Commission and its
Director acting under its authority is empowered and directed to
encourage, foster, and assist in the development of aeronautics in
this state and to encourage the establishment of airports and air
navigation facilities. It shall cooperate with and assist the

1 federal government, the municipalities of this state, and other
2 persons in the development of aeronautics, and shall seek to
3 coordinate the aeronautical activities of these bodies and persons.
4 Municipalities are authorized to cooperate with the Commission in
5 the development of aeronautics and aeronautical facilities in this
6 state.

7 B. The Commission may organize and administer a voluntary
8 program of air-age education in cooperation with the schools,
9 colleges, and for the general public, and may prepare and conduct
10 voluntary flight clinics for airmen and issue such bulletins and
11 publications as may be required.

12 C. The Commission shall assist in all aeronautical matters
13 related to emergency management actions in conformance with federal
14 directions and with the Emergency Operations Plan of the state.

15 D. The Commission may establish air markers throughout the
16 state.

17 E. The Commission may purchase and install roadside signs
18 directing highway traffic to airports, subject to approval of the
19 State Transportation Commission.

20 F. The Commission shall:

21 1. Draft and recommend necessary legislation to advance the
22 interests of the state in aeronautics;

23 2. Represent the state in aeronautical matters before federal
24 agencies and other state agencies; and

1 3. Participate as party plaintiff or defendant or as intervener
2 on behalf of the state or any municipality or citizen thereof in any
3 proceeding which involves the interest of the state in aeronautics.

4 G. 1. The Commission may, insofar as is reasonably possible,
5 make available its engineering and other technical services to any
6 municipality or person desiring them in connection with the
7 planning, acquisition, construction, improvement, maintenance, or
8 operation of airports or navigation facilities.

9 2. The Commission may render financial assistance by grant or
10 loan or both to any municipality or municipalities acting jointly in
11 the planning, acquisition, construction, improvement, maintenance,
12 or operation of an airport owned or controlled, or to be owned or
13 controlled, by such municipality or municipalities, out of
14 appropriations or other monies made available by the Legislature for
15 such purposes. Such financial assistance may be furnished in
16 connection with federal or other financial aid for the same
17 purposes.

18 3. The Commission shall be designated as the agent of this
19 state or political subdivision of this state for the purpose of
20 applying for, receiving, administering and disbursing federal funds
21 and other public monies for the benefit of general aviation
22 airports, except reliever airports, as may be available under
23 applicable federal law or other laws. If requested by a political
24 subdivision, the Commission may act as its or their agent in

1 contracting for and supervising such planning, acquisition,
2 construction, improvement, maintenance, or operation; and all
3 political subdivisions are authorized to designate the Commission as
4 their agent for the foregoing purposes. The Commission, as
5 principal on behalf of the state, may enter into any contracts with
6 the United States or with any person, which may be required in
7 connection with a grant or loan of federal monies for municipal
8 airport or air navigation facility purposes. All federal monies
9 accepted under this section shall be accepted and transferred or
10 expended by the Commission upon such terms and conditions as are
11 prescribed by the United States. All monies received by the
12 Commission pursuant to this section shall be deposited in the
13 Oklahoma Aeronautics Commission Fund in the State Treasury and shall
14 be paid out by the Commission in accordance with the terms and
15 conditions of any agreement entered into under the provisions of
16 this section.

17 H. 1. The Commission is authorized on behalf of and in the
18 name of the state, out of appropriations and other monies made
19 available for such purposes, to plan, zone, establish, construct,
20 enlarge, improve, maintain, equip, operate, regulate, protect, and
21 police airports and air navigation facilities, either within or
22 without the state, including the construction, installation,
23 equipping, maintenance, and operation at such airports of buildings
24 and other facilities for the servicing of aircraft or for the

1 comfort and accommodation of air travelers. However, the regulatory
2 authority shall not extend to any airman employed by, nor to any
3 aeronautics facility or aircraft under the exclusive possession,
4 operation, or control of, a person holding a certificate of public
5 convenience and necessity issued by any agency of the United States
6 to operate as a common carrier by air of persons and/or property in
7 interstate commerce. For such purposes the Commission may, by
8 purchase, gift, devise, or lease, acquire property, real or
9 personal, or any interest therein including easements in
10 aeronautical hazards or land outside the boundaries of an airport or
11 airport site, as are necessary to permit safe and efficient
12 operation of the state airports or to permit the removal,
13 elimination, obstruction-marking or obstruction-lighting of airport
14 hazards, or to prevent the establishment of airport hazards. In
15 like manner the Commission may acquire existing airports and air
16 navigation facilities. However, the Commission shall not acquire or
17 take over any airport or air navigation facility owned or controlled
18 by a municipality of this or any other state without the consent of
19 such municipality. The Commission may, by sale, lease, or
20 otherwise, dispose of any such property, airport, air navigation
21 facility, or portion thereof or interest therein. The disposal, by
22 sale, lease, or otherwise, shall be in accordance with the laws of
23 this state governing the disposition of other property of the state,
24 except that, in the case of disposals to any municipality or state

1 government or the United States for aeronautical purposes incident
2 thereto, the sale, lease, or other disposal may be effected in such
3 manner and upon such terms as the Commission may deem in the best
4 interest of the state.

5 2. All airports owned by the state shall be within the primary
6 jurisdiction of the Oklahoma Aeronautics Commission for purposes of
7 design, development, and operation; provided, that airports owned
8 and operated by the Oklahoma Space Industry Development Authority
9 shall be exempt from such provisions, and during the time of a
10 national emergency, the Air National Guard shall be exempt from such
11 provisions, and provided further, that any airport owned by the
12 state may be leased by the Commission to a public or private agency,
13 as it may deem fit.

14 3. Nothing contained in the Oklahoma Aeronautics Commission Act
15 shall be construed to limit any right, power, or authority of the
16 state or a municipality to regulate airport hazards by zoning.

17 4. The Commission may exercise any powers granted by this
18 section jointly with any municipalities or with the United States.

19 5. a. In operating an airport or air navigation facility
20 owned or controlled by the state, the Commission may
21 enter into contracts, leases, and other arrangements
22 for a term not exceeding twenty-five (25) years with
23 any persons granting the privilege of using or
24 improving such airport or air navigation facility or

1 any portion or facility thereof or space therein for
2 commercial purposes; conferring the privilege of
3 supplying goods, commodities, things, services, or
4 facilities at such airport or air navigation facility;
5 or making available services to be furnished by the
6 Commission or its agents at such airport or air
7 navigation facility.

8 In each such case the Commission may establish the
9 terms and conditions and fix the charges, rentals, or
10 fees for the privileges or services, which shall be
11 reasonable and uniform for the same class of
12 privileges or services and shall be established with
13 due regard to the property and improvements used and
14 the expenses of operation to the state; provided, that
15 in no case shall the public be deprived of its
16 rightful, equal, and uniform use of the airport, air
17 navigation facility or portion or facility thereof.

18 b. The Commission may by contract, lease, or other
19 arrangement, upon a consideration fixed by it, grant
20 to any qualified person for a term not to exceed
21 twenty-five (25) years the privilege of operating, as
22 agent of the state or otherwise, any airport owned or
23 controlled by the state; provided, that no such person
24 shall be granted any authority to operate the airport

1 other than as a public airport or to enter into any
2 contracts, leases, or other arrangements in connection
3 with the operation of the airport which the Commission
4 might not have undertaken under subparagraph a of this
5 paragraph.

6 c. To enforce the payment of any charges for repairs to,
7 or improvements, storage, or care of, any personal
8 property made or furnished by the Commission or its
9 agents in connection with the operation of an airport
10 or air navigation facility owned or operated by the
11 state, the state shall have liens on such property,
12 which shall be enforceable by the Commission as
13 provided by law.

14 6. In accepting federal monies under this section, the
15 Commission shall have the same authority to enter into contracts on
16 behalf of the state as is granted to the Commission under paragraph
17 3 of subsection G of this section with respect to federal monies
18 accepted on behalf of municipalities. All monies received by the
19 Commission pursuant to this section shall be deposited in the
20 Oklahoma Aeronautics Commission Fund in the State Treasury and shall
21 be paid out of the Commission Fund in accordance with the terms and
22 conditions of any agreement entered into under the provisions of
23 this section.

1 7. The Commission shall grant no exclusive right for the use of
2 any airport or air navigation facility under its jurisdiction. This
3 shall not be construed to prevent the making of contracts, leases,
4 and other arrangements pursuant to paragraph 5 of this subsection.

5 I. The Commission may enter into any contracts necessary to the
6 execution of the powers granted it by the Oklahoma Aeronautics
7 Commission Act. All contracts made by the Commission, either as the
8 agent of the state or as the agent of any municipality, shall be
9 made pursuant to the laws of the state governing the making of like
10 contracts. When the planning, acquisition, construction,
11 improvement, maintenance, or operation of any airport or air
12 navigation facility is financed wholly or partially with federal
13 monies, the Commission as agent of the state or of any municipality
14 may let contracts in the manner prescribed by the federal
15 authorities acting under the laws of the United States and any rules
16 or regulations made thereunder.

17 J. 1. The Commission, the Director, or any officer or employee
18 of the Commission designated by it shall have the power to hold
19 investigations, inquiries, and hearings concerning matters covered
20 by the provisions of the Oklahoma Aeronautics Commission Act and the
21 rules, regulations, and orders of the Commission. Hearings shall be
22 open to the public and shall be held upon such call or notice as the
23 Commission shall deem advisable. Each member of the Commission, the
24 Director, and every officer or employee of the Commission designated

1 by it to hold any inquiry, investigation, or hearing shall have the
2 power to administer oaths and affirmations, certify to all official
3 acts, issue subpoenas, and order the attendance and testimony of
4 witnesses and the production of papers, books, and documents. In
5 case of the failure of any person to comply with any subpoena or
6 order issued under the authority of this subsection, or on the
7 refusal of any witness to testify to any matters regarding which he
8 may be lawfully interrogated, it shall be the duty of the district
9 court of any county or of the judge thereof, on application of the
10 Commission or its authorized representative, to compel obedience by
11 proceedings for contempt, as in the case of disobedience of the
12 requirements of a subpoena issued from such court or a refusal to
13 testify therein.

14 2. In order to facilitate the making of investigations by the
15 Commission in the interest of public safety and promotion of
16 aeronautics the public interest requires, and it is therefore
17 provided, that the reports of investigations or hearings, or any
18 part thereof, shall not be admitted in evidence or used for any
19 purpose in any suit, action, or proceeding growing out of any matter
20 referred to in the investigation, hearing, or report thereof, except
21 in case of any suit, action, or proceeding, civil or criminal,
22 instituted by or in behalf of the Commission or in the name of the
23 state under the provisions of the Oklahoma Aeronautics Commission
24 Act or other laws of the state relating to aeronautics; nor shall

1 any member of the Commission, or the Director, or any officer or
2 employee of the Commission be required to testify to any facts
3 ascertained in, or information gained by reason of, such person's
4 official capacity, or be required to testify as an expert witness in
5 any suit, action, or proceeding involving any aircraft. Subject to
6 the foregoing provisions, the Commission may in its discretion make
7 available to appropriate federal, state and municipal agencies
8 information and material developed in the course of its
9 investigations and hearings.

10 K. 1. The Commission is authorized to confer with or to hold
11 joint hearings with any agency of the United States in connection
12 with any matter arising under the Oklahoma Aeronautics Commission
13 Act or relating to the sound development of aeronautics.

14 2. The Commission is authorized to avail itself of the
15 cooperation, services, records, and facilities of the agencies of
16 the United States as fully as may be practicable in the
17 administration and enforcement of the Oklahoma Aeronautics
18 Commission Act. The Commission shall furnish to the agencies of the
19 United States its cooperation, services, records, and facilities,
20 insofar as may be practicable.

21 3. The Commission shall report to the appropriate agency of the
22 United States all accidents in aeronautics in this state of which it
23 is informed and shall, insofar as is practicable, preserve, protect,
24 and prevent the removal of the component parts of any aircraft

1 involved in an accident being investigated by it until the federal
2 agency institutes an investigation.

3 L. The Commission may organize and administer an aerospace
4 education program in cooperation with universities, colleges and
5 schools for the general public. The Commission may also plan and
6 act jointly in a cooperative aviation research or high technology
7 program. As part of these programs, the Commission may issue
8 aviation communication films and publications.

9 M. The Commission shall administer an airport inspection
10 program for all public-use airports within the State of Oklahoma.
11 The inspection program shall occur on a three-year cycle and shall
12 be administered by the Oklahoma Aeronautics Commission. Airport
13 owners, including individuals and municipalities, shall provide
14 access to airport facilities for conducting the inspections. The
15 Commission shall provide a written report to each public-use airport
16 detailing the findings of such inspections.

17 SECTION 2. REPEALER 3 O.S. 2011, Section 85, as amended
18 by Section 1, Chapter 138, O.S.L. 2017 (3 O.S. Supp. 2017, Section
19 85), is hereby repealed.

20 SECTION 3. REPEALER 10 O.S. 2011, Section 404.1, as last
21 amended by Section 1, Chapter 253, O.S.L. 2017 (10 O.S. Supp. 2017,
22 Section 404.1), is hereby repealed.

23

24

1 SECTION 4. AMENDATORY Section 26, Chapter 150, O.S.L.
2 2012, as last amended by Section 8, Chapter 10, O.S.L. 2017 (15 O.S.
3 Supp. 2017, Section 141.26), is amended to read as follows:

4 Section 141.26 For purposes of the Service Warranty Act, the
5 following methods, acts, or practices are defined as unfair methods
6 of competition and unfair or deceptive acts or practices:

7 1. MISREPRESENTATION AND FALSE ADVERTISING OF SERVICE
8 WARRANTIES - Knowingly making, issuing, circulating, or causing to
9 be made, issued, or circulated, any estimate, illustration,
10 circular, statement, sales presentation, omission, or comparison
11 which:

- 12 a. misrepresents the benefits, advantages, conditions, or
13 terms of any service warranty contract,
- 14 b. is misleading or is a misrepresentation as to the
15 financial condition of any person,
- 16 c. uses any name or title of any contract misrepresenting
17 the true nature thereof,
- 18 d. is a misrepresentation for the purpose of inducing, or
19 tending to induce, the lapse, forfeiture, exchange,
20 conversion, or surrender of any service warranty
21 contract, or
- 22 e. is false, deceptive or misleading with respect to:
 - 23 (1) the service warranty association's affiliation
24 with a motor vehicle manufacturer,

1 (2) the service warranty association's possession of
2 information regarding a motor vehicle owner's
3 current motor vehicle manufacturer's original
4 equipment warranty,

5 (3) the expiration of a motor vehicle owner's current
6 motor vehicle manufacturer's original equipment
7 warranty, or

8 (4) a requirement that a motor vehicle owner register
9 for a new service warranty with such provider in
10 order to maintain coverage under the motor
11 vehicle owner's current service warranty or
12 manufacturer's original equipment warranty;

13 2. FALSE INFORMATION AND ADVERTISING GENERALLY - Knowingly
14 making, publishing, disseminating, circulating, or placing before
15 the public, or causing, directly or indirectly, to be made,
16 published, disseminated, circulated, or placed before the public:

- 17 a. in a newspaper, magazine, or other publication,
- 18 b. in the form of a notice, circular, pamphlet, letter,
19 or poster,
- 20 c. over any radio or television station, or
- 21 d. in any other way,

22 an advertisement, announcement, or statement containing any
23 assertion, representation, or statement with respect to the business
24

1 of service warranty, which assertion, representation, or statement
2 is untrue, deceptive, or misleading;

3 3. DEFAMATION - Knowingly making, publishing, disseminating, or
4 circulating, directly or indirectly, or aiding, abetting, or
5 encouraging the making, publishing, disseminating, or circulating
6 of, any oral or written statement, or any pamphlet, circular,
7 article, or literature, which is false or maliciously critical of,
8 or derogatory to, any person and which is calculated to injure such
9 person;

10 4. FALSE STATEMENTS AND ENTRIES - Knowingly:

11 a. filing with any supervisory or other public official,

12 b. making, publishing, disseminating, or circulating,

13 c. delivering to any person,

14 d. placing before the public, or

15 e. causing, directly or indirectly, to be made,

16 published, disseminated, circulated, delivered to any

17 person, or placed before the public, any false

18 statement, or

19 ~~f.~~ making any false entry of a material fact in any book,

20 report, or statement of any person;

21 5. UNFAIR CLAIM SETTLEMENT PRACTICES -

22 a. attempting to settle claims on the basis of an

23 application or any other material document which was

24

1 altered without notice to, or knowledge or consent of,
2 the warranty holder,

3 b. making a material misrepresentation to the warranty
4 holder for the purpose and with the intent of
5 effecting settlement of such claims, loss, or damage
6 under such contract on less favorable terms than those
7 provided in, and contemplated by, such contract, or

8 c. committing or performing with such frequency as to
9 indicate a general business practice any of the
10 following practices:

11 (1) failure properly to investigate claims,

12 (2) misrepresentation of pertinent facts or contract
13 provisions relating to coverages at issue,

14 (3) failure to acknowledge and act promptly upon
15 communications with respect to claims,

16 (4) denial of claims without conducting reasonable
17 investigations based upon available information,

18 (5) failure to affirm or deny coverage of claims upon
19 written request of the warranty holder within a
20 reasonable time after proof-of-loss statements
21 have been completed, or

22 (6) failure to promptly provide a reasonable
23 explanation to the warranty holder of the basis
24 in the contract in relation to the facts or

1 applicable law for denial of a claim or for the
2 offer of a compromise settlement;

3 6. FAILURE TO MAINTAIN PROCEDURES FOR HANDLING COMPLAINTS -

4 Failing to maintain a record of each complaint received for a three-
5 year period after the date of the receipt of the written complaint;

6 7. DISCRIMINATORY REFUSAL TO ISSUE A CONTRACT - Refusing to

7 issue a contract solely because of an individual's race, color,
8 creed, marital status, sex, or national origin; and

9 8. FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE -

10 Failing to provide a consumer with a complete sample copy of the
11 terms and conditions of the service warranty prior to ~~before~~ the
12 time of sale upon a request for the same by the consumer. A service
13 warranty association may comply with the provisions of this
14 paragraph by providing the consumer with a sample copy of the terms
15 and conditions of the warranty contract or by directing the consumer
16 to a website that displays a complete sample of the terms and
17 conditions of the contract.

18 SECTION 5. REPEALER Section 26, Chapter 150, O.S.L.

19 2012, as amended by Section 2, Chapter 72, O.S.L. 2016 (15 O.S.
20 Supp. 2017, Section 141.26), is hereby repealed.

21 SECTION 6. AMENDATORY 20 O.S. 2011, Section 1313.2, as

22 amended by Section 1, Chapter 343, O.S.L. 2017 (20 O.S. Supp. 2017,
23 Section 1313.2), is amended to read as follows:

24 Section 1313.2 A. As used in this section:

1 1. "Arrested" means taking custody of another for the purpose
2 of holding or detaining him or her to answer a criminal charge;

3 2. "Convicted" means any final adjudication of guilt, whether
4 pursuant to a plea of guilty or nolo contendere or otherwise, and
5 any deferred or suspended sentence or judgment;

6 3. "Court" means any state or municipal court having
7 jurisdiction to impose a criminal fine or penalty; and

8 4. "DNA" means Deoxyribonucleic acid.

9 B. Any person convicted of an offense, including traffic
10 offenses but excluding parking and standing violations, punishable
11 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
12 person forfeiting bond when charged with such an offense, shall be
13 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,
14 which fee shall be in addition to and not in substitution for any
15 and all fines and penalties otherwise provided for by law for such
16 offense.

17 C. 1. Any person convicted of any misdemeanor or felony
18 offense shall pay a Laboratory Analysis Fee in the amount of One
19 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
20 or laboratory services are rendered or administered by the Oklahoma
21 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
22 of the Office of the Chief Medical Examiner or by any municipality
23 or county in connection with the case. This fee shall be in
24

1 addition to and not a substitution for any and all fines and
2 penalties otherwise provided for by law for this offense.

3 2. The court clerk shall cause to be deposited the amount of
4 One Hundred Fifty Dollars (\$150.00) as collected, for every
5 conviction as described in this subsection. The court clerk shall
6 remit the monies in the fund on a monthly basis directly either to:

7 a. the OSBI who shall deposit the monies into the OSBI
8 Revolving Fund provided for in Section 150.19a of
9 Title 74 of the Oklahoma Statutes for services
10 rendered or administered by the OSBI,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Chief Medical Examiner
13 Revolving Fund provided for in Section ~~954~~ 948 of
14 Title 63 of the Oklahoma Statutes for services
15 rendered or administered by the Office of the Chief
16 Medical Examiner, or

17 c. the appropriate municipality or county for services
18 rendered or administered by a municipality or county.

19 3. The monies from the Laboratory Analysis Fee Fund deposited
20 into the OSBI Revolving Fund shall be used for the following:

21 a. providing criminalistic laboratory services,
22 b. the purchase and maintenance of equipment for use by
23 the laboratory in performing analysis,
24

1 c. education, training, and scientific development of
2 OSBI personnel, and

3 d. the destruction of seized property and chemicals as
4 prescribed in Sections 2-505 and 2-508 of Title 63 of
5 the Oklahoma Statutes.

6 D. Upon conviction or bond forfeiture, the court shall collect
7 the fee provided for in subsection B of this section and deposit it
8 in an account created for that purpose. Except as otherwise
9 provided in subsection E of this section, monies shall be forwarded
10 monthly by the court clerk to the Council on Law Enforcement
11 Education and Training (CLEET). Beginning July 1, 2003, deposits
12 shall be due on the fifteenth day of each month for the preceding
13 calendar month. There shall be a late fee imposed for failure to
14 make timely deposits; provided, CLEET, in its discretion, may waive
15 all or part of the late fee. Such late fee shall be one percent
16 (1%) of the principal amount due per day beginning from the tenth
17 day after payment is due and accumulating until the late fee reaches
18 one hundred percent (100%) of the principal amount due. Beginning
19 on July 1, 1987, ninety percent (90%) of the monies received by
20 CLEET from the court clerks pursuant to this section shall be
21 deposited in the CLEET Fund, and ten percent (10%) shall be
22 deposited in the General Revenue Fund. Beginning January 1, 2001,
23 sixty and fifty-three one-hundredths percent (60.53%) of the monies
24 received by CLEET from the court clerks pursuant to this section

1 shall be deposited in the CLEET Fund created pursuant to subsection
2 G of this section, five and eighty-three one-hundredths percent
3 (5.83%) shall be deposited in the General Revenue Fund and thirty-
4 three and sixty-four one-hundredths percent (33.64%) shall be
5 deposited in the CLEET Training Center Revolving Fund created
6 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
7 Along with the deposits required by this subsection, each court
8 shall also submit a report stating the total amount of funds
9 collected and the total number of fees imposed during the preceding
10 quarter. The report may be made on computerized or manual
11 disposition reports.

12 E. Any municipality or county having a basic law enforcement
13 academy approved by CLEET pursuant to the criteria developed by
14 CLEET for training law enforcement officers shall retain from monies
15 collected pursuant to subsections A through D of this section, Two
16 Dollars (\$2.00) from each fee. These monies shall be deposited into
17 an account for the sole use of the municipality or county in
18 implementing its law enforcement training functions. Not more than
19 seven percent (7%) of the monies shall be used for court and
20 prosecution training. The court clerk of any such municipality or
21 county shall furnish to CLEET the report required by subsection D of
22 this section.

23 F. 1. Any person entering a plea of guilty or nolo contendere
24 or is found guilty of the crime of misdemeanor possession of

1 marijuana or drug paraphernalia shall be ordered by the court to pay
2 a five-dollar fee, which shall be in addition to and not in
3 substitution for any and all fines and penalties otherwise provided
4 for by law for such offense.

5 2. The court clerk shall cause to be deposited the amount of
6 Five Dollars (\$5.00) as collected, for every adjudicated or
7 otherwise convicted person as described in this subsection. The
8 court clerk shall remit the monies in the fund on a monthly basis
9 directly to the Bureau of Narcotics Drug Education Revolving Fund.

10 G. There is hereby created in the State Treasury a fund for the
11 Council on Law Enforcement Education and Training to be designated
12 the "CLEET Fund". The fund shall be subject to legislative
13 appropriation and shall consist of any monies received from fees and
14 receipts collected pursuant to the Oklahoma Open Records Act,
15 reimbursements for parts used in the repair of weapons of law
16 enforcement officers attending the basic academies, gifts, bequests,
17 contributions, tuition, fees, devises, and the assessments levied
18 pursuant to the fund pursuant to law.

19 H. 1. Any person arrested or convicted of a felony offense or
20 convicted of a misdemeanor offense of assault and battery, domestic
21 abuse, stalking, possession of a controlled substance prohibited
22 under Schedule IV of the Uniform Controlled Dangerous Substances
23 Act, outraging public decency, resisting arrest, escaping or
24 attempting to escape, eluding a police officer, Peeping Tom,

1 pointing a firearm, threatening an act of violence, breaking and
2 entering a dwelling place, destruction of property, negligent
3 homicide or causing a personal injury accident while driving under
4 the influence of any intoxicating substance shall pay a DNA fee of
5 One Hundred Fifty Dollars (\$150.00). This fee shall not be
6 collected if the person has a valid DNA sample in the OSBI DNA
7 Offender Database at the time of sentencing.

8 2. The court clerk shall cause to be deposited the amount of
9 One Hundred Fifty Dollars (\$150.00) as collected for every felony
10 arrest, felony conviction or every conviction for a misdemeanor
11 offense of assault and battery, domestic abuse, stalking, possession
12 of a controlled substance prohibited under Schedule IV of the
13 Uniform Controlled Dangerous Substances Act, outraging public
14 decency, resisting arrest, escaping or attempting to escape, eluding
15 a police officer, Peeping Tom, pointing a firearm, threatening an
16 act of violence, breaking and entering a dwelling place, destruction
17 of property, negligent homicide or causing a personal injury
18 accident while driving under the influence of any intoxicating
19 substance as described in this subsection. The court clerk shall
20 remit the monies in said fund on a monthly basis directly to the
21 OSBI who shall deposit the monies into the OSBI Revolving Fund
22 provided for in Section 150.19a of Title 74 of the Oklahoma Statutes
23 for services rendered or administered by the OSBI.

24

1 3. The monies from the DNA sample fee deposited into the OSBI
2 Revolving Fund shall be used for creating, staffing, and maintaining
3 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
4 Database.

5 I. It shall be the responsibility of the court clerk to account
6 for and ensure the correctness and accuracy of payments made to the
7 state agencies identified in Sections 1313.2 through 1313.4 of this
8 title. Payments made directly to an agency by the court clerk as a
9 result of different types of assessments and fees pursuant to
10 Sections 1313.2 through 1313.4 of this title shall be made monthly
11 to each state agency.

12 SECTION 7. REPEALER 20 O.S. 2011, Section 1313.2, as
13 amended by Section 1, Chapter 194, O.S.L. 2017 (20 O.S. Supp. 2017,
14 Section 1313.2), is hereby repealed.

15 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
17 2017, 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 courthouse, courtroom, prison, jail, detention facility
5 or any facility used to process, hold or house arrested persons,
6 prisoners or persons alleged delinquent or adjudicated delinquent,
7 except as provided in Section 21 of Title 57 of the Oklahoma
8 Statutes;

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

12 4. Any publicly owned or operated sports arena or venue during
13 a professional sporting event, unless allowed by the event holder;

14 5. Any place where gambling is authorized by law, unless
15 allowed by the property owner; and

16 6. Any other place specifically prohibited by law.

17 B. For purposes of subsection A of this section, the prohibited
18 place does not include and specifically excludes the following
19 property:

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

23

24

1 2. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, which is open to the
3 public, or by any entity engaged in gambling authorized by law;

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

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

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

19 Nothing contained in any provision of this subsection or
20 subsection C of this section shall be construed to authorize or
21 allow any person in control of any place described in subsection A
22 of this section to establish any policy or rule that has the effect
23 of prohibiting any person in lawful possession of a handgun license
24

1 from possession of a handgun allowable under such license in places
2 described in 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 Administrative Workers'
17 Compensation Act.

18 D. Notwithstanding paragraph 3 of subsection A of this section,
19 a board of education of a school district may adopt a policy
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
21 authorize the carrying of a handgun onto school property by school
22 personnel specifically designated by the board of education,
23 provided such personnel either:
24

- 1 1. Possess a valid armed security guard license as provided for
- 2 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 3 2. Hold a valid reserve peace officer certification as provided
- 4 for in Section 3311 of Title 70 of the Oklahoma Statutes.

5 Nothing in this subsection shall be construed to restrict authority
6 granted elsewhere in law to carry firearms.

7 E. Any person violating the provisions of paragraph 2 or 3 of
8 subsection A of this section shall, upon conviction, be guilty of a
9 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
10 Dollars (\$250.00). A person violating any other provision of
11 subsection A of this section may be denied entrance onto the
12 property or removed from the property. If the person refuses to
13 leave the property and a peace officer is summoned, the person may
14 be issued a citation for an amount not to exceed Two Hundred Fifty
15 Dollars (\$250.00).

16 F. No person in possession of a valid handgun license issued
17 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
18 authorized to carry the handgun into or upon any college, university
19 or technology center school property, except as provided in this
20 subsection. For purposes of this subsection, the following property
21 shall not be construed as prohibited for persons having a valid
22 handgun license:

- 23 1. Any property set aside for the use or parking of any motor
- 24 vehicle, whether attended or unattended, provided the handgun is

1 carried or stored as required by law and the handgun is not removed
2 from the motor vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university or technology center
5 school property;

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

8 3. Any property authorized by the written consent of the
9 college or university president or technology center school
10 administrator, provided the written consent is carried with the
11 handgun and the valid handgun license while on college, university
12 or technology center school property.

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university or
24 technology center school to establish any policy or rule that has

1 the effect of prohibiting any person in lawful possession of a
2 handgun license from possession of a handgun allowable under such
3 license in places described in paragraphs 1, 2 and 3 of this
4 subsection. Nothing contained in any provision of this subsection
5 shall be construed to limit the authority of any college, university
6 or technology center school in this state from taking administrative
7 action against any student for any violation of any provision of
8 this subsection.

9 G. The provisions of this section shall not apply to the
10 following:

11 1. Any peace officer or any person authorized by law to carry a
12 pistol in the course of employment;

13 2. District judges, associate district judges and special
14 district judges, who are in possession of a valid handgun license
15 issued pursuant to the provisions of the Oklahoma Self-Defense Act
16 and whose names appear on a list maintained by the Administrative
17 Director of the Courts, when acting in the course and scope of
18 employment within the courthouses of this state;

19 3. Private investigators with a firearms authorization when
20 acting in the course and scope of employment; and

21 4. Elected officials of a county, who are in possession of a
22 valid handgun license issued pursuant to the provisions of the
23 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
24 in the performance of their duties within the courthouses of the

1 county in which he or she was elected. The provisions of this
2 paragraph shall not allow the elected county official to carry the
3 handgun into a courtroom.

4 H. For the purposes of this section, "motor vehicle" means any
5 automobile, truck, minivan ~~or~~, sports utility vehicle or motorcycle
6 as such term is defined in Section 1-135 of Title 47 of the Oklahoma
7 Statutes, equipped with a locked accessory container within or
8 affixed to the motorcycle.

9 SECTION 9. REPEALER 21 O.S. 2011, Section 1277, as last
10 amended by Section 1, Chapter 135, O.S.L. 2017 (21 O.S. Supp. 2017,
11 Section 1277), is hereby repealed.

12 SECTION 10. AMENDATORY 22 O.S. 2011, Section 991a, as
13 last amended by Section 1, Chapter 313, O.S.L. 2017 (22 O.S. Supp.
14 2017, Section 991a), is amended to read as follows:

15 Section 991a. A. Except as otherwise provided in the Elderly
16 and Incapacitated Victim's Protection Program, when a defendant is
17 convicted of a crime and no death sentence is imposed, the court
18 shall either:

19 1. Suspend the execution of sentence in whole or in part, with
20 or without probation. The court, in addition, may order the
21 convicted defendant at the time of sentencing or at any time during
22 the suspended sentence to do one or more of the following:

23 a. to provide restitution to the victim as provided by
24 Section 991f et seq. of this title or according to a

1 schedule of payments established by the sentencing
2 court, together with interest upon any pecuniary sum
3 at the rate of twelve percent (12%) per annum, if the
4 defendant agrees to pay such restitution or, in the
5 opinion of the court, if the defendant is able to pay
6 such restitution without imposing manifest hardship on
7 the defendant or the immediate family and if the
8 extent of the damage to the victim is determinable
9 with reasonable certainty,

10 b. to reimburse any state agency for amounts paid by the
11 state agency for hospital and medical expenses
12 incurred by the victim or victims, as a result of the
13 criminal act for which such person was convicted,
14 which reimbursement shall be made directly to the
15 state agency, with interest accruing thereon at the
16 rate of twelve percent (12%) per annum,

17 c. to engage in a term of community service without
18 compensation, according to a schedule consistent with
19 the employment and family responsibilities of the
20 person convicted,

21 d. to pay a reasonable sum into any trust fund,
22 established pursuant to the provisions of Sections 176
23 through 180.4 of Title 60 of the Oklahoma Statutes,
24 and which provides restitution payments by convicted

1 defendants to victims of crimes committed within this
2 state wherein such victim has incurred a financial
3 loss,

4 e. to confinement in the county jail for a period not to
5 exceed six (6) months,

6 f. to confinement as provided by law together with a term
7 of post-imprisonment community supervision for not
8 less than three (3) years of the total term allowed by
9 law for imprisonment, with or without restitution;
10 provided, however, the authority of this provision is
11 limited to Section 843.5 of Title 21 of the Oklahoma
12 Statutes when the offense involved sexual abuse or
13 sexual exploitation; Sections 681, 741 and 843.1 of
14 Title 21 of the Oklahoma Statutes when the offense
15 involved sexual abuse or sexual exploitation; and
16 Sections 865 et seq., 885, 886, 888, 891, 1021,
17 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and
18 1123 of Title 21 of the Oklahoma Statutes,

19 g. to repay the reward or part of the reward paid by a
20 local certified crime stoppers program and the
21 Oklahoma Reward System. In determining whether the
22 defendant shall repay the reward or part of the
23 reward, the court shall consider the ability of the
24 defendant to make the payment, the financial hardship

1 on the defendant to make the required payment, and the
2 importance of the information to the prosecution of
3 the defendant as provided by the arresting officer or
4 the district attorney with due regard for the
5 confidentiality of the records of the local certified
6 crime stoppers program and the Oklahoma Reward System.
7 The court shall assess this repayment against the
8 defendant as a cost of prosecution. The term
9 "certified" means crime stoppers organizations that
10 annually meet the certification standards for crime
11 stoppers programs established by the Oklahoma Crime
12 Stoppers Association to the extent those standards do
13 not conflict with state statutes. The term "court"
14 refers to all municipal and district courts within
15 this state. The "Oklahoma Reward System" means the
16 reward program established by Section 150.18 of Title
17 74 of the Oklahoma Statutes,

18 h. to reimburse the Oklahoma State Bureau of
19 Investigation for costs incurred by that agency during
20 its investigation of the crime for which the defendant
21 pleaded guilty, nolo contendere or was convicted,
22 including compensation for laboratory, technical, or
23 investigation services performed by the Bureau if, in
24 the opinion of the court, the defendant is able to pay

1 without imposing manifest hardship on the defendant,
2 and if the costs incurred by the Bureau during the
3 investigation of the defendant's case may be
4 determined with reasonable certainty,

5 i. to reimburse the Oklahoma State Bureau of
6 Investigation and any authorized law enforcement
7 agency for all costs incurred by that agency for
8 cleaning up an illegal drug laboratory site for which
9 the defendant pleaded guilty, nolo contendere or was
10 convicted. The court clerk shall collect the amount
11 and may retain five percent (5%) of such monies to be
12 deposited in the Court Clerk Revolving Fund to cover
13 administrative costs and shall remit the remainder to
14 the Oklahoma State Bureau of Investigation to be
15 deposited in the OSBI Revolving Fund established by
16 Section 150.19a of Title 74 of the Oklahoma Statutes
17 or to the general fund wherein the other law
18 enforcement agency is located,

19 j. to pay a reasonable sum to the Crime Victims
20 Compensation Board, created by Section 142.2 et seq.
21 of Title 21 of the Oklahoma Statutes, for the benefit
22 of crime victims,
23
24

- 1 k. to reimburse the court fund for amounts paid to court-
2 appointed attorneys for representing the defendant in
3 the case in which the person is being sentenced,
- 4 l. to participate in an assessment and evaluation by an
5 assessment agency or assessment personnel certified by
6 the Department of Mental Health and Substance Abuse
7 Services pursuant to Section 3-460 of Title 43A of the
8 Oklahoma Statutes and, as determined by the
9 assessment, participate in an alcohol and drug
10 substance abuse course or treatment program or both,
11 pursuant to Sections 3-452 and 3-453 of Title 43A of
12 the Oklahoma Statutes, or as ordered by the court,
- 13 m. to be placed in a victims impact panel program, as
14 defined in subsection H of this section, or
15 victim/offender reconciliation program and payment of
16 a fee to the program of not less than Fifteen Dollars
17 (\$15.00) nor more than Sixty Dollars (\$60.00) as set
18 by the governing authority of the program to offset
19 the cost of participation by the defendant. Provided,
20 each victim/offender reconciliation program shall be
21 required to obtain a written consent form voluntarily
22 signed by the victim and defendant that specifies the
23 methods to be used to resolve the issues, the
24 obligations and rights of each person, and the

1 confidentiality of the proceedings. Volunteer
2 mediators and employees of a victim/offender
3 reconciliation program shall be immune from liability
4 and have rights of confidentiality as provided in
5 Section 1805 of Title 12 of the Oklahoma Statutes,
6 n. to install, at the expense of the defendant, an
7 ignition interlock device approved by the Board of
8 Tests for Alcohol and Drug Influence. The device
9 shall be installed upon every motor vehicle operated
10 by the defendant, and the court shall require that a
11 notation of this restriction be affixed to the
12 defendant's driver license. The restriction shall
13 remain on the driver license not exceeding two (2)
14 years to be determined by the court. The restriction
15 may be modified or removed only by order of the court
16 and notice of any modification order shall be given to
17 the Department of Public Safety. Upon the expiration
18 of the period for the restriction, the Department of
19 Public Safety shall remove the restriction without
20 further court order. Failure to comply with the order
21 to install an ignition interlock device or operating
22 any vehicle without a device during the period of
23 restriction shall be a violation of the sentence and
24 may be punished as deemed proper by the sentencing

1 court. As used in this paragraph, "ignition interlock
2 device" means a device that, without tampering or
3 intervention by another person, would prevent the
4 defendant from operating a motor vehicle if the
5 defendant has a blood or breath alcohol concentration
6 of two-hundredths (0.02) or greater,

- 7 o. to be confined by electronic monitoring administered
8 and supervised by the Department of Corrections or a
9 community sentence provider, and payment of a
10 monitoring fee to the supervising authority, not to
11 exceed Three Hundred Dollars (\$300.00) per month. Any
12 fees collected pursuant to this paragraph shall be
13 deposited with the appropriate supervising authority.
14 Any willful violation of an order of the court for the
15 payment of the monitoring fee shall be a violation of
16 the sentence and may be punished as deemed proper by
17 the sentencing court. As used in this paragraph,
18 "electronic monitoring" means confinement of the
19 defendant within a specified location or locations
20 with supervision by means of an electronic device
21 approved by the Department of Corrections which is
22 designed to detect if the defendant is in the court-
23 ordered location at the required times and which

1 records violations for investigation by a qualified
2 supervisory agency or person,

- 3 p. to perform one or more courses of treatment, education
4 or rehabilitation for any conditions, behaviors,
5 deficiencies or disorders which may contribute to
6 criminal conduct, including but not limited to alcohol
7 and substance abuse, mental health, emotional health,
8 physical health, propensity for violence, antisocial
9 behavior, personality or attitudes, deviant sexual
10 behavior, child development, parenting assistance, job
11 skills, vocational-technical skills, domestic
12 relations, literacy, education, or any other
13 identifiable deficiency which may be treated
14 appropriately in the community and for which a
15 certified provider or a program recognized by the
16 court as having significant positive impact exists in
17 the community. Any treatment, education or
18 rehabilitation provider required to be certified
19 pursuant to law or rule shall be certified by the
20 appropriate state agency or a national organization,
- 21 q. to submit to periodic testing for alcohol,
22 intoxicating substance, or controlled dangerous
23 substances by a qualified laboratory,
24

- 1 r. to pay a fee, costs for treatment, education,
2 supervision, participation in a program, or any
3 combination thereof as determined by the court, based
4 upon the defendant's ability to pay the fees or costs,
5 s. to be supervised by a Department of Corrections
6 employee, a private supervision provider, or other
7 person designated by the court,
8 t. to obtain positive behavior modeling by a trained
9 mentor,
10 u. to serve a term of confinement in a restrictive
11 housing facility available in the community,
12 v. to serve a term of confinement in the county jail at
13 night or during weekends pursuant to Section 991a-2 of
14 this title or for work release,
15 w. to obtain employment or participate in employment-
16 related activities,
17 x. to participate in mandatory day reporting to
18 facilities or persons for services, payments, duties
19 or person-to-person contacts as specified by the
20 court,
21 y. to pay day fines not to exceed fifty percent (50%) of
22 the net wages earned. For purposes of this paragraph,
23 "day fine" means the offender is ordered to pay an
24 amount calculated as a percentage of net daily wages

1 earned. The day fine shall be paid to the local
2 community sentencing system as reparation to the
3 community. Day fines shall be used to support the
4 local system,

5 z. to submit to blood or saliva testing as required by
6 subsection I of this section,

7 aa. to repair or restore property damaged by the
8 defendant's conduct, if the court determines the
9 defendant possesses sufficient skill to repair or
10 restore the property and the victim consents to the
11 repairing or restoring of the property,

12 bb. to restore damaged property in kind or payment of out-
13 of-pocket expenses to the victim, if the court is able
14 to determine the actual out-of-pocket expenses
15 suffered by the victim,

16 cc. to attend a victim-offender reconciliation program if
17 the victim agrees to participate and the offender is
18 deemed appropriate for participation,

19 dd. in the case of a person convicted of prostitution
20 pursuant to Section 1029 of Title 21 of the Oklahoma
21 Statutes, require such person to receive counseling
22 for the behavior which may have caused such person to
23 engage in prostitution activities. Such person may be
24 required to receive counseling in areas including but

1 not limited to alcohol and substance abuse, sexual
2 behavior problems, or domestic abuse or child abuse
3 problems,

4 ee. in the case of a sex offender sentenced after November
5 1, 1989, and required by law to register pursuant to
6 the Sex Offender Registration Act, the court shall
7 require the person to comply with sex offender
8 specific rules and conditions of supervision
9 established by the Department of Corrections and
10 require the person to participate in a treatment
11 program designed for the treatment of sex offenders
12 during the period of time while the offender is
13 subject to supervision by the Department of
14 Corrections. The treatment program shall include
15 polygraph examinations specifically designed for use
16 with sex offenders for purposes of supervision and
17 treatment compliance, and shall be administered not
18 less than each six (6) months during the period of
19 supervision. The examination shall be administered by
20 a certified licensed polygraph examiner. The
21 treatment program must be approved by the Department
22 of Corrections or the Department of Mental Health and
23 Substance Abuse Services. Such treatment shall be at
24

1 the expense of the defendant based on the defendant's
2 ability to pay,

3 ff. in addition to other sentencing powers of the court,
4 the court in the case of a defendant being sentenced
5 for a felony conviction for a violation of Section 2-
6 402 of Title 63 of the Oklahoma Statutes which
7 involves marijuana may require the person to
8 participate in a drug court program, if available. If
9 a drug court program is not available, the defendant
10 may be required to participate in a community
11 sanctions program, if available,

12 gg. in the case of a person convicted of any false or
13 bogus check violation, as defined in Section 1541.4 of
14 Title 21 of the Oklahoma Statutes, impose a fee of
15 Twenty-five Dollars (\$25.00) to the victim for each
16 check, and impose a bogus check fee to be paid to the
17 district attorney. The bogus check fee paid to the
18 district attorney shall be equal to the amount
19 assessed as court costs plus Twenty-five Dollars
20 (\$25.00) for each check upon filing of the case in
21 district court. This money shall be deposited in the
22 Bogus Check Restitution Program Fund as established in
23 subsection B of Section 114 of this title.

24 Additionally, the court may require the offender to

1 pay restitution and bogus check fees on any other
2 bogus check or checks that have been submitted to the
3 District Attorney Bogus Check Restitution Program, and
4 hh. any other provision specifically ordered by the court.

5 However, any such order for restitution, community service,
6 payment to a local certified crime stoppers program, payment to the
7 Oklahoma Reward System, or confinement in the county jail, or a
8 combination thereof, shall be made in conjunction with probation and
9 shall be made a condition of the suspended sentence.

10 However, unless under the supervision of the district attorney,
11 the offender shall be required to pay Forty Dollars (\$40.00) per
12 month to the district attorney during the first two (2) years of
13 probation to compensate the district attorney for the costs incurred
14 during the prosecution of the offender and for the additional work
15 of verifying the compliance of the offender with the rules and
16 conditions of his or her probation. The district attorney may waive
17 any part of this requirement in the best interests of justice. The
18 court shall not waive, suspend, defer or dismiss the costs of
19 prosecution in its entirety. However, if the court determines that
20 a reduction in the fine, costs and costs of prosecution is
21 warranted, the court shall equally apply the same percentage
22 reduction to the fine, costs and costs of prosecution owed by the
23 offender;

1 2. Impose a fine prescribed by law for the offense, with or
2 without probation or commitment and with or without restitution or
3 service as provided for in this section, Section 991a-4.1 of this
4 title or Section 227 of Title 57 of the Oklahoma Statutes;

5 3. Commit such person for confinement provided for by law with
6 or without restitution as provided for in this section;

7 4. Order the defendant to reimburse the Oklahoma State Bureau
8 of Investigation for costs incurred by that agency during its
9 investigation of the crime for which the defendant pleaded guilty,
10 nolo contendere or was convicted, including compensation for
11 laboratory, technical, or investigation services performed by the
12 Bureau if, in the opinion of the court, the defendant is able to pay
13 without imposing manifest hardship on the defendant, and if the
14 costs incurred by the Bureau during the investigation of the
15 defendant's case may be determined with reasonable certainty;

16 5. Order the defendant to reimburse the Oklahoma State Bureau
17 of Investigation for all costs incurred by that agency for cleaning
18 up an illegal drug laboratory site for which the defendant pleaded
19 guilty, nolo contendere or was convicted. The court clerk shall
20 collect the amount and may retain five percent (5%) of such monies
21 to be deposited in the Court Clerk Revolving Fund to cover
22 administrative costs and shall remit the remainder to the Oklahoma
23 State Bureau of Investigation to be deposited in the OSBI Revolving
24

1 Fund established by Section 150.19a of Title 74 of the Oklahoma
2 Statutes;

3 6. In the case of nonviolent felony offenses, sentence such
4 person to the Community Service Sentencing Program;

5 7. In addition to the other sentencing powers of the court, in
6 the case of a person convicted of operating or being in control of a
7 motor vehicle while the person was under the influence of alcohol,
8 other intoxicating substance, or a combination of alcohol or another
9 intoxicating substance, or convicted of operating a motor vehicle
10 while the ability of the person to operate such vehicle was impaired
11 due to the consumption of alcohol, require such person:

12 a. to participate in an alcohol and drug assessment and
13 evaluation by an assessment agency or assessment
14 personnel certified by the Department of Mental Health
15 and Substance Abuse Services pursuant to Section 3-460
16 of Title 43A of the Oklahoma Statutes and, as
17 determined by the assessment, participate in an
18 alcohol and drug substance abuse course or treatment
19 program or both, pursuant to Sections 3-452 and 3-453
20 of Title 43A of the Oklahoma Statutes,

21 b. to attend a victims impact panel program, as defined
22 in subsection H of this section, and to pay a fee of
23 not more than Sixty Dollars (\$60.00) as set by the
24 governing authority of the program and approved by the

1 court, to the program to offset the cost of
2 participation by the defendant, if in the opinion of
3 the court the defendant has the ability to pay such
4 fee,

5 c. to both participate in the alcohol and drug substance
6 abuse course or treatment program, pursuant to
7 subparagraph a of this paragraph and attend a victims
8 impact panel program, pursuant to subparagraph b of
9 this paragraph,

10 d. to install, at the expense of the person, an ignition
11 interlock device approved by the Board of Tests for
12 Alcohol and Drug Influence, upon every motor vehicle
13 operated by such person and to require that a notation
14 of this restriction be affixed to the person's driver
15 license at the time of reinstatement of the license.
16 The restriction shall remain on the driver license for
17 such period as the court shall determine. The
18 restriction may be modified or removed by order of the
19 court and notice of the order shall be given to the
20 Department of Public Safety. Upon the expiration of
21 the period for the restriction, the Department of
22 Public Safety shall remove the restriction without
23 further court order. Failure to comply with the order
24 to install an ignition interlock device or operating

1 any vehicle without such device during the period of
2 restriction shall be a violation of the sentence and
3 may be punished as deemed proper by the sentencing
4 court, or

5 e. beginning January 1, 1993, to submit to electronically
6 monitored home detention administered and supervised
7 by the Department of Corrections, and to pay to the
8 Department a monitoring fee, not to exceed Seventy-
9 five Dollars (\$75.00) a month, to the Department of
10 Corrections, if in the opinion of the court the
11 defendant has the ability to pay such fee. Any fees
12 collected pursuant to this subparagraph shall be
13 deposited in the Department of Corrections Revolving
14 Fund. Any order by the court for the payment of the
15 monitoring fee, if willfully disobeyed, may be
16 enforced as an indirect contempt of court;

17 8. In addition to the other sentencing powers of the court, in
18 the case of a person convicted of prostitution pursuant to Section
19 1029 of Title 21 of the Oklahoma Statutes, require such person to
20 receive counseling for the behavior which may have caused such
21 person to engage in prostitution activities. Such person may be
22 required to receive counseling in areas including but not limited to
23 alcohol and substance abuse, sexual behavior problems, or domestic
24 abuse or child abuse problems;

1 9. In addition to the other sentencing powers of the court, in
2 the case of a person convicted of any crime related to domestic
3 abuse, as defined in Section 60.1 of this title, the court may
4 require the defendant to undergo the treatment or participate in the
5 counseling services necessary to bring about the cessation of
6 domestic abuse against the victim. The defendant may be required to
7 pay all or part of the cost of the treatment or counseling services;

8 10. In addition to the other sentencing powers of the court,
9 the court, in the case of a sex offender sentenced after November 1,
10 1989, and required by law to register pursuant to the Sex Offenders
11 Registration Act, shall require the person to participate in a
12 treatment program designed specifically for the treatment of sex
13 offenders, if available. The treatment program will include
14 polygraph examinations specifically designed for use with sex
15 offenders for the purpose of supervision and treatment compliance,
16 provided the examination is administered by a certified licensed
17 polygraph examiner. The treatment program must be approved by the
18 Department of Corrections or the Department of Mental Health and
19 Substance Abuse Services. Such treatment shall be at the expense of
20 the defendant based on the defendant's ability to pay;

21 11. In addition to the other sentencing powers of the court,
22 the court, in the case of a person convicted of child abuse or
23 neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma
24 Statutes, may require the person to undergo treatment or to

1 participate in counseling services. The defendant may be required
2 to pay all or part of the cost of the treatment or counseling
3 services;

4 12. In addition to the other sentencing powers of the court,
5 the court, in the case of a person convicted of cruelty to animals
6 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may
7 require the person to pay restitution to animal facilities for
8 medical care and any boarding costs of victimized animals;

9 13. In addition to the other sentencing powers of the court, a
10 sex offender who is habitual or aggravated as defined by Section 584
11 of Title 57 of the Oklahoma Statutes and who is required to register
12 as a sex offender pursuant to the Oklahoma Sex Offenders
13 Registration Act shall be supervised by the Department of
14 Corrections for the duration of the registration period and shall be
15 assigned to a global position monitoring device by the Department of
16 Corrections for the duration of the registration period. The cost
17 of such monitoring device shall be reimbursed by the offender;

18 14. In addition to the other sentencing powers of the court, in
19 the case of a sex offender who is required by law to register
20 pursuant to the Sex Offenders Registration Act, the court may
21 prohibit the person from accessing or using any Internet social
22 networking web site that has the potential or likelihood of allowing
23 the sex offender to have contact with any child who is under the age
24 of eighteen (18) years; or

1 15. In addition to the other sentencing powers of the court, in
2 the case of a sex offender who is required by law to register
3 pursuant to the Sex Offenders Registration Act, the court shall
4 require the person to register any electronic mail address
5 information, instant message, chat or other Internet communication
6 name or identity information that the person uses or intends to use
7 while accessing the Internet or used for other purposes of social
8 networking or other similar Internet communication.

9 B. Notwithstanding any other provision of law, any person who
10 is found guilty of a violation of any provision of Section 761 or
11 11-902 of Title 47 of the Oklahoma Statutes or any person pleading
12 guilty or nolo contendere for a violation of any provision of such
13 sections shall be ordered to participate in, prior to sentencing, an
14 alcohol and drug assessment and evaluation by an assessment agency
15 or assessment personnel certified by the Department of Mental Health
16 and Substance Abuse Services for the purpose of evaluating the
17 receptivity to treatment and prognosis of the person. The court
18 shall order the person to reimburse the agency or assessor for the
19 evaluation. The fee shall be the amount provided in subsection C of
20 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
21 shall be conducted at a certified assessment agency, the office of a
22 certified assessor or at another location as ordered by the court.
23 The agency or assessor shall, within seventy-two (72) hours from the
24 time the person is assessed, submit a written report to the court

1 for the purpose of assisting the court in its final sentencing
2 determination. No person, agency or facility operating an alcohol
3 and drug substance abuse evaluation program certified by the
4 Department of Mental Health and Substance Abuse Services shall
5 solicit or refer any person evaluated pursuant to this subsection
6 for any treatment program or alcohol and drug substance abuse
7 service in which such person, agency or facility has a vested
8 interest; however, this provision shall not be construed to prohibit
9 the court from ordering participation in or any person from
10 voluntarily utilizing a treatment program or alcohol and drug
11 substance abuse service offered by such person, agency or facility.
12 If a person is sentenced to the custody of the Department of
13 Corrections and the court has received a written evaluation report
14 pursuant to this subsection, the report shall be furnished to the
15 Department of Corrections with the judgment and sentence. Any
16 evaluation report submitted to the court pursuant to this subsection
17 shall be handled in a manner which will keep such report
18 confidential from the general public's review. Nothing contained in
19 this subsection shall be construed to prohibit the court from
20 ordering judgment and sentence in the event the defendant fails or
21 refuses to comply with an order of the court to obtain the
22 evaluation required by this subsection.

23 C. When sentencing a person convicted of a crime, the court
24 shall first consider a program of restitution for the victim, as

1 well as imposition of a fine or incarceration of the offender. The
2 provisions of paragraph 1 of subsection A of this section shall not
3 apply to defendants being sentenced upon their third or subsequent
4 to their third conviction of a felony or, beginning January 1, 1993,
5 to defendants being sentenced for their second or subsequent felony
6 conviction for violation of Section 11-902 of Title 47 of the
7 Oklahoma Statutes, except as otherwise provided in this subsection.
8 In the case of a person being sentenced for their second or
9 subsequent felony conviction for violation of Section 11-902 of
10 Title 47 of the Oklahoma Statutes, the court may sentence the person
11 pursuant to the provisions of paragraph 1 of subsection A of this
12 section if the court orders the person to submit to electronically
13 monitored home detention administered and supervised by the
14 Department of Corrections pursuant to subparagraph e of paragraph 7
15 of subsection A of this section. Provided, the court may waive
16 these prohibitions upon written application of the district
17 attorney. Both the application and the waiver shall be made part of
18 the record of the case.

19 D. When sentencing a person convicted of a crime, the judge
20 shall consider any victims impact statements if submitted to the
21 jury, or the judge in the event a jury is waived.

22 E. Probation, for purposes of subsection A of this section, is
23 a procedure by which a defendant found guilty of a crime, whether
24 upon a verdict or plea of guilty or upon a plea of nolo contendere,

1 is released by the court subject to conditions imposed by the court
2 and subject to supervision by the Department of Corrections, a
3 private supervision provider or other person designated by the
4 court. Such supervision shall be initiated upon an order of
5 probation from the court, and shall not exceed two (2) years, unless
6 a petition alleging a violation of any condition of deferred
7 judgment or seeking revocation of the suspended sentence is filed
8 during the supervision, or as otherwise provided by law. In the
9 case of a person convicted of a sex offense, supervision shall begin
10 immediately upon release from incarceration or if parole is granted
11 and shall not be limited to two (2) years. Provided further, any
12 supervision provided for in this section may be extended for a
13 period not to exceed the expiration of the maximum term or terms of
14 the sentence upon a determination by the court or the Division of
15 Probation and Parole of the Department of Corrections that the best
16 interests of the public and the release will be served by an
17 extended period of supervision.

18 F. The Department of Corrections, or such other agency as the
19 court may designate, shall be responsible for the monitoring and
20 administration of the restitution and service programs provided for
21 by subparagraphs a, c, and d of paragraph 1 of subsection A of this
22 section, and shall ensure that restitution payments are forwarded to
23 the victim and that service assignments are properly performed.

24

1 G. 1. The Department of Corrections is hereby authorized,
2 subject to funds available through appropriation by the Legislature,
3 to contract with counties for the administration of county Community
4 Service Sentencing Programs.

5 2. Any offender eligible to participate in the Program pursuant
6 to this section shall be eligible to participate in a county
7 Program; provided, participation in county-funded Programs shall not
8 be limited to offenders who would otherwise be sentenced to
9 confinement with the Department of Corrections.

10 3. The Department shall establish criteria and specifications
11 for contracts with counties for such Programs. A county may apply
12 to the Department for a contract for a county-funded Program for a
13 specific period of time. The Department shall be responsible for
14 ensuring that any contracting county complies in full with
15 specifications and requirements of the contract. The contract shall
16 set appropriate compensation to the county for services to the
17 Department.

18 4. The Department is hereby authorized to provide technical
19 assistance to any county in establishing a Program, regardless of
20 whether the county enters into a contract pursuant to this
21 subsection. Technical assistance shall include appropriate
22 staffing, development of community resources, sponsorship,
23 supervision and any other requirements.

24

1 5. The Department shall annually make a report to the Governor,
2 the President Pro Tempore of the Senate and the Speaker of the House
3 on the number of such Programs, the number of participating
4 offenders, the success rates of each Program according to criteria
5 established by the Department and the costs of each Program.

6 H. As used in this section:

7 1. "Ignition interlock device" means a device that, without
8 tampering or intervention by another person, would prevent the
9 defendant from operating a motor vehicle if the defendant has a
10 blood or breath alcohol concentration of two-hundredths (0.02) or
11 greater;

12 2. "Electronically monitored home detention" means
13 incarceration of the defendant within a specified location or
14 locations with monitoring by means of a device approved by the
15 Department of Corrections that detects if the person leaves the
16 confines of any specified location; and

17 3. "Victims impact panel program" means a program conducted by
18 a corporation registered with the Secretary of State in Oklahoma for
19 the purpose of operating a victims impact panel program. The
20 program shall include live presentations from presenters who will
21 share personal stories with participants about how alcohol, drug
22 abuse, the operation of a motor vehicle while using an electronic
23 communication device or the illegal conduct of others has personally
24 impacted the lives of the presenters. A victims impact panel

1 program shall be attended by persons who have committed the offense
2 of driving, operating or being in actual physical control of a motor
3 vehicle while under the influence of alcohol or other intoxicating
4 substance, operating a motor vehicle while the ability of the person
5 to operate such vehicle was impaired due to the consumption of
6 alcohol or any other substance or operating a motor vehicle while
7 using an electronic device. Persons attending a victims impact
8 panel program shall be required to pay a fee of not more than Sixty
9 Dollars (\$60.00) to the provider of the program. A certificate of
10 completion shall be issued to the person upon satisfying the
11 attendance and fee requirements of the victims impact panel program.
12 The certificate of completion shall contain the business
13 identification number of the program provider. A victims impact
14 panel program shall not be provided by any certified assessment
15 agency or certified assessor unless the assessment agency or
16 certified assessor has been granted an exemption by the Commissioner
17 of the Department of Mental Health and Substance Abuse Services.
18 The provider of the victims impact panel program shall carry general
19 liability insurance and maintain an accurate accounting of all
20 business transactions and funds received in relation to the victims
21 impact panel program. The provider of the victims impact panel
22 program shall annually provide to the Administrative Office of the
23 Courts the following:

24

- a. proof of registration with the Oklahoma Secretary of State,
- b. proof of general liability insurance,
- c. end-of-year financial statements prepared by a certified public accountant, and
- d. a copy of federal income tax returns filed with the Internal Revenue Service.

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid DNA testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and battery, domestic abuse, stalking, possession of a controlled substance prohibited under Schedule IV of the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape or attempting to escape, eluding a police officer, ~~peeping tom~~ Peeping Tom, pointing a firearm, ~~unlawful carry of a firearm, illegal transport of a firearm, discharging of a firearm,~~ threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide, or causing a personal injury accident

1 while driving under the influence of any intoxicating substance, or
2 any alien unlawfully present under federal immigration law, upon
3 arrest, shall submit to deoxyribonucleic acid DNA testing for law
4 enforcement identification purposes in accordance with Section
5 150.27 of Title 74 of the Oklahoma Statutes and the rules
6 promulgated by the Oklahoma State Bureau of Investigation for the
7 OSBI Combined DNA Index System (CODIS) Database. Any defendant
8 sentenced to probation shall be required to submit to testing within
9 thirty (30) days of sentencing either to the Department of
10 Corrections or to the county sheriff or other peace officer as
11 directed by the court. Defendants who are sentenced to a term of
12 incarceration shall submit to testing in accordance with Section
13 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who
14 enter the custody of the Department of Corrections or to the county
15 sheriff, for those defendants sentenced to incarceration in a county
16 jail. Convicted individuals who have previously submitted to DNA
17 testing under this section and for whom a valid sample is on file in
18 the OSBI Combined DNA Index System (CODIS) Database at the time of
19 sentencing shall not be required to submit to additional testing.
20 Except as required by the Sex Offenders Registration Act, a deferred
21 judgment does not require submission to deoxyribonucleic acid
22 testing.

23 Any person who is incarcerated in the custody of the Department
24 of Corrections after July 1, 1996, and who has not been released

1 before January 1, 2006, shall provide a blood or saliva sample prior
2 to release. Every person subject to DNA testing after January 1,
3 2006, whose sentence does not include a term of confinement with the
4 Department of Corrections shall submit a blood or saliva sample.
5 Every person subject to DNA testing who is sentenced to unsupervised
6 probation or otherwise not supervised by the Department of
7 Corrections shall submit for blood or saliva testing to the sheriff
8 of the sentencing county.

9 J. Samples of blood or saliva for DNA testing required by
10 subsection I of this section shall be taken by employees or
11 contractors of the Department of Corrections, peace officers, or the
12 county sheriff or employees or contractors of the sheriff's office.
13 The individuals shall be properly trained to collect blood or saliva
14 samples. Persons collecting blood or saliva for DNA testing
15 pursuant to this section shall be immune from civil liabilities
16 arising from this activity. All collectors of DNA samples shall
17 ensure the collection of samples are mailed to the Oklahoma State
18 Bureau of Investigation within ten (10) days of the time the subject
19 appears for testing or within ten (10) days of the date the subject
20 comes into physical custody to serve a term of incarceration. All
21 collectors of DNA samples shall use sample kits provided by the OSBI
22 and procedures promulgated by the OSBI. Persons subject to DNA
23 testing who are not received at the Lexington Assessment and
24 Reception Center shall be required to pay a fee of Fifteen Dollars

1 (\$15.00) to the agency collecting the sample for submission to the
2 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
3 pursuant to this subsection shall be deposited in the revolving
4 account or the service fee account of the collection agency or
5 department.

6 K. When sentencing a person who has been convicted of a crime
7 that would subject that person to the provisions of the Sex
8 Offenders Registration Act, neither the court nor the district
9 attorney shall be allowed to waive or exempt such person from the
10 registration requirements of the Sex Offenders Registration Act.

11 SECTION 11. REPEALER 22 O.S. 2011, Section 991a, as last
12 amended by Section 2, Chapter 194, O.S.L. 2017 (22 O.S. Supp. 2017,
13 Section 991a), is hereby repealed.

14 SECTION 12. REPEALER 29 O.S. 2011, Section 4-112, as
15 last amended by Section 1, Chapter 300, O.S.L. 2017 (29 O.S. Supp.
16 2017, Section 4-112), is hereby repealed.

17 SECTION 13. AMENDATORY Section 3, Chapter 366, O.S.L.
18 2016, as amended by Section 5, Chapter 381, O.S.L. 2017 (37A O.S.
19 Supp. 2017, Section 1-103), is amended to read as follows:

20 Section 1-103. As used in the Oklahoma Alcoholic Beverage
21 Control Act:

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

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

15 5. "Beer" means any beverage of alcohol by volume and obtained
16 by the alcoholic fermentation of an infusion or decoction of barley,
17 or other grain, malt or similar products. "Beer" may or may not
18 contain hops or other vegetable products. "Beer" includes, among
19 other things, beer, ale, stout, lager beer, porter and other malt or
20 brewed liquors, but does not include sake, known as Japanese rice
21 wine;

22 6. "Beer keg" means any manufacturer-sealed, single container
23 that contains not less than four (4) gallons of beer;

24

1 7. "Beer distributor" means and includes any person licensed to
2 distribute beer for retail sale in the state, but does not include a
3 holder of a small brewer self-distribution license or brewpub self-
4 distribution license. The term "distributor", as used in this act,
5 shall be construed to refer to a beer distributor;

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

11 9. "Brand" means any word, name, group of letters, symbol or
12 combination thereof, that is adopted and used by a licensed
13 manufacturer to identify a specific beer and to distinguish that
14 product from another beer;

15 10. "Brand extension" means:

16 a. after the effective date of this act, any brand of
17 beer or cider introduced by a manufacturer in this
18 state which either:

19 (1) incorporates all or a substantial part of the
20 unique features of a preexisting brand of the
21 same licensed manufacturer, or

22 (2) relies to a significant extent on the goodwill
23 associated with the preexisting brand, or
24

1 b. any brand of beer that a manufacturer, the majority of
2 whose total volume of all brands of beer distributed
3 in this state by such manufacturer on January 1, 2016,
4 was distributed as low-point beer, desires to sell,
5 introduces, begins selling or theretofore has sold and
6 desires to continue selling a strong beer in this
7 state which either:

8 (1) incorporates or incorporated all or a substantial
9 part of the unique features of a preexisting low-
10 point beer brand of the same licensed
11 manufacturer, or

12 (2) relies or relied to a significant extent on the
13 goodwill associated with a preexisting low-point
14 beer brand;

15 11. "Brewer" means and includes any person who manufactures for
16 human consumption by the use of raw materials or other ingredients
17 any beer upon which a license fee and a tax are imposed by any law
18 of this state;

19 12. "Brewpub" means a licensed establishment operated on the
20 premises of, or on premises located contiguous to, a small brewer,
21 that prepares and serves food and beverages, including alcoholic
22 beverages, for on-premises consumption;

23 13. "Cider" means any alcoholic beverage obtained by the
24 alcoholic fermentation of fruit juice, including but not limited to

1 flavored, sparkling or carbonated cider. For the purposes of the
2 distribution of this product, cider may be distributed by either
3 wine and spirits wholesalers or beer distributors;

4 14. "Convenience store" means any person primarily engaged in
5 retailing a limited range of general household items and groceries,
6 with extended hours of operation, whether or not engaged in retail
7 sales of automotive fuels in combination with such sales;

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

13 16. "Director" means the Director of the ABLE Commission;

14 17. "Distiller" means any person who produces spirits from any
15 source or substance, or any person who brews or makes mash, wort or
16 wash, fit for distillation or for the production of spirits (except
17 a person making or using such material in the authorized production
18 of wine or beer, or the production of vinegar by fermentation), or
19 any person who by any process separates alcoholic spirits from any
20 fermented substance, or any person who, making or keeping mash, wort
21 or wash, has also in his or her possession or use a still;

22 18. "Distributor agreement" means the written agreement between
23 the distributor and manufacturer as set forth in Section 3-108 of
24 this title;

1 19. "Drug store" means a person primarily engaged in retailing
2 prescription and nonprescription drugs and medicines;

3 20. "Dual-strength beer" means a brand of beer that,
4 immediately prior to ~~the effective date of this act~~ April 15, 2017,
5 was being sold and distributed in this state:

6 a. as a low-point beer pursuant to the Low-Point Beer
7 Distribution Act in effect immediately prior to the
8 effective date of this act, and

9 b. as strong beer pursuant to the Alcoholic Beverage
10 Control Act in effect immediately prior to the
11 effective date of this act,

12 and continues to be sold and distributed as such on October 1, 2018.

13 Dual-strength beer does not include a brand of beer that arose as a
14 result of a brand extension as defined in this section;

15 21. "Fair market value" means the value in the subject
16 territory covered by the written agreement with the distributor or
17 wholesaler that would be determined in an arm's length transaction
18 entered into without duress or threat of termination of the
19 distributor's or wholesaler's rights and shall include all elements
20 of value, including goodwill and going-concern value;

21 22. "Good cause" means:

22 a. failure by the distributor to comply with the material
23 and reasonable provisions of a written agreement or
24 understanding with the manufacturer, or

1 b. failure by the distributor to comply with the duty of
2 good faith;

3 23. "Good faith" means the duty of each party to any
4 distributor agreement and all officers, employees or agents thereof
5 to act with honesty in fact and within reasonable standards of fair
6 dealing in the trade;

7 24. "Grocery store" means a person primarily engaged in
8 retailing a general line of food, such as canned or frozen foods,
9 fresh fruits and vegetables, and fresh and prepared meats, fish and
10 poultry;

11 25. "Hotel" or "motel" means an establishment which is licensed
12 to sell alcoholic beverages by the individual drink and which
13 contains guestroom accommodations with respect to which the
14 predominant relationship existing between the occupants thereof and
15 the owner or operator of the establishment is that of innkeeper and
16 guest. For purposes of this section, the existence of other legal
17 relationships as between some occupants and the owner or operator
18 thereof shall be immaterial;

19 26. "Legal newspaper" means a newspaper meeting the requisites
20 of a newspaper for publication of legal notices as prescribed in
21 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

22 27. "Licensee" means any person holding a license under the
23 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
24 employee of such licensee while in the performance of any act or

1 duty in connection with the licensed business or on the licensed
2 premises;

3 28. "Low-point beer" shall mean any beverages containing more
4 than one-half of one percent (1/2 of 1%) alcohol by volume, and not
5 more than three and two-tenths percent (3.2%) alcohol by weight,
6 including but not limited to, beer or cereal malt beverages obtained
7 by the alcoholic fermentation of an infusion by barley or other
8 grain, malt or similar products;

9 29. "Manufacturer" means a brewer, distiller, winemaker,
10 rectifier or bottler of any alcoholic beverage and its subsidiaries,
11 affiliates and parent companies;

12 30. "Manufacturer's agent" means a salaried or commissioned
13 salesperson who is the agent authorized to act on behalf of the
14 manufacturer or nonresident seller in the state;

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

20 32. "Mini-bar" means a closed container, either refrigerated in
21 whole or in part, or nonrefrigerated, and access to the interior of
22 which is:

23 a. restricted by means of a locking device which requires
24 the use of a key, magnetic card or similar device, or

1 b. controlled at all times by the licensee;

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

11 34. "Mixed beverages" means one or more servings of a beverage
12 composed in whole or part of an alcoholic beverage in a sealed or
13 unsealed container of any legal size for consumption on the premises
14 where served or sold by the holder of a mixed beverage, beer and
15 wine, caterer, public event, charitable event or special event
16 license;

17 35. "Motion picture theater" means an establishment which is
18 licensed by Section 2-110 of this title to sell alcoholic beverages
19 by the individual drink and where motion pictures are exhibited, and
20 to which the general public is admitted;

21 36. "Nonresident seller" means any person licensed pursuant to
22 Section 2-135 of this title;

1 37. "Retail salesperson" means a salesperson soliciting orders
2 from and calling upon retail alcoholic beverage stores with regard
3 to his or her product;

4 38. "Occupation" as used in connection with "occupation tax"
5 means the sites occupied as the places of business of the
6 manufacturers, wholesalers, beer distributors, retailers, mixed
7 beverage licensees, on-premises beer and wine licensees, bottle
8 clubs, caterers, public event and special event licensees;

9 39. "Original package" means any container of alcoholic
10 beverage filled and stamped or sealed by the manufacturer;

11 40. "Package store" means any sole proprietor or partnership
12 that qualifies to sell wine, beer and/or spirits for off-premise
13 consumption and that is not a grocery store, convenience store or
14 drug store, or other retail outlet that is not permitted to sell
15 wine or beer for off-premise consumption;

16 41. "Patron" means any person, customer or visitor who is not
17 employed by a licensee or who is not a licensee;

18 42. "Person" means an individual, any type of partnership,
19 corporation, association, limited liability company or any
20 individual involved in the legal structure of any such business
21 entity;

22 43. "Premises" means the grounds and all buildings and
23 appurtenances pertaining to the grounds including any adjacent
24 premises if under the direct or indirect control of the licensee and

1 the rooms and equipment under the control of the licensee and used
2 in connection with or in furtherance of the business covered by a
3 license. Provided that the ABLE Commission shall have the authority
4 to designate areas to be excluded from the licensed premises solely
5 for the purpose of:

6 a. allowing the presence and consumption of alcoholic
7 beverages by private parties which are closed to the
8 general public, or

9 b. allowing the services of a caterer serving alcoholic
10 beverages provided by a private party.

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

14 44. "Private event" means a social gathering or event attended
15 by invited guests who share a common cause, membership, business or
16 task and have a prior established relationship. For purposes of
17 this definition, advertisement for general public attendance or
18 sales of tickets to the general public shall not constitute a
19 private event;

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

22 46. "Rectifier" means any person who rectifies, purifies or
23 refines spirits or wines by any process (other than by original and
24 continuous distillation, or original and continuous processing, from

1 mash, wort, wash or other substance, through continuous closed
2 vessels and pipes, until the production thereof is complete), and
3 any person who, without rectifying, purifying or refining spirits,
4 shall by mixing (except for immediate consumption on the premises
5 where mixed) such spirits, wine or other liquor with any material,
6 manufactures any spurious, imitation or compound liquors for sale,
7 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
8 or any other name;

9 47. "Regulation" or "rule" means a formal rule of general
10 application promulgated by the ABLE Commission as herein required;

11 48. "Restaurant" means an establishment that is licensed to
12 sell alcoholic beverages by the individual drink for on-premises
13 consumption and where food is prepared and sold for immediate
14 consumption on the premises;

15 49. "Retail container for spirits and wines" means an original
16 package of any capacity approved by the United States Bureau of
17 Alcohol, Tobacco and Firearms;

18 50. "Retailer" means a package store, grocery store,
19 convenience store or drug store licensed to sell alcoholic beverages
20 for off-premise consumption pursuant to a Retail Spirits License,
21 Retail Wine License or Retail Beer License;

22 51. "Sale" means any transfer, exchange or barter in any manner
23 or by any means whatsoever, and includes and means all sales made by
24 any person, whether as principal, proprietor or as an agent, servant

1 or employee. The term "sale" is also declared to be and include the
2 use or consumption in this state of any alcoholic beverage obtained
3 within or imported from without this state, upon which the excise
4 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
5 been paid or exempted;

6 52. "Short-order food" means food other than full meals
7 including but not limited to sandwiches, soups and salads. Provided
8 that popcorn, chips and other similar snack food shall not be
9 considered "short-order food";

10 53. "Small brewer" means a brewer who manufactures less than
11 twenty-five thousand (25,000) barrels of beer annually pursuant to a
12 validly issued Small Brewer License hereunder;

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

16 55. "Small farm winery" means a wine-making establishment that
17 does not annually produce for sale more than fifteen thousand
18 (15,000) gallons of wine as reported on the United States Department
19 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
20 Wine Premises Operations (TTB Form 5120.17);

21 56. "Sparkling wine" means champagne or any artificially
22 carbonated wine;

23
24

1 57. "Special event" means an entertainment, recreation or
2 marketing event that occurs at a single location on an irregular
3 basis and at which alcoholic beverages are sold;

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

12 59. "Strong beer" means beer which, prior to the effective date
13 of this act, was distributed pursuant to the Oklahoma Alcoholic
14 Beverage Control Act, Section 501 et seq. of Title 37 of the
15 Oklahoma Statutes;

16 60. "Successor manufacturer" means a primary source of supply,
17 a brewer, a cider manufacturer or an importer that acquires rights
18 to a beer or cider brand from a predecessor manufacturer;

19 61. "Tax Commission" means the Oklahoma Tax Commission;

20 62. "Territory" means a geographic region with a specified
21 boundary;

22 63. "Wine and spirits wholesaler" or "wine and spirits
23 distributor" means and includes any sole proprietorship or
24 partnership licensed to distribute wine and spirits in the state.

1 The term "wholesaler", as used in this act, shall be construed to
2 refer to a wine and spirits wholesaler; and

3 64. "Wine" means and includes any beverage containing more than
4 one-half of one percent (1/2 of 1%) alcohol by volume and not more
5 than twenty-four percent (24%) alcohol by volume at sixty (60)
6 degrees Fahrenheit obtained by the fermentation of the natural
7 contents of fruits, vegetables, honey, milk or other products
8 containing sugar, whether or not other ingredients are added, and
9 includes vermouth and sake, known as Japanese rice wine.

10 Words in the plural include the singular, and vice versa, and
11 words imparting the masculine gender include the feminine, as well
12 as persons and licensees as defined in this section.

13 SECTION 14. REPEALER Section 3, Chapter 366, O.S.L.
14 2016, as amended by Section 8, Chapter 364, O.S.L. 2017 (37A O.S.
15 Supp. 2017, Section 1-103), is hereby repealed.

16 SECTION 15. AMENDATORY 47 O.S. 2011, Section 1135.5, as
17 last amended by Section 3, Chapter 331, O.S.L. 2017 (47 O.S. Supp.
18 2017, Section 1135.5), is amended to read as follows:

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

23 Special license plates shall not be transferred to any other
24 person but shall be removed from the vehicle upon transfer of

1 ownership and retained. The special license plate may then be used
2 on another vehicle but only after such other vehicle has been
3 registered for the current year with a motor license agent.

4 Special license plates shall be renewed each year by the Tax
5 Commission or a motor license agent. The Tax Commission shall
6 annually notify by mail all persons issued special license plates.
7 The notice shall contain all necessary information and shall contain
8 instructions for the renewal procedure upon presentation to a motor
9 license agent or the Tax Commission. The license plates shall be
10 issued on a staggered system.

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

23 If fewer than one hundred of any type of special license plates
24 authorized prior to January 1, 2004, are issued prior to January 1,

1 2006, the Tax Commission shall discontinue issuance and renewal of
2 that type of special license plate. Any such authorized special
3 license plate registrant shall be allowed to display the license
4 plate upon the designated vehicle until the registration expiration
5 date. After such time the expired special license plate shall be
6 removed from the vehicle.

7 For special license plates authorized on or after July 1, 2004,
8 no special license plates shall be developed or issued by the Tax
9 Commission until the Commission receives one hundred prepaid
10 applications therefor. The prepaid applications must be received by
11 the Tax Commission within one hundred eighty (180) days of the
12 effective date of the authorization or the authority to issue shall
13 be null and void. In the event one hundred prepaid applications are
14 not received by the Tax Commission within such prescribed time
15 period any payment so received shall be refunded accordingly.

16 B. The special license plates provided by this section are as
17 follows:

18 1. University or College Supporter License Plate - such plates
19 shall be designed and issued to any person wishing to demonstrate
20 support to any state-supported or private university or college. As
21 provided in this section, an amount of the fee collected shall be
22 apportioned as provided in Section 1104.1 of this title;

23 2. Environmental Awareness License Plate - such plates shall be
24 designed, subject to the criteria to be presented to the Tax

1 Commission by the Department of Environmental Quality in
2 consultation with the Oklahoma Arts Council, and issued to any
3 person wishing to demonstrate support to implement the statewide
4 general public environmental education program created pursuant to
5 the provisions of the Oklahoma Environmental Quality Code. Such
6 plates shall be designed and issued to any person in any combination
7 of numbers and letters from one to a maximum of seven, as for
8 personalized license plates. A dealer's license plate issued
9 pursuant to Section 1116.1 or 1128 of this title may be designated
10 an Environmental Awareness License Plate upon payment of the fee
11 imposed by this section and any other registration fees required by
12 the Oklahoma Vehicle License and Registration Act. As provided in
13 this section, an amount of the fee collected shall be apportioned
14 pursuant to Section 1104.2 of this title;

15 3. Firefighter License Plate - such plates shall be designed
16 for any career or retired firefighter, volunteer or paid.
17 Firefighters may apply for firefighter plates for up to four
18 vehicles with a rated capacity of one (1) ton or less or for a
19 motorcycle upon proof of a fire department membership by either an
20 identification card or letter from the chief of the fire department.
21 Retirees who are eligible for such plates shall provide proof of
22 eligibility upon initial application, but shall not be required to
23 provide proof of eligibility annually. The surviving spouse of any
24 deceased firefighter, if the spouse has not since remarried, may

1 apply for a firefighter license plate for one vehicle with a rated
2 carrying capacity of one (1) ton or less or for a motorcycle upon
3 proof that the deceased firefighter was a member of a fire
4 department by either an identification card or letter from the chief
5 of the fire department. The license plate shall be designed in
6 consultation with the Oklahoma Firefighters Association.

7 As provided in this section, an amount of the fee collected
8 shall be deposited to the Oklahoma State Firemen's Museum Building &
9 Memorial Fund for support of the Oklahoma Firefighters Museum and
10 the Oklahoma Fallen and Living Firefighters Memorial;

11 4. Wildlife Conservation License Plate - such plates shall be
12 designed, subject to the criteria to be presented to the Tax
13 Commission by the Oklahoma Department of Wildlife Conservation in
14 consultation with the Oklahoma Arts Council, and issued to any
15 person wishing to demonstrate support for wildlife conservation in
16 this state through the Wildlife Diversity Fund, provided for in
17 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
18 be designed and issued to any person as for personalized license
19 plates.

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

23 5. Child Abuse Prevention License Plate - such plates shall be
24 designed, subject to the criteria to be presented to the Tax

1 Commission by the Office of Child Abuse Prevention in the State
2 Department of Health and the Oklahoma Committee to Prevent Child
3 Abuse, and issued to any person wishing to demonstrate support for
4 the prevention of child abuse.

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

7 6. United States Olympic Committee Supporter License Plate -
8 such plates shall be designed and issued to any person wishing to
9 demonstrate support for the United States Olympic Committee. The
10 plates shall be issued to any person in any combination of numbers
11 and letters from one to a maximum of seven, as for personalized
12 license plates. The plate shall contain the official United States
13 Olympic Committee logo. The Tax Commission shall be authorized, if
14 necessary, to enter into a licensing agreement with the United
15 States Olympic Committee for any licensing fees which may be
16 required in order to use the United States Olympic Committee logo or
17 design. The licensing agreement shall provide for a payment of not
18 more than Twenty-five Dollars (\$25.00) for each license plate
19 issued;

20 7. Oklahoma History License Plate - such plates shall be
21 designed and issued to any person wishing to demonstrate interest in
22 Oklahoma history. As provided in this section, an amount of the fee
23 collected shall be deposited to the Oklahoma Historical Society
24 Revolving Fund to be used for educational purposes;

1 8. Historic Route 66 License Plate - such:

2 a. vehicle plates shall be designed to honor historic
3 Route 66, also known as the "Mother Road". As
4 provided in this section, an amount of the fee
5 collected for each vehicle license plate shall be
6 apportioned to the Oklahoma Historical Society
7 Revolving Fund to be distributed to the Route 66
8 Museum located in Clinton, Oklahoma, and

9 b. motorcycle plates shall be designed in consultation
10 with the Oklahoma Route 66 Association, Inc. The
11 Oklahoma Tax Commission shall be authorized to enter
12 into a licensing agreement with the Oklahoma Route 66
13 Association, Inc., for any licensing fees which may be
14 required in order to use the Oklahoma Route 66
15 Association, Inc., logo or design. The licensing
16 agreement shall provide for a payment to the Oklahoma
17 Route 66 Association, Inc., of not more than Twenty
18 Dollars (\$20.00) for each motorcycle license plate
19 issued;

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

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

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

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

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

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

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

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

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

1 utilized to support the Oklahoma Central Cancer Registry. Twenty
2 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
3 Central Cancer Registry Revolving Fund;

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

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

23 33. Global War on Terrorism License Plate - such plate shall be
24 designed in consultation with the Military Department of Oklahoma

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

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

22 35. Oklahoma Quarter Horse License Plate - such plates shall be
23 designed and issued to any person wishing to demonstrate support for
24 the American Quarter Horse in Oklahoma. The plate shall be designed

1 in consultation with the Oklahoma Quarter Horse Association. As
2 provided in this section, a portion of the fee collected shall be
3 deposited in the Oklahoma Quarter Horse Revolving Fund created in
4 Section 1104.12 of this title;

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

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

21 38. March of Dimes License Plate - such plates shall be issued
22 to persons wishing to demonstrate support for the March of Dimes
23 mission to improve the health of babies by preventing birth defects,
24 premature birth and infant mortality. The license plates shall be

1 designed in consultation with the Oklahoma Chapter March of Dimes.
2 As provided in this section, an amount of the fee collected shall be
3 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
4 Infant Mortality Fund established in Section 1104.14 of this title;

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

18 40. Folds of Honor Supporter License Plate - such plates shall
19 be designed and issued to any person wishing to demonstrate support
20 for Folds of Honor Incorporated, a nonprofit charitable organization
21 exempt from taxation pursuant to the provisions of the Internal
22 Revenue Code, 26 U.S.C., Section 501(c)(3), providing academic and
23 vocational training scholarships to dependents of military
24 servicemen and servicewomen who were either killed or wounded in

1 action due to military service in the war in Iraq or Afghanistan.
2 The plates shall be issued to any person in any combination of
3 numbers and letters from one to a maximum of six. The plate shall
4 be designed in consultation with Folds of Honor Incorporated and
5 shall contain the official Folds of Honor Incorporated logo which
6 includes the mark "Folds of Honor" across the bottom of the plate.
7 The Tax Commission, if necessary, may enter into a licensing
8 agreement with Folds of Honor Incorporated for any licensing fees
9 which may be required in order to use the Folds of Honor
10 Incorporated logo or design. The licensing agreement shall provide
11 for a payment to Folds of Honor Incorporated of Twenty-five Dollars
12 (\$25.00) for each license plate issued;

13 41. Downed Bikers Association License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate support
15 for the Downed Bikers Association, a nonprofit charitable
16 organization exempt from taxation pursuant to the provisions of the
17 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
18 emotional and financial support for downed bikers. The license
19 plate shall be designed in consultation with the Central Oklahoma
20 Chapter of the Downed Bikers Association and shall contain any
21 official logo or design of the organization. The Tax Commission, if
22 necessary, may enter into a licensing agreement with the Downed
23 Bikers Association for any licensing fees which may be required in
24 order to use the organization's logo or design. The licensing

1 agreement shall provide for a payment to the Downed Bikers
2 Association of not more than Twenty Dollars (\$20.00) for each
3 license plate;

4 42. Armed Forces Veterans Motorcycle License Plate - such
5 plates shall be designed for use on a motorcycle in consultation
6 with A Brotherhood Aiming Toward Education of Oklahoma, Inc.

7 (ABATE), and issued to any honorably discharged former member of the
8 United States Armed Forces wishing to demonstrate support for the
9 45th Infantry Division Museum. Persons applying for such license
10 plate must show proof of past military service. As provided in this
11 section, a portion of the fee collected shall be deposited in the
12 45th Infantry Division Museum Fund created in Section 235.1 of Title
13 44 of the Oklahoma Statutes;

14 43. Buffalo Soldier License Plate - such plates shall be issued
15 to any person wishing to honor and celebrate the history and
16 contribution of the Buffalo Soldiers. The license plates shall be
17 designed in consultation with the Lawton-Fort Sill Chapter of the
18 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
19 provided in this section, an amount of the fee collected shall be
20 deposited in the Buffalo Soldier License Plate Revolving Fund
21 created in Section 1104.16 of this title;

22 44. Prevent Blindness Oklahoma License Plate - such plates
23 shall be issued to any person wishing to provide financial support
24 for vision screening of school age children in this state. The

1 license plates shall be designed in consultation with Prevent
2 Blindness Oklahoma. As provided in this section, an amount of the
3 fee collected shall be deposited in the Prevent Blindness Oklahoma
4 License Plate Revolving Fund created in Section 1104.17 of this
5 title;

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

17 46. Eastern Red Cedar Tree License Plate - such plates shall be
18 designed, subject to criteria to be presented to the Tax Commission
19 and issued to any person wishing to demonstrate support for the
20 removal of Eastern Red Cedar trees from lands in the state and to
21 develop marketable uses for the harvested trees. The license plate
22 shall be designed in consultation with the Eastern Red Cedar
23 Registry Board. Twenty-three Dollars (\$23.00) of the fee collected
24 shall be deposited in the Eastern Red Cedar Revolving Fund created

1 in Section 18-407 of Title 2 of the Oklahoma Statutes. The money
2 shall be designated for and may only be expended for the purposes as
3 set forth in the Eastern Red Cedar Registry Board Act;

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

14 48. Alzheimer's Research License Plate - such plates shall be
15 issued to any person wishing to provide financial support for the
16 Oklahoma Chapter of the Alzheimer's Association. The license plates
17 shall be designed in consultation with the Oklahoma Chapter of the
18 Alzheimer's Association. As provided in this section, an amount of
19 the fee collected shall be deposited in the Alzheimer's Research
20 License Plate Revolving Fund created in Section 1104.20 of this
21 title;

22 49. Hospice and Palliative Care License Plate - such plates
23 shall be issued to any person wishing to provide financial support
24 for the Oklahoma Hospice and Palliative Care Association. The

1 license plates shall be designed in consultation with the Oklahoma
2 Hospice and Palliative Care Association. As provided in this
3 section, an amount of the fee collected shall be deposited in the
4 Hospice and Palliative Care License Plate Revolving Fund created in
5 Section 1104.21 of this title;

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

15 51. Deer Creek Schools Foundation License Plate - such plates
16 shall be issued to any person wishing to provide financial support
17 for the Deer Creek Schools Foundation. The license plates shall be
18 designed in consultation with the Deer Creek Schools Foundation.
19 The plates shall be issued to any person in any combination of
20 numbers and letters from one to a maximum of seven, as for
21 personalized license plates. As provided in this section, an amount
22 of the fee collected shall be deposited in the Deer Creek Schools
23 Foundation License Plate Revolving Fund created in Section 1104.23
24 of this title;

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

10 53. Chiefs of Police License Plate - such plates shall be
11 issued to any person wishing to provide financial support for the
12 Oklahoma Association of Chiefs of Police for a vehicle or motorcycle
13 in any combination of numbers and letters from one to a maximum of
14 seven, as for personalized plates. The license plates shall be
15 designed in consultation with the Oklahoma Association of Chiefs of
16 Police. The license plate for a motorcycle may be of similar design
17 as space permits or a new design in order to meet the space
18 requirements of a motorcycle license plate. The Tax Commission
19 shall be authorized to enter into a licensing agreement with the
20 Oklahoma Association of Chiefs of Police for any licensing fees
21 which may be required in order to use the association's logo or
22 design. The licensing agreement shall provide for a payment to the
23 Oklahoma Association of Chiefs of Police of not more than Twenty
24 Dollars (\$20.00) for each license plate issued. Subject to the

1 provisions of subsection A of this section, the Chiefs of Police
2 License Plate is hereby reauthorized effective November 1, 2015;

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

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

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

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

19 58. Childhood Cancer Awareness License Plate - such plates
20 shall be issued to any person wishing to demonstrate support for the
21 Oklahoma Children's Cancer Association. The license plates shall be
22 designed in consultation with the administration of the Oklahoma
23 Children's Cancer Association. The Oklahoma Tax Commission shall be
24 authorized to enter into a licensing agreement with the Oklahoma

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

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

14 60. Remembering Fallen Heroes License Plate - such plates shall
15 be designed and issued to any person wishing to demonstrate support
16 for Concerns of Police Survivors, Inc. Such plates shall be
17 designed in consultation with the Oklahoma chapter of Concerns of
18 Police Survivors, Inc. As provided in this section, an amount of
19 the fee collected shall be deposited in the Oklahoma Concerns of
20 Police Survivors License Plate Revolving Fund created in Section
21 1104.27 of this title;

22 61. Disabled American Veterans License Plate - such plates
23 shall be designed in consultation with the Disabled American
24 Veterans Department of Oklahoma and issued to any member of the

1 organization wishing to demonstrate support. The Tax Commission
2 shall be authorized to enter into a licensing agreement with the
3 Disabled American Veterans Department of Oklahoma for any licensing
4 fees which may be required in order to use the organization's logo
5 or design. The licensing agreement shall provide for a payment to
6 the Disabled American Veterans Department of Oklahoma of not more
7 than Twenty Dollars (\$20.00) for each license plate issued. The
8 plates shall incorporate a numbering system agreed upon by the
9 Disabled American Veterans Department of Oklahoma and the Tax
10 Commission;

11 62. Owasso Rams Supporter License Plate - such plates shall be
12 designed and issued to any person wishing to demonstrate support for
13 the Owasso Rams, and shall be designed in consultation with
14 representatives of Owasso Schools. The plates shall be issued to
15 any person in any combination of numbers and letters from one to a
16 maximum of seven, as for personalized license plates. As provided
17 in this section, an amount of the fee collected shall be deposited
18 in the Education Reform Revolving Fund created in Section 34.89 of
19 Title 62 of the Oklahoma Statutes;

20 63. Collinsville Cardinals Supporter License Plate - such
21 plates shall be designed and issued to any person wishing to
22 demonstrate support for the Collinsville Cardinals, and shall be
23 designed in consultation with representatives of Collinsville
24 Schools. The plates shall be issued to any person in any

1 combination of numbers and letters from one to a maximum of seven,
2 as for personalized license plates. As provided in this section, an
3 amount of the fee collected shall be deposited in the Education
4 Reform Revolving Fund created in Section 34.89 of Title 62 of the
5 Oklahoma Statutes;

6 64. Sperry Pirates Supporter License Plate - such plates shall
7 be designed and issued to any person wishing to demonstrate support
8 for the Sperry Pirates, and shall be designed in consultation with
9 representatives of Sperry Schools. The plates shall be issued to
10 any person in any combination of numbers and letters from one to a
11 maximum of seven, as for personalized license plates. As provided
12 in this section, an amount of the fee collected shall be deposited
13 in the Education Reform Revolving Fund created in Section 34.89 of
14 Title 62 of the Oklahoma Statutes;

15 65. Skiatook Bulldogs Supporter License Plate - such plates
16 shall be designed and issued to any person wishing to demonstrate
17 support for the Skiatook Bulldogs, and shall be designed in
18 consultation with representatives of Skiatook Schools. The plates
19 shall be issued to any person in any combination of numbers and
20 letters from one to a maximum of seven, as for personalized license
21 plates. As provided in this section, an amount of the fee collected
22 shall be deposited in the Education Reform Revolving Fund created in
23 Section 34.89 of Title 62 of the Oklahoma Statutes;

24

1 66. Rejoice Christian Eagles Supporter License Plate - such
2 plates shall be designed and issued to any person wishing to
3 demonstrate support for the Rejoice Christian Eagles, and shall be
4 designed in consultation with representatives of Rejoice Christian
5 Schools. The plates shall be issued to any person in any
6 combination of numbers and letters from one to a maximum of seven,
7 as for personalized license plates. As provided in this section, an
8 amount of the fee collected shall be deposited in the Education
9 Reform Revolving Fund created in Section 34.89 of Title 62 of the
10 Oklahoma Statutes;

11 67. East Central Cardinals Supporter License Plate - such
12 plates shall be designed and issued to any person wishing to
13 demonstrate support for the East Central Cardinals, and shall be
14 designed in consultation with representatives of East Central
15 Schools. The plates shall be issued to any person in any
16 combination of numbers and letters from one to a maximum of seven,
17 as for personalized license plates. As provided in this section, an
18 amount of the fee collected shall be deposited in the Education
19 Reform Revolving Fund created in Section 34.89 of Title 62 of the
20 Oklahoma Statutes;

21 68. Southeast Spartans Supporter License Plate - such plates
22 shall be designed and issued to any person wishing to demonstrate
23 support for the Southeast Spartans, and shall be designed in
24 consultation with the Southeast High School Alumni Association. The

1 plates shall be issued to any person in any combination of numbers
2 and letters from one to a maximum of seven, as for personalized
3 license plates. As provided in this section, an amount of the fee
4 collected shall be deposited in the Education Reform Revolving Fund
5 created in Section 34.89 of Title 62 of the Oklahoma Statutes;

6 69. Sooner State ABATE License Plate - such plates shall be
7 issued to any person wishing to provide financial support for Sooner
8 State ABATE. The license plates shall be designed in consultation
9 with Sooner State ABATE. The plates shall be issued to any person
10 in any combination of numbers and letters from one to a maximum of
11 seven, as for personalized plates. The license plate for a
12 motorcycle may be of similar design as space permits or a new design
13 in order to meet the space requirements of a motorcycle license
14 plate. The Tax Commission shall be authorized to enter into a
15 licensing agreement with Sooner State ABATE for any licensing fees,
16 which may be required in order to use the association's logo or
17 design. The licensing agreement shall provide for a payment to
18 Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each
19 license plate issued;

20 70. Oklahoma License to Educate License Plate - subject to the
21 enactment of Senate Bill No. 15 of the 1st Session of the 56th
22 Oklahoma Legislature, such plates shall be designed and issued to
23 any person wishing to demonstrate support for Oklahoma educators.
24 Such plates shall be designed in consultation with the State

1 Department of Education. As provided in this section, an amount of
2 the fee collected shall be deposited in the Oklahoma Teacher
3 Recruitment Revolving Fund created in Section 2 of Senate Bill No.
4 15 of the 1st Session of the 56th Oklahoma Legislature;

5 ~~70.~~ 71. Piedmont Education Foundation License Plate - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the Piedmont Public Schools Education
8 Foundation. Such plates shall be designed in consultation with the
9 Foundation. As provided in this section, an amount of the fee
10 collected shall be deposited in the Piedmont Education Foundation
11 License Plate Revolving Fund created in Section 1104.28 of this
12 title;

13 ~~71.~~ 72. The Pride of Oklahoma License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate support
15 for the University of Oklahoma Marching Band and shall be designed
16 in consultation with the University of Oklahoma Marching Band. The
17 Oklahoma Tax Commission shall be authorized to enter into a
18 licensing agreement with the University of Oklahoma or the
19 University of Oklahoma Marching Band for any licensing fees which
20 may be required in order to use the applicable logo or design. The
21 licensing agreement shall provide for a payment to the Pride of
22 Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not
23 more than Twenty Dollars (\$20.00) for each license plate issued;

24

1 ~~72.~~ 73. Jenks Trojans License Plate - such plates shall be
2 designed and issued to any person wishing to demonstrate support for
3 the Jenks School District. The license plates shall be designed in
4 consultation with the administration of the Jenks School District.
5 The Tax Commission shall be authorized to enter into a licensing
6 agreement with the Jenks School District for any licensing fees
7 which may be required in order to use the school district's logo or
8 design. The licensing agreement shall provide for a payment to the
9 Jenks School District of not more than Twenty Dollars (\$20.00) for
10 each license plate issued;

11 ~~73.~~ 74. Bixby Spartans License Plate - such plates shall be
12 designed and issued to any person wishing to demonstrate support for
13 the Bixby School District. The license plates shall be designed in
14 consultation with the administration of the Bixby School District.
15 The Tax Commission shall be authorized to enter into a licensing
16 agreement with the Bixby School District for any licensing fees
17 which may be required in order to use the school district's logo or
18 design. The licensing agreement shall provide for a payment to the
19 Bixby School District of not more than Twenty Dollars (\$20.00) for
20 each license plate issued;

21 ~~74.~~ 75. Oklahoma Aeronautics Commission License Plate - such
22 plates shall be designed and issued to any person wishing to
23 demonstrate support for the Oklahoma aviation industry and to
24 promote awareness of aviation and aerospace. Such plates shall be

1 designed in consultation with the Oklahoma Aeronautics Commission
2 and shall be issued to any person in any combination of numbers and
3 letters from one to a maximum of seven, as for personalized plates.
4 Twenty-four Dollars (\$24.00) of the fee collected shall be deposited
5 in the Oklahoma Aeronautics Commission Revolving Fund, for
6 expenditure as provided in Section 91 of Title 3 of the Oklahoma
7 Statutes;

8 ~~75.~~ 76. Ducks Unlimited License Plate - such plates shall be
9 designed and issued to any person wishing to demonstrate support for
10 Ducks Unlimited. Such plates shall be designed in consultation with
11 Ducks Unlimited. The Oklahoma Tax Commission shall be authorized to
12 enter into a licensing agreement with Ducks Unlimited for any
13 licensing fee which may be required in order to use the Ducks
14 Unlimited logo or design. The licensing agreement shall provide for
15 a payment to Ducks Unlimited of not more than Twenty Dollars
16 (\$20.00) for each license plate issued;

17 ~~76.~~ 77. Prisoner of War and Missing in Action License Plate -
18 such plates shall be issued to any person wishing to increase
19 awareness of those who are currently prisoners of war or missing in
20 action and provide financial support for current veterans. The
21 license plates shall be designed in consultation with Rolling
22 Thunder Oklahoma. As provided in this section, an amount of the fee
23 collected shall be deposited in the Prisoner of War and Missing in
24

1 Action License Plate Revolving Fund created in Section 5 of this
2 act;

3 ~~77.~~ 78. Woodward Boomers License Plate - such plates shall be
4 designed and issued to any person wishing to demonstrate support for
5 the Woodward School District. The license plates shall be designed
6 in consultation with the administration of the Woodward School
7 District. The Tax Commission shall be authorized to enter into a
8 licensing agreement with the Woodward School District for any
9 licensing fees which may be required in order to use the school
10 district's logo or design. The licensing agreement shall provide
11 for a payment to the Woodward School District of not more than
12 Twenty Dollars (\$20.00) for each license plate issued; and

13 ~~78.~~ 79. Clinton Public School Foundation License Plate - such
14 plates shall be designed and issued to any person wishing to
15 demonstrate support for the Clinton Public School Foundation. The
16 license plates shall be designed in consultation with the Clinton
17 Public School Foundation. The Tax Commission shall be authorized to
18 enter into a licensing agreement with the Clinton Public School
19 Foundation for any licensing fees which may be required in order to
20 use the school foundation's logo or design. The licensing agreement
21 shall provide for a payment to the Clinton Public School Foundation
22 of not more than Twenty Dollars (\$20.00) for each license plate
23 issued.

24

1 C. The fee for such plates shall be Thirty-five Dollars
2 (\$35.00) and shall be in addition to all other registration fees
3 provided by the Oklahoma Vehicle License and Registration Act. The
4 fee shall be apportioned as follows:

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

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

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

15 SECTION 16. REPEALER 47 O.S. 2011, Section 1135.5, as
16 last amended by Section 1, Chapter 339, O.S.L. 2017 (47 O.S. Supp.
17 2017, Section 1135.5), is hereby repealed.

18 SECTION 17. AMENDATORY 51 O.S. 2011, Section 6, as last
19 amended by Section 1, Chapter 75, O.S.L. 2017 (51 O.S. Supp. 2017,
20 Section 6), is amended to read as follows:

21 Section 6. A. Except as may be otherwise provided, no person
22 holding an office under the laws of the state and no deputy of any
23 officer so holding any office shall, during the person's term of
24 office, hold any other office or be the deputy of any officer

1 holding any office, under the laws of the state. The provisions of
2 this section shall not apply to:

3 1. Notaries public;

4 2. Members of the State Textbook Committee;

5 3. County free fair board members;

6 4. Municipal and county law enforcement officers serving in
7 positions as law enforcement officers of both such governmental
8 entities upon such terms and conditions as are mutually approved by
9 resolutions adopted by the board of county commissioners and
10 governing body of the municipality employing such officers;

11 5. Any person holding a county or municipal office or position,
12 or membership on any public trust authority, who is a member of a
13 board or commission that relates to federal, state, county or
14 municipal government and is created by the United States Government,
15 the State of Oklahoma or a political subdivision of the state,
16 except where the duties of the offices or positions conflict;

17 6. Any elected municipal officers and school board members who
18 are appointed to a state board, commission, or similar entity if
19 there is no compensation for such services other than reimbursement
20 for necessary travel expenses pursuant to the provisions of the
21 State Travel Reimbursement Act;

22 7. Any trustee of a public trust, who is appointed as a trustee
23 of a different public trust or any trustee of the Tulsa County
24

1 Public Facilities Authority who may also be employed by the
2 Department of Transportation;

3 8. Law enforcement officers employed by municipal or county law
4 enforcement departments or agencies, other than those law
5 enforcement officers elected or appointed as sheriff, chief of
6 police or some similar position in which they are the head of a
7 county or municipal law enforcement agency, who are elected to local
8 boards of education; provided, the provisions of this paragraph
9 shall not prohibit any law enforcement officer employed by a
10 municipality having a population of ten thousand (10,000) or fewer
11 people from serving as a member of a local board of education;

12 9. Any member of the Oklahoma Highway Patrol Division of the
13 Department of Public Safety who is elected to a local board of
14 education;

15 10. Any employee of the Oklahoma State Bureau of Investigation
16 who is elected to a local board of education;

17 11. Any District Supervisor, Assistant District Supervisor,
18 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
19 Department of Corrections who is elected or appointed to a city
20 council;

21 12. Any trustee or director of a rural electric cooperative, or
22 port authority who is appointed or elected to a state, county or
23 municipal board, commission or similar entity;

24

1 13. County employees who are elected as members of town or city
2 councils;

3 14. Municipal, county, state or tribal law enforcement or peace
4 officers operating under cross-deputization agreements with an
5 Indian tribe or branch of the federal government;

6 15. Municipal or county law enforcement or peace officers
7 serving in positions as campus police officers or campus public
8 safety officers pursuant to the provisions of the Oklahoma Campus
9 Security Act, upon such terms and conditions as are mutually
10 approved by resolution adopted by the governing body of the
11 municipality or county and the governing board of the institution of
12 higher education;

13 16. State law enforcement or peace officers serving in
14 positions as campus police officers or campus public safety officers
15 pursuant to the provisions of the Oklahoma Campus Security Act, upon
16 such terms and conditions as are mutually approved by written
17 agreement between the Commissioner of Public Safety and the
18 governing board of the institution of higher education;

19 17. Municipal, county and state law enforcement officers
20 serving in positions as part-time or seasonal rangers or peace
21 officers under the Oklahoma Tourism and Recreation Department or the
22 Grand River Dam Authority;

23 18. Members of the University Hospitals Authority;

24

1 19. Any person holding a state or county office or position who
2 is a reserve force deputy sheriff, or a reserve special agent with
3 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
4 or a reserve municipal police officer;

5 20. Any person holding a state office or position who serves as
6 a special assistant district attorney without compensation;

7 21. Any elected or appointed member of a local school board who
8 is a member of a municipal planning commission;

9 22. Any elected or appointed member of a local school board who
10 is a member or an officer of a volunteer fire department;

11 23. Directors or officers of a rural water district and chiefs
12 of municipal fire departments or rural fire districts who are
13 appointed or elected to an unsalaried office in a state, county,
14 municipal, school, or technology center school board, commission, or
15 similar entity, except where the duties of the office would create a
16 conflict of interest;

17 24. Any person who is a dispatcher or confinement officer at a
18 municipal or county jail who is a noncompensated reserve municipal
19 police officer or a reserve deputy sheriff;

20 25. Any person who is an assistant district attorney serving as
21 a municipal judge or prosecutor;

22 26. Any park ranger under the Oklahoma Tourism and Recreation
23 Department or any game warden or reserve game warden employed by the
24 Department of Wildlife Conservation who is elected or appointed to a

1 local board of education or to a municipal governing body, board,
2 commission or similar entity;

3 27. Members of the Oklahoma State University Medical Center
4 Authority, the Oklahoma State University Medical Trust or the State
5 Board of Osteopathic Examiners;

6 28. Any member of the state Legislature or any state officer
7 who serves on the board of trustees of the Oklahoma School for the
8 Visual and Performing Arts; and

9 29. Members of the Council on Judicial Complaints.

10 The provisions of this section shall not prohibit any person
11 holding an office under the laws of the state or any deputy of any
12 officer so holding any office from serving upon the board of
13 Oklahoma Futures or upon the board of directors of the Oklahoma
14 Center for the Advancement of Science and Technology. The
15 provisions of this section shall not prohibit a member of the board
16 of directors of the Oklahoma Center for the Advancement of Science
17 and Technology from serving upon the board of Oklahoma Futures.

18 B. Any salaries, emoluments or benefits that would otherwise be
19 paid by the agency or political subdivision to a loaned employee or
20 officer shall instead be paid to the regular employer of such
21 employee. The loaned employee shall in turn be paid regular salary
22 and benefits the same as if continuing regular employment with the
23 permanent employer.

24

1 SECTION 18. REPEALER 51 O.S. 2011, Section 6, as last
2 amended by Section 1, Chapter 114, O.S.L. 2017 (51 O.S. Supp. 2017,
3 Section 6), is hereby repealed.

4 SECTION 19. AMENDATORY 70 O.S. 2011, Section 17-105, as
5 last amended by Section 1, Chapter 270, O.S.L. 2017 (70 O.S. Supp.
6 2017, Section 17-105), is amended to read as follows:

7 Section 17-105. (1) (a) Any member who has attained age
8 fifty-five (55) or who has completed thirty (30) years of creditable
9 service, as defined in Section 17-101 of this title, or for any
10 person who initially became a member prior to July 1, 1992,
11 regardless of whether there were breaks in service after July 1,
12 1992, whose age and number of years of creditable service total
13 eighty (80) may be retired upon proper application for retirement on
14 forms established by the System and executing a retirement contract.
15 Such a retirement date will also apply to any person who became a
16 member of the sending system as defined in Section 17-101 et seq. of
17 this title, prior to July 1, 1992, regardless of whether there were
18 breaks in service after July 1, 1992. Any person who became a
19 member after June 30, 1992, but prior to November 1, 2011, whose age
20 and number of years of creditable service total ninety (90) may be
21 retired upon proper application for retirement and executing a
22 retirement contract. Any person who becomes a member on or after
23 November 1, 2011, who attains the age of sixty-five (65) years or
24 who reaches a normal retirement date pursuant to subparagraph (d) of

1 paragraph (24) of Section 17-101 of this title having attained a
2 minimum age of sixty (60) years may be retired upon proper
3 application for retirement and executing a retirement contract. The
4 application shall be filed on the form provided by the Board of
5 Trustees for this purpose, not less than sixty (60) days before the
6 date of retirement, provided that the Executive Director may waive
7 the sixty-day deadline for good cause shown as defined by the Board.

8 1. The employer shall provide the System with the
9 following information for a retiring member, no later
10 than the fifteenth day of the month of retirement:
11 last day physically on the job; last day on payroll;
12 any regular compensation not already reported to the
13 System; and final unused sick leave balance.

14 2. Failure to submit this information by the deadline, or
15 errors in submitted information that result in a
16 disqualification of retirement eligibility shall be
17 the responsibility of the employer. In cases where
18 the error results in disqualification of retirement
19 eligibility, it is the employer's responsibility to
20 reemploy the member, or retain the member on the
21 payroll, for the time period required to reach
22 eligibility, not exceeding two (2) months.

23 (b) An individual who becomes a member of the Teachers'
24 Retirement System on or after July 1, 1967 November 1, 2017, shall

1 be employed by the public schools, state colleges or universities of
2 Oklahoma for a minimum of ~~five (5)~~ seven (7) years and be a
3 contributing member of the Teachers' Retirement System of Oklahoma
4 for a minimum of ~~five (5)~~ seven (7) years to qualify for monthly
5 retirement benefits from the Teachers' Retirement System of
6 Oklahoma.

7 (c) Any member with ~~five (5)~~ seven (7) or more years of
8 Oklahoma teaching service and whose accumulated contributions during
9 such period have not been withdrawn shall be given an indefinite
10 extension of membership beginning with the sixth year following his
11 or her last contributing membership and shall become eligible to
12 apply for retirement and be retired upon attaining age fifty-five
13 (55).

14 (2) An unclassified optional member who has retired or who
15 retires at sixty-two (62) years of age or older or whose retirement
16 is because of disability shall have his or her minimum retirement
17 benefits calculated on an average salary of Five Thousand Three
18 Hundred Fifty Dollars (\$5,350.00) or, if a larger monthly allowance
19 would result, an amount arrived at pursuant to application of the
20 formula prescribed herein.

21 (3) No member shall receive a lesser retirement benefit than he
22 or she would have received under the law in effect at the time he or
23 she retired. Any individual under the Teachers' Retirement System,
24 who through error in stating the title of the position which he or

1 she held, may, at the discretion of the Board of Trustees, be
2 changed from the nonclassified optional group to the classified
3 group for the purpose of calculating retirement benefits.

4 Any individual regardless of residence, who has a minimum of ten
5 (10) years of teaching in Oklahoma schools prior to July 1, 1943, or
6 who taught in Oklahoma schools prior to 1934 and thereafter taught a
7 minimum of ten (10) years and who does not qualify under the present
8 retirement System, or who has a minimum of thirty (30) years of
9 teaching in Oklahoma schools and has reached seventy (70) years of
10 age prior to July 1, 1984, and is not otherwise eligible to receive
11 any benefits from the retirement system shall receive a minimum of
12 One Hundred Fifty Dollars (\$150.00) per month in retirement benefits
13 from the Teachers' Retirement System of Oklahoma plus any general
14 increase in benefits for annuitants as may be provided hereafter by
15 the Legislature. Each individual must apply to the Teachers'
16 Retirement System for such benefit and provide evidence to the
17 Teachers' Retirement System that the service was actually rendered.
18 The surviving spouse of any person who made application for the
19 benefit provided for by this paragraph during his or her lifetime
20 but did not receive said benefit may submit an application to the
21 System for payment of said benefit for those months during the
22 lifetime of the deceased person that he or she was eligible for but
23 did not receive the benefit. Upon approval of the application by

24

1 the Board of Trustees, the benefit shall be paid to the surviving
2 spouse in one lump sum.

3 (4) The value of each year of prior service is the total
4 monthly retirement benefit divided by the number of years of
5 creditable service.

6 (5) Upon application of a member who is actively engaged in
7 teaching in Oklahoma or his or her employer, any member who has been
8 a contributing member for ten (10) years may be retired by the Board
9 of Trustees subsequent to the execution and filing thereof, on a
10 disability retirement allowance, provided that it is found by the
11 Board of Trustees after medical examination of such member by a duly
12 qualified physician that such member is mentally or physically
13 incapacitated for further performance of duty, that such incapacity
14 is likely to be permanent, and that such member should be retired.
15 The Board of Trustees shall give due consideration to the
16 conclusions and recommendations in the certified written report of
17 the Medical Board of the Teachers' Retirement System regarding the
18 disability application of such member. If a member is determined to
19 be eligible for disability benefits pursuant to the Social Security
20 System, then such determination shall entitle the member to the
21 authorized disability retirement allowance provided by law. For
22 members who are not eligible for disability benefits pursuant to the
23 Social Security System, the Board of Trustees shall apply the same
24 standard for which provision is made in the first two sentences of

1 this subsection for determining the eligibility of a person for such
2 disability benefits in making a determination of eligibility for
3 disability benefits as authorized by this subsection.

4 (6) (a) A member who at the time of retirement has been found
5 to be permanently physically or mentally incapacitated to perform
6 the necessary duties to continue in his or her current position
7 shall receive a minimum monthly retirement payment for life or until
8 such time as the member may be found to be recovered to the point
9 where he or she may return to teaching. Any member retired before
10 July 1, 1992, shall be eligible to receive the monthly retirement
11 allowance herein provided, but such payment shall not begin until
12 the first payment due him or her after July 1, 1992, and shall not
13 be retroactive. The Board of Trustees is empowered to make such
14 rules and regulations as it considers proper to preserve equity in
15 retirements under this provision, which shall include a provision to
16 protect the rights of the member's spouse.

17 (b) A member who has qualified for retirement benefits under
18 disability retirement shall have the total monthly payment deducted
19 from his or her accumulated contributions plus interest earned and
20 any money remaining in the member's account after the above
21 deductions at the death of the member shall be paid in a lump sum to
22 the beneficiary or to the estate of the member. Provided, if the
23 deceased disabled member had thirty (30) years or more of creditable
24 service and the death occurred after June 30, 1981, and death

1 occurred prior to the disabled member receiving twelve monthly
2 retirement payments, a surviving spouse may elect to receive the
3 retirement benefit to which the deceased member would have been
4 entitled at the time of death under the Option 2 Plan of Retirement
5 provided for in subsection (8) of this section in lieu of the death
6 benefit provided for in this subsection and in subsection (12) of
7 this section.

8 (c) Once each year the Board of Trustees may require any
9 disabled annuitant who has not yet attained the age of sixty (60)
10 years to undergo a medical examination, such examination to be made
11 at the place of residence for the disabled annuitant or other place
12 mutually agreed upon by a physician or physicians designated by the
13 Board of Trustees. Should any disabled annuitant who has not yet
14 attained the age of sixty (60) years refuse to submit to at least
15 one medical examination in any such year by a physician or
16 physicians designated by the Board of Trustees his or her allowance
17 may be discontinued until he or she submits to such examination.

18 (d) Should the Medical Board report and certify to the Board of
19 Trustees that such disabled annuitant is engaged in or is able to
20 engage in a gainful occupation paying more than the difference
21 between his or her retirement allowance and the average final
22 compensation, and should the Board of Trustees concur in such report
23 then the amount of his or her pension shall be reduced to an amount
24 which, together with his or her retirement allowance and that amount

1 | earnable by him or her, shall equal the amount of his or her average
2 | final compensation. Should his or her earning capacity be later
3 | increased, the amount of his or her pension may be further modified,
4 | provided the new pension shall not exceed that amount of the pension
5 | originally granted nor an amount, which when added to the amount
6 | earnable by the member, together with his or her annuity, equals the
7 | amount of his or her average final compensation.

8 | (e) Should a disabled annuitant be restored to active service,
9 | his or her disability retirement allowance shall cease and he or she
10 | shall again become a member of the Teachers' Retirement System and
11 | shall make regular contributions as required under this article.
12 | The unused portion of his or her accumulated contributions shall be
13 | reestablished to his or her credit in the Teachers' Savings Fund.
14 | Any such prior service certificates on the basis of which his or her
15 | service was computed at the time of his or her retirement shall be
16 | restored to full force and effect.

17 | (7) Should a member before retirement under Section 1-101 et
18 | seq. of this title make application for withdrawal duly filed with
19 | the System, not earlier than four (4) months after the date of
20 | termination of such service as a teacher, the contribution standing
21 | to the credit of his or her individual account in the Teachers'
22 | Savings Fund shall be paid to him or her or, in the event of his or
23 | her death before retirement, shall be paid to such person or persons
24 | as he or she shall have nominated by written designation, duly

1 executed and filed with the System; provided, however, if there be
2 no designated beneficiary surviving upon such death, such
3 contributions shall be paid to his or her administrators, executors,
4 or assigns, together with interest as hereinafter provided. In lieu
5 of a lump-sum settlement at the death of the member, the amount of
6 money the member has on deposit in the Teachers' Savings Fund and
7 the money the member has on deposit in the Teachers' Deposit Fund
8 may be paid in monthly payments to a designated beneficiary, who
9 must be the spouse, under the Maximum or Option 1 Plan of Retirement
10 providing the monthly payment shall be not less than Twenty-five
11 Dollars (\$25.00) per month. The monthly payment shall be the
12 actuarial equivalent of the amount becoming due at the member's
13 death based on the sex of the spouse and the age the spouse has
14 attained at the last birthday prior to the member's death. Provided
15 further, if there be no designated beneficiary surviving upon such
16 death, and the contributions standing to the credit of such member
17 do not exceed Two Hundred Dollars (\$200.00), no part of such
18 contributions shall be subject to the payment of any expense of the
19 last illness or funeral of the deceased member or any expense of
20 administration of the estate of such deceased and the System, upon
21 satisfactory proof of the death of such member and of the name or
22 names of the person or persons who would be entitled to receive such
23 contributions under the laws of descent and distribution of the
24 state, may authorize the payment of accumulated contributions to

1 such person or persons. A member terminating his or her membership
2 by withdrawal after June 30, 2003, shall have the interest computed
3 at a rate of interest determined by the System and paid to him or
4 her subject to the following schedule:

5 (a) If termination occurs within sixteen (16) years from the
6 date membership began, fifty percent (50%) of such interest
7 accumulations shall be paid.

8 (b) With at least sixteen (16) but less than twenty-one (21)
9 years of membership, sixty percent (60%) of such interest
10 accumulations shall be paid.

11 (c) With at least twenty-one (21) but less than twenty-six (26)
12 years of membership, seventy-five percent (75%) of such interest
13 accumulations shall be paid.

14 (d) With at least twenty-six (26) years of membership, ninety
15 percent (90%) of such interest accumulations shall be paid.

16 In case of death of an active member, the interest shall be
17 calculated and restored to the member's account and paid to his or
18 her beneficiary.

19 (8) (a) In lieu of his or her retirement allowance payable
20 throughout life for such an amount as determined under this section,
21 the member may select a retirement allowance for a reduced amount
22 payable under any of the following options the present value of
23 which is the actuarial equivalent thereof.

24

1 (b) A member may select the option under which he or she
2 desires to retire at the end of the school year in which he or she
3 attains age seventy (70) and the option shall be binding and cannot
4 be changed. Provided further that if a member retires before age
5 seventy (70), no election of an option shall be effective in case an
6 annuitant dies before the first payment due under such option has
7 been received.

8 (c) The first payment of any benefit selected shall be made on
9 the first day of the month following approval of the retirement by
10 the System. If the named designated beneficiary under Option 2 or 3
11 dies at any time after the member's retirement date, but before the
12 death of the member, the member shall return to the retirement
13 benefit, including any postretirement benefit increases the member
14 would have received had the member not selected Option 2 or 3 of
15 this subsection. The benefit shall be determined at the date of
16 death of the designated beneficiary or July 1, 1994, whichever is
17 later. This increase shall become effective the first day of the
18 month following the date of death of the designated beneficiary or
19 July 1, 1994, whichever is later, and shall be payable for the
20 member's remaining lifetime. The member shall notify the Teachers'
21 Retirement System of Oklahoma of the death of the designated
22 beneficiary in writing. In the absence of the written notice being
23 filed by the member notifying the Teachers' Retirement System of
24 Oklahoma of the death of the designated beneficiary within six (6)

1 months of the date of death, nothing in this subsection shall
2 require the Teachers' Retirement System of Oklahoma to pay more than
3 six (6) months of retrospective benefits increase.

4 Option 1. If he or she dies before he or she has received in
5 annuity payments the present value of his or her annuity as it was
6 at the time of his or her retirement, the balance shall be paid to
7 his or her legal representatives or to such person as he or she
8 shall nominate by written designation duly acknowledged and filed
9 with the System at the time of his or her retirement; or

10 Option 2. A member takes a reduced retirement allowance for
11 life. Upon the death of the member the payments shall continue to
12 the member's designated beneficiary for the life of the beneficiary.
13 The written designation of the beneficiary must be duly acknowledged
14 and filed with the System at the time of the member's retirement
15 and, except as provided in paragraph (e) of this subsection, cannot
16 be changed after the effective date of the member's retirement; or

17 Option 3. A member receives a reduced retirement allowance for
18 life. Upon the death of the member one-half (1/2) of the retirement
19 allowance paid the member shall be continued throughout the life of
20 the designated beneficiary. A written designation of a beneficiary
21 must be duly acknowledged and filed with the System at the time of
22 the member's retirement and, except as provided in paragraph (e) of
23 this subsection, cannot be changed after the effective date of the
24 member's retirement; or

1 Option 4. Some other benefit or benefits shall be paid either
2 to the member or to such person or persons as he or she shall
3 nominate, provided such other benefit or benefits, together with the
4 reduced retirement allowance, shall be certified by the actuary to
5 be of equivalent actuarial value to his or her retirement allowance
6 and shall be approved by the System.

7 (d) Provided that Option 2 and Option 3 shall not be available
8 if the member's expected benefit is less than fifty percent (50%) of
9 the lump-sum actuarial equivalent and the designated beneficiary is
10 not the spouse of the member.

11 (e) A member who chose the maximum retirement benefit plan at
12 the time of retirement may make a one-time election to choose either
13 Option 2 or 3 and name the member's spouse as designated beneficiary
14 if the member marries after making the initial election. Such an
15 election shall be made by July 1, 2011, or within one (1) year of
16 the date of marriage, whichever is later. The member shall provide
17 proof of a member's good health before the Board of Trustees will
18 permit a change to either Option 2 or 3 and the naming of a
19 designated beneficiary. A medical examination conducted by a
20 licensed physician is required for purposes of determining good
21 health. Such examination must be approved by the Medical Board.
22 The member shall be required to provide proof of age for the new
23 beneficiary. The Board of Trustees shall adjust the monthly benefit
24 to the actuarially equivalent amount based on the new designated

1 beneficiary's age. The Board of Trustees shall promulgate rules to
2 implement the provisions of this subsection.

3 (f) A member who retires after the effective date of this act
4 and has selected a retirement allowance for a reduced amount payable
5 under one of the options provided for in this subsection may make a
6 one-time irrevocable election to select a different option within
7 sixty (60) days of the member's retirement date. The beneficiary
8 designated by the member at the time of retirement shall not be
9 changed if the member makes the election provided for in this
10 paragraph.

11 (g) Any individual who is eligible to be a beneficiary of a
12 member under this subsection, and who is also a beneficiary of a
13 trust created under the Oklahoma Discretionary and Special Needs
14 Trust Act, Section 175.81 et seq. of Title 60 of the Oklahoma
15 Statutes, or a comparable Trust Act created under the laws of
16 another state, hereinafter collectively referred to as "Trust Acts",
17 may be a beneficiary under this subsection by having the trustee of
18 the trust established for the benefit of that individual named as
19 the legal beneficiary under this subsection. The age of that
20 beneficiary shall be used for calculating any benefit payable to the
21 trust under this subsection. The beneficiary of such a trust shall
22 be treated as the beneficiary under this subsection except that
23 payments of any benefits due under this subsection shall be payable
24 to the lawfully appointed trustee of the trust. The obligation of

1 the System to pay the beneficiary under this subsection shall be
2 satisfied by payment to the trustee whom the System, in good faith,
3 believes to be the lawfully appointed trustee. Any conflict between
4 the statutes creating and governing the Teachers' Retirement System
5 in Section 17-101 et seq. of this title and the provisions of any
6 Trust Act referred to above shall be resolved in favor of the
7 statutes governing the System. If an eligible beneficiary is named
8 at the time of retirement, and becomes a beneficiary of a trust
9 under one of the Trust Acts described herein after that time, the
10 System will acknowledge the trust as the beneficiary upon the
11 submission of adequate documentation of the existence of the trust.
12 All other provisions of this subsection shall apply to these
13 subsequently created trusts.

14 (h) The Board of Trustees of the System may recognize other
15 trusts set up for the benefit of individuals otherwise eligible to
16 be named as a beneficiary under this subsection by administrative
17 rule if it can be done without undue additional administrative
18 expense of the System.

19 (9) The governing board of any "public school", as that term is
20 defined in Section 17-101 of this title, is hereby authorized and
21 empowered to pay additional retirement allowances or compensation to
22 any person who was in the employ of such public school for not less
23 than seven (7) school years preceding the date of his or her
24 retirement. Payments so made shall be a proper charge against the

1 current appropriation or appropriations of any such public school
2 for salaries for the fiscal year in which such payments are made.
3 Such payments shall be made in regular monthly installments in such
4 amounts as the governing board of any such public school, in its
5 judgment, shall determine to be reasonable and appropriate in view
6 of the length and type of service rendered by any such person to
7 such public school by which such person was employed at the time of
8 retirement. All such additional payments shall be uniform, based
9 upon the length of service and the type of services performed, to
10 persons formerly employed by such public school who have retired or
11 been retired in accordance with the provisions of Section 17-101 et
12 seq. of this title.

13 The governing board of any such public school may adopt rules
14 and regulations of general application outlining the terms and
15 conditions under which such additional retirement benefits shall be
16 paid, and all decisions of such board shall be final.

17 (10) In addition to the teachers' retirement herein provided,
18 teachers may voluntarily avail themselves of the Federal Social
19 Security Program upon a district basis.

20 (11) Upon the death of an in-service member, the System shall
21 pay to the designated beneficiary of the member or, if there is no
22 designated beneficiary or if the designated beneficiary predeceases
23 the member, to the estate of the member, the sum of Eighteen
24 Thousand Dollars (\$18,000.00) as a death benefit. Provided, if the

1 deceased member had ten (10) years or more of creditable service and
2 the death occurred after February 1, 1985, the member's designated
3 beneficiary may elect to receive the retirement benefit to which the
4 deceased member would have been entitled at the time of death under
5 the Option 2 plan of retirement in lieu of the death benefit
6 provided for in this subsection. Provided further, the option
7 provided in this subsection is only available when the member has
8 designated one individual as the designated beneficiary. The
9 beneficiary or beneficiaries of death benefits in the amount not to
10 exceed Eighteen Thousand Dollars (\$18,000.00), but exclusive of any
11 retirement benefit received by an electing beneficiary based upon
12 creditable service performed by the deceased member, which are
13 provided pursuant to this subsection may elect to disclaim such
14 death benefits in which case such benefits will be transferred to a
15 person licensed as a funeral director or to a lawfully recognized
16 business entity licensed as required by law to provide funeral
17 services for the deceased member. The qualified disclaimer must be
18 in writing and will be an irrevocable and an unqualified refusal to
19 accept all or a portion of the death benefit. It must be received
20 by the transferor no more than nine (9) months after the later of
21 the day the transfer creating the interest in the disclaiming person
22 is made or the day the disclaiming person attains age twenty-one
23 (21). The interest in the death benefits must pass without
24 direction by the disclaiming person to another person.

1 (12) Upon the death of an annuitant who has contributed to the
2 System, the retirement system shall pay to the designated
3 beneficiary of the annuitant or, if there is no designated
4 beneficiary or if the designated beneficiary predeceases the
5 annuitant, to the estate of the annuitant, the sum of Five Thousand
6 Dollars (\$5,000.00) as a death benefit. The beneficiary or
7 beneficiaries of benefits provided pursuant to this subsection may
8 elect to disclaim such death benefits in which case such benefits
9 will be transferred to a person licensed as a funeral director or to
10 a lawfully recognized business entity licensed as required by law to
11 provide funeral services for the deceased member. The qualified
12 disclaimer must be in writing and will be an irrevocable and an
13 unqualified refusal to accept all or a portion of the death benefit.
14 It must be received by the transferor no more than nine (9) months
15 after the later of the day the transfer creating the interest in the
16 disclaiming person is made or the day the disclaiming person attains
17 age twenty-one (21). The interest in the death benefits must pass
18 without direction by the disclaiming person to another person. The
19 benefit payable pursuant to this subsection shall be deemed, for
20 purposes of federal income taxation, as life insurance proceeds and
21 not as a death benefit if the Internal Revenue Service approves this
22 provision pursuant to a private letter ruling request which shall be
23 submitted by the board of trustees of the System for that purpose.

24

1 (13) Upon the death of a member who dies leaving no living
2 beneficiary or having designated his or her estate as beneficiary,
3 the System may pay any applicable death benefit, unpaid
4 contributions, or unpaid benefit which may be subject to probate, in
5 an amount of Twenty-five Thousand Dollars (\$25,000.00) or less,
6 without the intervention of the probate court or probate procedure
7 pursuant to Section 1 et seq. of Title 58 of the Oklahoma Statutes.

8 (a) Before any applicable probate procedure may be waived, the
9 System must be in receipt of the member's proof of death and the
10 following documents from those persons claiming to be the legal
11 heirs of the deceased member:

12 1. The member's valid last will and testament, trust
13 documents or affidavit that a will does not exist;

14 2. An affidavit or affidavits of heirship which must
15 state:

16 a. the names and signatures of all claiming heirs to
17 the deceased member's estate including the
18 claiming heirs' names, relationship to the
19 deceased, current addresses, tax I.D. numbers if
20 known and current telephone numbers,

21 b. a statement or statements by the claiming heirs
22 that no application or petition for the
23 appointment of a personal representative is
24 pending or has been granted in any jurisdiction,

1 c. a description of the personal property claimed,
2 (i.e., death benefit or unpaid contributions or
3 both) together with a statement that such
4 personal property is subject to probate,

5 d. a statement by each individual claiming heir
6 identifying the amount of personal property that
7 the heir is claiming from the System, and that
8 the heir has been notified of, is aware of and
9 consents to the identified claims of all the
10 other claiming heirs of the deceased member
11 pending with the System;

12 3. A written agreement or agreements signed by all
13 claiming heirs of the deceased member which provides
14 that the claiming heirs release, discharge and hold
15 harmless the System from any and all liability,
16 obligations and costs which it may incur as a result
17 of making a payment to any of the deceased member's
18 heirs;

19 4. A corroborating affidavit from an individual other
20 than a claiming heir, who was familiar with the
21 affairs of the deceased member;

22 5. Proof that all debts of the deceased member, including
23 payment of last sickness, hospital, medical, death,
24

1 funeral and burial expenses have been paid or provided
2 for.

3 (b) The Executive Director of the System shall retain complete
4 discretion in determining which requests for probate waiver may be
5 granted or denied, for any reason. Should the System have any
6 question as to the validity of any document presented by the
7 claiming heirs, or as to any statement or assertion contained
8 therein, the probate requirement provided for in Section 1 et seq.
9 of Title 58 of the Oklahoma Statutes, shall not be waived.

10 (c) After paying any death benefits or unpaid contributions to
11 any claiming heirs as provided pursuant to this subsection, the
12 System is discharged and released from any and all liability,
13 obligation and costs to the same extent as if the System had dealt
14 with a personal representative of the deceased member. The System
15 is not required to inquire into the truth of any matter specified in
16 this subsection or into the payment of any estate tax liability.

17 (14) Upon the death of a retired member, the benefit payment
18 for the month in which the retired member died, if not previously
19 paid, shall be made to the beneficiary of the member or to the
20 member's estate if there is no beneficiary. Such benefit payment
21 shall be made in an amount equal to a full monthly benefit payment
22 regardless of the day of the month in which the retired member died.

1 SECTION 20. REPEALER 70 O.S. 2011, Section 17-105, as
2 last amended by Section 2, Chapter 48, O.S.L. 2017 (70 O.S. Supp.
3 2017, Section 17-105), is hereby repealed.

4 SECTION 21. REPEALER 70 O.S. 2011, Section 1210.508C, as
5 last amended by Section 1, Chapter 210, O.S.L. 2017 (70 O.S. Supp.
6 2017, Section 1210.508C), is hereby repealed.

7 SECTION 22. AMENDATORY 74 O.S. 2011, Section 166.7, as
8 last amended by Section 1, Chapter 126, O.S.L. 2017 (74 O.S. Supp.
9 2017, Section 166.7), is amended to read as follows:

10 Section 166.7 A. There is hereby created in the State Treasury
11 a revolving fund for the Commission on Rehabilitation Services, to
12 be designated the "Rehabilitation Services Disbursing Fund" provided
13 that the fund may be designated by fiscal year designations as the
14 Commission may determine. The fund shall be a continuing fund, not
15 subject to fiscal year limitations. The fund shall consist of
16 receipts from the federal government, monies appropriated to the
17 State Department of Rehabilitation Services by the State
18 Legislature, and other receipts of the State Department of
19 Rehabilitation Services as shall be directed by the Commission for
20 Rehabilitation Services. All monies accruing to the credit of the
21 fund are hereby appropriated and may be budgeted and expended by the
22 Commission for Rehabilitation Services as may be necessary in order
23 to carry out the duties imposed upon the Commission by law.
24 Expenditures from the Rehabilitation Services Disbursing Fund shall

1 be made upon warrants issued by the State Treasurer against claims
2 filed as prescribed by law with the Director of the Office of
3 Management and Enterprise Services for approval and payment.

4 B. Appropriations, federal monies or any other monies collected
5 by or for the Department and monies from the current and prior
6 fiscal years may be transferred to and between the agency disbursing
7 funds for the current or prior fiscal years, the Medical and
8 Assistance Funds and any other funds authorized for the use by the
9 Department as necessary to carry out the duties of the Commission.
10 All transfer requests shall be in writing to the Office of
11 Management and Enterprise Services. Such monies transferred shall
12 be included in the Department's budget work program. The Department
13 shall maintain records of the transfers.

14 C. Receipt and expenditure of unanticipated federal funds
15 awarded to the Department after the commencement of the fiscal year
16 shall be exempt from expenditure limitations, provided that any such
17 funds are included in the Department's budget work program.

18 D. The Director of the Department may request through the
19 Director of the Office of Management and Enterprise Services the
20 early transfer by the Oklahoma Tax Commission of tax collection to
21 the General Revenue Fund for the purpose of early allocation to the
22 Department's disbursing funds to alleviate cash-flow problems.

23 E. The Department of Rehabilitation Services may direct all or
24 a portion of federal and state funds received and appropriated for

1 services to Older Individuals who are Blind (OIB) to qualified
2 community-based, nonprofit organizations accredited by the National
3 Accreditation Council for Blind and Low Vision Services to
4 administer, pursuant to contract, services for older individuals
5 with vision impairments including, but not limited to, assisting in
6 correcting or modifying visual disabilities including optical vision
7 aids, in-home training, orientation and mobility, Braille
8 instruction, adaptive skills training, information and referral,
9 peer counseling and other appropriate services designed to assist an
10 older individual who is blind with daily living activities.

11 F. Funds received by the Commission for OIB Rehabilitation
12 Services from the federal Rehabilitation Services Administration and
13 state matching funds may, in their entirety, be used to fund the
14 Independent Living Older Blind program as established in The
15 Rehabilitation Act of 1973, as amended.

16 G. Services provided by qualified Older Independent Blind
17 contractors may be dependent upon budget parameters and staffing.

18 SECTION 23. REPEALER 74 O.S. 2011, Section 166.7, as
19 last amended by Section 1, Chapter 321, O.S.L. 2017 (74 O.S. Supp.
20 2017, Section 166.7), is hereby repealed.

21 SECTION 24. Sections 13 and 14 of this act shall become
22 effective October 1, 2018.

23 SECTION 25. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

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

3 Passed the House of Representatives the 1st day of May, 2018.

4

5

Presiding Officer of the House
of Representatives

6

7

Passed the Senate the ____ day of _____, 2018.

8

9

10

Presiding Officer of the Senate

11

12

13

14

15

16

17

18

19

20

21

22

23

24