

TITLE 595. DEPARTMENT OF PUBLIC SAFETY

CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[Authority: 27A O.S., § 1-1-203; 51 O.S., §§ 24A.1 et seq.; 47 O.S., §§ 2-108(B), 2-123, 2-126, and 754; 74 O.S., § 500.6A(C); 75 O.S., §§ 302, 305, and 307]
[Source: Codified 12-30-91]

SUBCHAPTER 1. ORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY

595:1-1-1. Purpose

The purpose of this Subchapter is to describe the organization of the Department of Public Safety, explain the function of each Division which deals directly with and affects the public, and set forth the address and telephone number of the various Divisions of the Department.

595:1-1-2. Executive administration

The Governor is the chief officer of the Department of Public Safety [47 O.S. §2-101]. The Governor appoints the Commissioner of Public Safety who controls and supervises the Department [47 O.S. §2-101 et seq.].

[Source: Amended at 19 Ok Reg 2683, eff 7-15-02]

595:1-1-3. Function of each division which deals directly with and affects the public

(a) **Oklahoma Highway Patrol Division.** The Oklahoma Highway Patrol Division provides safety and protection for the citizens on the highways of Oklahoma. The headquarters of the Oklahoma Highway Patrol Division is located at the Department of Public Safety. Telephone: (405) 425-2424 [47 O.S. §2-103] The division is divided into the following field and specialty troops and sections located throughout the state:

(1) **Field troops.** Field troops of the Highway Patrol have primary law enforcement authority on state, federal, and interstate highways, excluding those portions within city limits. Following is a list of the field troops, the location of their headquarters, and their telephone numbers:

- (A) Troop A: Oklahoma City, (405) 425-2285
- (B) Troop B: Tulsa, (918) 627-3881
- (C) Troop C: Muskogee, (918) 683-3256
- (D) Troop D: McAlester, (918) 423-3636
- (E) Troop E: Durant, (580) 924-2601
- (F) Troop F: Ardmore, (580) 223-8800
- (G) Troop G: Lawton, (580) 353-0783
- (H) Troop H: Clinton, (580) 323-2424
- (I) Troop I: Guymon, (580) 338-3366
- (J) Troop J: Enid, (580) 234-6147
- (K) Troop K: Perry, (580) 336-9880
- (L) Troop L: Vinita, (918) 256-3388
- (M) Troop M: Altus, (580) 477-2765

(2) **Turnpike troops.** Turnpike troops of the Highway Patrol have sole law enforcement authority on the turnpikes of this state. Following is a list of the turnpike troops, the turnpike each patrols, and their telephone numbers:

- (A) Troop XA: Will Rogers, (918) 256-7476
- (B) Troop XB: Muskogee, (918) 683-1782
- (C) Troop XC: Indian Nation, (918) 548-3799
- (D) Troop XD: Cherokee, (918) 868-2372
- (E) Troop XE: Creek, (918) 355-9069
- (F) Troop YA: Cimarron, (405) 425-3683
- (G) Troop YB: Turner, (918) 968-3000
- (H) Troop YC: H.E. Bailey, (405) 222-3165
- (I) Troop YD: Chickasaw, (580) 223-8800
- (J) Troop YE: Kilpatrick, (405) 424-1616

(3) **Specialty troops.** Specialty troops of the Highway Patrol perform specialized law enforcement functions within the scope of the mission and operation of the Department of Public Safety. Following is a list of the specialty troops, their functions, and their telephone numbers:

- (A) Troop O: Aircraft, (405) 425-2335
- (B) Troop P: Public Information [see (j) of this Section]
- (C) Troop R: Capitol Patrol Section [see (4)(C) of this subsection]
- (D) Troop S:
 - (i) Motor Carrier Safety, (405) 521-6060,
 - (ii) Hazardous Materials Transportation, (405) 521-6060,
 - (iii) Size and Weight Enforcement Section [see (4)(A) of this subsection]
- (E) Troop SO: Special Operations, (405) 425-2473
- (F) Troop T: Training, (405) 425-2410
- (G) Troop W: Lake Patrol Section [see (4)(B) of this subsection]
- (H) Troop Z: Investigations Division, (405) 425-2137
- (I) Troop BT: Bomb Squad Section [see (4)(D) of this subsection]

(4) **Troops created by statute.** Following are sections within the Highway Patrol Division which are created by statute:

(A) **Size and Weight Enforcement Section (Troop S).** The Size and Weight Enforcement Section has the primary duty of enforcing the provisions of the size, weight and load laws [47 O.S. §14-101 et seq.] and rules [OAC 595:30]. Telephone: (405) 521-6060. [47 O.S. §2-105.4A]

(B) **Lake Patrol Section (Troop W).** The Lake Patrol Section has the primary enforcement duty related to state boat registration laws [63 O.S. §4001 et seq. and §4101 et seq.], boating and water safety laws [63 O.S. §4200 et seq.], federal boating regulations, and Department of Public Safety or Department of Wildlife Conservation rules [OAC 595:45] pertaining to Oklahoma lakes, rivers and adjacent shores, and the duty of providing statutorily mandated boating safety education. The address for enforcement issues is 220 NE 38th Terr, Oklahoma City, OK 73105; telephone: (405) 522-1880. [47 O.S. §2-105.6]

(C) **Capitol Patrol Section (Troop R).** The Capitol Patrol Section has the primary duty of providing law enforcement services to all state buildings and properties within Oklahoma County, including the State Capitol Park and the Governor's mansion, and Tulsa

County, including the State Capitol Complex, and enforcing all parking, traffic, and criminal laws within the boundaries of Oklahoma and Tulsa Counties. Oklahoma City telephone: (405) 521-6040. Tulsa telephone: (918) 581-2000 [47 O.S. §2-105.7]
(D) **Bomb Squad Section (Troop BT).** The Bomb Squad Section has the primary duty of carrying out the duties prescribed in 63 O.S. §122.2. Telephone: (405) 425-2435 [47 O.S. §2-105.4B]
(E) **Communications Section.** The Communications Section is the link between the general public and public safety services provided by the Department and other law enforcement agencies or emergency providers. These services may be obtained by telephone or in person at any of the thirteen Field Troop Headquarters statewide [see (1) in this subsection for telephone numbers]. [47 O.S. §2-105.8]

(b) **Legal Division.** The Legal Division provides legal services for the Department and administratively enforces Oklahoma's implied consent law [47 O.S. §751 et seq.]. Specific legal advice is not made available to the general public. The division is located at the Department of Public Safety. Telephone: (405) 425-2148.

(c) **Records Management Division.** The Records Management Division is the designated repository for all official traffic accident reports and records required to be submitted by law enforcement officers of municipal, county and state agencies, and for court abstracts and other records concerning motor vehicle and related convictions and offenses required to be reported by municipal and district courts. This division also ensures that appropriate entries from the above documents are made to the respective individual driver's record master file. This division is also responsible for providing certain records pursuant to the public under the provisions of the Open Records Act [see 595:1-9-5 and 595:1-9-6 (relating to obtaining open records)]. The division is located at the Department of Public Safety. Telephone: (405) 425-2192. [47 O.S. §2-103]

(d) **Size and Weight Permit Division.** The Size and Weight Permit Division issues appropriate permits for eligible oversize and overweight vehicles and loads. The central location of the division is located at 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107. For information concerning operation and for addresses and telephone numbers of branch offices, call (405) 522-9006 or toll-free (877) 425-2390, or see OAC 595:30-3-3. [47 O.S. §2-103]

(e) **Driver License Services Division.** The Driver License Services Division issues permits for driver education instructors, administers tests for the purpose of issuing driver licenses, commercial driver credentialing, including driver qualification, HAZMAT Security Threat Assessment program and the licensing of truck driver training institutions, provides administrative services related to the issuance and renewal of driver licenses and identification cards, and coordinates the issuance of driver licenses and identification cards with motor license agents. The division is located at the Department of Public Safety. Telephone: (405) 425-7745. [47 O.S. §2-106]

(f) **Driver Compliance Division.** The Driver Compliance Division provides driver improvement and financial responsibility services, and may suspend, deny, cancel, revoke, or disqualify individual driving privileges, subject to statutory authorization. The division administers rules relating to the point system and discretionary suspensions [OAC 595:10-7], medical aspects [OAC 595:10-5], alcohol and drug substance abuse courses [595:10-5-12], mature driver accident prevention [OAC 595:10-5], and issues parking permits for the physically disabled

[OAC 595:50-3]. It also administers the *Driver License Compact* [47 O.S., §781 et seq.] and the *Nonresident Violator Compact* [47 O.S., §§789 and 790]. This division is also charged with enforcement of the provisions of the financial responsibility laws of this state (47 O.S. §7-101 et seq.) and the Compulsory Insurance Law (47 O.S. §7-600 et seq.). The division is located at the Department of Public Safety. For information concerning operation and the availability of branch office services, call (405) 425-2098. [47 O.S. §2-106]

(g) **Identify Verification Unit.** The Identify Verification Unit is responsible for investigating identify fraud and theft. The division is located at the Department of Public Safety. Telephone: (405) 425-2477.

(h) **Wrecker Services Division.** The Wrecker Services Division is responsible for the licensing and governance of wrecker or towing services [47 O.S. §951 et seq.]. The division provides notification to owners and lien holders of the location of vehicles impounded at the request of law enforcement agencies within the state, and receives and maintains records of vehicles impounded from private property and of vehicles stored over thirty (30) days by wrecker or towing services. The division is located at the Department of Public Safety. Telephone: (405) 425-2312. [47 O.S. §2-103]

(i) **Public Affairs Office.** The Public Affairs Office acts as the liaison between the Department and the public, the media, and other city, county, state, and federal agencies. Information provided includes traffic safety campaigns, press releases, traffic statistics, road conditions, and services provided by each of the Department's divisions. Telephone: (405) 425-7707. [47 O.S. §2-103]

(j) **Oklahoma Highway Safety Office.** The Oklahoma Highway Safety Office (OHSO) is the state organization responsible for developing an annual statewide plan (Highway Safety Plan) to decrease fatalities and injuries on Oklahoma roadways. Each state has a highway safety program under the direction of the state governor. The OHSO administers federal highway safety funds in the form of highway safety projects with state and local agencies, nonprofit organizations, and private contractors. Project applications are normally due in February or March of each year for the following federal fiscal year, which begins on October 1. The OHSO is located at 3223 N. Lincoln, Oklahoma City, OK 73105. Telephone: 405-523-1570. Fax: 405-523-1586. [47 O.S. §2-106.2A et seq.]

(k) **Oklahoma Law Enforcement Telecommunications System.** The Oklahoma Law Enforcement Telecommunications System (OLETS) is a statewide telecommunications network which serves city, county, state, federal, and military law enforcement and criminal justice agencies in Oklahoma. Additionally, OLETS provides direct computer interfaces to the computer systems of the Department of Public Safety, the Oklahoma Tax Commission, the Oklahoma State Bureau of Investigation, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the National Weather Service Computer System and Network in Oklahoma City, Oklahoma. OLETS is managed and operated by the Department of Public Safety. The division is located at the Department of Public Safety. Telephone: (405) 425-2224. [47 O.S. §2-124]

(l) **Transportation Division.** The Transportation Division is responsible for the purchase, repair, and disposal of all Department vehicles. Repairs may be done at private facilities or at the Department garage with funding coordinated by the Division. Department vehicles are disposed of by sale to other law enforcement agencies in Oklahoma or by public auction. The location of the Transportation Division is at 2300 N.E. 36th Street at the Department of Public Safety. Telephone (405) 425-2129. [47 O.S. §2-103]

(m) **Finance Division.** The Finance Division is responsible for paying the bills of the Department within its approved budget and accounting for and depositing receipts collected for fees, fines, penalties, and other monies as provided by law. The Division also processes sales of surplus and forfeited property as provided in Subchapter 15 of this Chapter. The location of the Finance Division is at the Department of Public Safety. Telephone (405) 425-2833. [47 O.S. §2-103]

[Source: Amended at 10 Ok Reg 3185, eff 6-25-93; Amended at 11 Ok Reg 3445, eff 6-27-94; Amended at 16 Ok Reg 3140, eff 7-12-99; Amended at 18 Ok Reg 3094, eff 7-14-01; Amended at 19 Ok Reg 2683, eff 7-15-02; Amended at 21 Ok Reg 2994, eff 7-25-04; Amended at 22 Ok Reg 2867, eff 7-25-05; Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 30 Ok Reg 2014, eff 7-25-13; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-1-4. Information

To obtain general information or make submissions or requests:

- (1) The Department of Public Safety is located at 3600 North Martin Luther King Avenue, Oklahoma City, Oklahoma.
- (2) Correspondence by mail should be directed to P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415.
- (3) For information by telephone, call (405) 425-2424.
- (4) Information is available from the Department's website, located at <http://www.dps.state.ok.us/> on the world wide web.

[Source: Amended at 16 Ok Reg 3140, eff 7-12-99]

SUBCHAPTER 3. RULES OF PRACTICE

595:1-3-1. Purpose

The rules of practice before the appropriate Divisions of the Department are set forth in this Subchapter.

595:1-3-2. Location

Rules of practice before the Department of Public Safety, including the specific requirements of formal and informal procedures, and description of forms and instructions for use by the public, are set out in the rules adopted under each topic of the Department of Public Safety Rules unless provided for by statute or set out in this Chapter. [75 O.S. §302].

[Source: Amended at 16 Ok Reg 3140, eff 7-12-99]

595:1-3-3. Administrative hearings

(a) All hearings of the Department of Public Safety shall be conducted according to the rules of this Chapter to the extent not otherwise provided for by statute or other rule.

(b) A person has the right to request a hearing before the Department of Public Safety whenever he or she has been aggrieved or adversely affected by an act or refusal to act, or by the issuance of an order or decision by the Department which is subject to review under any applicable statute. Hearings before the Department fall into four categories:

- (1) **Hearings under Title 47.** Hearings which are specifically provided for and follow those procedures set forth under Title 47 of the Oklahoma Statutes:

- (A) **Implied consent hearings.** Implied consent hearings, involving driving privilege revocation for refusal to take or failure of a breath or blood test for alcohol concentration, are specifically provided for

and follow the procedures of the Oklahoma statutes. [47 O.S. §751 et seq.].

(B) **Impounded vehicle hearings.** Impounded vehicle hearings follow the procedures specifically provided for under 47 O.S. §903A.

(C) **Parking violations on certain state property.** Hearings involving parking violations on certain state property, as set forth under 47 O.S. §11-1009, are conducted according to state law.

(2) **Hearings under the Administrative Procedures Act - Wrecker or towing service hearings.** Wrecker or towing service hearings resulting in wrecker license cancellation, revocation, or refusal to issue or renew the license, follow the procedures set forth under the Administrative Procedures Act [75 O.S. Art. II] except for those hearings related to vehicles impounded by public agencies which are specifically provided for and conducted according to 47 O.S. §903A.

(3) **Hearings under Department rules.** Hearings provided for by specific rules set forth by divisions within the Department:

(A) **Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.** Hearings involving penalties for violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [47 O.S. §230.1 et seq.] are conducted as set forth in 595:35-1-9. [47 O.S. §230.9(F)]

(B) **Oversize and overweight vehicles.** Hearings involving the denial or suspension of a permit for oversize and overweight vehicles are conducted as set forth in 595:30-5-3.

(4) **Hearings set forth in this Chapter.** Hearings conducted according to the rules of this Chapter:

(A) **Points violations.** Hearings on points violations resulting in suspension of driving privileges [47 O.S. §6-206].

(B) **Medical aspects.** Hearings on medical aspects relating to a driver's affliction with physical or mental ailments which may cause loss or partial loss of control of or incapability of properly controlling a vehicle [47 O.S. §6-119 et seq.].

(C) **Financial responsibility hearings.** Financial responsibility hearings involving the suspension of driving privileges for an owner or driver of a motor vehicle involved in a collision resulting in personal injury, death, or property damage of over three hundred dollars (\$300.00) where there is no security (liability insurance) [47 O.S. §7-101].

(D) **Other hearings.** Other hearings conducted within the discretion of the Commissioner of Public Safety [47 O.S. §2-115].

[Source: Amended at 16 Ok Reg 3140, eff 7-12-99; Amended at 17 Ok Reg 3011, eff 7-15-00; Amended at 19 Ok Reg 2683, eff 7-15-02; Amended at 21 Ok Reg 2994, eff 7-25-04]

595:1-3-4. General rules regarding hearings

(a) The right to a hearing may not extend to any decision based solely on the results of any test or examination given or made by the Department of Public Safety.

(b) Hearings shall be informal and not open to the public.

(c) Hearings may be afforded persons not otherwise qualified under rule 595:1-3-3, at the discretion of the Commissioner of Public Safety.

(d) Any person requesting a hearing must request the hearing in writing on a form prescribed by the Department of Public Safety and in compliance with this chapter. This form may be obtained from the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. A request that does not comply with these rules shall be rejected and shall not stay further action by the Department.

(e) A person is not entitled to a hearing when the action taken by the Department of Public Safety is made mandatory by law.

(f) A person may present testimony, evidence and witnesses relevant to the matter being heard. The Hearing Officer may limit or exclude evidence and testimony that is not relevant, or is cumulative, repetitive, or interferes with the conduct of the hearing.

(g) When two (2) or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters in issue at each hearing, the Hearing Officer may fix the same time and place for each hearing and conduct the hearings jointly. Where joint hearings are held, a single record of the proceedings may be made; the evidence introduced in one case may be considered as introduced in the other, and a separate or joint decision may be made as appropriate.

(h) Where the Department of Public Safety is not represented by counsel as an advocate, the Hearing Officer may conduct an adequate inquiry for a proper resolution of the matter.

(i) Hearing Officers may take judicial notice of adjudicative facts, any matter of common law, statute, ordinance, rule and regulation, and any record of or received by the Department of Public Safety in the usual and ordinary course of business.

(j) Continuances may be allowed only at the discretion of the Hearing Officer or their designee.

(k) Following a hearing before the Department, an order shall be issued containing findings and the final decision of the Department.

[Source: Amended at 10 Ok Reg 3185, eff 6-25-93; Amended at 13 Ok Reg 2811, eff 6-28-96; Amended at 14 Ok Reg 3499, eff 8-12-97; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-5. Place of hearing

The type of hearing determines the location. If no hearing location is set forth under Title 47, the Commissioner or his agent may set the hearing location. The location will be stated in the Hearing Notice sent to the appropriate party or his attorney.

595:1-3-6. Computation of time

(a) In computing any period of time prescribed or allowed by this chapter, by notice, order, rule of the Department of Public Safety, or by statute, the day of the act or event which the designated period of time begins to run is not included.

(b) The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day on which the Department is open to the public.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-7. Request for hearing

A request for a hearing must be in writing, on a form prescribed by the Department of Public Safety. This form is available at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. The request shall be submitted to the Department of Public

Safety. Hearing requests may only be submitted in person at the Department's principal place of business, or by mail to the address below. Hearing requests submitted other than in person or by mail will not be accepted and a hearing will not be granted. Hearing request forms mailed via the U.S. Postal Service shall be addressed to the Department of Public Safety, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-8. Temporary license [REVOKED]

[Source: Revoked at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-9. Notice of action and opportunity for hearing [REVOKED]

[Source: Revoked at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-10. Hearing examiners

The Commissioner of Public Safety and/or the appointed hearing examiners may have the following powers, in addition to air other powers specified in this chapter or by law:

- (1) To give notice concerning reviews and hearings;
- (2) To administer oaths and affirmations;
- (3) To summons witnesses;
- (4) To examine witnesses and take testimony;
- (5) To issue subpoenas, to take depositions, or cause depositions or interrogatories to be taken;
- (6) To rule upon offers of proof and to receive relevant evidence;
- (7) To hold conferences, before or during a hearing, for the settlement or simplification of issues;
- (8) To rule on motions and to dispose of procedural requests or similar matters;
- (9) To make initial or final decisions as provided herein or by law;
- (10) To take any other action authorized by this chapter, *The Administrative Procedures Act* [75 O.S §250 et seq.], or by any other applicable statute, or rule.

595:1-3-11. Withdrawal of hearing request or dismissal of hearings

(a) A request to withdraw from or cancel a scheduled hearing must be submitted in writing on a form prescribed by the Department. The form can be obtained from the Department at its principal place of business, 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. A request for withdrawal of a scheduled hearing must be received by the Department no later than 12:00 PM two (2) business days prior to the scheduled hearing. If the request is not received by the Department by 12:00 PM two (2) business days prior to the scheduled hearing the Department may proceed with the hearing and take action based on the evidence.

(b) A request to withdraw from or cancel a scheduled hearing may only be submitted in person at the Department's principal place of business, or by mail to the address below. Any requests submitted other than in person or by mail will not be accepted and a hearing will not be granted. Request forms mailed via the U.S. Postal Service shall be addressed to the Department of Public Safety, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-12. Effect of dismissal [REVOKED]

[Source: Revoked at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-13. Appearance by counsel

- (a) Any party to a proceeding may appear and be heard in person or accompanied by an attorney.
- (b) Counsel for parties in any proceeding should make appearances in appropriate attire as befits practitioners of the profession and contributes to the dignity of the proceedings.

[Source: Amended at 13 Ok Reg 2811, eff 6-28-96]

595:1-3-14. Conduct of hearings

- (a) After the hearing is closed by the Hearing Officer, the Hearing Officer shall prepare and issue a written final order containing findings and the decision of the Department.
- (b) If the Hearing Officer finds that there is evidence relevant to the issues which was not presented at the hearing, the Hearing Officer may continue or reopen the hearing for the purpose of considering such evidence, at any time prior to the mailing of the final written order.
- (c) The order in which evidence and testimony may be presented and the procedure at the hearing generally, except as otherwise provided in this chapter or by statute, shall be at the discretion of the Hearing Officer.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-15. Witnesses and Exhibits

(a) Witness list.

(1) *The Commissioner and officers of the Department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the Department. Such summons may require the production of relevant books, papers and records.* 47 O.S. §2-115.

(2) The availability and participation of any witness appearing on behalf of the party requesting the hearing shall be the sole responsibility of that party. The party presenting the witness is required to provide the Department with the name of the witness, along with a brief statement of the testimony to be offered by the witness. If the hearing is a telephonic hearing, the party presenting the witness shall provide a telephone number where the witness can be reached to participate in the hearing. The Hearing Officer will not subpoena or secure the attendance of any witnesses for the party requesting the hearing.

(3) The party requesting the hearing shall provide the Department the following information, no later than three (3) business days prior to the date of the scheduled hearing. If the following information is not received by the Department at least three (3) business days prior to the date of the scheduled hearing, the Hearing Officer may exclude the witness from the hearing:

- (A) the telephone number that will be used to contact the party for the hearing;

(B) the name, mailing address, and telephone number of the party's attorney, if any;

(C) the name of any witness appearing on behalf of the party requesting the hearing, along with a brief statement of the testimony to be offered by the witness.

(4) The Hearing Officer may examine the witnesses and may allow the parties or their representatives to do so.

(5) Witnesses giving testimony at a hearing shall do so under oath.

(b) Exhibit list.

(1) Any exhibits to be presented by the licensee must be received by the Legal Division of the Department of Public Safety at least three (3) business days prior to the date of the scheduled hearing. Exhibits received more than three (3) business days prior to the date of the scheduled hearing may be excluded by the Hearing Officer.

(2) Exhibits shall be submitted to the Department only in person to the principal place of business located at 3600 Martin Luther King Avenue, Oklahoma City, OK, or by mail addressed to: Department of Public Safety, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136.

(3) Any report or results of any tests, if deemed relevant by the Hearing Officer, shall be admitted without the testimony of the person making the report or performing the test.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-16. Evidence

All evidence which is irrelevant, immaterial or unduly repetitious may not be admitted. The rules of privilege may be recognized. The Oklahoma Evidence Code sets forth the rules of evidence which may be followed, with exception of evidentiary provisions contained in Title 47.

595:1-3-17. Transcripts

(a) Hearings may be recorded. A party may have a court reporter present when he has made arrangements regarding the Court Reporter's attendance and cost for the reporter's service.

(b) Costs for transcripts of the record or of any portion thereof may be borne by the party or parties requesting the transcript.

595:1-3-18. Decision of hearing officer

(a) The hearing examiner may announce his decision orally at the close of the hearing or he may announce that his decision will be announced in writing at a later date.

(b) A copy of the decision may be mailed to each party or to his attorney of record.

(c) The decision may include a statement of findings of fact and conclusions of law.

595:1-3-19. Procedures for telephonic implied consent hearings

(a) **Opportunity for hearing.** An Administrative Hearing will only be provided to a person whose driving privileges are subject to revocation pursuant to the Implied Consent law relating to a test result or test refusal. The hearing shall be conducted by a Hearing Officer designated by the Commissioner of Public Safety.

(b) **Exemptions.** Hearings for persons whose driving privileges are subject to revocation pursuant to the Implied Consent law relating to a test result or test refusal shall be exempt from and not subject to the provisions of the Oklahoma

Administrative Procedures Act and the Oklahoma Pleading and Discovery Codes. The rules of this chapter shall govern the administration of such hearings.

(c) **Hearing request.** The form to request an implied consent hearing may be obtained at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. Hearing requests shall only be submitted as provided in 595:1-3-7.

(d) **Primary method.** The primary method of conducting implied consent hearings shall be by telephone. All persons participating in the hearing must be able to participate, as determined by the Hearing Officer. The Hearing Officer may designate an alternate method of conducting the hearing, if deemed necessary.

(e) **Responsibilities of the party requesting the hearing.**

(1) A party requesting a hearing shall make a timely written hearing request on a form prescribed by the Department and the party shall provide the Department the following information:

(A) the telephone number that will be used to contact the party for the hearing;

(B) the name, mailing address, and telephone number of the party's attorney, if any;

(C) the name of any witness appearing on behalf of the party requesting the hearing, along with a brief statement of the testimony to be offered by the witness.

(2) The party is responsible for ensuring the Department receives the required information no later than three (3) business days prior to the date of the scheduled hearing.

(3) A party shall provide any other information or records if requested by the hearing officer.

(f) **Responsibility of hearing officer.**

(1) The Hearing Officer will call the party or the party's attorney, if any, at the telephone number provided by the party. If the party requesting the hearing, or the party's attorney, fails to answer or participate in the hearing after two (2) attempts by the Hearing Officer, the hearing will be terminated.

(2) The Hearing Officer will call the witnesses, if any, at the telephone number provided by the party requesting the hearing. If the witness fails to answer or participate in the hearing after two (2) attempts by the Hearing Officer, the Hearing Officer may exclude the witness and continue with the hearing.

(3) All persons providing testimony will be sworn in by the Hearing Officer prior to giving testimony.

(g) **Rescheduling.**

(1) Once the hearing has been scheduled, it may be continued or reset only at the discretion of the Hearing Officer or the Hearing Officer's designee.

(2) Any request for continuance or reset must be in writing on a form prescribed by the Department. The form may be obtained at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. Requests shall be submitted in accordance with 595:1-3-7.

(3) The request for continuance or reset must be received by the Department no later than 12:00 P.M. on the first business day prior to the date of the scheduled hearing.

(4) Any request that does not comply with this subchapter or that is not received by 12:00 P.M. on the first business day prior to the date of the scheduled hearing, will not be considered. Emergency situations will be considered by the Hearing Officer on a case by case basis.

[Source: Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-3-20. Appeal

Appeal to district court is statutorily provided under Title 47 of the Oklahoma Statutes for the areas of law set forth below:

- (1) Implied consent [47 O.S. §6-211 and 755]
- (2) Financial responsibility [47 O.S. §7-102]
- (3) Security verification [47 O.S. §7-102]
- (4) Medical aspects [47 O.S. §6-120]
- (5) Wrecker or towing service [75 O.S. §318]
- (6) Vehicle impoundment [47 O.S. §903A(C)]
- (7) Points [47 O.S. §6-211]
- (8) Driver license cancellation, suspension, denial, or revocation, except where mandatory under the law [47 O.S. §6-211].

[Source: Amended at 16 Ok Reg 3140, eff 7-12-99]

SUBCHAPTER 5. PETITION TO PROMULGATE, AMEND OR REPEAL A RULE

595:1-5-1. Purpose

The purpose of this Subchapter is to explain how the public may petition the Department to promulgate, amend or repeal a rule and how the public will be informed of the decision of the Department.

595:1-5-2. Petition

The petition for rulemaking may be directed to the Department of Public Safety, Administrative Rules Liaison, P.O. Box 11415, Oklahoma City, OK 73136-0415. Petitions shall be in writing and state:

- (1) The name, address and telephone number of the petitioner;
- (2) The full text of the rule requested to be promulgated, amended or repealed;
- (3) A paragraph stating the reason for the promulgation, amendment or repeal of the rule;
- (4) Citations to any statute that the rule interprets; any related statutes or related rules, and any other legal authorities which authorize, support or require the requested action;
- (5) Supporting documents including legal memoranda or affidavits.

[Source: Amended at 19 Ok Reg 2683, eff 7-15-02]

595:1-5-3. Decision of Department of Public Safety

Within thirty (30) days of the receipt of a petition, the Department may either initiate rulemaking proceedings in accordance with the Oklahoma Administrative Procedures Act [75 O.S. §250] or the petition may be deemed denied. Petitioner may be notified in writing or by telephone as to the decision of the Department of Public Safety.

SUBCHAPTER 7. DECLARATORY RULINGS

595:1-7-1. Purpose

The rules in this Subchapter regarding Declaratory Rulings define how a party whose legal rights or obligations will be improved or impaired by the application of any rule or order enforceable by the Department may petition for a Declaratory Ruling.

595:1-7-2. Availability of Declaratory Rulings

Declaratory Rulings as to the applicability of any rule or order of the Department of Public Safety may be available to any person whose legal rights or obligations will be improved or impaired by the application of any rule or order enforceable by the Department [75 O.S. §307]. The issuance or refusal is discretionary with the Department. Hearings conducted pursuant to 47 O.S. §2-115 are specifically exempted from the requirements of this provision.

595:1-7-3. Form

(a) The petition may be directed to the Legal Division, Room 102, of the Department of Public Safety, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415.

(b) The petition shall contain:

- (1) The name, address and phone number of petitioner;
- (2) The full text of the rule or order upon which a ruling is requested;
- (3) A statement of the legal rights or obligations which are affected by application of the rule or order;
- (4) The questions presented for decision;
- (5) The specific relief requested;
- (6) Any supporting documents such as legal memoranda, citations to statutes or related rules.

595:1-7-4. Filing and service of petition

The petition shall be deemed filed when received by the Legal Division. The Department may, within thirty (30) days after filing, notify the petitioner whether a ruling will be issued. The petitioner may promptly notify the Legal Division in writing of any change in mailing address. Failure to do so is grounds for the denial of the petition. At any time within thirty (30) days after the filing of the petition, the Department may request clarification of any part of the petition. The petitioner may respond within ten (10) days of the mailing date of the request for clarification. If after receipt of the response, the Department is not able to render a declaratory ruling for lack of information, the Department may deny the petition.

595:1-7-5. Ruling of Department

If the Department issues a ruling, said ruling may be rendered within sixty (60) days of service of the petition or receipt of a response to a request for clarification. The ruling may be served on the petitioner by mail. The declaratory ruling, or refusal to issue such ruling, may be subject to judicial review as provided in the *Administrative Procedures Act* [75 O.S. §306].

SUBCHAPTER 9. INSPECTION AND COPYING OF FINAL ORDERS, DECISIONS, OPINIONS AND OPEN RECORDS

595:1-9-1. Purpose

The purpose of this subchapter is to establish the process for inspecting and copying records of the Department; set forth fees; to define terms; and to establish the retention period for certain records.

[Source: Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-9-2. Inspection and copies of open records

(a) Records of the Department may be obtained pursuant to the fee schedule as set forth in 595:1-9-4 and as posted in the office of the County Clerk, Oklahoma County, Oklahoma, as required by 51 O.S. §24A.5(3).

(b) Any record that is open to a person for examination, as provided in 47 O.S. §10-115 (B), shall be available to that person by copying or reproduction in the same medium as the record is available to the person for examination and for the fee required to be charged for the record.

(c) For the purposes of 47 O.S. §40-102 (A)(2)(b), "legal representatives of a party involved in the collision" shall mean persons who have a blood, marital, or legal relationship with the person involved in the collision, including but not limited to:

- (1) a spouse, widow, or widower,
- (2) an executor of the person's estate,
- (3) an adult child,
- (4) the biological or adoptive parent,
- (5) a person given authority by a notarized affidavit from a person described in (1), (2), (3), or (4) of this subsection,
- (6) an adult sibling, or another adult relative who can provide proof to the satisfaction of the Department that such relative is actively involved in the care of or is responsible for the person, the person's estate, or the person's family,
- (7) the medical service provider, or
- (8) any other person, at the discretion of the Commissioner or the Director of the Records Management Division of the Department.

[Source: Amended at 17 Ok Reg 3011, eff 7-15-00; Amended at 21 Ok Reg 2994, eff 7-25-04; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-9-3. Records of the Department of Public Safety

(a) **General.** The Department of Public Safety ("Department") is a "law enforcement agency", as defined under the Oklahoma Open Records Act, 51 O.S. §24A.1 et seq., and also is a "state department of motor vehicles," as used in the Drivers Privacy Protection Act ("DPPA"), 18 U.S.C. §2721 et. seq. Both of these Acts place restrictions on the access to and disclosure of Department records.

(b) **Exemptions.** Pursuant to Section 2-111 of Title 47 of the Oklahoma Statutes, records of the Department shall not be subject to the provisions of:

- (1) Sections 305 through 317 of Title 67 of the Oklahoma Statutes or be transferred to the custody or control of the State Archives Commission;
- (2) Section 590 of Title 21 of the Oklahoma Statutes; or
- (3) The Records Management Act, Sections 201 through 215 of Title 67 of the Oklahoma Statutes.

(c) **Definitions.** In addition to terms defined in 47 O.S. §1-101 et seq., the following words or terms, when used in this subchapter, shall have the following meaning, unless otherwise defined or where the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

(1) "**Ancillary record**" means any record that is routine in nature, having no material connection with a motor vehicle record, that transaction of public business, the expenditure of public funds or the administering of public property. Such records have neither evidential value nor being necessary for the transactions of the Department informational value beyond the immediate use for which the record was created or received.

(2) "**DPPA**" means the Driver's Privacy Protection Act of 1994, 18 U.S.C. §2721 et seq.

(3) "**Motor vehicle report.**" Pursuant to 47 O.S. §6-117(D), a motor vehicle report ("MVR") is defined as:

(A) A summary of the driving record of the person, including the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. [Ref. 47 O.S. §6-117(D)]

(B) A MVR shall also include a report which indicates that no driving record is on file with the Department of Public Safety based on the information in the request for a Motor Vehicle Report.

(C) A MVR shall not include any driving index required to be prepared and maintained by the Department pursuant to 47 O.S. §6-117(A).

(4) "**Personal information**" means information that identifies a person [47 O.S. §2-110 and 18 U.S.C §2725], including, but not limited to the person's:

- (A) photograph or image,
- (B) signature,
- (C) social security number,
- (D) residence or mailing address,
- (E) medical or disability information,
- (F) driver identification number
- (G) name, and
- (H) telephone number.

(5) "**Record**" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record, or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of the Department of Public Safety, or its representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. Any document or other material specifically excluded from the definition of "Record" in the Oklahoma Open Records Act, 51 O.S. §21A.1 et seq., shall not be considered a "record" under this definition.

(d) **Records open for inspection.** Records of the Department, as defined herein, other than records declared by law to be confidential, or any record or information

not subject to the Oklahoma Open Records Act, or any record to which access has been denied pursuant to the Department's statutory authority, shall be open to public inspection, copying, or mechanical reproduction during regular business hours.

(e) **Records not open for inspection.** Records that are required by law to be confidential shall not be disclosed or open to inspection. In addition, the Department may deny access to law enforcement records, except where a court finds that the public interest or the interest of an individual outweighs the reason for denial, and may deny access to records where disclosure is discretionary pursuant to state and/or federal law. Records not open for inspection include, but are not limited to:

- (1) Nongovernmental personal effects;
- (2) Except where authorized by state and/or federal law, any record in connection with a Motor Vehicle Report issued by the Department of Public Safety;
- (3) Except where authorized by state and/or federal law, personal information within the driving record;
- (4) Records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges;
- (5) Records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes;
- (6) Personal notes and personally created materials other than department budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project;
- (7) Information relating to investigation of an act of terrorism, or a plan or scheme to commit an act of terrorism, including, but not limited to:
 - (A) assessments of the vulnerability of government facilities;
 - (B) details for deterrence or prevention of or protection from an act or threat of an act of terrorism;
 - (C) any response or remediation after an act of terrorism.
- (8) Personnel records, including, but not limited to:
 - (A) internal personnel investigation;
 - (B) examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation;
 - (C) disciplinary action that does not result in loss of pay, suspension, demotion of position, or termination;
 - (D) home address, telephone numbers and social security numbers of any person employed or formerly employed by the Department.
- (9) Department records relating to training, lesson plans, teaching materials, tests, and test results;
- (10) Policies, procedures, and operations, any of which are of a tactical nature or where disclosure would pose a risk to the safety of Department personnel;
- (11) Within radio logs, all telephone numbers, addresses, other than the location of incidents to which officers are dispatched, and personal information;

[Source: Amended at 17 Ok Reg 3011, eff 7-15-00; Amended at 21 Ok Reg 2994, eff 7-25-04; Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 33 Ok Reg 393, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1901, eff 9-11-17]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:1-9-3 reverted back to the permanent text that became effective 7-15-11, as was last published in the 2011 Edition of the OAC and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.

595:1-9-3.1. Retention and destruction of Department records

(a) **General.** Records that are no longer of value to the Department in carrying out the powers and duties of the Department may be destroyed pursuant to the conditions specified in this subsection; provided, nothing in this subsection shall compel the Department to destroy any record. In the event there is uncertainty or ambiguity regarding what category or retention period applies to a particular record, the Commissioner of Public Safety, or the Commissioner's designee, shall make the final determination.

(b) Records retention and disposal schedule.

(1) Conviction.

(A) Any record of conviction of a holder of a Class D license or of an unlicensed operator of a Class D motor vehicle shall be retained for ten (10) years after the date of conviction.

(B) Any record of conviction of a holder of a Class A, B, or C commercial driver license or of an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle shall be retained for ten (10) years; provided, any conviction for a major offense, as defined in 47 O.S. §6-205.2, shall be retained for fifty-five (55) years after the date of conviction.

(2) **Department action.** A record of Department action against any operator of a motor vehicle shall be retained for ten (10) years after the date of reinstatement or similar action; provided, any Department action against a holder of a Class A, B, or C commercial driver license or against an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle shall be retained for fifty-five (55) years after the date of reinstatement or similar action.

(3) **Collision reports and incident reports.** A collision report or an incident report created or submitted by a law enforcement officer shall be retained for five (5) years after the date the investigation of the collision or incident is completed.

(4) **Other records related to driving privileges.** Any other record related to the driving privileges of a person shall be retained for ten (10) years after the date of the last activity relating to the record.

(5) **Personnel records.** Personnel records of a Department employee shall be retained for the term of employment plus an additional ten (10) years, unless a different time period is specified.

(A) **Applications, resumes and materials submitted for Employment-Not Hired.** Records shall be retained for one (1) year after receipt by the Department.

(B) **Applicant/Employee Drug Testing Records.** Records shall be retained for five (5) years after the date the test was administered to the applicant/employee.

(C) **Discipline Records.** Records of the final imposition of informal and formal discipline shall be retained for the term of employment plus an additional ten (10) years.

(D) **Graded examinations.** Examinations administered to Department employees, and the results of such examinations, shall be retained for the term of employment of the person tested plus an additional five (5) years.

(6) **Fitness for Duty Evaluations.** Records shall be retained for the term of employment plus an additional ten (10) years.

(7) **Audio and video recordings of the Department.**

(A) Audio or video recordings of, or created solely for (1) training events, (2) maintenance or testing purposes, or (3) capability demonstrations, may be destroyed when no longer of value to the Department.

(B) Other than records subject to (A) above, any audio or video recordings depicting (1) use of force, (2) vehicle pursuit, (3) custodial arrest, (4) discharge of a firearm, or (5) any felony offense shall be maintained for three (3) years after the event was recorded.

(C) Any audio and video recordings not identified in (A) or (B) above shall be maintained for ninety (90) calendar days after the event was recorded.

(8) **Ancillary records.** Ancillary records may be destroyed when no longer of immediate value to the Department.

(9) **Records relating to aircraft.** Records specified in 17 CFR §91.417, such as records of maintenance, preventive maintenance, and inspections, shall be retained for the life of the aircraft.

(A) All records specified in 14 CFR §91.417(a)(1) shall be retained until the work is repeated or superseded by other work or for one (1) year after the work performed.

(B) All records specified in 14 CFR §91.417(a)(2) shall be retained and transferred with the aircraft at the time the aircraft is sold. The Department shall retain a copy of such records for five (5) years after the date of sale.

(10) **Property records.**

(A) **Inventory.** Records relating to physical property, equipment, and materials shall be retained until the property is properly transferred or disposed of, plus an additional five (5) years.

(B) **Evidentiary or Asset Forfeiture.** Records shall be retained until the case is closed plus an additional ten (10) years.

(C) **Seized/confiscated property.** Records shall be retained until all seized property has been disposed of plus an additional one (1) year.

(11) **Use of Force Reports.** Records shall be retained for three (3) years after the date the report is created.

(12) **Administrative investigations.** Records relating to administrative or internal investigations conducted by the Department shall be retained until the investigation is closed plus an additional three (3) years.

(13) **Criminal investigative files.** Records relating to criminal investigations conducted by the Department shall be retained until the investigation is closed plus an additional five (5) years.

(14) **Commercial motor vehicle enforcement records.** Records shall be retained for three (3) years after the date the record is created.

(15) **Driver license/identification card.** Records relating to the application or issuance of a driver license or identification card, to include original application, issuance and history related information, compliance and enforcement actions, driver license photo files, driver license updates, medical and vision files; waivers, etc. shall be retained for fifty-five (55) years from the date of the last activity relating to the record.

(16) **Training records.** Instructional materials, such as curricula, outlines, syllabuses, audio or visual training aids, handouts, computer presentations and other records associated with in-house training of Department personnel on policies and procedures, operations, job performance and other activities relating to the Department's programs, services, or projects, shall be retained until superseded plus an additional ten (10) years.

(17) **Instructor certification.** Records shall be retained for the term of employment of the instructor plus an additional five (5) years.

(18) **Graded examinations.** Examinations administered to the public by the Department, whether graded or in the nature of a pass/fail examination, shall be retained until no longer needed by the Department.

(19) **Policies and procedures.** Records relating to any internally posted or distributed manuals, guidelines, or similar records concerning the personnel, activity and operations of the Department, shall be retained until the record is superseded plus an additional ten (10) years.

(20) **Speed trap.** Records relating to the investigation of a speed trap shall be retained for three (3) years after the investigation is complete.

(21) **Grant administration information for federal Grant awards.** Grant awards, sub recipient agreements, expenditure details and approvals, reimbursement details and approvals, federal waiver requests, monitoring reports, and all other grant related documentation shall be retained for the current federal fiscal year plus three (3) years.

(22) **Contracts and leases.** Records relating to contracts, leases and other binding instruments to include bid specifications, affidavits of publication of calls for bids, accepted and rejected bids, performance bonds, contracts, purchase orders, inspection reports, and correspondence, shall be retained until expiration or termination of the instrument according to its terms plus an additional seven (7) years.

(23) **Correspondence.** Records or copies of general or administrative correspondence shall be retained for one (1) year after the creation, receipt or transmittal of the record, whichever is a longer period of time.

(24) **Meeting agenda, minutes and notes.** Administrative records relating to meetings held or attended by Department personnel, to include personally created notes, shall be retained for one (1) year after the meeting is held.

(25) **Government Publications.** Internal Department publications and publications of the state or other governmental entities shall be retained until superseded or when obsolete.

(26) **Material safety data sheets.** Records shall be retained until superseded or when the hazardous item is no longer stored by the Department.

(27) **Open record requests.** Requests for records and all related correspondence shall be retained until such request is fulfilled or denied plus an additional two (2) years. The original of any record provided in response to a record request shall be retained for the time period specified

in these rules for that particular record, or for two (2) years after the request is fulfilled, whichever is longer.

(28) **Subpoenas.** Subpoenas and all related correspondence shall be retained until the subpoena has been routed to the correct custodian of records, fully complied with, withdrawn by the issuing entity, or quashed by a court. The original of any record provided in response to a subpoena shall be retained for the time period specified in these rules for that particular record, or for two (2) years after the subpoena is complied with, whichever is longer.

(29) **Public relations records.** Media or press releases issued by the Department shall be retained for three (3) years after being issued.

(30) **Other records.** Any other record of the Department not identified specifically herein, shall be retained for ten (10) years after the last activity related to the record.

[Source: Added at 32 Ok Reg 2202, eff 9-11-15; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-9-4. Fees

(a) **General.** A fee shall be assessed for each individual record, or portion thereof, and for the recovery of the reasonable, direct costs of mechanical reproduction, copies of records, materials, certification, searches, and other activities relating to records as allowed by law and in accordance with these rules.

(b) **Search fees.** If a request for records is either solely for commercial purposes or would clearly cause excessive disruption of the essential functions of the Department, a search fee may be charged to recover the direct cost of record search and copying.

(c) **Fee amounts.**

(1) A record produced on a single sheet of paper with dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller: \$0.25 per page. [51 O.S. §24A.5(3)]

(2) Motor vehicle report: \$25.00 per report. [47 O.S. §6-117(D)]. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or tag agent.

(3) Certified Motor Vehicle Report: \$28.00 per report. [47 O.S. §§2-110(B) and 6-117(D)]

(4) Collision report on file with the Department: \$7.00 per report. [47 O.S. §6-117(C)]

(5) Certified collision report on file with the Department: \$10.00 per report. [47 O.S. §§2-110(B) and 6-117(C)]

(6) Certified copy of a record, other than a Motor Vehicle Report or a Collision report: \$3.00 per report. [47 O.S. §2-110(B)]

(7) Compact disc (CD), DVD or similar optical storage disc: \$5.00 per disc.

(8) Search fee: The amount of the fee shall be for the cost of materials and labor directly attributable to fulfilling the request. [51 O.S. §24A.5(3)(b); Okl. Atty. Gen. Opinion 1996 OK AG 26]

(9) For any other record not specified herein, a fee may be assessed for recovery of the reasonable, direct costs of record copying or mechanical reproduction.

(10) Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or motor license agent.

[Source: Amended at 12 Ok Reg 3257, eff 7-28-95; Amended at 17 Ok Reg 3011, eff 7-15-00; Amended at 18 Ok Reg 3094, eff 7-14-01; Amended at 22 Ok Reg 2867, eff 7-25-05; Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 32 Ok Reg 2202, eff 9-11-15; Amended at 34 Ok Reg 1901, eff 9-11-17; Amended at 37 Ok Reg 2054, eff 9-11-20]

595:1-9-5. Obtaining open records

(a) **General guidelines.** A schedule of fees stated herein shall be posted at the Department of Public Safety's principal place of business, 3600 North Martin Luther King Avenue, Oklahoma City, OK, and at the Oklahoma County Court Clerk's office. Records of the Department, as defined in 595:1-9-3, will be made available in accordance with rules 595:1-9-1 through 595:1-9-6. All requests for records must be in writing and submitted using a form prescribed by the Department. The forms are available at the Department's principal place of business or at www.ok.gov/DPS. Fees and charges may be collected for copies, materials, certification, searches and other activities relating to records as allowed by law and in accordance with these rules. Requests that do not comply with these rules may not be fulfilled.

(b) **Principal place of business.** Records may only be obtained from the principal place of business of the Department of Public Safety, located at 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111. However, a Motor Vehicle Report may be obtained from either the Department, from a motor license agent, or at www.ok.gov/DPS.

(c) **Availability.** Requests will be processed, and records will be made available, only during regular business hours. Regular business hours shall include only those dates and times that the Department is open to the public. Requests are processed in the order they are received by the Department; however, prior to release, records may not be available until they have undergone a review by the Department's Legal Division.

(d) **Written requests.** A request for any Department record made pursuant to the Oklahoma Open Records Act, 51 O.S. §24A.1 et seq., shall be submitted in writing using a form prescribed by the Department available from either the Department's principal place of business or at www.ok.gov/DPS.

(1) The request shall include sufficient information for the Department to conduct a focused, time efficient search.

(2) The request should not be in the form of a question. The Oklahoma Open Records Act, 51 O.S. §24A.1 et seq., does not require public bodies to answer questions; it requires agencies to provide copies of records under their control.

(3) Requests that are not in writing or that fail to provide sufficient information to allow the Department to identify the record will not be fulfilled. Requests may be submitted by one of the following methods:

(A) **Email.** Information for obtaining records can be found on the Department's website at www.ok.gov/DPS or by contacting the Records Management Division or the Legal Division.

(B) **In person.** Requests may be presented in person to the Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111.

(C) **United States mail.** Requests may be mailed to: Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136-0415

(D) **Other delivery methods.** Requests may be delivered to the Department of Public Safety via United Parcel Service (UPS) or FedEx using the physical address: Department of Public Safety,

3600 North Martin Luther King Avenue, Oklahoma City, OK 73111. The Department can receive from but cannot respond by delivery services other than the United States Postal Service.

(4) When the Department is asked to produce records, the Department will search for records within a default timeframe. The default timeframe will be from the date of the request and end on the date the search for records is commenced; however, a party seeking records may specify a different date-range for the records sought.

(5) Once records have been identified, those records shall undergo a legal review before releasing them to the requesting party.

(e) Delivery of records.

(1) Any applicable costs or fees charged pursuant to these rules shall be paid prior to the delivery of any record. The Department will not fulfill a request until all applicable fees and costs have been paid.

(2) Records responsive to a request may be picked up in person at the Department of Public Safety, 3600 N. Martin Luther King Avenue, Oklahoma City, OK 73111.

(3) If delivery by mail is preferred, the requesting party shall provide a self-addressed, postage pre-paid envelope or container. Excess postage shall not be refunded to the requesting party. Records will not be delivered to the requesting party via UPS, FedEx, or other 3rd party mail delivery service. The Department of Public Safety will mail records only in the envelope or container provided by the requesting party.

(4) At its discretion, the Department may make certain records available via electronic delivery. For the purpose of this subsection, "electronic delivery" shall mean delivery of a digitized or electronic file to the requesting party via email or by providing access to the record through a hyperlink.

(5) Some records may be made available to authorized recipients through a third-party web service at the discretion of the Department. Use of this service may require payment of a fee or charge that is separate from any fee or charge imposed by the Department.

(6) The final format in which a record will be produced shall be determined by the Department. If the Department does not maintain a record in an electronic or computerized format, the Department shall not be required to convert a record to any particular electronic format for the convenience of the person requesting record. [Okla. Atty. Gen. Opinion 2006 OK AG 35].

[Source: Amended at 16 Ok Reg 3140, eff 7-12-99; Amended at 21 Ok Reg 2994, eff 7-25-04; Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 32 Ok Reg 2202, eff 9-11-15; Amended at 34 Ok Reg 1901, eff 9-11-17]

595:1-9-6. Summary of Motor Vehicle Report

(a) **In general.** As required by the Drivers Privacy Protection Act of 1994 ("DPPA"), 18 U.S.C. §2721 et seq., the Department or any motor license agent shall not knowingly disclose or otherwise make available to any person or entity personal information, as defined in OAC 595:1-9-3(c)(4), about any individual obtained by the Department in connection with the motor vehicle record except as permitted in the DPPA.

(b) **Request by an individual for a motor vehicle report.** An individual requesting a motor vehicle report must submit the following to the Records Management Division of the Department or to a motor license agent for each report requested:

- (1) **"Records Request" form.** This form must be completed by the individual, filling in all required information, checking all applicable statements regarding the request, and signing the request.
- (2) **Photo identification.** The requesting party must produce a government issued photo identification to allow the Department to establish the requesting party's identity at the time the request is made.
- (3) **Consent to Release.** If the individual requesting the driving record is not the person about whom the record has been compiled, the person about whom the record has been compiled must sign the consent to release portion of the "Records Request" form.
- (4) **Fee.** The individual requesting the driving record shall make payment of the fee required by law [47 O.S. §6-117(D)].

(c) **Entities requesting Motor Vehicle Reports in volume.**

- (1) **Written requests.** Certain entities, as authorized in (2) of this subsection, may request Motor Vehicle Reports in volume from the Department by submitting a request in writing to the Director of the Records Management Division of the Department of Public Safety:
 - (A) in person at 3600 North Martin Luther King Avenue, Oklahoma City, OK, or
 - (B) by mail to: Records Management Division, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK, 73136-0415.
- (2) **Obtaining Reports in Bulk Quantity.** Only the following entities are authorized to obtain Motor Vehicle Reports from the Department in bulk quantities:
 - (A) courts,
 - (B) federal, state, and local governmental agencies,
 - (C) insurance companies for the limited purpose of determining eligibility for insurance coverage or underwriting, or
 - (D) any other person or entity as authorized by the Commissioner or designee.
- (3) **Fee.** An entity requesting motor vehicle reports in volume shall pay the required fee per request as required by law [47 O.S. §6-117 (D)] unless otherwise exempted from the fee by the Commissioner as authorized by 47 O.S. §2-110.

(d) **Obtaining forms.** All forms may be obtained:

- (1) in person at the Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111,
- (2) by mail from the Department of Public Safety, P.O. Box 11415, Oklahoma City, OK, 73136-0415,
- (3) by telephone by calling (405) 425-2262, or
- (4) at www.ok.gov/DPS.

[Source: Added at 11 Ok Reg 225, eff 10-10-93 (emergency); Added at 11 Ok Reg 2349, eff 5-26-94; Amended at 16 Ok Reg 3140, eff 7-12-99; Amended at 18 Ok Reg 3094, eff 7-14-01; Amended at 28 Ok Reg 2062, eff 7-15-11; Amended at 34 Ok Reg 1901, eff 9-11-17]

SUBCHAPTER 11. ENVIRONMENTAL COMPLAINT RESOLUTION

595:1-11-1. Written and oral environmental complaints

Hazardous waste, substances and material transportation inspections, as authorized by the Hazardous Materials Transportation Act, and inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by

the Hazardous Materials Transportation Act shall be immediately documented and referred to the responsible division or agency for handling in accordance with 27A O.S. § 1-1-203(B).

[Source: Amended at 10 Ok Reg 3185, eff 6-25-93; Amended at 19 Ok Reg 2683, eff 7-15-02]

SUBCHAPTER 13. TRAVEL USE LOG PROCEDURES

595:1-13-1. Purpose

The purpose of this Subchapter is to comply with the provisions of 74 O.S. §500.6A(C) regarding the use, maintenance, and reporting requirements related to the Travel Use Log [OSF Form LOG (12/98)].

[Source: Added at 16 Ok Reg 3140, eff 7-12-99]

595:1-13-2. Use of the Travel Use Log form

Each person who travels on aircraft owned, leased, chartered, or operated by the Department of Public Safety shall provide all the information required on the Travel Use Log. The information shall be provided by the person prior to the aircraft taking off from its original location of departure. The information shall be written or printed, as appropriate, in the person's own hand and shall be legible.

[Source: Added at 16 Ok Reg 3140, eff 7-12-99]

595:1-13-3. Availability of Travel Use Log forms for public inspection

The Department will maintain and make available to the public, upon request, all completed Travel Use Log forms, pursuant to the provisions of the Oklahoma Open Records Act [51 O.S. §24.1 et seq.]. Copies of the completed Travel Use Log forms may be requested from the Department of Public Safety, Records Management Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, telephone (405) 425-2192.

[Source: Added at 16 Ok Reg 3140, eff 7-12-99]

595:1-13-4. Summaries of Travel Use Log forms

The Department will make summaries of all completed Travel Use Log forms, in accordance with the requirements of 74 O.S. §500.6A(C)(3). The summaries will be submitted to the Governor, the Office of State Finance, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate on an annual basis on or before June 30 of each year.

[Source: Added at 16 Ok Reg 3140, eff 7-12-99]

SUBCHAPTER 15. SALE AND AUCTION OF SURPLUS AND FORFEITED PROPERTY

595:1-15-1. Purpose

The purpose of this subchapter is to establish procedures the Department of Public Safety will use for [47 O.S. § 2-123(C)]:

- (1) the sale by the Department of surplus property, and
- (2) the auction by the Department of surplus and forfeited property.

[Source: Added at 19 Ok Reg 243, eff 10-30-01 (emergency); Added at 19 Ok Reg 2683, eff 7-15-02]

595:1-15-2. Definitions

In addition to terms defined in 47 O.S. §1-101 et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

"**Agency**" means *any federal, state, county or municipal agency or public school district* [47 O.S. § 2-123(A)].

"**Department**" means the Department of Public Safety.

"**Director**" means the Director of Transportation for the Department of Public Safety.

"**Equipment**" means used equipment owned by the Department which was added to a patrol vehicle after delivery of the vehicle to the Department and which has been previously utilized by the Oklahoma Highway Patrol.

"**Forfeited property**" means property seized by and legally forfeited to the Department. Such property may include, but is not limited to, vehicles, boats, trailers, jewelry, electronic equipment, furniture, and miscellaneous items. Forfeited property does not include surplus property.

"**Patrol vehicle**" means a used emergency motor vehicle owned by the Department which has been previously utilized by the Oklahoma Highway Patrol.

"**Person**" means any natural person, firm, copartnership, association, corporation, or other entity.

"**Surplus property**" means vehicles and/or equipment which is no longer needed by the Department. Surplus property may include vehicles which are forfeited property.

[Source: Added at 19 Ok Reg 243, eff 10-30-01 (emergency); Added at 19 Ok Reg 2683, eff 7-15-02]

595:1-15-3. Sale of surplus property

(a) **Limitation.** The Department shall offer for sale and actually sell surplus property only to an agency. As used in this section, "sale" means direct sale to an agency, not as the result of a purchase at an auction.

(b) **Obtaining information regarding surplus property for sale.**

(1) **Availability of surplus property.** Any agency may contact the Director regarding the availability of surplus property for sale. The Director will provide a list of surplus property and its location that is available for sale at that time.

(2) **Contact.** The Director may be contacted by:

(A) Telephone: (405) 425-2122

(B) Mail: Department of Public Safety, Director of Transportation,
P.O. Box 11415, Oklahoma City, OK 73136-0415

(C) Fax: (405)425-2304

(3) **Examining surplus property.** If surplus property is available, the agency may visit the location as indicated by the Department during regular business hours (8am to 4:40pm) to examine and, if desired, purchase surplus property.

(c) **Pricing.**

(1) **Vehicles.** Prices of surplus vehicles are based upon the current market value of the vehicle.

(2) **Equipment.** Prices of surplus equipment are based upon the current market value of the equipment.

(d) **Payment.** Payment shall be made to the Department prior to delivery of the surplus property to the purchasing agency and shall be accepted only in one of the following methods:

(1) Agency purchase order. The purchase order shall be on a form adopted by the purchasing agency and signed by an agency employee authorized to do so.

(2) Agency check, claim, or warrant.

(e) Terms of sale.

(1) Surplus property is sold "as is -where is" with no warranty implied or given by the Department.

(2) Surplus property which has been purchased can not be returned to the Department.

(3) If requested, the Department will provide the purchasing agency with an invoice. If the surplus property is or includes a vehicle, the Department will also provide the title to the vehicle and a letter which will give authority for the agency to drive the vehicle from the Department to another location without a license plate. No title will be provided until payment-in-full is confirmed. The purchasing agency is responsible for transfer of title of any vehicle purchased.

(4) All sales will be transacted in good faith. Payment-in-full on a purchase order is due within forty-five (45) days of the sale. Failure to pay authorizes the Department to repossess any surplus property for which payment-in-full has not been received.

(5) Prior to sale, all identifying decals and insignias on the patrol vehicle will be removed by the Department. No patrol vehicle shall be sold with the intent that the vehicle represent the Oklahoma Highway Patrol.

[Source: Added at 19 Ok Reg 243, eff 10-30-01 (emergency); Added at 19 Ok Reg 2683, eff 7-15-02; Amended at 29 Ok Reg 1370, eff 7-1-12; Amended at 31 Ok Reg 2320, eff 9-12-14]

595:1-15-4. Auction of surplus and forfeited property

(a) **General.** All auctions are open to the public. Any person or agency may purchase surplus or forfeited property at an auction conducted by the Department.

(b) Limitations.

(1) **Property is considered obligated.** When surplus and forfeited property has been determined by the department to be included in an auction and has been obligated as such, no person or agency may request to purchase, nor will the Department sell, any of that property outside of the auction.

(2) **Property reserved for sale to agencies.** Surplus equipment may be reserved for sale only to agencies.

(3) **Property withdrawn from auction.** Notwithstanding any prior notice or published list of property to be sold at auction, vehicles, vessels, and motors which have been tampered with will be withdrawn from the auction.

(4) **Property not sold.** Any unsold surplus or forfeited property may be held by the Department to be sold at a subsequent auction conducted by the Department.

(c) Information regarding surplus and forfeited property to be auctioned.

(1) **Auction dates.** The Department shall determine auction dates as needed from time to time to dispose of surplus and forfeited property.

(2) **Notice of auction.** Notice to the public of an auction to be conducted by the will be by publication in newspapers throughout Oklahoma. However, announcements made the day of the sale supercede any prior terms stated in such publications. Any interested party may contact the Director regarding the auction dates.

(3) **Contact.** The Director may be contacted by:

(A) Telephone: (405) 425-2122

(B) Mail: Department of Public Safety, Director of Transportation,
P.O. Box 11415, Oklahoma City, OK 73136-0415.

(C) Fax: (405) 425-2304

(4) **Viewing surplus and forfeited property.** Surplus and forfeited property which is to be auctioned may be viewed from 12 p.m. (noon) until 2:00 p.m. on the day of the auction at the location published in the notice of auction.

(d) **Participation in an auction.** Any person or agency wishing to bid at an auction must register to bid on the day of the auction. A unique bidder's registration number will be assigned to each registrant. No person or agency may bid unless the person or agency has registered and been issued a bidder's registration number.

(e) **Pricing.** As in any auction, prices are dependent upon the condition of and the interest in each particular property for sale. However, the Department reserves the right to set a minimum bid. In addition, the auctioneer reserves the right to reject any or all bids.

(f) **Payment.**

(1) **Payment to be made at auction.** Successful bidders shall appear before the cashier at the auction and make payment-in-full of the successful bid price, plus sales tax if applicable, or make arrangements for payment-in-full with the Director of Finance of the Department or the Director's designee. Proper identification will be required. Property will not be released by the Department to the successful bidder until payment-in-full is confirmed. Failure to appear at the cashier may result in the Department nullifying the successful bid and in the loss of right to the property by the successful bidder.

(2) **Form of payment from a person.** Acceptable forms of payment from any person are:

(A) Cash.

(B) Personal or business check accompanied by a notarized letter of credit from the financial institution's president or vice president guaranteeing funds are available in the account to cover the check.

(C) Cashier's check.

(D) Money order.

(E) Personal or business check not accompanied by a notarized letter of credit [see (g)(6) of this Section regarding release of property].

(3) **Forms of payment from an agency.** Acceptable forms of payment from an agency are:

(A) Agency purchase order. The purchase order shall be on a form adopted by the purchasing agency and signed by an agency employee authorized to do so.

(B) Agency check, claim, or warrant.

(g) **Terms of sale.**

(1) Surplus and forfeited property is sold "as is - where is" with no warranty implied or given by the Department.

(2) Surplus and forfeited property which has been purchased can not be returned to the Department.

(3) If requested, the Department will provide the successful bidder with invoice. The Department will provide the purchaser with a receipt upon payment. If the surplus or forfeited property purchased is or includes a

vehicle, vessel, or motor, the Department will also provide the title to the vehicle, vessel, or motor. For an operable vehicle, the Department will provide a letter which will give authority for the purchaser to drive the vehicle from the Department to another location without a license plate [47 O.S. § 1132(B)]. No title will be provided until payment-in-full is confirmed. The purchaser is responsible for transfer of title of any vehicle, vessel, or motor purchased.

(4) All sales will be transacted in good faith. Payment-in-full on an agency's purchase order is due within forty-five (45) days of the sale. Failure to pay authorizes the Department to repossess any surplus or forfeited property for which the payment-in-full has not been received.

(5) Prior to sale, all identifying decals and insignias on a patrol vehicle will be removed by the Department. No patrol vehicle shall be sold with the intent that the vehicle represent the Oklahoma Highway Patrol.

(6) Surplus or forfeited property paid for by personal or business check without an accompanying notarized letter of credit will not be released until the check has cleared the financial institution on which it is drawn. To obtain earlier release of the property, a personal or business check may be replaced with another form of payment, as described in (f)(2)(A) through (f)(2)(D) of this Section, presented at the Finance Division of the Department during regular business hours (8am to 4:30pm) on the business day immediately following the auction.

(7) Sales tax will be charged, as applicable and required by law, and collected from the successful bidder on any surplus or forfeited property purchased.

(8) Any surplus or forfeited property purchased shall be picked up within forty-eight(48) hours after confirmation of payment unless other arrangements have been made with the Director. If the property is not picked up as required by this paragraph, the property may be impounded by the Department. The purchaser shall be responsible for any towing and/or storage fees associated with the impoundment of any vehicle or vessel.

(9) The Director will be the final authority in resolving any discrepancy, dispute, or financial arrangement.

(h) Transportation of vessels and inoperable vehicles. The purchaser shall be responsible for safe removal and transportation of any vessel or inoperable vehicle.

[Source: Added at 19 Ok Reg 243, eff 10-30-01 (emergency); Added at 19 Ok Reg 2683, eff 7-15-02; Amended at 31 Ok Reg 2320, eff 9-12-14]

595:1-15-5. Auctioneer

The Department will contract for an auctioneer pursuant to the Oklahoma Central Purchasing Act.

[Source: Added at 19 Ok Reg 243, eff 10-30-01 (emergency); Added at 19 Ok Reg 2683, eff 7-15-02]

SUBCHAPTER 17. ADVISORY COMMITTEE FOR MOTORCYCLE SAFETY AND EDUCATION

595:1-17-1. Creation of Committee

The Advisory Committee for Motorcycle Safety and Education is created in 47 O.S., § 40-122. Membership and duties of the committee is also prescribed in this law, including the duty to *advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education*

Program and the setting of goals, objectives and priorities for the Program [47 O.S., 40-122, D].

[Source: Added at 28 Ok Reg 301, eff 10-19-10 (emergency); Added at 28 Ok Reg 2062, eff 7-15-11]

595:1-17-2. Motorcycle Safety and Education Program Revolving Fund

(a) **Creation, purpose and use.** The Motorcycle Safety and Education Program Revolving Fund is created for the Department of Public Safety in 47 O.S., § 40-123. The purpose and use of the revolving fund is also prescribed in this law, including that *all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public Safety for the purpose of operating the Motorcycle Safety and Education Program [47 O.S., § 40-123].*

(b) **Administration of the revolving fund.** The revolving fund shall be administered by the Oklahoma Highway Safety Office, in consultation with the Advisory Committee for Motorcycle Safety and Education, for the purpose of awarding grants in order to improve motorcycle safety in Oklahoma. Monies from the revolving fund may also be used by the Oklahoma Highway Safety Office for administrative costs or program support costs of the Motorcycle Safety and Education Program. The Department shall create accounts, sub-accounts, tracking procedures, transfer procedures, and payment procedures, as are appropriate to implement this section. Travel reimbursements will be in accordance with the State Travel Reimbursement Act.

(c) **Application for and awarding of grants.** Agencies and entities interested in motorcycle safety may apply to the Oklahoma Highway Safety Office for grants from the revolving fund for the purpose of improving motorcycle safety in accordance with the Motorcycle Safety and Education Program. Grants shall be awarded in accordance with procedures developed by the Oklahoma Highway Safety Office.

[Source: Added at 28 Ok Reg 301, eff 10-19-10 (emergency); Added at 28 Ok Reg 2062, eff 7-15-11]

SUBCHAPTER 19. OKLAHOMA STATE AWARD PROGRAM

595:1-19-1. Definitions

Words and terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise:

"Advisory board" means an advisory board formed at the discretion of the OSAP Committee chair comprised of a designee from each of the nine members of the OSAP Committee to collect, review, and make initial award recommendations to the Committee.

"Oklahoma Medal of Valor" means a medal or medals awarded by the Governor, in the name of the State of Oklahoma to any person, living or deceased, in recognition of extraordinary acts of valor by public safety members and other citizens whose actions display great moral strength and personal courage in the face of fear, danger or difficulty while actively engaged in public service activities.

"Oklahoma Purple Heart" means a medal or medals awarded by the Governor in the name of the State of Oklahoma, exclusively to public safety members, living or deceased, who while serving under competent authority and acting within the legal and justified scope of their position suffers life-threatening injuries or injury resulting in a loss of limb, serious body impairment, deformity, loss of life or any injury resulting in the public safety member's service related

retirement.

"OSAP Committee" means the Oklahoma State Award Program Committee, also referred to as the "OSAP Committee".

"Public safety member" means a person acting within the legal scope of duty and serving in any full time, part time, volunteer or reserve capacity as a law enforcement officer, correctional officer, firefighter, paramedic or emergency medical technician of any jurisdictional authority.

"Public service activity" means activities, individual actions, and any other personal act directly related to the aid of another person or persons without consideration of compensation or recognition.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-2. Order of precedence

(a) The Oklahoma Medal of Valor is recognized as the highest award of honor presented to a member of a public safety agency or a member of the public. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.

(b) The Oklahoma Purple Heart is recognized as the second highest award of honor presented to a member of a public safety agency. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-3. Award design

(a) The design of the Oklahoma Medal of Valor for meritorious service and the Oklahoma Purple Heart for serious line of duty injuries, and any authorized appurtenances proposed by the Adjutant General are obligated to be of a design that is similar in shape, size, color and design to the similar awards presented by the Armed Forces of the United States. Award designs may, at the discretion of the Committee Chair, be reviewed annually for modifications or re-designed. Award designs, and any appurtenances will be initially submitted by the Adjutant General of the State of Oklahoma to the Committee Chair.

(b) Awards may consist of a plaque, trophy, display ribbon, uniform pin, uniform medal, or certificate or proclamation individually or in combination as determined by the OSAP Committee. Award recipients may receive any number of award devices as determined by the OSAP Committee to accommodate both a suitable display device as well as a uniform display device and/or framed certificate if applicable to the recipient. The type, style, and number of award devices are at the discretion of the OSAP Committee.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-4. Criteria for eligibility

(a) The criteria for eligibility to receive the Oklahoma Medal of Valor for meritorious service includes any person, living or deceased, who, while performing a legal act:

- (1) demonstrates an extraordinary act of valor; or
- (2) demonstrates a distinct act of moral strength; or
- (3) demonstrates great personal courage in the face of mortal fear, danger, or difficulty, regardless of their personal safety; and
- (4) was actively engaged in public service activities.

(b) The criteria for eligibility to receive the Oklahoma Purple Heart for serious line of duty injuries includes any public safety member, living or deceased, who, while performing a legal act,

- (1) suffers a life-threatening injury as determined by the OSAP Committee; or
- (2) any injury resulting in a loss of limb, serious body impairment, deformity; loss of life; or
- (3) any injury resulting in the public safety member's permanent service-related retirement.

(c) Recipients may, at the discretion of the Governor and based on the recommendation of the OSAP Committee, receive more than one award for any specific act that meets the criteria for eligibility.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-5. Criteria for proper wear of the Oklahoma Medal of Valor and the Oklahoma Purple Heart

(a) The proper uniform wear of the Oklahoma Medal of Valor and the Oklahoma Purple Heart will be at the discretion of the recipient's individual public safety agency.

(b) If no agency policy exists, the recipient will wear a uniform medal centered above the right breast pocket or approximate location, at least one (1) inch above the upper seam of the pocket.

(c) Uniform award ribbons will be predominately worn, centered, one-half inch above their right breast pocket or approximate location.

(d) Award medals will be worn by lanyard from the recipient's neck depending on the award or appurtenance design at the time the medal was awarded.

(e) The Medal of Valor will be the predominately displayed award with no other medals, ribbons or awards worn above or to the right of the award.

(f) The Purple Heart will be the predominately displayed award with no other medals, ribbons, or awards worn above or to the right of the award, other than the Medal of Valor.

(g) Civilian or non-uniformed recipients will wear or display the award or other appurtenances in the manner it was awarded.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-6. Method of purchasing the Oklahoma Medal of Valor and the Oklahoma Purple Heart

(a) The procurement, cost, and acquisition of the award plaques, ribbons, devices, or other approved appurtenances will be determined by the OSAP Committee from the pool of agencies and organizations represented on the committee.

(b) The OSAP Committee may also receive funds generated from private donations made to any agency of the State of Oklahoma through the authorized gifting process in compliance with Oklahoma Statutes Title 60 O.S. § 381 et seq., for the sole purpose of purchasing awards and appurtenances approved by the Committee.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-7. Nomination of qualifying individuals

(a) Agencies and organizations whose members are represented on the OSAP Committee and the Office of Governor of the State of Oklahoma, may store and distribute award nomination documents in written, electronic, or an internet-based

application.

(b) Agencies and organizations whose members are represented on the OSAP Committee and the Office of Governor of the State of Oklahoma are authorized to receive nominations and will, within 30 calendar days, forward a copy of nominations to the Office of the Lieutenant Governor or his or her designee for documentation and review.

(c) The Lieutenant Governor, in his or her role as the OSAP Chair, may at his or her discretion, forward such award nominations directly to an Advisory Board for review and investigation prior to any review by the OSAP Committee.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-8. Design and content of nomination form

(a) The design of the OSAP nomination form is at the discretion of the Lieutenant Governor and assigned to any agency represented by the committee for development and distribution to representative agencies and the Office of the Governor.

(b) The nomination form will contain fields for completion to include, but not be limited to:

- (1) identification of which award the person is being nominated to receive;
- (2) name of the individual being nominated;
- (3) individual title, rank or position;
- (4) contact information of the nominee if living or their surviving next of kin;
- (5) organization or agency (if any);
- (6) name of nominating individual and contact information;
- (7) relationship of nominating individual to the nominee;
- (8) a description of the specific act or acts leading to the nomination;
- (9) names of any witness or witnesses to the event and contact information, if any; and
- (10) a disclosure of truthfulness by the nominating person or persons.

(c) Nomination forms will be made available by each agency or organization represented on the OSAP Committee and may be distributed in written or electronic format depending on the resources available by each committee member's agency.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-9. Oklahoma State Award Program Advisory Board

(a) The OSAP Chair may, at his or her discretion, appoint an OSAP Advisory Board comprised of at least nine advisors representing and serving at the pleasure of the nine-member OSAP Committee. The OSAP Chair may appoint a proxy to facilitate Advisory Board activities.

(b) The OSAP Chair may, at his or her discretion, forward any nominations received by his or her office to the OSAP Advisory Board for review and validation.

(c) The OSAP Advisory Board may meet quarterly, or at the discretion of the Lieutenant Governor acting as OSAP Chair or his or her designee, as necessary, to collect and review nominations for awards.

(d) The OSAP Advisory Board is authorized to conduct meetings, document reviews, personal interviews and other activities necessary to ensure validation of award nominations.

(e) A written summary of reviews, interviews, and any other supporting documentation will be included with the nomination form prior to the nomination

being forwarded to the OSAP Committee Chair for consideration.

(f) The members of the Advisory Board will serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from Board activities or business. Such expenses will be paid by the respective agency employing the Board member at the time the expense is incurred.

(g) No member of the Advisory Board will solicit, seek, or request individuals to submit nominations for awards. Advisory Board members may explain the program to interested individuals.

(h) The Advisory Board may secure directly from any department or agency such information as necessary and available to carry out its duties.

(i) A majority of the members of the Advisory Board will constitute a quorum to conduct business.

(j) The Advisory Board will review all nominations and provide award recommendations to the OSAP Chair no later than the last business day of March of each calendar year for acts that occurred during the previous years.

(k) Advisory Board members will maintain the confidentiality of each nominee and nomination application and reserve any information concerning the review or nomination exclusively to the members of the Advisory Board or members of the OSAP Committee.

(l) No member of the Advisory Board will withhold information or provide false or misleading information in any meeting or report that would affect the validation of the nomination in any manner.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

595:1-19-10. Oklahoma State Award Program Committee decisions

(a) Award recommendations received by the OSAP Committee Chair from the Advisory Board will be presented to the OSAP Committee for review and conditional approval. Pursuant to Title 47 O.S. § 2-108.5, the OSAP Committee Chair will present to the Governor the names of recommendations as Medal recipients.

(b) Awards may be presented annually by the Governor for acts that occurred any time prior to the current calendar year.

(c) The time, place, and type of award presentation and ceremony will be at the discretion of the Governor's Office or their designee.

[Source: Added at 38 Ok Reg 77, eff 9-21-20 (emergency); Added at 38 Ok Reg 2469, eff 9-12-21]

CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[Authority: 47 O.S., §§ 6-101 et seq.]

[Source: Codified 12-30-91]

SUBCHAPTER 1. PROCEDURE FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules related to any services provided by Service Oklahoma in this Subchapter 1 are now located in the Office of Management and Enterprise Services' Title 260,

Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

PART 1. PURPOSE [TRANSFERRED]

595:10-1-1. Purpose [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-1 by HB 3419 (2022), eff 5-19-22]

PART 2. APPLICATION FOR INTIAL DRIVER LICENSE [TRANSFERRED]

595:10-1-2. General information [TRANSFERRED]

[Source: Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-2 by HB 3419 (2022), eff 5-19-22]

595:10-1-3. Procedures for obtaining an initial driver license [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2619, eff 11-1-07 through 7-14-08 (emergency)¹; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 30 Ok Reg 2017, eff 7-25-13; Amended at 32 Ok Reg 2206, eff 9-11-15; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)²; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-3 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-08 (after the 7-14-08 expiration of the emergency action), the text of 595:10-1-3 reverted back to the permanent text that became effective 8-15-07, as was last published in the 2007 OAC Supplement, and remained as such until amended by permanent action on 9-12-08.

EDITOR'S NOTE: ²This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-3 reverted back to the permanent text that became effective 9-11-15, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.

595:10-1-4. Application by person licensed by another country [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Revoked at 11 Ok Reg 3447, eff 6-27-94; Added at 17 Ok Reg 836, eff 11-30-99 (emergency); Added at 17 Ok Reg 3013, eff 7-15-00; Amended at 20 Ok Reg 2701, eff 8-15-03; Transferred to 260:135-5-4 by HB 3419 (2022), eff 5-19-22]

595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [TRANSFERRED]

[Source: Reserved at 17 Ok Reg 3549, eff 9-5-00 through 7-14-01 (emergency); Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-5 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-5 reverted back to the permanent text that became effective 7-1-12, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-1-6. Application for a driver license for persons eighteen (18) years of age or older; driving privileges; restrictions and conditions [TRANSFERRED]

[Source: Added at 17 Ok Reg 3549, eff 9-5-00 (emergency); Added at 18 Ok Reg 3098, eff 7-14-01; Amended at 23 Ok Reg 3124, eff 8-25-06; Transferred to 260:135-5-6 by HB 3419 (2022), eff 5-19-22]

595:10-1-7. Adoption by reference [REVOKED]

[Source: Added at 19 Ok Reg 2689, eff 7-15-02; Amended at 21 Ok Reg 2999, eff 7-25-04; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-1-8. Applicability, substitutions, limitations, and additions to federal rules adopted by reference [REVOKED]

[Source: Added at 19 Ok Reg 2689, eff 7-15-02; Revoked at 29 Ok Reg 1371, eff 7-1-12]

595:10-1-9. Waiver of certain physical conditions for Class A, B, or C commercial driver license applicants [REVOKED]

[Source: Added at 19 Ok Reg 2689, eff 7-15-02; Revoked at 29 Ok Reg 1371, eff 7-1-12]

PART 3. DRIVER LICENSE RENEWAL [TRANSFERRED]

595:10-1-10. Procedure for obtaining a renewal driver license [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 31 Ok Reg 156, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2322, eff 9-12-14; Amended at 32 Ok Reg 2206, eff 9-11-15; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-7 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-10 reverted back to the permanent text that became effective 9-11-15, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-1-11. Notice of pending expiration of driver license or identification card [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Revoked at 11 Ok Reg 3447, eff 6-27-94; Amended at 28 Ok Reg 2068, eff 7-15-11; Transferred to 260:135-5-8 by HB 3419 (2022), eff 5-19-22]

595:10-1-12. Oklahoma licensee temporarily residing out of the state [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 30 Ok Reg 2023, eff 7-25-13; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 35 Ok Reg 1739, eff 9-17-18; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-9 by HB 3419 (2022), eff 5-19-22]

PART 5. DRIVER LICENSE REPLACEMENT [TRANSFERRED]

595:10-1-18. Procedure for obtaining a replacement driver license [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-10 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-18 reverted back to the permanent text that became effective 7-1-12, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-1-19. Oklahoma licensee temporarily residing out of the state [TRANSFERRED]

[Source: Added at 23 Ok Reg 3124, eff 8-25-06; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 30 Ok Reg 2023, eff 7-25-13; Amended at 35 Ok Reg 1739, eff 9-17-18; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-11 by HB 3419 (2022), eff 5-19-22]

PART 7. IDENTIFICATION CARDS [TRANSFERRED]

595:10-1-25. Procedure for obtaining an identification card [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 31 Ok Reg 156, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2322, eff 9-12-14; Amended at 32 Ok Reg 33, eff 11-1-14; Amended at 32 Ok Reg 2215, eff 9-11-15; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-12 by HB 3419 (2022), eff 5-19-22]

595:10-1-26. Procedure for obtaining a renewal identification card [TRANSFERRED]

[Source: Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 32 Ok Reg 33, eff 11-1-14; Amended at 32 Ok Reg 2215, eff 9-11-15; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-13 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-26 reverted back to the permanent text that became effective 9-11-15, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-1-27. Procedure for obtaining a replacement identification card [TRANSFERRED]

[Source: Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 19 Ok Reg 89, eff 9-7-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 32 Ok Reg 33, eff 11-1-14; Amended at 32 Ok Reg 2215, eff 9-11-15; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to

260:135-5-14 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-27 reverted back to the permanent text that became effective 9-11-15, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-1-28. Oklahoma identification card holder temporarily residing out of the state [TRANSFERRED]

[Source: Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-15 by HB 3419 (2022), eff 5-19-22]

PART 9. CHANGE OF NAME ON A DRIVER LICENSE OR IDENTIFICATION CARD [TRANSFERRED]

595:10-1-35. Procedure to make a change of name on a driver license or an identification card [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 35 Ok Reg 1739, eff 9-17-18; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-16 by HB 3419 (2022), eff 5-19-22]

PART 11. EXPIRATION [REVOKED]

595:10-1-41. When reapplication and reexamination required [REVOKED]

[Source: Revoked at 11 Ok Reg 3447, eff 6-27-94]

PART 13. MOTOR LICENSE AGENTS [TRANSFERRED]

595:10-1-50. Identification required [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 17 Ok Reg 3549, eff 9-5-00 (emergency); Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-17 by HB 3419 (2022), eff 5-19-22]

595:10-1-51. Operational procedures [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 30 Ok Reg 2017, eff 7-25-13; Amended at 32 Ok Reg 2206, eff 9-11-15; Amended at 34 Ok Reg 1916, eff 9-11-17; Transferred to 260:135-3-62 by HB 3419 (2022), eff 5-19-22]

595:10-1-52. Photographic procedures [TRANSFERRED]

[Source: Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 32 Ok Reg 2206, eff 9-11-15; Transferred to 260:135-3-63 by HB 3419 (2022), eff 5-19-22]

595:10-1-53. Oklahoma driver license application [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 13 Ok Reg 2813, eff 6-28-96; Transferred to 260:135-3-64 by HB 3419 (2022), eff 5-19-22]

595:10-1-54. Alien driver license [REVOKED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Revoked at 11 Ok Reg 3447, eff 6-27-94]

595:10-1-55. Instructions for printing black border cards [REVOKED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 12 Ok Reg 3259, eff 7-28-95; Amended at 14 Ok Reg 3500, eff 8-12-97; Revoked at 21 Ok Reg 2999, eff 7-25-04]

595:10-1-56. Renewal of driver license or identification cards [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 14 Ok Reg 3500, eff 8-12-97; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 31 Ok Reg 156, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2322, eff 9-12-14; Amended at 32 Ok Reg 2206, eff 9-11-15; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-3-65 by HB 3419 (2022), eff 5-19-22]

595:10-1-57. Replacement of driver license or identification card [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-3-66 by HB 3419 (2022), eff 5-19-22]

595:10-1-58. Restrictions and endorsements on driver licenses [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Transferred to 260:135-3-67 by HB 3419 (2022), eff 5-19-22]

595:10-1-59. Guidelines for removing, changing, or adding restrictions or endorsements [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Transferred to 260:135-3-68 by HB 3419 (2022), eff 5-19-22]

595:10-1-60. Oklahoma residents temporarily residing out of state [REVOKED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Revoked at 11 Ok Reg 3447, eff 6-27-94]

595:10-1-61. Renewal of driver licenses expired in excess of three (3) years [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 15 Ok Reg 3294, eff 7-13-98; Revoked at 18 Ok Reg 3098, eff 7-14-01; Added at 25 Ok Reg 2789, eff 9-12-08; Transferred to 260:135-3-69 by HB 3419 (2022), eff 5-19-22]

595:10-1-62. Free driver licenses and identification cards [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Revoked at 11 Ok Reg 3447, eff 6-27-94; Added at 24 Ok Reg 2751, eff 8-15-07; Amended at 28 Ok Reg 2068, eff 7-15-11; Transferred to 260:135-3-70 by HB 3419 (2022), eff 5-19-22]

595:10-1-63. Corrections [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Transferred to 260:135-3-71 by HB 3419 (2022), eff 5-19-22]

595:10-1-64. Identification card application and renewal [TRANSFERRED]

[Source: Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 25 Ok Reg 2789, eff 9-12-08; Transferred to 260:135-3-72 by HB 3419 (2022), eff 5-19-22]

595:10-1-65. Informational stickers on driver licenses or identification cards [REVOKED]

[Source: Added at 11 Ok Reg 3447, eff 6-27-94; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 18 Ok Reg 3098, eff 7-14-01; Revoked at 21 Ok Reg 2999, eff 7-25-04]

PART 15. REVOCATION AND REINSTATEMENT OF DRIVER LICENSE [TRANSFERRED]

595:10-1-75. Drug offender's driver license sanctions [TRANSFERRED]

[Source: Added at 10 Ok Reg 4809, eff 9-23-93 (emergency); Added at 11 Ok Reg 2351, eff 5-26-94; Transferred to 260:135-5-21 by HB 3419 (2022), eff 5-19-22]

595:10-1-76. Ignition interlock requirement for reinstatement [TRANSFERRED]

[Source: Added at 23 Ok Reg 3124, eff 8-25-06; Transferred to 260:135-5-22 by HB 3419 (2022), eff 5-19-22]

PART 17. DISQUALIFICATION UPON DEFAULT OF STUDENT LOAN [TRANSFERRED]

595:10-1-80. Disqualification upon default of student loan [TRANSFERRED]

[Source: Added at 15 Ok Reg 3294, eff 7-13-98; Transferred to 260:135-5-26 by HB 3419 (2022), eff 5-19-22]

PART 19. DRIVER LICENSE AND IDENTIFICATION CARD CONTENT [TRANSFERRED]

595:10-1-91. Information displayed on driver licenses [TRANSFERRED]

[Source: Added at 17 Ok Reg 3013, eff 7-15-00; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-30 by HB 3419 (2022), eff 5-19-22]

595:10-1-92. Driving restriction codes [TRANSFERRED]

[Source: Added at 17 Ok Reg 3013, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 52, eff 9-12-11 (emergency); Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 30 Ok Reg 2017, eff 7-25-13; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Transferred to 260:135-5-31 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-1-92 reverted back to the permanent text that became effective 7-25-13, as was last published in the 2015 OAC Supplement and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.

595:10-1-93. Information displayed on identification cards [TRANSFERRED]

[Source: Added at 17 Ok Reg 3013, eff 7-15-00; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-32 by HB 3419 (2022), eff 5-19-22]

PART 21. IDENTITY VERIFICATION UNIT

595:10-1-101. Identity fraud or theft

(a) In the event it is proven by the Identity Verification Unit, any law enforcement agency or officer and/or any court that identity fraud or theft has occurred in connection with an Oklahoma driver license or identification card, the victim may request the Identity Verification Unit to place a detailed restriction code 8 on the driving record. The victim shall be required by the Identity Verification Unit of the Department to provide a police report from their local law enforcement agency, that shows a determination of identity fraud or identity theft of their personal identifiers in relation to their Oklahoma Driver License and/or Oklahoma Identification Card. If the investigating agency is the Oklahoma Highway Patrol then a report will not be required from the victim's local law enforcement agency. The victim will also be given the opportunity to sign an affidavit stating he or she believes their identity has been compromised or they are the victim of identity fraud or theft and by signing the affidavit they give giving the Identity Verification Unit the authority to place a detailed restriction code 8 on their driving record. The Identity Verification Unit shall then cancel the originally issued driver license or identification card and assign to the victim another driver license or identification card with a new number.

(b) Only the detailed restriction code 8 shall be added by the Identity Verification Unit to the master file record of the original, cancelled driver license or identification card. All driving history shall remain on the file for a cancelled driver license. The detailed restriction shall state " Fraudulent document. Seize and mail to IVU PO Box 11415 Oklahoma City, OK 73136." The detailed restriction code 8 listed below will be used by the Department of Public Safety in regard to Oklahoma Driver License and/or Oklahoma Identification Card Fraud or Identity Theft. Identity Verification Unit Staff will retain the ability to adjust the detailed restriction code 8 for a specific victim if necessary. Identity Verification Unit Staff will determine the proper detailed restriction code 8 from the following three codes:

(1) Cardholder is the victim of identity theft. Leo confirm identity prior to issuance of a citation or arrest. Questions contact the OHP Identity Verification Unit @ 405-425-2402 or after hours, holidays and weekends contact the Oklahoma Highway Patrol Communications Center at commcenter@dps.ok.gov or 405-425-2323 for a photo to help confirm identity.

(2) The information shown on this document is not the true identity of the document holder. The identity shown on this document is that of an identity theft victim. The photo shown on this document is of the suspect. The suspect's identity is unknown. Take appropriate enforcement action and/or seize this document and return to the OHP Identity Verification Unit at PO Box 11415 Oklahoma City, OK 73136. Questions contact the OHP Identity Verification Unit @ 405-425-2402 or after hours, holidays and weekends contact the Oklahoma Highway Patrol Communications Center at commcenter@dps.ok.gov or 405-425-2323 for a photo to help confirm identity.

(3) The information shown on this document is not the true identity of the document holder. The identity shown on this document is that of an identity theft victim. The photo shown on this document is of the suspect. What is believed to be the suspect's true identity is shown on the NLETS return associated with this document. Take appropriate enforcement action and/or seize this document and return to the OHP Identity Verification Unit at PO Box 11415 Oklahoma City, OK 73136. Questions contact the OHP Identity Verification Unit @ 405-425-2402 or after hours, holidays and weekends contact the Oklahoma Highway Patrol Communications Center at commcenter@dps.ok.gov or 405-425-2323 for a photo to help confirm identity.

(c) The Identity Verification Unit shall issue to the identity fraud or theft victim a new driver license or identification card with the new number and with a detailed restriction code 8. The detailed restriction code 8 shall include detailed information regarding each specific case. Only the driving history proven to belong to the identification fraud or theft victim shall be added to the new driver license driving history.

(d) If the identity of the identity fraud or theft suspect can be determined, the Identity Verification Unit shall place an identity fraud or theft administrative revocation (W80) on the driving privilege of the suspect. A stop shall be placed on the identification card privilege of the suspect. Placing stops on the driver license and/or identification card privilege will prevent original issuance, renewal or duplication until the identity theft or fraud administrative revocation (W80) has been lifted. When requirements by the suspect are met, Identity Verification Unit Staff shall give administrative revocation (W80) release documentation to the suspect and/or to the Driver Compliance Division of the Department.

[Source: Added at 27 Ok Reg 2689, eff 8-26-10; Amended at 31 Ok Reg 2325, eff 9-12-14; Amended at 32 Ok Reg 2206, eff 9-11-15; Amended at 36 Ok Reg 1012, eff 7-25-19]

SUBCHAPTER 3. EXAMINATION [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 3 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:10-3-1. Purpose [TRANSFERRED]

[Source: Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-36 by HB 3419 (2022), eff 5-19-22]

595:10-3-2. Prerequisites [REVOKED]

[Source: Amended at 17 Ok Reg 3013, eff 7-15-00; Revoked at 18 Ok Reg 3098, eff 7-14-01]

595:10-3-3. Study guides [TRANSFERRED]

[Source: Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Transferred to 260:135-5-37 by HB 3419 (2022), eff 5-19-22]

595:10-3-4. Application for examination [TRANSFERRED]

[Source: Amended at 10 Ok Reg 119, eff 10-7-92 (emergency); Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-38 by HB 3419 (2022), eff 5-19-22]

595:10-3-5. Incomplete applications [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-39 by HB 3419 (2022), eff 5-19-22]

595:10-3-6. Vision [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-40 by HB 3419 (2022), eff 5-19-22]

595:10-3-7. Knowledge test [TRANSFERRED]

[Source: Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 26 Ok Reg 2723, eff 7-25-09; ; Amended at 32 Ok Reg 2217, eff 9-11-15; Transferred to 260:135-5-41 by HB 3419 (2022), eff 5-19-22]

595:10-3-8. Pre-trip inspection of Class A, B, and C commercial vehicles [REVOKED]

[Source: Amended at 10 Ok Reg 119, eff 10-7-92 (emergency); Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 22 Ok Reg 2690, eff 7-25-05; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-3-9. Skills examination [TRANSFERRED]

[Source: Amended at 10 Ok Reg 119, eff 10-7-92 (emergency); Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 11 Ok Reg 3447, eff 6-27-94; Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 17 Ok Reg 836, eff 11-30-99 (emergency); Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 18 Ok Reg 3604, eff 7-11-01 (emergency); Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 26 Ok Reg 2723, eff 7-25-09; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 35 Ok Reg 1739, eff 9-17-18; Amended at 37 Ok Reg 271, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2054, eff 9-11-20; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-42 by HB 3419 (2022), eff 5-19-22]

595:10-3-10. Scoring criteria for motorcycle operator road test [REVOKED]

[Source: Revoked at 17 Ok Reg 3013, eff 7-15-00]

SUBCHAPTER 5. MEDICAL ASPECTS [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 5 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

PART 1. MEDICAL CONDITIONS [TRANSFERRED]

595:10-5-1. Purpose [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-46 by HB 3419 (2022), eff 5-19-22]

595:10-5-2. Sources of medical information. [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-47 by HB 3419 (2022), eff 5-19-22]

595:10-5-3. Medical reports [TRANSFERRED]

[Source: Amended at 13 Ok Reg 2813, eff 6-28-96; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-48 by HB 3419 (2022), eff 5-19-22]

595:10-5-4. Applicability [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-49 by HB 3419 (2022), eff 5-19-22]

595:10-5-5. Metabolic diseases [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 16 Ok Reg 3145, eff 7-12-99; Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 29 Ok Reg 1795, eff 6-28-12 (emergency); Amended at 29 Ok Reg 1371, eff 7-1-12; Amended at 29 Ok Reg 1795, eff 6-28-12 (emergency); Amended at 30 Ok Reg 2024, eff 7-25-13; Transferred to 260:135-5-50 by HB 3419 (2022), eff 5-19-22]

595:10-5-6. Cardiovascular diseases [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Transferred to 260:135-5-51 by HB 3419 (2022), eff 5-19-22]

595:10-5-7. Vision standards and problems [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 31 Ok Reg 160, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2326, eff 9-12-14; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-52 by HB 3419 (2022), eff 5-19-22]

595:10-5-8. Musculoskeletal problems [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-53 by HB 3419 (2022), eff 5-19-22]

595:10-5-9. Neurological disorders [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Transferred to 260:135-5-54 by HB 3419 (2022), eff 5-19-22]

595:10-5-10. Mental ability [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-55 by HB 3419 (2022), eff 5-19-22]

595:10-5-11. Neuropsychiatric disorders [REVOKED]

[Source: Revoked at 17 Ok Reg 3022, eff 7-15-00]

595:10-5-12. Alcohol and/or other intoxicating substance abuse [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Amended at 23 Ok Reg 3124, eff 8-25-06; Amended at 25 Ok Reg 2789, eff 9-12-08; Transferred to 260:135-5-56 by HB 3419 (2022), eff 5-19-22]

595:10-5-13. Requests for review of driving ability [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-57 by HB 3419 (2022), eff 5-19-22]

595:10-5-14. Chronic violator [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-58 by HB 3419 (2022), eff 5-19-22]

595:10-5-15. Conflicting information [TRANSFERRED]

[Source: Transferred to 260:135-5-59 by HB 3419 (2022), eff 5-19-22]

595:10-5-16. Giving of notice [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-60 by HB 3419 (2022), eff 5-19-22]

595:10-5-17. Reexamination requirements [TRANSFERRED]

[Source: Amended at 17 Ok Reg 3022, eff 7-15-00; Transferred to 260:135-5-61 by HB 3419 (2022), eff 5-19-22]

595:10-5-18. Right of appeal [TRANSFERRED]

[Source: Transferred to 260:135-5-62 by HB 3419 (2022), eff 5-19-22]

PART 3. MEDICAL EXEMPTION FOR TINTED WINDOWS AND WINDSHIELDS [TRANSFERRED]

595:10-5-31. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-66 by HB 3419 (2022), eff 5-19-22]

595:10-5-32. Definitions [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-67 by HB 3419 (2022), eff 5-19-22]

595:10-5-33. Application [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-68 by HB 3419 (2022), eff 5-19-22]

595:10-5-34. Applicability [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-69 by HB 3419 (2022), eff 5-19-22]

595:10-5-35. Percentage of light transmission allowed on exemptions [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-70 by HB 3419 (2022), eff 5-19-22]

595:10-5-36. Tinted windows and windshields exemption [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-71 by HB 3419 (2022), eff 5-19-22]

595:10-5-37. Exemptions issued prior to this rulemaking [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-72 by HB 3419 (2022), eff 5-19-22]

595:10-5-38. Ability to safely operate a motor vehicle [TRANSFERRED]

[Source: Added at 26 Ok Reg 2723, eff 7-25-09; Transferred to 260:135-5-73 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 7. POINTS SYSTEM [TRANSFERRED]

***Editor's Note:** Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 7 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).*

595:10-7-1. Purpose [TRANSFERRED]

[Source: Transferred to 260:135-5-77 by HB 3419 (2022), eff 5-19-22]

595:10-7-2. Points assessed for conviction [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 33 Ok Reg 395, eff 11-2-15 through 9-14-16 (emergency)¹; Amended at 34 Ok Reg 1916, eff 9-11-17; Transferred to 260:135-5-78 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of 595:10-7-2 reverted back to the permanent text that became effective 7-25-05, as was last published in the 2011 Edition of the OAC and republished in the 2016 Edition of the OAC, and remained as such until amended by permanent action on 9-11-17.*

595:10-7-3. Limitations [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-79 by HB 3419 (2022), eff 5-19-22]

595:10-7-4. Warning letter [TRANSFERRED]

[Source: Transferred to 260:135-5-80 by HB 3419 (2022), eff 5-19-22]

595:10-7-5. Notice to appear [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-81 by HB 3419 (2022), eff 5-19-22]

595:10-7-6. Order of suspension [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-82 by HB 3419 (2022), eff 5-19-22]

595:10-7-7. Duration of suspension [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 10 Ok Reg 3189, eff 6-25-93; Amended at 18 Ok Reg 3098, eff 7-14-01; Transferred to 260:135-5-83 by HB 3419 (2022), eff 5-19-22]

595:10-7-8. Withdrawal order [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-84 by HB 3419 (2022), eff 5-19-22]

595:10-7-9. Extension of period of suspension or revocation [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-85 by HB 3419 (2022), eff 5-19-22]

595:10-7-10. Credit points [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-86 by HB 3419 (2022), eff 5-19-22]

595:10-7-11. Effective date of order [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-87 by HB 3419 (2022), eff 5-19-22]

595:10-7-12. Penalties to persons not licensed by State [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-88 by HB 3419 (2022), eff 5-19-22]

595:10-7-13. Scope of suspensions, conviction [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Transferred to 260:135-5-89 by HB 3419 (2022), eff 5-19-22]

595:10-7-14. Construction [TRANSFERRED]

[Source: Transferred to 260:135-5-90 by HB 3419 (2022), eff 5-19-22]

595:10-7-15. Occupational modifications [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2563, eff 6-26-92; Amended at 17 Ok Reg 3013, eff 7-15-00; Amended at 22 Ok Reg 2690, eff 7-25-05; Transferred to 260:135-5-91 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 9. CERTIFIED SCHOOLS AND DESIGNATED EXAMINERS [REVOKED]

595:10-9-1. Purpose [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-2. Scope and application [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-3. Definitions [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-4. Requirements for certification as a certified school; display of certificate; certification renewal [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2789, eff 9-12-08; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-5. Requirements for certification as a designated examiner, display of certificate, certification renewal [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 22 Ok Reg 2690, eff 7-25-05; Amended at 24 Ok Reg 2751, eff 8-15-07; Amended at 25 Ok Reg 2789, eff 9-12-08; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-6. Course of instruction for driver training instructors applying for certification as a designated examiner [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-7. Examination requirements and standards [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-8. Examination for emergency certification for bus drivers [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-9. Failed examinations and reexamination [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-10. Driver license applicant [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-11. Records to be maintained by certified schools and designated examiners [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-12. Records to be maintained at the Department [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-13. Prescribed forms [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-14. Official seal [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 25 Ok Reg 2789, eff 9-12-08; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-15. Prohibited acts; conduct [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-16. Termination of contracts and agreements [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-17. Withdrawal or denial of certification [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Amended at 19 Ok Reg 2689, eff 7-15-02; Amended at 24 Ok Reg 2751, eff 8-15-07; Revoked at 26 Ok Reg 2723, eff 7-25-09]

595:10-9-18. Hearings [REVOKED]

[Source: Added at 16 Ok Reg 3145, eff 7-12-99; Revoked at 26 Ok Reg 2723, eff 7-25-09]

SUBCHAPTER 11. CERTIFIED SCHOOLS AND DESIGNATED CLASS D EXAMINERS [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 11 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:10-11-1. Purpose [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-95 by HB 3419 (2022), eff 5-19-22]

595:10-11-2. Scope and application [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-96 by HB 3419 (2022), eff 5-19-22]

595:10-11-3. Definitions [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 32 Ok Reg 2218, eff 9-11-15; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-97 by HB 3419 (2022), eff 5-19-22]

595:10-11-4. Requirements for certification as a certified school; display of certificate; certification renewal [REVOKED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07]

595:10-11-5. Requirements for certification as a designated examiner; display of certificate; certification renewal [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-98 by HB 3419 (2022), eff 5-19-22]

595:10-11-6. Course of instruction for driver education instructors applying for certification as a designated examiner [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-99 by HB 3419 (2022), eff 5-19-22]

595:10-11-7. Examination requirements and standards [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 32 Ok Reg 2218, eff 9-11-15; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 36 Ok Reg 1012, eff 7-25-19; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-100 by HB 3419 (2022), eff 5-19-22]

595:10-11-8. Reexamination upon failure of examination [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 20 Ok Reg 2701, eff 8-15-03; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 32 Ok Reg 2218, eff 9-11-15; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-101 by HB 3419 (2022),

eff 5-19-22]

595:10-11-9. Driver license applicant [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 18 Ok Reg 3098, eff 7-14-01; Amended at 20 Ok Reg 2701, eff 8-15-03; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 32 Ok Reg 2218, eff 9-11-15; Amended at 35 Ok Reg 1739, eff 9-17-18; Transferred to 260:135-5-102 by HB 3419 (2022), eff 5-19-22]

595:10-11-10. Records to be maintained by designated examiners [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-103 by HB 3419 (2022), eff 5-19-22]

595:10-11-11. Records to be maintained at the Department [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 32 Ok Reg 2218, eff 9-11-15; Transferred to 260:135-5-104 by HB 3419 (2022), eff 5-19-22]

595:10-11-12. Prescribed forms [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Amended at 36 Ok Reg 1012, eff 7-25-19; Transferred to 260:135-5-105 by HB 3419 (2022), eff 5-19-22]

595:10-11-13. Official seal [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-106 by HB 3419 (2022), eff 5-19-22]

595:10-11-14. Prohibited acts; conduct [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-107 by HB 3419 (2022), eff 5-19-22]

595:10-11-15. Termination, withdrawal, or denial of certification [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 19 Ok Reg 2689, eff 7-15-02; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-108 by HB 3419 (2022), eff 5-19-22]

595:10-11-16. Hearings [TRANSFERRED]

[Source: Added at 17 Ok Reg 3029, eff 8-15-00; Revoked at 24 Ok Reg 2751, eff 8-15-07; Added at 30 Ok Reg 204, eff 12-5-12 (emergency); Added at 30 Ok Reg 2025, eff 7-25-13; Transferred to 260:135-5-109 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 13. PARENT-TAUGHT DRIVER EDUCATION [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 13 are now located in the Office of Management and

Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:10-13-1. Purpose [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Transferred to 260:135-5-113 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-1 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-2. Scope and application [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Transferred to 260:135-5-114 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-2 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-3. Definitions [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 27 Ok Reg 2689, eff 8-26-10; Transferred to 260:135-5-115 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-3 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-4. Requirements and application for certification as a parent-taught driver education course; certification renewal [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 28 Ok Reg 2068, eff 7-15-11; Transferred to 260:135-5-116 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-4 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-5. Requirements for parents and students [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 21 Ok Reg 2999, eff 7-25-04; Amended at 25 Ok Reg 2789, eff 9-12-08; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 29 Ok Reg 1371, eff 7-1-12; Transferred to 260:135-5-117 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-5 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-6. Course of study and instruction (curriculum) [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 27 Ok Reg 2689, eff 8-26-10; Transferred to 260:135-5-118 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-6 was no longer effective, and remained as such until

added by permanent action on 8-15-03.

595:10-13-7. [RESERVED]

[Source: Reserved at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Reserved at 20 Ok Reg 2701, eff 8-15-03]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action reserving a new Section, the reservation of the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), Section 595:10-13-7 was no longer reserved, and remained as such until reserved by permanent action on 8-15-03.

595:10-13-8. Prescribed forms [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Amended at 34 Ok Reg 1916, eff 9-11-17; Transferred to 260:135-5-119 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-8 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-9. Termination, cancellation, or denial of certification or acceptance [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Amended at 27 Ok Reg 2689, eff 8-26-10; Amended at 28 Ok Reg 2068, eff 7-15-11; Transferred to 260:135-5-120 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-9 was no longer effective, and remained as such until added by permanent action on 8-15-03.

595:10-13-10. [RESERVED]

[Source: Reserved at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Reserved at 20 Ok Reg 2701, eff 8-15-03]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action reserving a new Section, the reservation of the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), Section 595:10-13-10 was no longer reserved, and remained as such until reserved by permanent action on 8-15-03.

595:10-13-11. Hearings [TRANSFERRED]

[Source: Added at 19 Ok Reg 673, eff 12-27-01 through 7-14-02 (emergency)¹; Added at 20 Ok Reg 2701, eff 8-15-03; Transferred to 260:135-5-121 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 595:10-13-11 was no longer effective, and remained as such until added by permanent action on 8-15-03.

SUBCHAPTER 15. PROVISIONAL DRIVER LICENSE PROGRAM [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 15 are now located in the Office of Management and

Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:10-15-1. Purpose [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Transferred to 260:135-5-125 by HB 3419 (2022), eff 5-19-22]

595:10-15-2. Definitions [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-126 by HB 3419 (2022), eff 5-19-22]

595:10-15-3. Eligibility criteria [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-127 by HB 3419 (2022), eff 5-19-22]

595:10-15-4. Participants in the PDL Program [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-128 by HB 3419 (2022), eff 5-19-22]

595:10-15-5. Terms and conditions under which the Participant Licensee can drive [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-129 by HB 3419 (2022), eff 5-19-22]

595:10-15-6. Proof of insurance [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-130 by HB 3419 (2022), eff 5-19-22]

595:10-15-7. Completion of Required forms, payment of the initial minimum monthly payment, and payment of the Provisional License fee [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-131 by HB 3419 (2022), eff 5-19-22]

595:10-15-8. Termination (removal) from the PDL Program, cancellation of the Restricted Driver License issued under the Provisional Driver License Program, ineligibility from future participation in the PDL Program, and Review [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Amended at 34 Ok Reg 1916, eff 9-11-17; Amended at 38 Ok Reg 2472, eff 9-12-21; Transferred to 260:135-5-132 by HB 3419 (2022), eff 5-19-22]

595:10-15-9. Completion of the PDL Program [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Transferred to 260:135-5-133 by HB 3419 (2022), eff 5-19-22]

595:10-15-10. Construction [TRANSFERRED]

[Source: Added at 31 Ok Reg 161, eff 10-15-13 (emergency); Added at 31 Ok Reg 2328, eff 9-12-14; Transferred to 260:135-5-134 by HB 3419 (2022), eff 5-19-22]

APPENDIX A. POINTS ASSESSED FOR CONVICTION [TRANSFERRED]

[Source: Added at 34 Ok Reg 1916, eff 9-11-17; Transferred to 260:135, Appendix A, by HB 3419 (2022), eff 5-19-22]

CHAPTER 11. COMMERCIAL DRIVER LICENSES

[Authority: 47 O.S., § 6–101 et seq.]

[Source: Codified 7-25-09]

SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 1 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

PART 1. PURPOSE [TRANSFERRED]

595:11-1-1. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-138 by HB 3419 (2022), eff 5-19-22]

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE [TRANSFERRED]

595:11-1-11. General information [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 36 Ok Reg 1036, eff 7-25-19; Transferred to 260:135-5-139 by HB 3419 (2022), eff 5-19-22]

595:11-1-12. Procedures for obtaining an initial commercial driver license [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-140 by HB 3419 (2022), eff 5-19-22]

595:11-1-13. Application by person licensed by another jurisdiction [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-141 by HB 3419 (2022), eff 5-19-22]

595:11-1-14. Adoption by reference [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 36 Ok Reg 1036, eff 7-25-19; Transferred to 260:135-5-142 by HB 3419 (2022), eff 5-19-22]

595:11-1-15. Applicability, substitutions, limitations, and additions to federal regulations adopted by reference [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 30 Ok Reg 208, eff 12-5-12 (emergency); Amended at 30 Ok Reg 2030, eff 7-25-13; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-143 by HB 3419 (2022), eff 5-19-22]

595:11-1-16. Waiver of certain physical conditions for Class A, B, or C commercial driver license applicants [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 30 Ok Reg 208, eff 12-5-12 (emergency); Amended at 30 Ok Reg 2030, eff 7-25-13; Transferred to 260:135-5-144 by HB 3419 (2022), eff 5-19-22]

595:11-1-17. Medical examiner's certificate requirements [TRANSFERRED]

[Source: Added at 30 Ok Reg 208, eff 12-5-12 (emergency); Added at 30 Ok Reg 2030, eff 7-25-13; Amended at 34 Ok Reg 1943, eff 9-11-17; Transferred to 260:135-5-144 by HB 3419 (2022), eff 5-19-22]

595:11-1-18. Downgrade of commercial driver license to Class D driver license [TRANSFERRED]

[Source: Added at 30 Ok Reg 208, eff 12-5-12 (emergency); Added at 30 Ok Reg 2030, eff 7-25-13; Transferred to 260:135-5-146 by HB 3419 (2022), eff 5-19-22]

PART 3. COMMERCIAL DRIVER LICENSE RENEWAL - IN PERSON [TRANSFERRED]

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-150 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-1-21 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement, and remained as such until amended again by emergency action on 6-16-11.

PART 5. COMMERCIAL DRIVER LICENSE REPLACEMENT - IN PERSON [TRANSFERRED]

595:11-1-31. Procedure for obtaining a replacement driver license in person [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-151 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-1-31 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement and republished in the 2010 OAC Supplement and 2011 and 2016 Editions of the OAC, and remained as such until amended by permanent action on 9-11-17.

PART 6. RENEWAL OR REPLACEMENT - NOT IN PERSON [REVOKED]

595:11-1-41. Renewal or replacement - not in person [REVOKED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Revoked at 32 Ok Reg 2228, eff 9-11-15]

PART 7. CHANGES TO INFORMATION CONTAINED ON COMMERCIAL DRIVER LICENSE [TRANSFERRED]

595:11-1-51. Procedure to make a change of name on a commercial driver license [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-155 by HB 3419 (2022), eff 5-19-22]

PART 8. REDUCTION OF COMMERCIAL DRIVER LICENSE CLASS [TRANSFERRED]

595:11-1-55. Reduction of commercial driver license class [EXPIRED]

[Source: Added at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), Section 595:11-1-55 was no longer effective. For the official text of the emergency rule that was in effect from 11-3-09 through 7-14-10, see 27 Ok Reg 323.

PART 9. COMMERCIAL DRIVER LICENSE CARD CONTENT [TRANSFERRED]

595:11-1-61. Information displayed on commercial driver licenses [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 32 Ok Reg 2228, eff 9-11-15; Transferred to 260:135-5-156 by HB 3419 (2022), eff 5-19-22]

595:11-1-62. Driving restriction codes [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Transferred to 260:135-5-157 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-1-62 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement, and remained as such until amended again by emergency action on 5-16-11.

SUBCHAPTER 3. EXAMINATION [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 3 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:11-3-1. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-161 by HB 3419 (2022), eff 5-19-22]

595:11-3-2. Study guide [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-162 by HB 3419 (2022), eff 5-19-22]

595:11-3-3. Application for examination [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-163 by HB 3419 (2022), eff 5-19-22]

595:11-3-4. Incomplete applications [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-164 by HB 3419 (2022), eff 5-19-22]

595:11-3-5. Vision [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-165 by HB 3419 (2022), eff 5-19-22]

595:11-3-6. Written examination [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 31 Ok Reg 164, eff 10-15-13 (emergency); Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 31 Ok Reg 2330, eff 9-12-14; Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-166 by HB 3419 (2022), eff 5-19-22]

595:11-3-7. Vehicle inspection examination of commercial motor vehicles [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-167 by HB 3419 (2022), eff 5-19-22]

595:11-3-8. Skills examination [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 31 Ok Reg 165, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2330, eff 9-12-14; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Amended at 38 Ok Reg 2480, eff 9-12-21; Transferred to 260:135-5-168 by HB 3419 (2022), eff 5-19-22]

595:11-3-9. Automatic failure of skills examination [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-169 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 5 are now located in the Office of Management and

Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:11-5-1. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-173 by HB 3419 (2022), eff 5-19-22]

595:11-5-2. Scope and application [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-174 by HB 3419 (2022), eff 5-19-22]

595:11-5-3. Definitions [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-175 by HB 3419 (2022), eff 5-19-22]

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 27 Ok Reg 2704, eff 8-26-10; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Amended at 38 Ok Reg 2480, eff 9-12-21; Transferred to 260:135-5-176 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-5-4 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement, and remained as such until amended by permanent action on 8-26-10.*

595:11-5-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 31 Ok Reg 167, eff 10-15-13 (emergency); Amended at 31 Ok Reg 2333, eff 9-12-14; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Amended at 38 Ok Reg 2480, eff 9-12-21; Transferred to 260:135-5-177 by HB 3419 (2022), eff 5-19-22]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-5-5 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement and republished in the 2010 OAC Supplement and 2011 Edition of the OAC, and remained as such until amended again by emergency action on 10-15-13.*

595:11-5-6. Course of instruction for driver training instructors applying for certification as a third-party examiner [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-178 by HB 3419 (2022), eff 5-19-22]

595:11-5-7. Skills examination requirements and standards [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-179 by HB 3419 (2022), eff 5-19-22]

595:11-5-8. Examination for emergency certification for bus drivers [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-180 by HB 3419 (2022), eff 5-19-22]

595:11-5-9. Failed examinations and reexamination [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-181 by HB 3419 (2022), eff 5-19-22]

595:11-5-10. Commercial driver license applicant [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-182 by HB 3419 (2022), eff 5-19-22]

595:11-5-11. Records to be maintained by certified schools and third-party examiners [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 2704, eff 8-26-10; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-183 by HB 3419 (2022), eff 5-19-22]

595:11-5-12. Records to be maintained at the Department [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-184 by HB 3419 (2022), eff 5-19-22]

595:11-5-13. Prescribed forms [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-185 by HB 3419 (2022), eff 5-19-22]

595:11-5-14. Official seal, Map and CDL Examiners Manual [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-186 by HB 3419 (2022), eff 5-19-22]

595:11-5-15. Prohibited acts; conduct [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-187 by HB 3419 (2022), eff 5-19-22]

595:11-5-16. Termination of contracts and agreements [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 282, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-188 by HB 3419 (2022), eff 5-19-22]

595:11-5-17. Withdrawal or denial of certification [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-189 by HB 3419 (2022), eff 5-19-22]

595:11-5-18. Hearings [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-190 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 7. TRUCK DRIVER TRAINING [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 7 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:11-7-1. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-194 by HB 3419 (2022), eff 5-19-22]

595:11-7-2. Definitions [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-195 by HB 3419 (2022), eff 5-19-22]

595:11-7-3. School licenses and instructor permits [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 323, eff 11-3-09 through 7-14-10 (emergency)¹; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-196 by HB 3419 (2022), eff 5-19-22]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:11-7-3 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement and republished in the 2010 OAC Supplement and 2011 Edition of the OAC, and remained as such until amended again by emergency action on 8-25-14.

595:11-7-4. Qualifications for instructors [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 2704, eff 8-26-10; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-197 by HB 3419 (2022), eff 5-19-22]

595:11-7-5. Review of permitted instructors and licensed schools [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 2228, eff 9-11-15; Transferred to 260:135-5-198 by HB 3419 (2022), eff 5-19-22]

595:11-7-6. Eligibility for re-issuance of instructor permits [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-199 by HB 3419 (2022), eff 5-19-22]

595:11-7-7. Inspection of school premises and commercial motor vehicles [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-200 by HB 3419 (2022), eff 5-19-22]

595:11-7-8. Written notice of denial, suspension, or revocation [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-201 by HB 3419 (2022), eff 5-19-22]

595:11-7-9. Prescribed course of study [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 36 Ok Reg 1036, eff 7-25-19; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Added at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-202 by HB 3419 (2022), eff 5-19-22]

595:11-7-10. Specification for commercial motor vehicles [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 32 Ok Reg 2228, eff 9-11-15; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-203 by HB 3419 (2022), eff 5-19-22]

595:11-7-11. Insurance [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-204 by HB 3419 (2022), eff 5-19-22]

595:11-7-12. Reports [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-205 by HB 3419 (2022), eff 5-19-22]

595:11-7-13. Requirements for schools and classrooms [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 27 Ok Reg 2704, eff 8-26-10; Amended at 32 Ok Reg 35, eff 8-25-14 (emergency); Amended at 32 Ok Reg 2220, eff 9-11-15; Amended at 34 Ok Reg 1943, eff 9-11-17; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-206 by HB 3419 (2022), eff 5-19-22]

595:11-7-14. Prohibited acts; conduct [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-207 by HB 3419 (2022), eff 5-19-22]

595:11-7-15. Suspension or revocation of license [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 289, eff 10-31-19 (emergency); Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-208 by HB 3419 (2022), eff 5-19-22]

595:11-7-16. Hearings [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-209 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 9. DRIVER STATUS NOTIFICATION SYSTEM [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 9 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:11-9-1. Purpose [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-213 by HB 3419 (2022), eff 5-19-22]

595:11-9-2. Applicability [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-214 by HB 3419 (2022), eff 5-19-22]

595:11-9-3. Definitions [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 35 Ok Reg 1944, eff 9-17-18; Amended at 37 Ok Reg 2069, eff 9-11-20; Transferred to 260:135-5-215 by HB 3419 (2022), eff 5-19-22]

595:11-9-4. Employer application [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-216 by HB 3419 (2022), eff 5-19-22]

595:11-9-5. Requirements for enrolling drivers by subscribing employers [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-217 by HB 3419 (2022), eff 5-19-22]

595:11-9-6. Renewing enrolled drivers [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-218 by HB 3419 (2022), eff 5-19-22]

595:11-9-7. Removing drivers by subscribing employers. [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-219 by HB 3419 (2022), eff 5-19-22]

595:11-9-8. Methods of notification and content of information [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-220 by HB 3419 (2022), eff 5-19-22]

595:11-9-9. Fee schedule and payment [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Amended at 28 Ok Reg 2161, eff 6-16-11 (emergency); Amended at 29 Ok Reg 510, eff 6-1-12; Amended at 35 Ok Reg 1944, eff 9-17-18; Transferred to 260:135-5-221 by HB 3419 (2022), eff 5-19-22]

595:11-9-10. Maintenance of subscription [REVOKED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Revoked at 35 Ok Reg 1944, eff 9-17-18]

595:11-9-11. Prohibited acts [TRANSFERRED]

[Source: Added at 26 Ok Reg 2749, eff 7-25-09; Transferred to 260:135-5-222 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 11. THIRD-PARTY EXAMINERS PILOT PROGRAM [EXPIRED]

595:11-11-1. Purpose [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-1 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-2. Scope and application [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-2 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-3. Definitions [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-3 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-4. School licenses and driver training instructor permits [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-4 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-5. Qualifications for instructors [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-5 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-6. Requirements for certification as a third-party examiner [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-6 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-7. Review of all required files kept by instructors, third party examiner's and licensed schools [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

***EDITOR'S NOTE:** ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-7 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.*

595:11-11-8. Course of instruction for certification as a third-party examiner [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-8 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-9. Insurance [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-9 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-10. Requirements for schools and classrooms [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-10 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-11. Specification for commercial motor vehicles [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-11 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-12. Prescribed course of study for commercial truck driver training [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-12 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-13. Third party skills examination requirements and standards [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-13 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-14. Failed examinations and reexamination [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-14 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-15. Inspection of school premises and commercial motor vehicles [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-15 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-16. Records to be maintained by certified schools and third-party examiners [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-16 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-17. Records to be maintained at the Department [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-17 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-18. Agreements and schedule of fees [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-18 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-19. Records to be maintained by the commercial school [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-19 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-20. Official seal [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-20 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-21. Certified schools prohibited acts; conduct [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-21 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-22. Third-party examiner - prohibited acts [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-22 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-23. Third-party examiner - conduct [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-23 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-24. Commerical instructor-prohibited acts; conduct [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-24 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-25. Termination of contracts and agreements [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-25 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-26. Withdrawal or denial of certification [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-26 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

595:11-11-27. Hearings [EXPIRED]

[Source: Added at 34 Ok Reg 293, eff 12-2-16 through 9-14-17 (emergency)¹]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 9-15-17 (after the 9-14-17 expiration of the emergency action), Section 595:11-11-27 was no longer effective. For the official text of the emergency rule that was effective from 12-2-16 through 9-14-17, see 34 Ok Reg 293.

CHAPTER 15. FINANCIAL RESPONSIBILITY

[Authority: 47 O.S., §§ 7-101(a), 7-608(c), and 7-609]

[Source: Codified 12-30-91]

SUBCHAPTER 1. VEHICLE LIABILITY INSURANCE CANCELLATION [REVOKED]

595:15-1-1. Purpose [REVOKED]

[Source: Amended at 16 Ok Reg 3157, eff 7-12-99; Amended at 21 Ok Reg 3009, eff 7-25-04; Revoked at 28 Ok Reg 2085, eff 7-15-11]

595:15-1-2. Definitions [REVOKED]

[Source: Amended at 9 Ok Reg 2575, eff 6-26-92; Amended at 16 Ok Reg 3157, eff 7-12-99; Amended at 21 Ok Reg 3009, eff 7-25-04; Revoked at 28 Ok Reg 2085, eff 7-15-11]

595:15-1-3. Notification to the Department [REVOKED]

[Source: Amended at 9 Ok Reg 2575, eff 6-26-92; Amended at 11 Ok Reg 227, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2353, eff 5-26-94; Amended at 21 Ok Reg 3009, eff 7-25-04; Revoked at 28 Ok Reg 2085, eff 7-15-11]

595:15-1-4. Suspension for no vehicle liability insurance [REVOKED]

[Source: Amended at 11 Ok Reg 227, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2353, eff 5-26-94; Amended at 14 Ok Reg 3503, eff 8-12-97; Amended at 16 Ok Reg 3157, eff 7-12-99; Amended at 17 Ok Reg 3036, eff 7-15-00; Amended at 21 Ok Reg 3009, eff 7-25-04; Revoked at 28 Ok Reg 2085, eff 7-15-11]

595:15-1-5. Verification of insurance presented to the Department [REVOKED]

[Source: Added at 24 Ok Reg 2776, eff 8-15-07; Revoked at 28 Ok Reg 2085, eff 7-15-11]

SUBCHAPTER 3. OKLAHOMA COMPULSORY INSURANCE VERIFICATION SYSTEM

595:15-3-1. Purpose

The purpose of this subchapter is to provide guidance to insurance companies for participation in the Oklahoma Compulsory Insurance Verification System as created by the Department of Public Safety pursuant to 47 O.S., §7-600.2.

[Source: Added at 28 Ok Reg 2085, eff 7-15-11]

595:15-3-2. Applicability

(a) *All insurers, as a condition of writing motor vehicle liability policies in this state, shall comply with the requirements of Section 7-600.2 of Title 47 of the Oklahoma Statutes.* [36 O.S., §619.3

(b) The Oklahoma Compulsory Insurance Verification system provides an electronic real-time means to law enforcement and the courts to verify compliance with the Compulsory Insurance Law of Oklahoma (47 O.S., §7-600 et seq.) as it pertains to privately-owned vehicles.

[Source: Added at 28 Ok Reg 2085, eff 7-15-11]

595:15-3-3. Responsibilities of the Department of Public Safety and insurance companies

Compliance with 47 O.S., §7-600.2, and other laws related to the Oklahoma Compulsory Insurance Verification System, participation in the System by insurance companies, and the responsibilities of the Department of Public Safety and insurance companies related to that compliance and participation are governed by the "Web Service and Database Manual" as published by the Department and provided on the website of the Department at: <http://www.dps.state.ok.us/OCIVS/>

[Source: Added at 28 Ok Reg 2085, eff 7-15-11]

SUBCHAPTER 5. OKLAHOMA TEMPORARY MOTORIST LIABILITY PLAN

595:15-5-1. Purpose

The purpose of this subchapter is to provide guidance to law enforcement officers and their agencies throughout the State of Oklahoma with regards to the Oklahoma Temporary Motorist Liability Plan pursuant to 47 O.S. § 7-621.

[Source: Added at 31 Ok Reg 2334, eff 9-12-14]

595:15-5-2. General procedures

(a) **Seizure of license plates.** When the law enforcement officer determines the vehicle involved in the traffic stop is not in compliance with this state's Compulsory Insurance Law, the officer shall:

- (1) seize the license plate from the vehicle;
- (2) issue the driver a citation for noncompliance;
- (3) provide the driver with the following information:
 - (A) the citation will act as a temporary license plate for ten (10) days from the date of the citation.
 - (B) the license plate will be delivered to the county Sheriff's office in the county in which the violation took place;
 - (C) to recover the license plate, the driver or owner of the vehicle shall:
 - (i) provide verification of compliance with the Compulsory Insurance Law;
 - (ii) Pay the administrative fee of one hundred twenty-five dollars (\$125.00) to the county Sheriff's office;
 - (iii) Pay all fines and fees associated with the citation.
- (4) Within three (3) days of the citation, the law enforcement officer shall deliver a copy of the citation along with the seized license plate to the sheriff's office in the county in which the violation occurred.

(b) **Temporary license plate or temporary sticker.** When a law enforcement officer seizes the license plate of an uninsured driver pursuant to 47 O.S. § 7-606(A)(1)(b), a temporary sticker or license plate shall be affixed to the vehicle.

- (1) The Oklahoma Sheriffs Association shall annually develop and approve the temporary sticker or license plate with consultation from the Oklahoma Insurance Department.
 - (A) If the Oklahoma Sheriffs Association chooses to develop a temporary sticker, it shall be affixed to the lower left corner of the rear window of the vehicle.
 - (B) If the Oklahoma Sheriffs Association chooses to develop a temporary license plate, it shall be affixed to the location where the seized license plate was affixed.
- (2) The temporary sticker or license plate shall include blank lines for the following information:
 - (A) The county in which the citation is issued,
 - (B) The date the citation is issued,
 - (C) The citation number,
 - (D) The year, make, and model of the vehicle, and
 - (E) The license plate number of the vehicle.

(3) The temporary sticker or license plate shall be an easily seen and identifiable color.

(4) All temporary stickers or license plates used in the Oklahoma Temporary Motorist Liability Plan shall be purchased from the Oklahoma Sheriffs Association.

[Source: Added at 31 Ok Reg 2334, eff 9-12-14]

CHAPTER 20. INSPECTION AND EQUIPMENT FOR MOTOR VEHICLES [REVOKED]

[Authority: 47 O.S., §§ 851 et seq.]

[Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

595:20-1-1. Purpose [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-1-2. Definitions [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

SUBCHAPTER 3. EMISSION AND MECHANICAL INSPECTION OF VEHICLES [REVOKED]

595:20-3-1. General instructions [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-2. License required for Official Inspection Station [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-3. When emission anti-tampering inspection required where population less than 500,000 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-4. When emission anti-tampering inspection required where population 500,000 or more [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-5. Emission inspection areas [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-21-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-6. Documentation for every inspection [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-7. Owner's area of residence [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-8. Exclusive use of serially numbered items issued by the Department [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-9. Oklahoma registered vehicles [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-10. Vehicles purchased outside Oklahoma for Oklahoma registration [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-11. Provisions for Oklahoma residents temporarily out-of-state [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-12. Inspection required each year [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-13. Special mobilized equipment [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-14. Travel trailers, house trailers and mobile homes [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-15. New vehicles bearing dealer's tag [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-16. Trailers, semitrailers, pole trailers, house trailers or travel trailers are separate vehicles [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-17. Billing of inspection fees [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-18. Complete inspection and re-inspection [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-19. Vehicles in Oklahoma over thirty (30) days and vehicles operating commercially in Oklahoma [REVOKED]

[Source: Revoked at 15 Ok Reg 3295, eff 7-13-98]

595:20-3-20. Vehicles sold as junk [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-21. Used vehicles sold at public auction [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-22. Vehicles registered in another state [REVOKED]

[Source: Revoked at 15 Ok Reg 3295, eff 7-13-98]

595:20-3-23. Waivers in writing [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-24. Rental vehicle inspection [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-25. Motorcycle or motor-driven cycles (Class "B") [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-26. Trailer and semitrailer trucks (Class "C") [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-27. School buses (Class "D") [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-28. Ancient vehicles [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-29. Class A stations in nonattainment areas classified Class AE [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-30. Class AE inspection stations in nonattainment areas [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-31. Types of inspection stations [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-32. Inspection areas [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-33. Fee requirements [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-34. Method of licensing of official and fleet inspection stations [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-35. Procedures for approval and disapproval [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-36. License and renewal for official inspection stations [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-37. Building requirements for official inspection stations [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-38. Space requirements for official inspection stations [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-39. Manpower requirements for official inspection stations [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-40. Required tools and equipment for official inspection stations [REVOKED]

[Source: Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 14 Ok Reg 3504, eff 8-12-97; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-41. Supervisory responsibility of inspection station owners and operators [REVOKED]

[Source: Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-42. Responsibility for signs, forms, etc [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-43. Knowledge of rules [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-44. Equipment [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-45. Inspection records to be kept in inspection stations [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-46. Security measures [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-47. Cessation of inspections [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-48. Materials furnished by the Vehicle Inspection Division [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-49. Reinstatement after suspension or revocation [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-50. Licensing eligibility requirements for inspectors [REVOKED]

[Source: Amended at 14 Ok Reg 3504, eff 8-12-97; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-51. Licensed inspector responsibilities [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-52. Fleet inspection station - requirements for licensing [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-53. Motorcycle inspection station - requirement for licensing [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-54. Trailer inspection station - requirements for licensing [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-55. School bus inspection station - requirements for licensing [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-56. Official inspection station sign [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-57. Signature card [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-58. Types of stickers [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-59. Procedure for ordering stickers [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-60. Replacement of stickers [REVOKED]

[Source: Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-61. Refund for unused stickers [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-62. Repairs [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-63. Rejected vehicles [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-64. Procedures for going out of business, change of location or change in name and ownership [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3607, eff 7-11-01 (emergency); Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-65. Foreign vehicles [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-66. Rebuilt vehicles [REVOKED]

[Source: Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-3-67. Reciprocal agreement [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

SUBCHAPTER 5. INSPECTION PROCEDURES [REVOKED]

PART 1. LIGHTING [REVOKED]

595:20-5-1. General lighting requirements of each type of vehicle [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-2. Inspection of passenger vehicles, pickup trucks, panel trucks, buses or trucks less than 80 inches in overall width [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-3. Inspection of trucks or buses 80 inches or more in overall width [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-4. Inspection of truck tractors [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-5. Inspection of trailers and semitrailers exceeding 3,000 pounds gross weight [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-6. Inspection of pole trailers exceeding 3,000 pounds gross weight [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-7. Inspection of trailers, semitrailers or pole trailers of 3,000 pounds gross weight or less [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-8. Inspection of motorcycles, motorscooters or motorbikes [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-9. Inspection of school buses [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

PART 3. CLASS A INSPECTION STATIONS - PASSENGER CARS, STATION WAGONS, PICKUP TRUCKS, TRUCKS, TRUCK TRACTORS, SCHOOL BUSES CONVERTED FOR OTHER PURPOSES AND MOTOR HOMES [REVOKED]

595:20-5-20. General [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-21. Brakes [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-22. Wheels and tires [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-23. Exhaust system [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-24. Steering [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-25. Suspension [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-26. Lighting equipment [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-27. Windshield and other glass [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-28. Windshield wipers [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-29. Horn [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-30. License plate [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-31. Alternative fuel vehicle - liquid or gas fuel [REVOKED]

[Source: Added at 17 Ok Reg 3036, eff 7-15-00; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-32. Alternative fuel vehicle - electric [REVOKED]

[Source: Added at 17 Ok Reg 3036, eff 7-15-00; Revoked at 28 Ok Reg 2088, eff 7-15-11]

**PART 5. CLASS A INSPECTION STATION - INSPECTION OF TRAILERS
LESS THAN 10,000 POUNDS GROSS WEIGHT [REVOKED]**

595:20-5-41. General [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-42. Brakes [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-43. Wheels and tires [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-44. Lighting equipment [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-45. License plate [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

**PART 7. CLASS B INSPECTION STATION - INSPECTION OF
MOTORCYCLES AND MOTOR-DRIVEN CYCLES [REVOKED]**

595:20-5-56. General [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-57. Brakes [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-58. Wheels and tires [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-59. Exhaust system [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-60. Steering [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-61. Lighting requirements [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-62. Horn [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-63. Windshield [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-64. Chains and sprockets [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-65. License plate [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

PART 9. CLASS C INSPECTION STATION - TRAILERS AND SEMITRAILERS OVER 10,000 POUNDS GROSS WEIGHT [REVOKED]

595:20-5-76. General [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-77. Brakes [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-78. Wheels and tires [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-79. Lights [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-80. License plate [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

PART 11. CLASS D INSPECTION STATION - INSPECTION OF SCHOOL BUSES [REVOKED]

595:20-5-91. General

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-92. Brakes [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-93. Wheels and tires [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-94. Exhaust system [REVOKED]

[Source: Amended at 13 Ok Reg 2819, eff 6-28-96; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-95. Steering [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-96. Lighting equipment [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-97. Windshield and other glass [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-98. Windshield wipers [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-99. Horn [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-5-100. License plate [REVOKED]

[Source: Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

**SUBCHAPTER 7. INSPECTION STICKERS AND MONTHLY TAB
INSERTS FOR WINDSHIELD AND TRAILER/MOTORCYCLE
[REVOKED]**

595:20-7-1. General [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-2. Inspection certificate [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-3. Rejection receipt - Form VID 44 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-4. Station monthly report - Form VID 21 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-5. Signature card - Form VID 17 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-6. Request for inspection stickers - Form VID 19 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-7-7. Request for refund - Form VID 25 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

SUBCHAPTER 9. CLASS AE INSPECTION STATION, VEHICLE EMISSION ANTI-TAMPERING INSPECTION [REVOKED]

595:20-9-1. General [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-2. Vehicle emission anti-tampering inspection program [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-3. Vehicle emission inspection [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-4. Vehicle emission anti-tampering inspection procedures [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-5. Equipment [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-6. Manufacturers emission control label [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-7. Catalytic Converter System (C.A.T.) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-8. Lead detection [REVOKED]

[Source: Revoked at 10 Ok Reg 673, eff 12-23-92 (emergency); Revoked at 10 Ok Reg 3199, eff 6-25-93]

595:20-9-9. Fuel inlet restrictor (F.I.R.) [REVOKED]

[Source: Revoked at 10 Ok Reg 673, eff 12-23-92 (emergency); Revoked at 10 Ok Reg 3199, eff 6-25-93]

595:20-9-10. Evaporative emission control system (E.V.P.) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-11. Air injection system (A.I.S. or A.I.R.) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-12. Positive crankcase ventilation system (P.C.V. Valve) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-13. Oxygen sensor [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-14. Thermostatic air intake system (T.A.C.) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-9-15. Exhaust gas recirculation system (E.G.R.) [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

**SUBCHAPTER 11. ANNUAL MOTOR VEHICLE INSPECTION AND
EMISSION ANTI-TAMPERING INSPECTION RECORDS AND REPORTS
[REVOKED]**

595:20-11-1. General [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 15 Ok Reg 3295, eff 7-13-98; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-11-2. Inspection certificate - VEC-1 [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-11-3. Rejection certificate - VID-44 [REVOKED]

[Source: Amended at 10 Ok Reg 673, eff 12-23-92 (emergency); Amended at 10 Ok Reg 3199, eff 6-25-93; Amended at 11 Ok Reg 2355, eff 5-26-94; Revoked at 28 Ok Reg 2088, eff 7-15-11]

595:20-11-4. Appeal procedure [REVOKED]

[Source: Amended at 11 Ok Reg 2355, eff 5-26-94; Amended at 18 Ok Reg 3113, eff 7-14-01; Revoked at 28 Ok Reg 2088, eff 7-15-11]

APPENDIX A. PASSENGER VEHICLE LIGHTING CHART [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX B. TRUCK TRACTOR LIGHTING CHART [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX C. TRUCK AND BUS LIGHTING CHART [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX D. CAM BRAKE ILLUSTRATION AND ALLOWABLE
MEASUREMENTS [REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX E. TIRE TREAD MEASUREMENT [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX F. STEERING LASH [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX G. CRITICAL AREA OF WINDSHIELD [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX H. WHEELS [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX I. WHEEL CASTING [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX J. WHEEL STUDS [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX K. FRONT WHEEL BEARINGS [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX L. SCHOOL BUS LIGHTING EQUIPMENT [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX M. WINDSHIELD STICKER PLACEMENT [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX N. MECHANICAL VEHICLE INSPECTION CERTIFICATE
[REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX O. REJECTION RECEIPT - VID 44 FRONT SIDE [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX P. REJECTION RECEIPT - VID-44 BACK SIDE [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX Q. INSPECTION STATION MONTHLY REPORT FORM VID-
21 [REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX R. SIGNATURE CARD [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX S. REQUEST FOR INSPECTION STICKERS - VID-19
[REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX T. REFUND REQUEST FOR INSPECTION STICKERS - VID-
25 [REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX U. C.A.T. SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX V. FUEL INLET RESTRICTOR [REVOKED]

[Source: Revoked at 10 Ok Reg 673, eff 12-23-92 (emergency); Revoked at 10 Ok Reg 3199, eff 6-25-93]

APPENDIX W. EVP SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX X. TYPE 1 AIS SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX Y. TYPE 2 AIS SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX Z. PCV SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX AA. OXYGEN SENSOR SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX BB. TAC SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX CC. EGR SYSTEM [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX DD. EMISSION AND MECHANICAL INSPECTION
CERTIFICATE [REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX EE. TULSA EMISSION CONTROL AREA [REVOKED]

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

**APPENDIX FF. OKLAHOMA CITY EMISSION CONTROL AREA
[REVOKED]**

[Source: Revoked at 28 Ok Reg 2088, eff 7-15-11]

APPENDIX GG. LOSS AFFIDAVIT [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX HH. REMOVAL OF INSPECTION STICKER FROM AS-14
GLASS [REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX II. WINDSHIELD MARKINGS [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

**APPENDIX JJ. EXAMPLE OF WINDSHIELD IDENTIFICATION
[REVOKED]**

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

APPENDIX KK. DEALER STATEMENT OF EXCHANGE [REVOKED]

[Source: Revoked at 11 Ok Reg 2355, eff 5-26-94]

CHAPTER 25. WRECKERS AND TOWING SERVICES

[Authority: 47 O.S., § 952(B)]

[Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

595:25-1-1. Purpose

The purpose of the Wrecker and Towing Services rules is to establish procedures for the licensing, supervision, administration and control of wrecker vehicles and wrecking and towing services.

595:25-1-2. Definitions

Any reference to "this Act" means 47 O.S. § 951 et seq. unless otherwise specified. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Call" means each request for service of an operator resulting in an operator being able to receive compensation for these services.

"Commissioners Designee" means the authorized individual such as a director or administrative officer of the division.

"Class AA wrecker operator" or **"AA truck wrecker operator"** means any wrecker operator who also meets all the requirements of 47 O.S. § 952(D) for towing for law enforcement agencies. Class AA may also be used for private property towing and consent towing. Class AA must have the ability to tow, recover and haul.

"Class AA Wrecker Support Vehicle" or **"Support Vehicle"** means a general class wrecker capable of assisting and supporting the towing and recovery at the scene of an incident.

"Commission" means the Oklahoma Corporation Commission.

"Commissioner" means the Commissioner of Public Safety, as defined by 47 O.S. § 1-109 and as described in 47 O.S. § 2-102.

"Department" means the Department of Public Safety.

"DPS number" means a permanent number assigned to a wrecker operator, by the Department which is personal and unique to the wrecker service.

"GVWR" means gross vehicle weight rating.

"IM categories" means the severity of the incident.

(A) Minor incident is any incident which can be mitigated within thirty (30) minutes or less with limited traffic interference;

(B) Intermediate incident is any incident in which mitigation is thirty (30) to sixty (60) minutes in length and one or more vehicle lanes of travel are affected; and

(C) Major incident is any incident in which mitigation is greater than sixty (60) minutes in length and one or more lanes of travel are affected and the potential for special equipment may be needed and utilized for IM.

"Incident Management (IM)" means any on or off roadway incident in which traffic flow is significantly reduced, delayed or stopped as a result of vehicle collisions, cargo/content spills, visibility/weather conditions, or any other hazards associated with severe reductions of vehicular speed and movement within a traffic lane or lanes.

"Inspection Officer" means the individual that has been trained and certified by the Department to inspect wrecker vehicles and wrecker facilities.

"Junk vehicle" means a vehicle which is ten (10) years old or older and worth less than three hundred dollars (\$300.00) [42 O.S. §91].

"Law enforcement tow" means a tow of a vehicle made by an operator when a law enforcement officer compels a vehicle be towed or makes a request for a tow using a law enforcement rotation log and to which the rates and fees as

prescribed by the Corporation Commission shall apply.

"Nonconsensual tow" means *the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lien holder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner.* [47 O.S. § 951(10)]

"Officer" means any peace officer.

"Operator" means any person or legal entity owning or operating a licensed wrecker vehicle or a licensed wrecker or towing service and any employee thereof.

"Owner request tow" means a tow of a vehicle made by an operator at the request of the owner, or authorized agent of the owner and which is not compelled or required by a law enforcement officer.

"Principal Place of business" or **"Business location"** means a permanent structure, not mounted on wheels, occupied by the wrecker operator at the physical address of the wrecker service, as shown on the wrecker license, with a publicly listed telephone number and functioning utilities including but not limited to electricity and water, where normal business is transacted and all wrecker records are maintained. Effective January 1, 2005, the place of business shall be located in Oklahoma. The principal business full address, including county, must be verified by documentation, such as company letterhead, business card, tax documents, or other official business documents. The facility must be capable and large enough to conduct business, storage of records and all transactions of business. Any additional location or locations within twenty-five (25) miles of the principal place of business will be considered an extension location and will not be made to meet the requirements of the primary/principal business office but shall meet all storage requirements. All business transactions including, but not limited to, invoicing, ticketing, receipting, releasing, and collecting payment, will be conducted at the location in which the vehicle is stored.

"Private Property Tow" means a tow of a vehicle which is made from private property by an operator at the request of the owner, legal possessor, or authorized agent in control of the real property, which shall be towed under the provisions of 47 O.S. § 954A and to which the rates and fees as prescribed by the Corporation Commissioner shall apply.

"Rotation log" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose place of business are within the geographical boundaries of the Troop and who have requested and been approved by the Department to be on the list. This list governs the alternation among approved Class AA-TL truck wrecker operators only.

"Tow/Towing" means *the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of: (a) attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or (b) loading the vehicle onto and transporting the vehicle upon the wrecker vehicle.* [47 O.S. § 951(3)]

"Traffic tie-up" means any situation in which any officer deems it necessary to control the orderly flow of traffic.

"Truck wreckers" means every motor vehicle properly designed and equipped according to Department of Public Safety specifications with wrecker body and winch or lifting apparatus suitably designed to safely move, pull or tow wrecked, damaged or disabled trucks, truck-tractors, road tractors, trailers, semi-trailers, buses and/or other vehicles and conveyances that use the highways of the state of Oklahoma. The designation as a truck wrecker shall be used for Class AA-TL wrecker vehicles only.

"Truck wrecker rotation log" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose places of business are within the geographical boundaries of the Troop and who have requested and been approved by the Department to be on the list. This list governs the alternation among approved Class AA-TL truck wrecker operators only.

"Wrecker dolly" means a wheeled device which is used to support one end of a motor vehicle for towing.

"Wrecker license" means the wrecker license as provided by 47 O.S. § 951, et seq.

"Wrecker operator" means any operator who is licensed under this chapter and the laws of this state and who meets all requirements of the rules of this Chapter, pertaining to wrecker vehicles as defined in this Chapter.

"Wrecker or towing service", "wrecker service", or "towing service" means engaging in the business of or performing the act of towing or offering to tow any vehicle, except: (a) where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE", (b) where the service is performed by a transporter as defined in [47 O.S.] section 1-181 of this title, (c) where service is performed in conjunction with the transportation of household goods and property, (d) where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or (e) where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, and the vehicle is being towed: (1) in either direction across the border between Oklahoma and a neighboring state, or (2) through Oklahoma in transit to another state; provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law. [47 O.S. § 951(6)]

"Wrecker" or "wrecker vehicle", as defined by 47 OS. § 951, et. seq., means any vehicle, other than a transport as defined in 47 O.S. §1-181, equipped with a winch, cable or other device designed to lift, pull or move a disabled vehicle incapable of self-propulsion. (Does not include a vehicle with a push bumper only.)

(A) Class AA - Any wrecker vehicle not less than nine thousand pounds (9,000 lbs.) GVWR and meeting minimum requirements as established for Class AA wreckers in this Chapter.

(B) Class AA-TM - Any wrecker vehicle not less than twenty-four thousand pounds (24,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TM Wreckers in this Chapter.

(C) Class AA-TL - Any wrecker vehicle not less than forty-four thousand pounds (44,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TL Wreckers in this Chapter.

(D) Class G (General) - All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class G wrecker shall also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1. If a Class G wrecker service provides storage, it must meet the same facilities, storage, and insurance as a Class AA wrecker service. If the Class G wrecker service does not provide storage, it will not be required to meet the facilities, storage and insurance requirements as a Class AA wrecker service. Class G wreckers services must meet the Class G vehicle requirements and must have a verified primary business location.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 15 Ok Reg 3311, eff 7-13-98; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 26 Ok Reg 2775, eff 7-25-09; Amended at 28 Ok Reg 303, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2089, eff 7-15-11; Amended at 29 Ok Reg 65, eff 11-1-11 (emergency); Amended at 29 Ok Reg 1390, eff 7-1-12; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 36 Ok Reg 1042, eff 7-25-19; Amended at 37 Ok Reg 2095, eff 9-11-20]

595:25-1-3. General policies

- (a) All operators of wrecker or towing services shall conduct operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of the Department of Public Safety and rules and orders of the Corporation Commission.
- (b) Each operator shall be knowledgeable of the laws of this state, as found in 47 O.S. § 951 et. seq., and the rules of this Chapter and the rules and orders of the Corporation Commission relating to wrecker and towing services and wrecker vehicles. Each operator shall maintain at least one (1) copy of said laws and rules on the premises of the place of business at the address specified on the license and shall require every employee to be knowledgeable of the laws and rules.
- (c) All rules in this Chapter are subject to the Administrative Procedures Act 75 O.S. § 309, et. seq., and to 47 O.S. § 951 et. seq., which shall be incorporated herein by reference, as applicable to the Department and all parties governed by this Chapter.
- (d) The Department shall be charged with the duty of enforcing the provisions of 47 O.S. § 951 et seq. except for rates and fees charged by wrecker services, which shall be under the authority of the Corporation Commission. The duly appointed officers of the Department shall have authority to make arrests for violation of law and the provisions of the rules of this Chapter.
- (e) Any Oklahoma statute now existent or duly enacted in the future shall supersede any conflicting provision of the rules of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.
- (f) Any violation of the rules of this Chapter may result in license suspension, revocation and/or penalty provisions in accordance with 47 O.S. § 951, et. seq.
- (g) Every operator shall cooperate with the Department should it become necessary to review, audit, examine, or investigate any records relating to the operation of the wrecker service. Any operator who fails to cooperate with any review, audit, investigation shall be subject to suspension, revocation or cancellation of his or her wrecker license in accordance with 47 O.S. § 951, et. seq.
- (h) All wrecker operators must be able to communicate and understand the information related to the tow of a vehicle.

[Source: Amended at 18 Ok Reg 3121, eff 7-14-01; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 29 Ok Reg 65, eff 11-1-11 (emergency); Amended at 29 Ok Reg 1390, eff 7-1-12; Amended at 31 Ok Reg 2335, eff 9-12-14]

SUBCHAPTER 3. WRECKER LICENSE

595:25-3-1. General requirements

The following are the requirements for obtaining an original or renewal of a wrecker license:

(1) **License required.** No operator as defined by law, regardless of storage location, shall operate a wrecker vehicle upon any public street, road or highway of this state for the offering to tow vehicles or the actual towing of vehicles without first obtaining from the Department a license as provided in this Chapter. Any wrecker vehicle being operated on any public street, road, highway or turnpike in violation of Oklahoma law or these rules may be removed from service by Oklahoma law enforcement officers.

(2) **Display and use.** An operator's wrecker service license shall be personal to the holder thereof and a wrecker vehicle license shall be unique to the vehicle. Each license shall be issued only to a person, a corporation or some definite legal entity. The licenses are non-transferable and any change in ownership, whether of a wrecker service or wrecker vehicle, shall cancel the applicable license. The wrecker service license shall be conspicuously displayed at the primary place of business. The license shall be valid only at the place of business as shown on the license. Additional or satellite places of business shall not be permitted or approved on the same license but shall require a separate application and license.

(3) **Reason for application.** No showing of public convenience or necessity need to be made in support of an application for a wrecker or towing license.

(4) **Issuance.** No license for operation of a wrecker or towing service shall be issued until:

(A) The wrecker operator has a minimum of one towing/wrecker vehicle,

(B) Certificates of insurance as prescribed by the Department are on file with the Department,

(C) Each wrecker vehicle has been inspected by an officer of the Department to verify that equipment requirements of this Chapter have been met, and

(D) Each wrecker operator and driver of a wrecker/towing vehicle has successfully completed a minimum of 16 hours of Department approved course of training or have a minimum of 2 years of experience on the following:

(i) Traffic incident management

(ii) Wrecker vehicle recovery controls

(iii) Connecting or loading vehicle onto wrecker

(iv) Tie down and secure vehicle to wrecker

(v) Wrecker operation safety

(vi) Annually complete 4 hours of continuing education approved by the department

(5) **Carry license.** A copy of the wrecker vehicle license issued by the Department shall be carried at all times in the wrecker vehicle for which the license was issued.

(6) **Return license to Department.** Any wrecker operator that disposes of or deletes any wrecker vehicle from operation shall return the license and

window decal issued for that particular vehicle and window decal to the Department of Public Safety. When an unlicensed wrecker vehicle is observed with decals identifying it as a licensed wrecker vehicle, law enforcement personnel may remove the decals and seize the cab card license and return both to the Department. Any operator that cancels its last remaining wrecker vehicle from operation will have thirty (30) days to have another wrecker vehicle inspected, approved, and licensed or the wrecker license issued to that operator will be cancelled.

(7) **Additional wreckers.** Any wrecker operator that adds a wrecker vehicle shall:

- (A) Register the wrecker vehicle with the Oklahoma Tax Commission, in the name of the operator or the name of the wrecker service, and properly display a current license plate. A leased wrecker vehicle shall show the owner information and the name of the lessee on the vehicle registration.
- (B) Notify the Department of the make, model, GVW and serial number of the vehicle.
- (C) Send notification to the Department from the insurance carrier of the wrecker operator that the vehicle has been added to present insurance coverage.
- (D) Have the vehicle inspected and approved by an employee of the Department.
- (E) A wrecker license plate, or a proportional license plate, must be purchased and affixed to the wrecker vehicle after the vehicle has been inspected and approved and before the vehicle can be used by the operator to tow vehicles.

(8) **License number and business name.**

- (A) The DPS number issued to the operator by the Department for the operation of a wrecker or towing service, along with the name of the wrecker service, shall be clearly visible at all times and shall be conspicuously displayed and vertically centered on each side of every tow vehicle used by the operator in the wrecker or towing service. All wrecker services will display AA or G designation at the end of the DPS number. Example: DPS 12345W AA or DPS 12345WG.
- (B) On wrecker vehicles in use the DPS number and business name shall be at least three inches (3") in height. The font shall not be a font which is highly decorative or difficult to read. The lettering shall be in a color that will contrast with the color of the tow vehicle in order to be readily noticed and legible.
- (C) The signage required by this paragraph shall be permanent in nature and shall not contain any misleading or false information. The wrecker vehicle shall not have more than one wrecker service name on the vehicle.
- (D) Magnetic signs are not approved; provided, if requested of and approved by the Commissioner's designee, a magnetic sign may be used for a period of thirty (30) days in an emergency situation.

(9) **Service of notice.** Any notice required by law or by the rules of the Department served upon any holder of a wrecker or towing license shall be served personally or mailed to the last known address of such a person as reflected by the records on file with the Department. It is the duty of every

holder of a certificate or license to notify the Department of Public Safety, Wrecker Services Division, in writing as to any change in the address of such person or of the place of business.

(10) License prohibited.

(A) No person under eighteen (18) years of age shall be licensed or employed as a wrecker operator.

(B) No person shall be licensed as a wrecker/towing service operator or employee who has been convicted of:

(i) a felony offense constitution a violent crime as defined in 57 O.S. § 571, larceny, theft. Felony convictions expunged through deferred sentencing will not be considered as convictions; or

(ii) any provision of Title 21 O.S. §1029 while providing wrecker services; or

(C) No person shall be licensed as a wrecker/towing service or be employed by a wrecker/towing service until completion of the sentence for the conviction, including probation or supervised release.

(D) Any person who is required to register as a sex offender, as required by 57 O.S. § 582, shall be prohibited from owning or working for a wrecker service for the period of time the person is or is required to be registered.

(E) Nothing in this section prohibits the Commissioner of Public Safety or his or her designee from approving, denying, suspending, cancelling, or not renewing a wrecker license if it is determined to be in the best interest of public safety.

(11) One Class AA license per place of business. Wrecker operators shall be issued no more than one Class AA wrecker license for any one place of business.

(12) One Class AA wrecker service on Oklahoma Highway Patrol 's rotation log in same rotation area. An operator shall be permitted to rotate no more than one Class AA wrecker service in the same Highway Patrol rotation area on the Highway Patrol 's rotation log. For purposes of this paragraph, "Class A wrecker service" shall include those services with a Class AA-TL wrecker vehicle.

(13) Business telephone number. Each wrecker service shall have a telephone number published that is accessible to the public twenty-four hours a day. The operator shall provide in writing to the Department notice of any permanent business telephone number change prior to the new telephone number being placed in service.

(14) Business sign. Each AA Wrecker Service and each G Wrecker Service with storage shall have a business sign at the business location. The sign shall be at least 2 feet by 4 feet with letters at least 3 inches in height with contrasting background and shall display, at a minimum, the name of the wrecker service as shown on the license and a telephone number accessible to the public twenty-four (24) hours a day.

(15) Wrecker drivers. Wrecker services shall notify the Wrecker Services Division within ten (10) days of hiring or termination of employment of any wrecker driver.

(emergency)¹; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 36 Ok Reg 1042, eff 7-25-19; Amended at 37 Ok Reg 2095, eff 9-11-20]

***EDITOR'S NOTE:** ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 595:25-3-1 reverted back to the permanent text that became effective 7-25-05, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-15-07.*

595:25-3-2. Applications

- (a) Every applicant shall file with the Department a written application on a form prescribed by the Department and shall tender with the application a fee of One Hundred Dollars (\$100.00) by check or money order. The application shall be completed using the applicant's legal name, and also include every alias and nickname by which the applicant is or has been known. Every applicant shall submit with the application a current original Oklahoma State Bureau of Investigation (O.S.B.I.) criminal record check for each individual, partner or corporate officer as shown on the application. If any owner, partner or officer has not lived in Oklahoma for the immediately preceding five (5) years, he or she shall submit a criminal record check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years. Upon the return of any dishonored check the application shall be canceled.
- (b) Upon receipt and approval of the application, the Department shall assign to the operator a permanent identification number for all matters relating to the approved wrecker and towing service. The Wrecker Services Inspector/Trooper will issue a contact report for the operator to present to the Oklahoma Tax Commission or a motor license agent for the purpose of being issued a wrecker license plate pursuant to 47 O.S. §1134.3.
- (c) The filing of an application for a license does not authorize wrecker or towing service operations by the applicant. Operation may commence only after all requirements have been met and proper authorization has been issued by the Department.
- (d) The application shall be an affidavit containing the following information together with any additional information the Department may require.
- (1) The trade name (business name) of the wrecker service. If the business name is registered with the Oklahoma Secretary of State, such registered name shall be used. A copy of the Certificate of Limited Liability Company, a Certificate of Authority, a Certificate of Limited Partnership or a Certificate of Incorporation from the Secretary of State must be submitted with the application.
 - (2) The name of the individual (owner/applicant) or, in the event of a legal entity such as a corporation, limited liability company, partnership or limited partnership, the names of any two of the following:
 - (A) President,
 - (B) Vice-President,
 - (C) Another officer, such as a Secretary or the name of the person responsible for the day to day operation of the legal entity. The legal entity shall notify DPS immediately in the event any officer or the person responsible should change.
 - (3) A statement substantially as follows: "Under oath, I affirm the information submitted in this application is true and I further affirm that I have read the rules of the Department of Public Safety and hereby agree in

good faith to abide by the applicable laws and rules governing the wrecker and towing services for which this application is made."

(4) Date of application.

(5) Signature of the individual applicant or of each company officer, as named on the application.

(6) For each driver, the name, date of birth and driver license number.

(7) *If an officer of the Department of Public Safety or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service, the wrecker service shall affirm that its sole purpose and only business is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record [47 O.S. §956(C)].* If a determination is made that the wrecker service performs services other than repossessions, it shall be grounds for revocation of the wrecker license.

(e) If, within ninety (90) days of receipt of an application, the Department is unable to verify all information as required by these rules, the application shall be denied. Such applicant may reapply.

(f) It is within the Department's discretion to disallow the licensing of a wrecker operator should it appear, by a preponderance of the evidence, that the identity of the business is substantially the same as that of one that is currently under suspension by the Department.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 14 Ok Reg 3507, eff 8-12-97; Amended at 18 Ok Reg 3121, eff 7-14-01; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2694, eff 10-31-06 through 7-14-07 (emergency)¹; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 34 Ok Reg 1954, eff 9-11-17]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 595:25-3-2 reverted back to the permanent text that became effective 7-25-04, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-15-07.

595:25-3-3. Renewal

(a) 47 O.S. §953, provides that the wrecker license shall expire on the 31st day of December of each year. The renewal shall be truthfully and completely filled out.

(b) The operator shall complete and submit a renewal application with a Fifty Dollar (\$50.00) renewal fee to the Department not later than December 31 of the same year.

(c) Any Class AA wrecker service which fails to renew its wrecker license on or before December 31 shall be removed from the rotation log on the immediately following January 1.

(d) Any wrecker service which fails to renew its wrecker license on or before December 31 shall be considered cancelled, revoked, or suspended. An application for an original or reinstatement license may be submitted, but not be effective until on or after February 1 with all procedures and fees to apply.

[Source: Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 34 Ok Reg 1954, eff 9-11-17]

595:25-3-4. Trade name

(a) Each operator shall use a unique trade name, approved by the Department, which shall be printed and appear on the license and shall be clearly distinguishable from the trade name of any other operator.

- (b) Upon written request by the operator, the Department may change the trade name of a wrecker or towing service if there is no change in ownership. The identifying number shall be retained and no license fee shall be assessed.
- (c) Any change in ownership due to sale, merger, dissolution, or any other reason, except as provided in subsection (d), shall reserve the wrecker service trade name for a period of sixty (60) days, during which time the successor or owner shall apply for a wrecker license using the same trade name or another trade name. However, the successor may not operate as a licensed wrecker service until the application has been accepted and approved by the Department.
- (d) When the owner of a sole-proprietorship wrecker service dies, the wrecker license shall be considered cancelled by the Department effective upon the date of the death of the owner. Upon the death of the wrecker service owner, the wrecker service shall be immediately removed from Oklahoma Highway Patrol rotation. The heirs shall apply for a reinstatement of the wrecker service license using the same name and the same Department-assigned number; provided, the application shall be treated by the Department as a new application, and all procedures and fees shall apply.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 26 Ok Reg 2775, eff 7-25-09; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 37 Ok Reg 2095, eff 9-11-20]

SUBCHAPTER 5. ALL WRECKER OPERATORS

595:25-5-1. Physical requirements for storage facility

(a) **General Requirements.** All wrecker operators, who, in conjunction with or as part of a licensed wrecker operation, store, park or maintain possession of a towed vehicle, shall store such vehicle in a storage facility which shall meet the minimum physical requirements prescribed in this Section. No vehicle shall be stored in any facility or area which has not been inspected and approved by the Department except in case of exceptional circumstances such as natural disasters or at the direction of law enforcement officers at the scene of an incident.

(1) An operator shall not store vehicles:

- (A) At their home,
- (B) In another operator's storage lot; or
- (C) Any other location unknown to the Department.

(2) The entrance to the storage facility shall be separate from any other business entity.

(3) A vehicle accepted for storage may not be altered without consent of the vehicle owner or their authorized representative.

(4) No stored vehicle may be used for personal or business use without the prior written consent of the vehicle's owner.

(b) **Outdoor Storage Facilities.**

(1) Every primary outdoor storage facility:

(A) Shall be designed to be minimum of 5000 square feet for small truck and minimum of 15000 square feet for large truck in size. A previously licensed proprietor, partnership or corporation business will be allowed to renew the DPS license for their location unless they are changing locations of business.

(B) Shall be surrounded completely by a fence. Construction material for fences shall be of wood, metal, chain link or masonry and be at least six feet (6') in height built solid, firmly and securely to provide the best protection for restricted access. Livestock

paneling (welded wire) shall not be used unless the wire diameter is equal to or larger than 8 gauge (0.160 diameter) with horizontal panels no larger than 4" x 4". T-post construction shall not be approved. Outdoor storage facilities, effective July 1, 2014, shall meet new standards or if facilities previous of date, upon a failed inspection, if found the fence did not meet previous standards, new standards will be imposed.

(C) Shall have at least one (1) gate of the same quality of material and height of the fence and must be locked if not attended.

(D) The storage lot area:

(i) Shall be maintained, including but not limited to removal of tall weeds, overgrown vegetation and debris;

(ii) The lot surface shall be an all-weather surface such as concrete, asphalt, blacktop, gravel, or any materials equivalent;

(iii) And cover the complete area of the storage lot that enables the safe and effective movement of stored vehicles upon all portions of the storage lot.

(2) If the construction requirements in paragraph (1) of this subsection are in violation of municipal zoning ordinances or other laws, regulations, or ordinances, the operator may file with the Department a petition for exemption and a proposed security plan in lieu of the requirements, which the Department may approve. The operator shall attach a copy of such zoning ordinance or other laws, regulations, or ordinances with the petition.

(c) Facility Location and Number.

(1) A minimum of one (1) primary storage facility shall be located within a two (2) mile radius of the place of business address as reflected on the wrecker license and, effective January 1, 2005, shall be located within Oklahoma. Secondary storage facilities may be located outside the two (2) mile radius.

(2) Each vehicle stored must be initially stored and held at the primary storage facility. After thirty (30) days from date of initial storage, vehicles may be moved to a secondary storage facility. The provisions of this paragraph shall not apply to junk vehicles.

(d) Alternate Primary Storage Facility. In lieu of or in addition to the primary storage facility described in this Section, a wrecker operator that tows a vehicle pursuant to a contract with a municipality or county may store such vehicle in a facility meeting the requirements set forth in such contract; provided, that:

(1) A copy of the proposed contract is furnished to the Department, along with documentation that requirements specified in this Section will be or have been met.

(2) Only vehicles towed at the request of the municipality shall be stored in such facilities unless such facility meets all the requirements of this Section.

(3) The wrecker operator shall have assumed reasonable responsibility with respect to the owner of such towed vehicle for any damages or loss of contents occurring during such time as the towed vehicle is stored in the facility.

(4) If the storage facility is not owned by the operator, the owner of such storage facility shall also assume joint responsibility for damages or loss of contents to the vehicle secured during such time as the vehicle is stored at

such facility.

(5) Such storage facility must meet or exceed the requirements of this Section.

(6) If such storage facility is not operated by the operator, the operator shall have made arrangements with the owner of such storage facility to enable the owner of the vehicle to make full payment for towing and storage costs at the storage facility location and thereby obtain full release of the vehicle.

(7) A wrecker operator may not store any vehicle in a facility which has not been inspected and approved by the Department.

(e) **Indoor storage facility.** An operator may also provide an indoor storage facility as either a primary or secondary storage facility. Due to a special situation such as, but not limited to, a pending fatal collision, asset forfeiture or criminal investigation, law enforcement may select without regard to rotation, an operator nearest to the incident with appropriate indoor storage. The facility must meet the requirements of the Oklahoma Highway Patrol and the operator must comply with any special instructions. An indoor storage facility shall be a permanent structure that meets the following minimum physical requirements.

(1) A solid roof,

(2) A solid hard-surface floor,

(3) Solid walls which fully enclose all sides, i.e. reach from corner to corner on each side and from the floor to the roof on all sides so there is no public access. The walls may be penetrated by windows and doors which must be fully operable so as to make the facility fully enclosed when the windows and doors are closed, and

(4) Must be a minimum of 500 square feet in size.

(f) **Each Wrecker Service is a Separate Entity.** Each wrecker service shall be licensed as a separate legal entity. Any wrecker service with storage shall maintain a primary storage facility that is physically separated from any other entity's storage facility as determined by the Department, so that the responsibility and accountability of the operator relating to compliance with these rules is maintained.

(g) **Shared Storage Prohibited.** Shared use of any outdoor or indoor storage facility by two (2) or more wrecker services is not permitted, except as may be determined by the Commissioner.

(h) **Leased or rented building, office or storage.** Wrecker operators intending to lease or rent any building, office or storage facilities shall file such plan of lease or rent with the Department for approval. Such plan shall be signed and approved by the owner of the property or representative of the owner and be of at least one year in duration and include specific terms therein delineating the responsibility of the operator relating to compliance with the rules of this Chapter and assurance that accountability is maintained.

(i) **Accessibility.** Any primary storage facility used to store vehicles at the request of law enforcement shall be accessible to the public by way of an all-weather road. This provision shall not apply to primary storage facilities which have been approved prior to July 14, 2003.

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[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 18 Ok Reg 3121, eff 7-14-01; Amended at 20 Ok Reg 2717, eff 8-15-03; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2694, eff 10-31-06 through 7-14-07 (emergency)¹; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 35 Ok Reg 1954, eff 9-17-18; Amended at 36 Ok Reg 1042, eff 7-25-19; Amended at

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 595:25-5-1 reverted back to the permanent text that became effective 7-25-04, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-15-07.

595:25-5-2. Equipment requirements for all classes of wrecker vehicles

(a) **All Wrecker Vehicles.** Each wrecker which is used by an operator in the performance of a wrecker or towing service shall be equipped with the following:

- (1) **Fire Extinguisher.** One (1) or more dry chemical, B.C. rating, fire extinguisher having a minimum of ten pounds (10 lbs.) total capacity, which shall be mounted and readily accessible.
- (2) **Flashing light.** At least one (1) amber rotating or flashing light, mounted and centered above the cab of the vehicle, visible from 360 degrees or on a light bar, and approved by an officer of the Department. The amber rotating light is for use only at the scene of an emergency or where a traffic hazard exists and there is the necessity to warn approaching vehicles, such as at a routine vehicle pickup [47 O.S. 12-218.1]. In addition to the required amber rotating light, the wrecker may be equipped with a red or blue flashing light, or a combination of red and blue flashing lights, for use only at the scene of an emergency [47 O.S. 12-218.1]; provided, on any wrecker vehicle approved after July 15, 2005, the red or blue light, or the combination of red and blue flashing lights, shall be on a separate switch from the amber light. Under no circumstances are any of the rotating or flashing red or blue lights intended for use when traveling on the streets or highways [47 O.S. 12-218.1]. White rotating lights are not authorized under Oklahoma statutes.
- (3) **Chains.** Two (2) chains of sufficient grade to assist in securing the towed vehicle.
- (4) **Broom.** One (1) push-type broom, suitable for clearing debris from the road.
- (5) **Shovel.** One (1) shovel, suitable for clearing debris from the road.
- (6) **Tire Chains.** One (1) set of tire chains, mud and snow tires or other device to assist wrecker to maintain traction in mud, snow or ice.
- (7) **Warning Devices.** Warning devices, applicable to trucks as required in 47 O.S. § 12-407, capable of protecting the scene of a collision by day or night.
- (8) **Lighting for Towed Vehicle.** Wreckers must be equipped to operate a towed vehicle's stop, turn and clearance lights (if applicable), or be equipped with a light bar or other lighting equipment to provide the highway lighting requirements for vehicles. When used, the light bar or tow lights shall be affixed securely to the towed vehicle to assure a minimum of movement while traveling on the highway and to prevent any damage to the towed vehicle.
- (9) **Safety Chains or Straps.** Two (2) safety chains or wheel straps of sufficient capacity to keep the towed vehicle attached to the wrecker in the event of disengagement.
- (10) **Additional Equipment.** Each operator of a roll back wrecker shall secure towed vehicles with four-point tie downs. Operator of other wrecker vehicle types shall secure towed vehicles in accordance with wrecker vehicle chassis recommendations.

(11) **Approved dolly use.** When a wrecker dolly is used as the lift or towing device, both the wrecker dolly and the wrecker shall first be approved and licensed as a unit by the Department. In addition to the requirements in (a) of this Section for all wreckers, a wrecker dolly towing vehicle shall also be equipped at a minimum with the following:

(A) A ball or pintle hook of sufficient size and capacity to safely control the wrecker dolly, securely fastened to the appropriate frame member of the wrecker.

(B) Two safety chains of sufficient capacity to keep the wrecker dolly attached to the wrecker in the event of hitch failure.

(12) **Safety Apparel.** A minimum of (1) one high-visibility safety apparel (vest, jacket or shirt), per wrecker vehicle, in compliance with 2009 MUTCD section 6D.03.

(13) **Safety Apparel while in right-of-way.** Each wrecker operator or driver shall wear high visibility safety apparel, in compliance with 2009 MUTCD section 6D.03, when working in any highway right-of-way.

(b) **Class AA Wrecker Vehicles.** Each Class AA wrecker vehicle, in addition to the equipment required by subsection (a), shall be equipped with the following:

(1) **Scotch Blocks.** Two (2) scotch blocks, or similar devices, capable of adding stability to the wrecker during winching. Scotch blocks shall be constructed of steel plate with a chain or cable of sufficient grade and quality to attach to the frame or body of the wrecker. Hydraulic stabilizing equipment shall be approved. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(2) **Dollies.** Dollies for the purpose of providing a method of towing a disabled vehicle which is otherwise incapable of being towed safely on either axle. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(3) **Axe.** One (1) axe.

(4) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

(5) **Sling and Stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(6) **Dual Rear Wheels.** At least one (1) set of dual rear wheels for stability in towing another vehicle.

(7) **Winch.** A winch or winches permanently mounted at the rear of the vehicle with a minimum factory rated capacity of eight thousand pounds (8,000 lbs.) and equipped with a cable to be compatible with manufacturer's specifications and be of sufficient length based on the design of the wrecker vehicle.

(8) **Absorbent.** An adequate supply of an absorbent capable of absorbing liquid spills from vehicles (not including cargo spills); provided, the wrecker service or wrecker operator shall not be required to pick up or dispose of the used absorbent. The Department recommends keeping at least four (4) gallons of absorbent on each wrecker vehicle.

(9) **Hydraulic Jack.** One (1) hydraulic bottleneck jack or floor jack with a minimum two and a half ton rating.

(10) **Basic equipment list:**

(A) First Aid kit

(B) Trash bags (33 gal. min.) or 5 gallon buckets (2)

(C) Flashlight

- (D) Wire/Cable cutter pliers (8")
- (E) Jumper cables or Jumper Box
- (F) Safety glasses (1pr)
- (G) Traffic cones (3) MUTCD compliant
- (H) Adjustable pliers
- (I) Rubber gloves and or work gloves (PPE gear)

(c) **Class AA-TM Wrecker Vehicles.** Each Class AA-TM wrecker (medium truck wrecker), in addition to the equipment required by subsection (a and b), shall be equipped with the following:

(1) **Minimum Vehicle Requirements.**

(A) **Air Brakes.** Factory or certified installed full air brakes with a full tractor package (hand control, in line foot valve, air hoses and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the towing vehicle.

(B) **Parking Brake.** Air-activated spring parking brake.

(C) **GVWR Compatibility.** Wrecker body and equipment shall be compatible with the chassis GVWR in size and shall be suitable by design to operate under emergency conditions.

(i) Vehicle body must be capable of safely anchoring scotch blocks.

(ii) Vehicle must be designed to adequately anchor snatch blocks.

(2) **Equipment Requirements.**

(A) **Winch.** A winch or winches permanently mounted at the rear of the vehicle with a minimum factory rated capacity of thirty thousand pounds (30,000 lbs.) and be equipped with a cable to be compatible with manufacturer's specifications and be of sufficient length based on the design of the wrecker vehicle.

(B) **Boom.** A boom or booms constructed so as to be compatible with winch rating.

(C) **Snatch Blocks.** A minimum of two (2) snatch blocks compatible with winch cable size and cable rating.

(D) **Sling and Stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(d) **Class AA-TL Wrecker Vehicles.**

(1) **Minimum Vehicle Requirements.**

(A) **Air Brakes.** Factory-installed or certified installed full air brakes with a full tractor package (hand control, in-line foot valve, air hoses, and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the wrecker.

(B) **Parking Brake.** Air-activated spring parking brake.

(C) **Axle and Suspension.**

(i) Minimum front axle and suspension of twelve thousand pounds (12,000 lbs.). (Note: GVWR rating are altered or affected by tires, springs and axles.)

(ii) Minimum rear axle and suspension combination of thirty-two thousand pounds (32,000 lbs.).

(iii) Be equipped with full-driven tandem axle (NOTE: A drag axle or pusher axle is not acceptable).

(D) **Wheel Base:** Chassis must have a minimum Wheel base of 280 (two hundred and eighty) inches. 200 inches will be allowed on vehicles previously licensed if they have a hydraulic wheel lift, spades and an additional operator.

(E) **GVWR Compatibility.** Wrecker body and equipment shall be compatible with chassis GVWR and size and shall be suitable by design to operate under emergency conditions.

(i) Body must be capable of safely anchoring scotch blocks.

(ii) Must be designed to adequately anchor snatch blocks.

(2) Equipment Requirements.

(A) Winches must be maintained with at least 75% capacity of the manufactures recommended length of wire or synthetic rope. Must have at least 2 (two) winches with a minimum combined capacity of 40,000 (forty thousand) lbs.

(B) Boom(s): Wrecker unit must have a factory built or certified 25 (twenty-five) minimum ton boom rating that is an elevating and telescoping recovery boom.

(C) Wrecker unit must have a factory built or certified hydraulic telescoping wheel lift.

(D) Large truck requirements:

(i) 2 or more air hoses 3/8", with combined minimum length of 100' (feet)

(ii) Cage Bolts (8)

(iii) Two Air outlets on the wrecker for emergency and service line activation

(iv) Metric and Standard end wrench sets with minimum 3/8" 1/4" to 1" and 8mm to 19mm

(v) Metric and Standard 1/2" drive socket set and ratchet with minimum 1/4" to 1" and 8mm to 19mm

(vi) Hydraulic or pneumatic jack with 10-ton min. rating

(vii) 10 gallons of absorbent material

(viii) 2.5 lb. Sledge/shop hammer

(ix) 2 pr. locking pliers

(x) 4 axle covers

(xi) 5 traffic cones (MUTCD compliant)

(xii) Saddle Tank fluid mitigation compound (Plug and Dyke or other similar product).

(xiii) Minimum of 4 (four) snatch blocks that are recommended for the size of rope contained on the winches.

(xiv) Minimum of sixty feet (60') of one half inch (1/2")

Grade 80 Recovery Chain with hooks.

(xv) 2 (two) - one inch (1") screw pin clevises.

(xvi) 2 (two) - one half inch (1/2") screw pin clevises

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 15 Ok Reg 3311, eff 7-13-98; Amended at 16 Ok Reg 3158, eff 7-12-99; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 22 Ok Reg 2700, eff 7-25-05; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 28 Ok Reg 303, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2089, eff 7-15-11; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 35 Ok Reg 1954, eff 9-17-18; Amended at 36 Ok Reg 1042, eff 7-25-19]

595:25-5-3. Operation

All operators using the public roads and highways within the State of Oklahoma shall comply with the following:

- (1) All operators shall require each driver of a wrecker vehicle be proficient in the operation thereof, and be properly licensed for the type vehicle operated.
- (2) No operator shall knowingly permit any operator of a wrecker vehicle to consume beer, wine, intoxicating beverages, drugs or other stimulants or depressants while subject to call nor knowingly permit any operator to come on duty after having inhaled or consumed any such beverage, drug or other stimulants or depressants.
- (3) No operator shall proceed to the scene of a collision or traffic tie-up without being requested to do so by a law enforcement agency or the owner or driver of a vehicle involved.
- (4) Any operator traveling on the roads and highways of the State of Oklahoma during the normal course of his business may, upon arriving at the scene of a collision or traffic tie-up, stop and assist in rendering emergency aid. However, the operator shall not solicit business directly or indirectly from the owner or drivers at the scene.
- (5) An operator at the scene of a collision or traffic tie-up is subject to the same traffic-control directions issued by an officer to the motoring public.
- (6) An operator shall not use the rotating or flashing light while traveling on the roadway en route to any location. The use of the flashing or rotating light is authorized only in the vicinity of hook-up or at the scene of an incident to protect the scene and the vehicle involved. Only amber flashing lights may be used when leaving the scene of a wrecker service call for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing. [47 O.S. §12-218.1]
- (7) Each operator must be a person of good moral character and reputation in his community, as determined by the Commissioner of Public Safety, and conduct the operation of the storage facilities and towing service in a responsible manner so as not to endanger the public safety of persons or property of others in the custody of the operator.
- (8) No operator shall tow a vehicle when the combined weight of the wrecker vehicle and the wrecker supported weight of the towed vehicle exceeds the factory gross vehicle weight rating of the wrecker vehicle, regardless of the weight for which the wrecker vehicle is licensed.
- (9) No wrecker service shall suspend or abandon said service without prior written notice to this Department of such intent and returning of all wrecker licenses issued.
- (10) Wrecker services and operators shall be responsible for the removal of any glass or other injurious substances dropped upon the highway or highway right-of-way at the location of an accident as required by title 47 O.S. §11-1110(C).
- (11) Upon payment of the reasonable cost of removal, and storage of a stored vehicle, whether stored at the request of law enforcement or a private property owner and recorded by the wrecker service as provided in OAC 595:25-5-5(b), the vehicle shall be released to:
 - (A) the owner, upon presentation of one (1) of each of the following; proof of ownership, identification and insurance (if required by law): Evidence of ownership may be:

- (i) A valid certificate of title, to show proof of purchase and ownership to include tribal and other state titles;
- (ii) Registration Receipt (Digital or Electronic verification shall be accepted) or;
- (iii) Title properly assigned by the seller, dated, notarized (if required on title) and the owner's name filled out on the title or;
- (iv) Written verification from a local law enforcement agency as to the identity of the owner or;
- (v) Other appropriate documentation sufficient to establish ownership. Proof of identification may be :
- (vi) Oklahoma driver license or;
- (vi) Oklahoma identification card or;
- (vii) Other state driver license or;
- (viii) Other state or federally issued photo identification or;
- (ix) Other documentation sufficient to establish identity. Proof of Insurance may be: (Insurance may not be in owner's name, as required in Title 47 955A.)
- (x) Valid insurance verification form, not expired with VIN of vehicle listed or
- (xi) Valid insurance policy not expired with VIN of vehicle listed or
- (xii) Valid affidavit of non-use and vehicle cannot be driven from facility (Digital or Electronic verification shall be accepted).

(B) a person representing the owner, upon presentation of, a notarized letter from the owner permitting said person to act in behalf of the owner, with year, make, model and vehicle identification number of the vehicle and proof as listed in paragraph A.

(C) a lien holder or a duly authorized agent of a lien holder, upon presentation to the wrecker operator proof of being a lien holder [47-904.1], hold harmless letter and a notarized letter from the lien holder permitting said person to act on behalf of the lien holder that includes year, make, model and vehicle identification number; or

(D) the insurer or the representative of the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S., Section 904, 953.1, or 953.2, must provide a hold harmless letter and a letter from the insurer permitting said person to act on behalf of the insurer that includes year, make, model and vehicle identification number.

(12) Personal property, which shall include everything in a stored vehicle except the vehicle and its attached or installed equipment, vehicle keys, or devices to start and unlock the vehicle, and the spare tire and tools to change the tire, shall be released, upon request, to the owner or owner's representative, upon showing of proof as described in (11) of this section. Wrecker operators shall allow the vehicle owner or owner's representative to have access to the vehicle for the sole purpose of retrieving ownership documentation, such as title or registration. [47 O.S. §955 E] Personal property shall not be removed from the vehicle unless the operator has a written company policy or procedure for the intended safekeeping of any

personal property removed from a vehicle. Personal property may not be removed from vehicles with law enforcement investigative holds for evidence or vehicles with biohazards. Personal property stored at the operator's business office must be secured under lock and key or with an attendant on duty 24 hours per day. Any personal property removed from the vehicle shall be released, to the owner or owner's representative, upon showing of proof as described in (11) of this section.

(13) Each operator shall require each wrecker driver to maintain the appropriate driver license for the type vehicle being operated.

(14) Each operator shall prohibit any known thief or felon from loitering, visiting, or otherwise being on the premises of the place of business or any storage facility of the wrecker service.

(15) Each operator shall secure vehicles on roll back wreckers with four (4) point tie down. Other wrecker vehicles shall secure vehicles in accordance with wrecker vehicle chassis recommendations.

(16) A wrecker operator or driver responding to the scene of a motor vehicle collision in the capacity of a first responder, fireman, or volunteer fireman shall not respond to the scene in a wrecker vehicle.

(17) Operator shall not take photos of a crash scene that would include bodies, personal information of anyone or any personal identifiers, including but not limited to, license plates or names on vehicles. Any photo of a crash scene that includes bodies, personal information, or any identifiers of any person must not be posted on any form of social media.

[Source: Amended at 10 Ok Reg 3205, eff 6-25-93; Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 20 Ok Reg 2717, eff 8-15-03; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 22 Ok Reg 2700, eff 7-25-05; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 26 Ok Reg 2775, eff 7-25-09; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 32 Ok Reg 2234, eff 9-11-15; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 36 Ok Reg 1042, eff 7-25-19]

595:25-5-4. Insurance

(a) **Liability for operator's negligent acts.** Each operator, from the time of movement of or otherwise making contact with any vehicle to be towed, may be liable for injury to persons, damage to property, fire or theft resulting from the operator's negligent acts.

(b) **Certificate of insurance.** The Certificate of Insurance form must be obtained from and submitted by an insurance company authorized to do business in the State of Oklahoma.

(1) The operator is responsible for ensuring the submission of the Certificate of Insurance form when applying for an initial license, renewal of the insurance, changing a business name or changing the business address.

(2) The name and address of the applicant, the operator or business name shown on the Certificate of Insurance form must be the same as the name and address on the application and/or wrecker service license. The applicant or operator is responsible for ensuring that the insurance information on file with the Department reflects the correct name and address of the insured. The address for all storage facilities must be included on the form.

(3) Any time an operator changes insurance company during a policy period, a new Certificate of Insurance form shall be submitted by the new insurance provider showing at least the minimum coverage.

(4) The Certificate of Insurance form shall show the make, year, and vehicle identification number for each wrecker vehicle and wrecker support

vehicle licensed by the Department.

(c) **Insurance policy.** The insurance policy shall be issued for a period of at least six (6) months and shall protect the public against loss of life, bodily injury to person, and damage to property in the following amounts:

(1) **Class G General or Class AA.**

(A) Bodily Injury and Property Damage - Not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(B) Garagekeeper's Legal Liability - Not less than Fifty Thousand Dollars (\$50,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator. Any General class wrecker service which does not have storage facilities shall be exempt from the provisions of this subparagraph.

(C) On-Hook or In-Tow - Not less than Fifty Thousand Dollars (\$50,000.00) in On-Hook or In-Tow Coverage with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.

(2) **Class AA-TM.**

(A) Bodily Injury and Property Damage - Not less than Two Hundred Thousand Dollars (\$200,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(B) Garagekeeper's Legal Liability - Not less than One Hundred Thousand Dollars (\$100,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator.

(C) On-Hook or In-Tow - Not less than One Hundred Thousand Dollars (\$100,000.00) in On-Hook or In-Tow Coverage with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.

(3) **Class AA-TL.**

(A) Bodily Injury and Property Damage - Not less than Three Hundred Thousand Dollars (\$300,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(B) Garagekeeper's Legal Liability - Not less than One Hundred Fifty Thousand Dollars (\$150,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator.

(C) On-Hook or In-Tow - Not less than One Hundred Fifty Thousand Dollars (\$150,000.00) in On-Hook or In-Tow Coverage

with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.

(4) **All Wrecker Classes.** Bailee Coverage - Not less than Two Thousand Five Hundred Dollars (\$2,500.00) for loss of contents of the vehicle with a deductible not greater than Five Hundred Dollars (\$500.00).

(c) **Judgment.** Any final judgment rendered by a court of competent jurisdiction against a wrecker service or an owner or employee thereof, arising out of any services provided by the operator of or any employee of the wrecker service, including towing or storage of towed vehicles, must be satisfied within thirty (30) days. If such judgment is not timely satisfied, the wrecker license shall be revoked and such revocation shall remain in effect until the judgment is satisfied. Provided, however, a release or written agreement signed by the judgment creditor and approved by the Department shall reinstate eligibility. Provided, if judgment is covered by insurance up to the amount and to the extent required in the rules, this Subsection shall not apply.

(d) **Carrier certification.** The insurance company of each wrecker service shall certify to the Department on a form prescribed by the Department that the insurance company will notify the Department in writing at least ten (10) days before the date the company cancels such policy.

(e) **Insurance information.** An operator shall provide contact and other pertinent information regarding the insurance company and policy covering the wrecker service to any person who might be eligible to file a claim against the operator's insurance policy.

(f) A notice from the insurance company to the Department of insurance cancellation for non-payment of the premium shall be sufficient reason for suspension of the wrecker service license.

[Source: Amended at 18 Ok Reg 3124, eff 1-1-02; Amended at 19 Ok Reg 246, eff 1-1-02 (emergency); Amended at 19 Ok Reg 2711, eff 7-15-02; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 22 Ok Reg 2700, eff 7-25-05; Amended at 26 Ok Reg 2775, eff 7-25-09; Amended at 31 Ok Reg 2335, eff 9-12-14]

595:25-5-5. Records

(a) Each operator shall comply with the provisions of 47 O.S. §4-105(c), and provide a thirty (30) day vehicle report to the Department. A junk vehicle may be reported beginning on the fifth day of storage of the junk vehicle, and the vehicle report shall be notated with the word "JUNK".

(b) Each operator shall maintain, on a form prescribed by the Department, a record system covering all services performed in pulling or towing all vehicles impounded for law enforcement or at the request of private property owners, and such records shall include the following:

- (1) The day and time the operator was contacted and requested to perform the service.
- (2) The name of the person requesting this service.
- (3) The location of the vehicle.
- (4) A description of the towed vehicle, including license tag and vehicle identification number.
- (5) The owner or driver of the vehicle when known.
- (6) The service charge and fees.

(c) The operator shall maintain said records for at least three (3) calendar years from the date the records are created.

(d) All records herein shall be stored in a manner which makes such records readily retrievable for inspection or examination of an individual record by the Department.

(e) Every operator shall cooperate with the Department whenever the Department requests copies of or finds it necessary to review, audit, examine, or investigate any records relating to the operation of the wrecker service.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 18 Ok Reg 3121, eff 7-14-01; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 34 Ok Reg 1954, eff 9-11-17]

595:25-5-6. Schedule of rates and fees [REVOKED]

[Source: Amended at 19 Ok Reg 2711, eff 7-15-02; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 29 Ok Reg 65, eff 11-1-11 (emergency); Amended at 29 Ok Reg 1390, eff 7-1-12; Revoked at 34 Ok Reg 1954, eff 9-11-17]

595:25-5-7. Tow request and authorization forms

(a) Only Class AA wreckers are authorized to remove abandoned vehicles from real property. [47 O.S. § 954A] Wrecker services shall complete the Tow Request and Authorization Form prior to removal of abandoned vehicles from real property.

(b) One copy of the Tow Request and Authorization Form shall be forwarded to the Department of Public Safety, Wrecker Services Division, P. O. Box 11415, Oklahoma City, Oklahoma 73136, and the local law enforcement agency with jurisdiction over the area where the vehicle was removed, within seventy-two (72) hours from time of removal. A facsimile or email of the *Tow Request and Authorization Form shall be considered the original form if a printed or digital confirmation of the facsimile transmission is available.* [47 O.S. § 954A- F]

(c) The Tow Request and Authorization Form can be obtained from the Wrecker Services Division, Department of Public Safety, Oklahoma City, Oklahoma 73136. Disposition of copies are as follows:

- (1) Original copy to the Department of Public Safety. Facsimile in lieu of the original will be accepted.
- (2) One copy to the local law enforcement agency.
- (3) One copy to be retained by the wrecker service.
- (4) One copy to the real property owner, legal possessor or agent.

(d) Each wrecker operator shall be responsible for verifying the identity of the person signing the tow request and authorization form and shall put the driver license number or state-issued identification card number of that person on the tow request and authorization form.

(e) No licensed Class AA wrecker service or operator of a licensed Class AA wrecker service shall tow or cause to be towed a vehicle from the real property until this form has been appropriately completed by the parties.

(f) *The Tow request and authorization form shall be completed with the following information:*

- (1) *A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;*
- (2) *The name, address and business telephone number of the licensed Class AA wrecker service;*
- (3) *The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;*

- (4) *Inventory of personal property within the vehicle to be towed, if no inventory is completed, the reason shall be clearly stated on the form;*
- (5) *Time and date the form is completed; and*
- (6) *Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property. They shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle.*

(g) *A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver's copy for not less than one (1) year.*

(h) *Upon completion of the tow the Class AA wrecker service shall perform the following:*

- (1) *Within three (3) business days of the time indicated on the form, request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner and/or lien holder of the vehicle.*
- (2) *Within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a notice of the location of the vehicle by certified mail, postage prepaid, at the addresses furnished, to the owner and any lien holder of the vehicle.*
- (3) *If the licensed Class AA wrecker service has not complied with the notification procedures required in this section the owner or lien holder shall not be required to pay for storage of the vehicle per Title 47 § 954A (G).*

[Source: Amended at 10 Ok Reg 3205, eff 6-25-93; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 31 Ok Reg 2335, eff 9-12-14]

595:25-5-8. Conflicts of interest

There shall be no conflict of interest between the wrecker service and the owner or legal possessor, or the agent of the owner or legal possessor, of real property from which a vehicle is towed or may be towed by a wrecker service. The operator of a wrecker service, or any employee thereof, shall not offer or attempt to offer to or shall not request or accept from the owner, legal possessor, or agent any gratuity, kickback, exchange or promise of services, incentive, or any other thing of value.

[Source: Added at 18 Ok Reg 3121, eff 7-14-01]

595:25-5-9. Inspections

(a) **Availability of Records.** The wrecker operator, manager, or their representative must make available to the inspection officer all records, notices and other documents required by these rules. Due to possible noncompliance or complaint, the inspection of the facility or tow trucks may be required. May include an inspection of any and all tow trucks and inspection of records, tow authorizations, thirty (30) day reports and facilities. Upon completion of the inspection, the operator, manager, or representative shall be given a contact report that will provide the results of the inspection. A date and Time will be provided to make corrective action and a follow up inspection will be performed to assure compliance.

(b) **Initial Inspection.** Will include inspection of all tow trucks and any or all storage facilities. Any tow truck meeting FMCSA requirements of single or combination weight limits of 26,001 GVWR, shall provide a copy of the DOT inspection, per 49 C.F.R. § 396.17, before the Department of Public Safety

inspection can be performed. This will apply to the initial inspection or if the truck requires a re-inspection.

[Source: Added at 31 Ok Reg 2335, eff 9-12-14; Amended at 37 Ok Reg 2095, eff 9-11-20]

SUBCHAPTER 7. CLASS AA OPERATORS

595:25-7-1. Equipment requirements for all Class AA vehicles

Each Class AA wrecker vehicle shall be equipped as required by OAC 595:25-5-2.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2694, eff 10-31-06 through 7-14-07 (emergency)¹; Amended at 24 Ok Reg 2777, eff 8-15-07]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 595:25-7-1 reverted back to the permanent text that became effective 7-25-04, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-15-07.

595:25-7-2. Release and holding of vehicle

(a) **Release.** The Class AA wrecker operator shall at all times have a capable person available to release impounded or stored vehicle within one (1) hour. As per 47 O.S. § 955, any vehicle impounded by law enforcement shall not be released to the owner until that owner provides proof of valid insurance or an affidavit of nonuse on the roadway. In the event an insurer or a representative of the insurer who has accepted liability for the vehicle requests the release, no proof of valid insurance or affidavit of nonuse on the roadway shall be required.

(b) Exceptions to release of impounded or stored vehicles.

(1) Officers may have a legitimate need and reason to preserve the secured status of an impounded or stored vehicle, including but not limited to:

- (A) Failure to pay taxes due the State;
- (B) Forfeiture proceedings under the Controlled Dangerous Substances Act [63 O.S., § 2-506];
- (C) Evidentiary proceedings.
- (D) Failure to provide proof of insurance
- (E) The vehicle has been used in the commission of a felony offense. [47 O.S., § 955(A)(6)]

(2) In the event an officer determines a need exists to preserve the secured status of an impounded or stored vehicle, the officer may direct the operator to place a hold thereon, which the operator shall honor, subject to the following procedures.

(3) If the hold is because taxes due the State have not been paid, the operator shall not release the vehicle until the owner, or another person as described in OAC 595:25-5-3(13), has furnished proof from the Oklahoma Tax Commission or a motor license agent to the operator that the vehicle has been duly registered and the license fee has been paid before the vehicle may be released to the owner. Inquiry regarding this law may be made to the Oklahoma Tax Commission.

(4) If the stated reason for the hold is a forfeiture proceeding under the Uniform Controlled Dangerous Substance Act, the operator may not release the vehicle unless authorization is received either from the District Attorney's Office of the county from which the vehicle was impounded or from the impounding officer.

(A) If, after the expiration of seventy-two (72) hours from the time of impoundment (excluding Saturday, Sunday and legal holidays), the operator has not received either the court case number under which a forfeiture proceeding has been accepted and filed or a release of the hold from the impounding officer, the operator shall contact the law enforcement agency storing the vehicle, between 7:00 a.m. and 12:00 noon following such seventy-two (72) hours period, advising the ranking supervisor on duty or dispatcher of the following information:

- (i) That the vehicle is being held for the filing of forfeiture proceedings;
- (ii) That no court case number of forfeiture proceedings has been received;
- (iii) Description of vehicle, including tag and vehicle identification number;
- (iv) Vehicle owner, if known;
- (vi) County from which the vehicle was impounded;
- (vii) Name of impounding officer;
- (viii) Name and telephone number of operator submitting the above information.

(B) The supervisor may direct the impounding officer to verify the decision of the District Attorney and to notify the operator:

- (i) Of the forfeiture proceedings style and case number; or
- (ii) That the hold is canceled because the District Attorney has declined forfeiture proceedings and therefore, the vehicle may then be released in accordance with (a) and (b) of this Section.

(C) Any vehicle seized or stored for forfeiture proceedings under the Uniform Controlled Dangerous Substance Act is considered to be in the custody of the District Attorney of the county where the property was seized [63 O.S., § 2-506 (K)] and therefore the operator may contact that office regarding any matter relating to such vehicle, in addition to the foregoing procedure.

(5) If the hold is for evidentiary proceedings or for any stated reason other than taxes or forfeiture described above, or if the officer fails to state a reason, then the hold shall expire forty-eight (48) hours from the time of impoundment (if not released earlier by the officer), and the operator shall not honor the hold beyond the forty-eight (48) hour period without express direction of the law enforcement agency storing said vehicle. The vehicle may then be released in accordance with the provisions of this Chapter.

(c) **Court orders regarding impounded or stored vehicles.** If any rule provided, herein conflicts with a court order served upon the operator relating to impoundments, release, storage or other matter relating to the wrecker service, the court order shall take precedence.

(d) **Release to another wrecker service.** When a wrecker service is to lawfully obtain a vehicle from another wrecker service which originally towed the vehicle, the original wrecker service shall:

- (1) allow the other wrecker service to enter its premises and remove the vehicle, or
- (2) if the original wrecker service does not allow the other licensed wrecker services or registered owner or agent on its premises to make the tow, the

original wrecker service shall properly tow the vehicle to a mutually agreeable site in order to transfer the vehicle to the requesting wrecker service.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 15 Ok Reg 3311, eff 7-13-98; Amended at 20 Ok Reg 2717, eff 8-15-03; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 37 Ok Reg 2095, eff 9-11-20]

SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL ROTATION LOG - ADDITIONAL REQUIREMENTS

595:25-9-1. Oklahoma Highway Patrol Rotation Log

(a) **Official Rotation Log.** The Department of Public Safety maintains two (2) official Oklahoma Highway Patrol Rotation Logs, a Class AA wrecker log and a Class AA-TL wrecker log, each of which shall consist of licensed wrecker services for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department [47 O.S. § 72-952 (D)].

(b) **Request for Placement on the Rotation Log.** A licensed Class AA wrecker service desiring to be placed on the Highway Patrol Rotation Log in the Highway Patrol Troop District in which the place of business and the primary storage facility of the wrecker service is located shall file a written request with the Department, pursuant to (e) of this Section. [47 O.S. § 72-952 (D)]

(c) **Assignment to the Rotation Log.** If a request for placement on the Rotation Log is approved by the Department, the wrecker service shall be assigned by the Department to the Highway Patrol Troop District specified on the request. Both the Troop Commander of the Troop District and the wrecker service will be notified by the Department of the assignment of the wrecker service to the Rotation Log.[47 O.S. § 72-952 (D)]

(d) **Call Assignment.** Oklahoma Turnpike Authority rotation log will be determined, for placement on rotation, by using any operator business location within 10 road miles of a gate entry. Must be capable to respond promptly to the scene, open at least one lane promptly, clear and clean the incident sight within the shortest time possible. Calls will be assigned to the wrecker nearest in time or distance to the incident scene for quick clearance.

(e) **Geographical Areas of Rotation.** [47 O.S. § 72-955 (C)]

(1) The Commissioner's designee of the Wrecker Services Division shall be responsible for establishing geographical areas of rotation within the Troop District to which wrecker services on the District's Rotation Log will be assigned for operation when responding to calls for service from the Rotation Log. The Commissioner's designee shall notify each wrecker service of the geographical area of rotation to which it is assigned.

(2) The Commissioner's designee will establish each geographical area of rotation based upon a reasonable radius from the primary storage facility of each wrecker service operating within the geographical area. The reasonable radius will be determined by the Commissioner's designee based upon:

(A) The estimated time it will take the wrecker service to respond to calls for service,

(B) The number of wrecker services available on the Rotation Log,

(C) Conformity with 47 O.S. § 72-955 (C),

(D) Consideration of the economic impact of the wrecker services rates and fees, as prescribed by the Corporation Commission, on the

owner or lien holder of the vehicle; and

(E) Other factors within the Troop District as deemed appropriate by the Commissioner's designee.

(3) The Commissioner's designee may overlap geographical areas of rotation whenever necessary to ensure adequate response to requests for wrecker services.

(4) The Commissioner's designee may modify geographical areas of rotation for the Troop District at any time and for just cause, but shall notify as soon as practicable each wrecker service affected of such modifications.

(5) The Commissioner's designee may extend any geographical area of rotation by a reasonable radius beyond the boundaries of the Troop District to include on the rotation log of the District a wrecker service:

(A) Which is located outside of but in proximity to the boundary of the District, and

(B) Upon receiving notification from the Department of the approval of the wrecker service for placement on the rotation log for the District of the Commander.

(6) Nothing in this Section shall prohibit the Troop Commander from using the services of any licensed wrecker service:

(A) Outside of its assigned geographical area of rotation, or

(B) Which has not been assigned to the Rotation Log of the Troop District.

(f) **Forms.** A request for placement on any rotation log shall be filed by the wrecker service with the Department of Public Safety on a form prescribed and provided by the Department [47 O.S. § 72-952 (D)]. When requesting placement on a rotation log, the wrecker service shall provide on the request one (1) telephone number to be used for request of services during the day and one (1) telephone number to be used for request of services during the night, specifying the time period of normal use; these numbers shall also be on file with the Wrecker Services Division. Any change in the telephone numbers shall be immediately transmitted to:

(1) The Troop Commander(s) of the Oklahoma Highway Patrol Troop District(s) on whose Rotation Log the wrecker service has been assigned, and

(2) The Wrecker Services Division of the Department of Public Safety.

(g) **Request for Removal from the Rotation Log.** A licensed Class AA wrecker service desiring to be removed, whether temporarily or permanently, from the Highway Patrol Rotation Log on which it was placed, pursuant to this section, shall file a written request with the Department. The wrecker service shall not contact the Troop Commander(s) of the Troop District(s) for removal from the Rotation Log.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 17 Ok Reg 3038, eff 7-15-00; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 22 Ok Reg 2700, eff 7-25-05; Amended at 26 Ok Reg 2775, eff 7-25-09; Amended at 29 Ok Reg 65, eff 11-1-11 (emergency); Amended at 29 Ok Reg 1390, eff 7-1-12; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 35 Ok Reg 1954, eff 9-17-18]

595:25-9-2. Operator requirements

Operators on the Rotation Log shall comply with the following:

(1) When more than one (1) vehicle is towed on one (1) call, each tow shall be counted as another call to that operator.

(2) When an operator receives a request for services from the Oklahoma Highway Patrol and no services are rendered, the operator shall not lose position on the Rotation Log.

(3) If an operator has received a request for services, but does not respond to the scene within a reasonable length of time, including but not limited to such factors as distance from the scene, weather, and nature of the collision or traffic tie-up, the Oklahoma Highway Patrol may request the services of the next operator on the Rotation Log. Under these circumstances, the operator who receives the first request shall lose position on the Rotation Log.

(4) When an emergency condition exists, the Oklahoma Highway Patrol reserves the right to request the services of any appropriately equipped and licensed wrecker service best able to handle the emergency and can reach the scene in the shortest time, regardless of the operator's position on the Rotation Log. Said call shall count as a call on the Rotation Log.

(5) Only one (1) wrecker service shall be approved for Highway Patrol rotation at any one place of business and/or storage facility, unless otherwise approved by the Commissioner.

(6) Wrecker services shall respond to Highway Patrol requests only in a wrecker vehicle licensed to the requested wrecker service, unless otherwise approved by the Commissioner.

(7) Every wrecker service on the Highway Patrol Rotation Log shall maintain twenty-four (24) hour service.

(8) A wrecker service called from the Highway Patrol Rotation Log shall not accept a request for services unless the operator has a vehicle immediately available to perform the requested service.

(9) Each operator shall require each driver responding to a request to maintain the appropriate driver license for the type vehicle being operated.

(10) Each operator shall require each driver to obey in good faith the rules of the road.

(11) Each operator shall prohibit any known thief or felon from loitering, visiting, or otherwise being on the premises of the place of business or any storage facility of the wrecker service.

(12) Every operator shall accept each Oklahoma Highway Patrol call unless there exists a valid reason for refusal. Upon acceptance of a call an operator shall advise dispatch of their current location and estimated time of arrival.

(13) Each operator shall provide service for a minimum of seventy-five (75%) percent of the requests made by the Highway Patrol to be computed on a quarterly basis. Failure to meet this standard for any reason shall be grounds for removal from the Oklahoma Highway Patrol Rotation Log.

(14) Any Class AA wrecker operator who uses an answering service as a means of dispatch and who fails to properly respond in a timely manner, as determined by the Commissioner's designee of the Wrecker Services Division, to a rotation call request may have the Class AA license revoked for failure to properly respond to rotation call requests. The operator shall not be licensed as a Class AA wrecker service while utilizing the same answering service as a means of dispatch.

(15) Persons responding to calls must be able to speak and understand the English language.

(16) A wrecker operator shall respond to law enforcement agencies' wrecker service requests with a wrecker vehicle and operator capable of efficiently uprighting an overturned vehicle, pulling or winching a vehicle back onto the roadway, lifting a vehicle off a victim, or assisting with opening a vehicle to extricate a victim. In addition, the wrecker vehicle

shall be equipped to remove a disabled vehicle without inflicting further damage to the disabled vehicle.

(17) If two or more vehicles are involved in a collision and two or more wrecker services are called the following shall apply:

(A) The first wrecker service arriving at the scene will tow the vehicle causing the greatest traffic hazard, which shall be determined by the investigating officer.

(B) If a requested wrecker service is first on scene, said wrecker service will assist in removing the vehicle causing the traffic hazard from roadway, then will proceed to pick up the vehicle it has been requested to tow.

(18) Any wrecker service having a wrecker vehicle with major or critical mechanical failure or failing to meet equipment requirements, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker vehicle has been approved to return to service or a new wrecker vehicle of the same classification has been inspected, if necessary, and approved by the Department.

(19) A wrecker service shall become temporarily unavailable for rotation if there is no approved Certificate of Insurance (WA) filing on file with the Department for the wrecker service or wrecker vehicles approved for rotation.

(20) Any wrecker service with a wrecker vehicle displaying an expired tag, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker license plate has been renewed and is properly displayed on the wrecker vehicle.

[Source: Amended at 10 Ok Reg 3205, eff 6-25-93; Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 24 Ok Reg 2694, eff 10-31-06 through 7-14-07 (emergency)¹; Amended at 24 Ok Reg 2777, eff 8-15-07; Amended at 25 Ok Reg 2801, eff 9-12-08; Amended at 31 Ok Reg 2335, eff 9-12-14; Amended at 34 Ok Reg 1954, eff 9-11-17; Amended at 37 Ok Reg 2095, eff 9-11-20]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 595:25-9-2 reverted back to the permanent text that became effective 7-25-04, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-15-07.

595:25-9-3. Rotation calls for truck wreckers (Class AA-TL)

(a) Rules governing the rotation calls for Class AA-TL truck wrecker operators shall be the same as the rules governing the rotation calls for all other Class AA wrecker operators, except that in the case of truck wreckers the involved Trooper and/or the dispatcher shall have and be free to exercise his or her discretion as provided for in this section. If, in the judgment of any involved trooper and/or dispatcher, a Class AA-TL truck wrecker operator within a service area is needed because of an emergency situation, such wrecker service may be called without regard to position on the truck wrecker log except in relation to other operators also meeting the additional Class AA qualities in the service area.

(b) The large trucks and operators shall be capable and expected

(1) to clear a lane of traffic within one (1) hour upon arrival on the scene unless an extreme circumstance exist, using Traffic Incident Management (TIM) standards for the safety of the public and responders,

- (2) have recovery and remediation resources immediately available to assist in clearing the scene as safely and as quickly as possible; and
- (3) shall coordinate and participate in the recovery, towing and cleanup. Participation does not include only traffic management.

[Source: Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 37 Ok Reg 2095, eff 9-11-20]

SUBCHAPTER 11. DENIAL, SUSPENSION, REVOCATION OR CANCELLATION OF LICENSE; DENIAL OR REMOVAL OF CLASS AA OPERATORS FROM ROTATION LOG OF THE OKLAHOMA HIGHWAY PATROL

595:25-11-1. Failure to qualify

The Department may deny or cancel the license, and/or remove from the Rotation Log, as applicable, any operator who fails to qualify therefore as provided in the rules of this Chapter and the laws of 47 O.S.

[Source: Amended at 21 Ok Reg 3011, eff 7-25-04]

595:25-11-2. Violation of rules

- (a) The Department may deny, suspend, cancel, or revoke the license, and/or remove from the Rotation Log, as the case may be, any operator who has committed a violation of the rules of this Chapter or the laws of 47 O.S.
- (b) The Department may institute, when circumstances warrant for offenses which occur within four (4) years of each other and as prescribed in OAC 595:25-11-3, a system of progressive discipline of any wrecker service which shall consist of:
 - (1) for a first offense as provided in (a), a letter of reprimand,
 - (2) for a second offense as provided in (a), a suspension of the wrecker service license from the OHP rotation log for ten (10) days if applicable, and
 - (3) for a third offense as provided in (a), a suspension of at least thirty (30) days and no more than ninety (90) days.

[Source: Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 26 Ok Reg 2775, eff 7-25-09]

595:25-11-3. Procedure

In the event that the Department has determined that a license should be denied, suspended, revoked or canceled, or that an operator should be denied or removed from the Rotation Log for any reason, or both, the following procedures shall apply in accordance with the Administrative Procedures Act, 75 O.S. § 309, et seq.

- (1) The Department shall send by first-class mail Notice of Department Action containing all information required by 75 O.S. § 309, et seq., to the concerned applicant or operator at the last known address as reflected by the records of the Department. The Department shall follow up the mailed Notice with a documented telephone call to the telephone number on file with the Department for the wrecker service to ensure the wrecker service has received and understands the Notice.
- (2) The notice shall provide that the Department action shall become effective fifteen (15) days after date of mailing to the applicant or operator, unless the applicant or operator timely files a written request for a hearing with the Department of Public Safety, Wrecker Services Division. Such request shall be timely when filed prior to the effective date of the

Department Action.

(3) If a timely hearing is requested, the hearing shall be scheduled within forty-five (45) days from the date the Department receives the request.

(4) The Department hearing officer shall be designated by the Commissioner, and each party shall be afforded an opportunity to be heard and to present evidence.

(5) The hearing officer shall render a decision based upon the law and the evidence presented and shall enter an appropriate final order regarding the matter. Each party shall be promptly notified either personally or by mail.

(6) Unless the hearing officer timely receives a written request for a rehearing, reopening or reconsideration of the decision as provided by the Administrative Procedures Act, the final order will become effective ten (10) days after the entry of the decision.

(7) If an applicant operator fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter a final order reflecting the effective date prescribed in (2) of this Subsection, in lieu of the decision and final order as prescribed in (5) and (6) of this Subsection. Each party shall be promptly notified thereof either personally or by mail.

(8) If the Department representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter a final order of dismissal of the Department Actions. The order of dismissal shall be without prejudice if the basis for the action constitutes noncompliance or a continuing violation of these rules. Each party shall be promptly notified thereof either personally or by mail.

(9) Where a timely written request for a rehearing, reopening or reconsideration of the case is received, the Department Action shall be stayed until ten (10) days after an order is issued concerning the request for rehearing, reopening or reconsideration of the case.

(10) Notwithstanding (2) through (9) of this Subsection, Department Action shall become effective immediately where:

(A) An original application for a license or placement on the Rotation Log is denied for failure to qualify under this Chapter.

(B) The Department finds that the health, safety, or welfare of the public imperatively requires such action and finding to that effect is incorporated in its order, pursuant to the Administrative Procedures Act, 75 O.S. § 314(c).

(11) Where the Department has determined that a minor disqualification and/or violation exists which may be readily rectified by the applicant or operator, the Department of Public Safety may informally notify such party by mail or telephone of such minor disqualification or violation, with a request for compliance with a specified period of time. If such party fails to rectify the minor disqualification or violation, the Department may proceed according to other provisions of this Subchapter.

[Source: Amended at 13 Ok Reg 2821, eff 6-28-96; Amended at 21 Ok Reg 3011, eff 7-25-04; Amended at 22 Ok Reg 2700, eff 7-25-05; Amended at 31 Ok Reg 2335, eff 9-12-14]

CHAPTER 30. SIZE AND WEIGHT PERMITS

[Authority: 47 O.S., §§ 2-108(b) and 14-116(A), 14-118(A), 14-118.1, 14-120(C), 14-120.1(D), and 14-121(B)]

[Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

595:30-1-1. Purpose

(a) The Department of Public Safety issues permits for oversize, overweight vehicles. The purpose of this chapter is to set forth the guidelines and procedures for obtaining size and weight permits. [47 O.S., §§ 2-108(b) and 14-116(A), 14-118(A), 14-118.1, 14-120(C), 14-120.1(D), and 14-121(B)]

(b) For purposes of this chapter, the term "oversize, overweight" shall mean oversize or overweight or both oversize and overweight.

[Source: Amended at 21 Ok Reg 3025, eff 7-25-04; Amended at 28 Ok Reg 2092, eff 7-15-11]

595:30-1-2. Applicability; adoption by reference

(a) Permits authorizing the movement of oversize, overweight vehicles upon the roads and highways of the State of Oklahoma are issued in harmony with the Size, Weight and Load laws contained in Title 47, Oklahoma Statutes, Chapter 14 and Department of Transportation Rules OAC 730:30-9.

(b) This Chapter shall apply to all roads and highways of this state which are subject to the permit provisions of the Oklahoma Statutes, and which direct the Commissioner of Public Safety in the issuance of such permits. The provisions of OAC 730:30-9, which regulate the movement of oversize and/or overweight vehicles and/or loads on roads or highways not a part of the Dwight D. Eisenhower System of Interstate and Defense Highways and four lane divided highways, are hereby adopted as regulatory provisions for roads and highways in this state which are not a part of the state highway system or toll facilities, but which are subject to the permit provisions of the Oklahoma Statutes, and permit issuing authority of the Commissioner of Public Safety. Copies of this Chapter may be obtained from the from the website of the Department of Public Safety or from the website from the Secretary of State, Office of Administrative Rules.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 28 Ok Reg 2092, eff 7-15-11]

SUBCHAPTER 3. SIZE AND WEIGHT PERMIT LOAD

595:30-3-1. When a permit is required

A permit is required when a vehicle or load which exceeds legal size or weight limits, or both, is to be moved upon the roads and highways of the this state. [47 O.S. §14-101 et seq.]

[Source: Amended at 17 Ok Reg 3040, eff 7-15-00]

595:30-3-2. A permit is a legal document; permit types

(a) **Permit defined.** A permit is a legal document authorizing the permittee to move a vehicle or load, which is oversize, overweight, or both, upon the roads and highways of this state when the route constitutes the safest practical routing. The document shall be carried in the driver's possession and consist of:

- (1) the information furnished by the applicant contained in the permit,
- (2) the conditions and restrictions stated in the permit, and
- (3) the applicable provisions of this Chapter, OAC 730:30-9, Oklahoma law, or any combination of provisions.

(b) **Annual permits.** Annual permits, as authorized by 47 O.S. §14-101 et seq. and by OAC 730:30-9, shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Annual permits shall comport to 23 U.S.C. §127 for interstate applications, to other state statutes relating to size and weight of vehicles and combinations of vehicles, and to OAC 730:30-9 for all roads and highways of this state. Annual permits shall be for a duration of one calendar year from the date of issuance. Annual permits for the movement of vehicles, loads, or both which exceed the size or weight provisions, or both, of 47 O.S. §14-101 et seq., but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits, shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. Annual permits shall not be restricted to nondivisible vehicles or loads and shall be specific to the towing vehicle of any vehicle operating as a combination of vehicles.

(1) Fees for annual permits shall be in accordance with the fee schedule contained in 47 O.S. §14-101 et seq.

(2) Annual permits shall be subject to suspension, revocation or cancellation by the Commissioner of Public Safety or an authorized representative upon due process, as outlined in this Subchapter.

(c) **Single trip permits.** Single trip permits, as authorized in OAC 730:30-9-6(2), shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Single trip permits shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. All single trip permits shall comport to OAC 730:30-9 and related state statutes and shall be for a duration of up to, but not to exceed, five (5) consecutive calendar days. Single trip permits shall be issued for nondivisible vehicles or loads, as defined in 23 C.F.R. § 658, which exceed the provision of state statutes but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits. All or any permits may be revoked by any duly qualified law enforcement officer of the Department of Public Safety after having observed any violation of any of the provisions of the permit. The revocation shall be final and no further movement of the vehicle or load shall be authorized until the vehicle or load is authorized by a proper permit.

(d) **Multi-trip oversize permits.** A multi-trip oversize permit may be issued for a specific motor vehicle, which can be identified by a vehicle identification number or serial number, for movement as set forth in 730:30-9-9(a)(1) and (j).

(e) **Annual envelope vehicle permit.** An annual envelope vehicle permit shall be issued by the Department in conformity with 730:30-9-16. In addition to the requirements of 730:30-9-16:

(1) An annual envelope permit shall not be used in conjunction with any other permit.

(2) An annual envelope permit shall be void if used for the movement of houses or modular or manufactured homes.

(3) An annual envelope permit shall be void if laminated.

(4) Reasonable access to and from terminals for fuel, food, repairs and rest shall not exceed five (5) statute miles from the roadways authorized by the Oklahoma Department of Transportation.

(5) A vehicle being moved under an envelope permit shall not be moved on turnpikes except on non-interstate turnpikes. Non-interstate turnpikes are:

(A) Indian Nation

(B) Cimarron

- (C) Cherokee
- (D) Chickasaw
- (E) Creek
- (F) Muskogee
- (G) Kilpatrick
- (H) Kickapoo

(6) The operator of a vehicle in excess of 9 feet and 6 inches in width which is moving under an envelope permit shall use a valid PikePass to travel on any turnpike listed in paragraph (5) and shall travel only in a PikePass lane when in the area of any tollbooth or turnpike entrance or exit.

(f) **Special overweight trailer permit for limited travel.** A Special Overheight Trailer Permit for Limited Travel (SOTPLT), in accordance with 47 O.S. § 14-103(B)(1), shall be issued in a manner and on a form prescribed by the Commissioner of Public Safety.

(1) An SOTPLT shall be for a duration as determined by the Commissioner of Public Safety, but under no circumstance shall the permit exceed one (1) calendar year.

(A) The fee for a single trip SOTPLT shall be Forty Dollars (\$40.00) and shall be nonrefundable.

(B) The fee for a thirty (30) day SOTPLT shall be Five Hundred Dollars (\$500.00) and shall be nonrefundable.

(C) The fee for a one (1) year SOTPLT shall be Two Thousand Dollars (\$2000.00) and shall be nonrefundable.

(2) An SOTPLT shall not be restricted to nondivisible loads and shall be specific to the trailer being permitted.

(3) In addition to these requirements:

(A) An SOTPLT shall not be used in conjunction with any other permit.

(B) A trailer being moved under an SOTPLT shall not access nor be moved on any part of the National System of Interstates and Defense Highways or four-lane divided Federal Aid Primary System Highways, state highways or turnpikes.

(4) An SOTPLT shall comply with 595:30-3-18(b)(3), unless otherwise waived by the Commissioner of Public Safety.

(5) An SOTPLT applicant shall submit a detailed application to the Commissioner of Public Safety containing:

(A) Physical features of the route, including but not limited to:

- (i) applicable speed limits,
- (ii) specifications and description of any bridges,
- (iii) infrastructure,
- (iv) public or private utility overhead wire lines,
- (v) traffic control devices,
- (vi) road signage, and
- (vii) any potential for pedestrian traffic.

(B) The duration of time the SOTPLT permit is needed.

(C) Trailer information including, but not limited to, VIN, tag number, height and specifications of the trailer.

(D) A certification from the permittee stating the permittee has contacted the effected City Street Department and/or County Commissioner and referenced any possible restrictions or obstacles within their jurisdiction that may impact the permittee's ability to

travel.

(g) **Multiple trailer or semitrailer permits.** To obtain a permit for multiple trailers or semitrailers pursuant to 47 O.S. 14-116 (F) an affidavit must:

(1) be submitted to the Department of Public Safety Size and Weight Permits Division containing:

- (A) license plate number of each trailer or semitrailer;
- (B) vehicle identification number of each trailer or semitrailer;
- (C) US DOT Number of power unit pulling a trailer or semitrailer;
- (D) Make and Model of trailer or semitrailer; and

(h) Any violation of any part of this section shall result in the permit being voided.

(i) **Prima facie evidence.** Undertaking the movement of the vehicles and loads specified in the permit is deemed prima facie evidence of an unequivocal allegation that the permit is accepted by the permittee. Acceptance of the permit by the permittee will be deemed prima facie evidence of an unequivocal allegation by the permittee that:

- (1) Permittee is in compliance with all operational requirements;
- (2) All dimension and weight limitations specified in the permit will not be exceeded;
- (3) All operation, registration, and license requirements have been met;
- (4) All financial responsibility obligations and other legal requirements have been met. The permittee assumes all responsibility for injury to any person or for damage to public or private property, including the permittee's own, or to the load being transported, caused directly or indirectly by the transportation of vehicles and loads authorized under the permit.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Amended at 35 Ok Reg 1959, eff 9-17-18; Amended at 36 Ok Reg 1050, eff 7-25-19; Amended at 37 Ok Reg 563, eff 1-27-20 (emergency); Amended at 37 Ok Reg 2103, eff 9-11-20; Amended at 38 Ok Reg 2484, eff 9-12-21]

595:30-3-3. Requesting, obtaining, and paying for a permit

(a) **Requesting and obtaining a permit.** A permit shall be applied for and obtained from the Size and Weight Permit Division of the Department of Public Safety, by contacting a permit office either in person, by telephone, or from the Department website. A permit for movement of a manufactured home shall be applied for and obtained in accordance with 68 O.S. §2813 and 47 O.S. §14-103D. The permit office shall make a determination as to whether the permit can be issued based upon the size of load, weight of load, the route to be traveled, the clearance of overhead structures, weather conditions, and traffic conditions.

(b) **In-person permit application.** All permit offices are open Monday through Friday, except on state holidays. Location and office hours of permit offices are.:

(1) Oklahoma City (main office), 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107. Office hours: 8:00 a.m. to 12:00 p.m. (noon) and 1:00 p.m. to 4:30 p.m.

(2) Offices at Oklahoma Highway Patrol district headquarters:

(A) Enid, 5725 West Garriott Road. Office hours: 8:00 a.m. to 12:00 p.m. (noon) and 1:00 p.m. to 4:00 p.m.

(B) Tulsa, 9191 East Skelly Drive. Office hours: 8:00 a.m. to 4:00 p.m.

(3) Field Offices:

(A) Elk City, Merritt Road at the west junction of U.S. Highway 66 and State Highway 6. Office hours: 8:00 a.m. to 12:00 p.m. (noon),

and 1:00 p.m. to 4:00 p.m.

(B) Woodward, 2411 Williams Ave. Suite 112A. Office hours: 7:00 a.m. to 12:00 p.m. (noon), and 1:00 p.m. to 4:00 p.m.

(c) **Telephone permit application.** Telephone applications may be made by calling, toll free, 405-425-7012, Monday through Friday, except on state holidays, between 8:00 a.m. and 4:30 p.m.

(d) **Website permit application.** Website applications may be made through swpermitsok.com.

(e) **Payment for a permit.** Payment for a permit is to be made by one of the following methods:

(1) Cash (exact change is required). Please do not mail cash.

(2) Certified cashier's check. Make checks payable to "Oklahoma Department of Public Safety."

(3) Money order. Make money orders payable to "Oklahoma Department of Public Safety."

(4) Personal or company check. Make checks payable to "Oklahoma Department of Public Safety." If a personal or company check is not honored by the bank upon which it is drawn, the Department of Public Safety reserves the right to refuse all further checks from the person or company who issued the check.

(5) Credit card. Discover, MasterCard, American Express or Visa will be accepted for payment.

(6) Monthly billing account. [See 595:30-3-7 regarding monthly billing accounts.]

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 18 Ok Reg 3125, eff 7-14-01; Amended at 21 Ok Reg 3025, eff 7-25-04; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Amended at 35 Ok Reg 1959, eff 9-17-18; Amended at 38 Ok Reg 2484, eff 9-12-21]

595:30-3-4. Conditions and restrictions

The following conditions and restrictions shall apply to the issuance of permits for the operation of oversize and overweight vehicles:

(1) **Travel time.** Movement shall be permitted in accordance with the dates and times provided in 47 O.S. §14-101 and in this Section.

(A) **Oklahoma County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Oklahoma County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday.

(B) **Tulsa County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Tulsa County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday.

(C) **Cleveland County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Cleveland County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday. The two (2) mile section of Interstate 35 between State Highway 9 East (Exit 108) and State Highway 9 West (Exit 106) shall be exempt from this restriction.

(2) **Required signs and flags.** All oversized equipment requires the regulation "Oversize Load" sign and flagging, as provided in 595:30-3-16.

(3) **Exceptions.** The restrictions in this paragraph shall not apply to special combination vehicles, longer combination vehicles, and vehicles which are overweight only.

(4) **Weather, traffic, road and atmospheric conditions.** Extreme caution in the operation of permitted vehicles and loads shall be exercised during hazardous conditions, including, but not limited to, snow, ice, sleet, fog, mist, rain, dust, smoke, excessive wind, or any weather, traffic, or road condition which would adversely affect traction or braking capabilities. When conditions become dangerous, the company or the operator shall discontinue operations, and operations shall not resume until the vehicle and load can be moved with reasonable safety. The state may restrict or prohibit operations during periods, when, in the state's judgment, weather, traffic, road, or other conditions exist which make such operations unsafe or inadvisable. [See OAC 730:30-9-12(c)(2) regarding driving conditions.]

(5) **Overweight load route review.** Requests for permits for overweight loads which require a load route review shall be submitted to ensure they are received by the Oklahoma Department of Transportation Bridge Division a minimum of five (5) working days prior to the date of movement [730:30-9-7(k)].

(6) **Brakes, drawbars, and lighting requirements.** Equipment requirements for this Paragraph are found in 47 O.S. §§12-201 through 12-415, and in the Federal Motor Carriers Safety Regulations, Part 393, Subchapters B, C, B, and H.

(7) **Accuracy of information.** It is the responsibility of the applicant to ensure accuracy of information contained in company profile and on the application when submitting for a permit. Sharing your password with anyone is a violation of our agreement, as it may compromise the account holder's confidential information and could result in outside charges on your account for which you will be responsible and liable. The charges incurred on your account are the responsibility of the owner as described in the profile, no matter who makes the actual charge. Permits will not be revised to alter the load description or the vehicle or load dimensions. Multi-trip or annual permits cannot be changed. Any other revisions shall be at the discretion of the permit office and only one (1) revision will be allowed per permit.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 18 Ok Reg 3125, eff 7-14-01; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Amended at 35 Ok Reg 1959, eff 9-17-18]

595:30-3-5. Method of placing permit in suspension where conditions exist beyond the control of the permittee

(a) A permit may be placed in suspension by the permit holder for a maximum of two (2) weeks for inclement weather, road conditions due to weather and equipment breakdown. To place a permit in suspension the permit holder shall:

- (1) Contact the permit office within the trip dates. If the permit expires when the permit office is closed, contact the permit office the next working day;
- (2) Provide the permit number and trip dates;
- (3) Before the permit may be reinstated due to equipment breakdown proper documentation must be submitted to swpermits@dps.ok.gov.

(b) If the permit office is not contacted by the permit holder to remove the suspension of the permit within two (2) weeks of placing the permit in suspension, the permit shall become void, and the permit shall be required to apply for a new permit. Only one (1) suspension shall be granted by the Department per permit.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 36 Ok Reg 1050, eff 7-25-19; Amended at 38 Ok Reg 2484, eff 9-12-21]

595:30-3-6. Method of obtaining permits [REVOKED]

[Source: Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 14 Ok Reg 3508, eff 8-12-97; Revoked at 16 Ok Reg 3159, eff 7-12-99]

595:30-3-7. Establishing a monthly billing account

The Size and Weight Permit Division may authorize monthly billing accounts for individuals, companies, and corporations to defer payment of special permits issued for oversize and overweight vehicles. A monthly billing account will be established in accordance with the following provisions:

(1) Posting of bond.

(A) A bond must be posted in an amount sufficient to cover the monthly billing. The minimum amount of such bond shall be Five Thousand Dollars (\$5,000.00).

(B) The bonding company must be approved by the Oklahoma Insurance Commissioner to do business in Oklahoma and maintain such approval during the term of the bond.

(C) The bond must be on a form prepared by the Department of Public Safety. The completed original form must be submitted to the Department for final approval. The form may be obtained by contacting the Size and Weight Permit Division of the Department of Public Safety.

(D) The surety company must notify the Department by written notice a minimum of thirty (30) days prior to cancellation or reduction of the amount of coverage and state the effective date of the change in coverage. The surety company shall send the notice by certified mail to the Size and Weight Permit Division.

(E) It is the responsibility of the company holding the bond to give the monthly billing account number only to persons qualified to use the account. Establishing an account implies full agreement to the terms of the account and any related activities thereof. Sharing your password with anyone, is a violation of our agreement, as it may compromise the account holder's confidential information and could result in outside charges on your account for which you will be responsible and liable. The charges incurred on your account are the responsibility of the owner as described in the profile, no matter who makes the actual charge. Once the bond has been approved by the Department of Public Safety, notification of the monthly billing account number will be given. Information concerning accounts may be obtained by calling (405) 522-9004 or 405-522-2290.

(2) Payment of account. Each monthly billing account will be invoiced at the first of each month. Payment must be received by the Department of Public Safety at 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107 by the fifteenth (15th) day of the invoice month. Accounts which are

not paid will not be issued permits until the account is paid. Accounts not paid by the twentieth (20th) day of the invoice month will be sent to the bonding company for collection. The Department may close any account for which the deferred payment is habitually delinquent.

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 15 Ok Reg 3314, eff 7-13-98; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 35 Ok Reg 1959, eff 9-17-18]

595:30-3-8. Provisional permit book [REVOKED]

[Source: Amended at 10 Ok Reg 559, eff 12-3-92 (emergency); Amended at 10 Ok Reg 3207, eff 6-25-93; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 15 Ok Reg 3314, eff 7-13-98; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Revoked at 36 Ok Reg 1050, eff 7-25-19]

595:30-3-9. Suspension of permits obtained by provisional method [REVOKED]

[Source: Amended at 10 Ok Reg 559, eff 12-3-92 (emergency); Amended at 10 Ok Reg 3207, eff 6-25-93; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 31 Ok Reg 2349, eff 9-12-14; Revoked at 36 Ok Reg 1050, eff 7-25-19]

595:30-3-10. Permit fees [REVOKED]

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 10 Ok Reg 559, eff 12-3-92 (emergency); Amended at 10 Ok Reg 3207, eff 6-25-93; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 843, eff 12-9-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Revoked at 12 Ok Reg 3261, eff 7-28-95]

595:30-3-11. Permit offices [REVOKED]

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 10 Ok Reg 3207, eff 6-25-93; Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-12. Turnpikes [REVOKED]

[Source: Amended at 10 Ok Reg 3207, eff 6-25-93; Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-13. Governmental agencies

(a) Military moves.

(1) **Special permission.** All movements by the Armed Forces and the National Guard must be in compliance with the size and weight limits contained in 47 O.S. §§ 14-103 and 14-10, unless an authorization has been issued by the Size and Weight Permit Division, or an emergency has been officially declared by the President or the Governor. In the event an official emergency is declared, telephone contact should be made with the Oklahoma City Size and Weight Permit Office by calling toll free 405-425-7012 during regular office hours or the Oklahoma Highway Patrol Communications Center by calling 405-425-2323 at other times.

(2) **No-cost authorization.** If it is necessary to move a vehicle or load which cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Oklahoma City Permit Office. Application may be on Department of Defense standard forms, by

letter, or by electronic communications. If the Oklahoma City Permit Office determines the move can be made in safety without damaging the highway system, a no-cost authorization will be issued.

(3) **No-Cost authorization.** The Oklahoma City Permit Office will review requests for routine military convoy movements, which are submitted on standard military forms, and issue a Military No-Cost Authorization for all approved oversize and overweight vehicles and loads which are included. These authorizations do not relieve the Armed Forces or National Guard from overall responsibility for the convoy movement.

(b) **City, county, state and federal agencies.**

(1) **Compliance.** City, county, state and federal agencies must comply with the provisions of 595:30-3-13(a)(1).

(2) **No-cost authorization.** If it is necessary to move a vehicle or load which cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Oklahoma City Permit Office. If the Oklahoma City Permit Office determines the move can be made safely without damaging the highway system, a no-cost authorization will be issued.

(3) **ODOT and OTA No-Cost Authorization.** The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may obtain an annual no cost oversize overweight fleet permit for vehicles moving to, from and engaged in highway maintenance and construction activities.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 36 Ok Reg 1050, eff 7-25-19]

595:30-3-14. Emergency moves [REVOKED]

[Source: Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-15. Extended permits (30 days) [REVOKED]

[Source: Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-16. "Oversize Load" sign and warning flags

(a) **"Oversize Load" sign.** All oversize vehicles and loads moving under permit must have the regulation "Oversize Load" sign attached to the front of the towing vehicle and on the rear of the load or towed vehicle, whichever extends the farthest. The "Oversize Load" signs shall not be displayed on a vehicle that is of legal dimensions. Regulation "Oversize Load" signs must meet the following requirements:

(1) **Color.** The sign shall consist of a yellow background with black lettering.

(2) **Size.** The sign shall be at least five (5) feet long and at least fourteen (14) inches high. The letters shall legible from a distance of at least fifty (50) feet and shall be at least eight (8) inches high using a one and one-eighth (1 1/8) inch wide brush stroke.

(3) **Placement of sign.** The sign mounted on the rear of the load or the towed vehicle whichever extends the farthest must be as high as practicable from ground level. For manufactured homes, the sign must be no lower than five (5) feet from ground level. If an escort vehicle is required, the regulation "Oversize Load" sign shall be mounted either on the roof or on

the front of the escort vehicle, if movement is on two-lane highways or super two-lane roadways, or on the rear or on the roof of the escort vehicle, if movement is on multi-lane roadways.

(4) **Wording.** The wording shall state "Oversize Load" or "Wide Load".

(5) **Sign material.** The sign shall be made of a durable material.

(b) **Warning flags.** All overwidth and overlength vehicles and loads moving under permit, excluding extra-length vehicle combinations, shall be marked by warning flags. All loads which overhang the rear of the vehicle or trailer by four (4) feet or more shall be marked by warning flags. Warning flags must meet the following requirements:

(1) **Color.** Each flag shall be a solid red or fluorescent orange.

(2) **Size.** Each flag shall be at least eighteen (18) inches by eighteen (18) inches.

(3) **Placement of flags.** Flags shall be placed at the four (4) corners of the vehicle or load and on the extremities of the vehicle or load, if applicable, in the following manner:

(A) **Front.** Two (2) flags required: a flag shall be fastened to each front corner or extremity of the vehicle or load, whichever extends the farthest, if the width requires the vehicle or load to be permitted.

(B) **Rear.**

(i) **Overwidth.** Two (2) flags required: a flag shall be fastened to each rear corner or extremity of the vehicle or load, whichever extends the farthest, if the width requires the vehicle or load to be permitted.

(ii) **Overlength.** If the rear overhang of the load extends beyond the end of the vehicle by four (4) feet or more:

(I) One (1) flag required: a flag shall be fastened at the extreme rear of the load if the width of the load projection is two (2) feet or less.

(II) Two (2) flags required: a flag shall be fastened to each rear corner of the load if the width of the load projection is more than two (2) feet.

(C) **Side.** Flags required: A flag shall be fastened in such a manner so as to mark any extremity of size which is wider than the front or rear of the vehicle or load, whichever is wider.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11]

595:30-3-17. Requirements for escort vehicles and escort vehicle operators

(a) **General requirements for escort vehicles.** Any vehicle to be used as an escort vehicle must be either a pickup truck of not less than one-quarter (1/4) ton rated load capacity or an automobile of not less than 2,000 pounds. The escort vehicle must be properly licensed under the statutes of the State of Oklahoma [47 O.S. § 1101 et seq.] or properly licensed in another state. If commercially licensed, an escort for an intrastate move must obtain a temporary registration from the Oklahoma Tax Commission Motor Vehicle Registration Division.

(b) **Identification of escort vehicles.** The owner of an escort vehicle must have displayed on each side of the escort vehicle the name, city and state of the escort vehicle company or operator, or the owner of the escort vehicle, or both. Such identifying markings must be:

- (1) Plainly legible and visible to the motoring public.
- (2) Readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is stationary.
- (3) Kept and maintained in a manner to preserve legibility.
- (4) In a color or colors which sharply contrast with the background on which they are placed.

(c) **Equipment of escort vehicles.** An escort vehicle must carry the following items of equipment at all times when escorting an oversize/overweight vehicle or load:

(1) **Flags.** Red flags shall be at least twelve (12) inches square and shall be attached to standards angled upward to the left and right at forty-five (45) degrees and mounted on the top of the cab. No flags shall be displayed unless the escort vehicle is actually engaged in escorting.

(2) **Mirrors.** The vehicle shall be equipped with an outside rear-view mirror on each side of the vehicle.

(3) **Radio.** Escort and towing vehicles shall be equipped with a two-way radio which is capable of transmitting and receiving voice messages over a minimum distance of one (1) mile and which is compatible with radios in the escorted vehicle and any other escort vehicle(s).

(4) **Fire extinguisher.** One (1) ten-pound or two (2) five-pound ABC fire extinguishers. Extinguishers shall be checked annually to ensure they are operational.

(5) **Flares or reflectors.** Four (4) LED type flares, three (3) traffic cones or three (3) portable triangle reflector units.

(6) **Sign.** The regulation "Oversize Load" sign, as provided in 595:30-3-16(a), except that sign shall be at least ten (10) inches high, shall be mounted either on the front or the roof of front escort vehicles and on the rear or on the roof of the rear escort vehicle while escorting an oversize vehicle or load. The sign shall be clearly visible without an obstruction. No signs shall be displayed unless the escort vehicle is actually engaged in escorting.

(7) **Warning lights.** One AAMVA-approved rotating or flashing amber beacon or a flashing amber light bar system shall be mounted on top of the escort vehicle and shall be of sufficient intensity when illuminated to be visible from five hundred (500) feet in normal sunlight, and shall rotate, oscillate or flash through 360 degrees. Blue lights are strictly prohibited and, red, or white rotating lights are not authorized under Oklahoma statutes. In addition:

(A) Headlights of escort vehicles shall be lighted at all times during movement.

(B) Warning lights in conformance with 47 O.S. § 12-220(D) and § 12-227(C) may be used in conjunction with the headlights.

(C) No warning lights shall be displayed unless the escort vehicle is actually engaged in escorting.

(8) **Measuring pole.** A current height measuring pole made of non-conductive, flexible, non-fragile material when escorting a load or vehicle which is fifteen (15) feet and nine (9) inches or more in height.

(9) **Traffic control sign.** Two (2) "STOP" and "SLOW" paddle signs at least 18" inches in diameter with letters at least 6" high with a reflective surface which meets standards set by the Manual on Uniform Traffic Control Devices.

(10) **Safety clothing.** A hard hat and a jacket or vest, both of which meet standards set by the Manual on Uniform Traffic Control Devices, for each person who may be assigned to traffic control, setting reflectors or any other duties conducted on or near a roadway.

(11) **Flashlight.** A flashlight equipped with and powered by at least two (2) D cell batteries.

(12) **Spare tire.** A full-size spare tire for the escort vehicle, tire jack and lug wrench.

(d) **Prohibitions when operating escort vehicles.** The escort vehicle shall not:

(1) Carry any item, equipment or load in or upon the vehicle which:

(A) Exceeds the height, length or width of the vehicle, overhangs the escort vehicle; or otherwise impairs its immediate recognition as an escort vehicle by the motoring public.

(B) Impairs the view of the operator of the escort vehicle or the escorted vehicle.

(C) Obstructs the view of signs or flags used by the escort vehicle or causes safety risks to the motoring public.

(D) Impairs the performance of the escort vehicle.

(2) Tow any trailer or other vehicle, except that an escort vehicle operator not required to be certified by the Department *may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer. The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators [47 O.S. § 14-120.1(C)]* and shall not be used to carry other supplies, equipment, or cargo.

(3) The operator of the escort vehicle shall not perform as a tillerman or steerman while performing escort operations. A passenger in the escort vehicle may act as a steerman. For purposes of this paragraph, "tillerman" means a person who is physically located on the CMV, has a valid commercial driver license and who operates by remote control or other means any axle of the CMV; "steerman" means a person who is not physically located on the CMV, not required to have a valid commercial driver license, and who operates by remote control or other means any axle of the CMV.

(e) **Duties of escort vehicle operators.**

(1) **Traffic control.** In the performance of duties as the operator of an escort vehicle, the operator is authorized to direct traffic to stop, slow down or proceed in situations where such direction is necessary to allow traffic or the escorted vehicle or load to continue moving safely. Pilot/Escort operators must be trained and certified to perform the above duties according to MUTCD (Section 6E.01 Qualifications for Flaggers).

(A) The operator of the escort vehicle shall require the escorted vehicle or load to stop, and the escorted vehicle shall move as far off of the roadway as practicable and stop to allow other traffic to pass, under the following conditions:

(i) When the escorted vehicle or load becomes disabled.

(ii) When the movement of the escorted vehicle or load on a particular section of roadway presents a safety risk or unreasonable risk to or unreasonably interferes with the efficient movement of other traffic, based upon such factors

as the widths of the escorted vehicle or load, roadway, volume of traffic, limited visibility or mountainous terrain.

(iii) When driving conditions for the escorted vehicle or load are hazardous for any reason including weather.

(B) When the escorted vehicle or load stops, the escort vehicle operator shall direct other traffic past the escorted vehicle or load as necessary until such time as the escorted vehicle or load can reenter the roadway and continue moving without presenting a safety risk or unreasonably interfering with efficient movement of other traffic.

(C) Escort vehicle operators when performing escort duties shall have their drivers license and escort certification on their person and present them for inspection at the request of any law enforcement officer.

(2) Escort vehicle operation.

(A) The operator of an escort vehicle must comply with all applicable traffic laws of this state and with the requirements of this Chapter when escorting a vehicle on all routes of the state highway system, including but not limited to the Dwight D. Eisenhower National System for Interstate and Defense Highways, all turnpikes, and such other roads, streets, or public ways that the Commissioner of Public Safety and the Oklahoma Department of Transportation shall deem appropriate.

(B) On two-lane highways, the first escort vehicle will travel far enough to the front and the second escort vehicle, if required, will travel far enough to the rear of the escorted vehicle or load to timely warn approaching motorists. On multi-lane highways, the first escort vehicle will travel far enough to the rear of the escorted vehicle or load to timely warn motorists approaching from the rear.

(C) The operator of an escort shall not:

(i) possess, use, or be under the influence of alcohol, or have any measureable alcohol concentration within four (4) hours before or at any time while operating or in actual physical control of any escort vehicle.

(ii) use alcohol or be under the influence of alcohol within 4 hours before going on duty or while operating or having actual physical control of an escort vehicle; or

(iii) use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of an escort vehicle.

(iv) Operate an escort vehicle and be in possession of wine, beer, or distilled spirits.

(v) be on duty and possess, be under the influence of, or use, any of the following drugs or other substances:

(I) Any Title 63 O.S. §2-204 Schedule I substance;

(II) An amphetamine or any formulation thereof;

(III) A narcotic drug or any derivative thereof; or

(IV) Any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.

(f) **Insurance.** Each certified escort vehicle operator who operates in interstate commerce, and on and after August 1, 2012, each certified escort vehicle operator, shall maintain a valid insurance policy issued by an insurance company currently authorized to issue policies of insurance covering risks in the State of Oklahoma, and proof of insurance shall be carried in the escort vehicle at all times. The insurance policy shall protect the public against loss of life, bodily injury to persons, and damage to property, as evidenced by a current certificate of insurance, including any applicable endorsement, which indicates that the operator, or the operator's employer, has in full force and effect insurance coverage for bodily injury or property damage, or both, as a result of the operation of the escort vehicle or of the actions of escort vehicle operator, or of both, causing the bodily injury or property damage, or both, arising out of an act or omission by the escort vehicle operator relating to the escort duties required by this chapter. The insurance shall be no less than \$1,000,000 combined single limit or \$1,000,000 per occurrence, or both, of commercial liability coverage, as applicable, and must be maintained at all times during the term of the certification.

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 15 Ok Reg 4230, eff 8-20-98 (emergency); Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 18 Ok Reg 3125, eff 7-14-01; Amended at 19 Ok Reg 2714, eff 7-15-02; Amended at 21 Ok Reg 3025, eff 7-25-04; Amended at 22 Ok Reg 2706, eff 7-25-05; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 27 Ok Reg 329, eff 8-18-09 (emergency); Amended at 27 Ok Reg 1096, eff 12-18-09 through 7-14-10 (emergency)¹; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Amended at 34 Ok Reg 1964, eff 9-11-17; Amended at 36 Ok Reg 1050, eff 7-25-19]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:30-3-17 reverted back to the permanent text that became effective 7-25-09, as last published in the 2009 OAC Supplement and republished in the 2010 OAC Supplement, and remained as such until amended by permanent action on 7-15-11.

595:30-3-17.1. Certification of operators of escort vehicles for hire

(a) **Requirements.** Every person who drives an escort vehicle for hire to escort a permitted over-dimensional load or vehicle in this state must be certified by the Department of Public Safety. To be certified, the person must meet the following requirements:

- (1) Be at least eighteen (18) years of age.
- (2) Possess a valid driver license from the state or jurisdiction in which the person is a resident.
- (3) Submit an application for certification to the Size and Weight Permit Division of the Department of Public Safety on the form provided by the Department. The application must contain all required information including a driving record issued within the immediately preceding thirty (30) days.
- (4) Attend a course in escort vehicle certification, as prescribed by the Department, and successfully pass the escort vehicle certification examination.

(b) **Course and examination.** The course will be taught by the Oklahoma State University Center for Local Government Technology. Courses will be taught at locations throughout the state. Class size shall be determined by Oklahoma State University Center for Local Government Technology. Locations, times, and enrollment information are available by calling (405) 744-6049, or online at clgt.okstate.edu.

(c) **Certification.** The Department of Public Safety will grant a certification card to any person who completes an escort vehicle course prescribed by the Department, passes the escort vehicle certification examination with a score of seventy-five

percent (75%) or higher, and satisfies all other requirements.

(1) The term of the certification shall be for a maximum period of five (5) years, subject to subsection (d), and shall expire automatically five (5) years after the date of issuance. Upon expiration of the certification, the operator must again comply with the requirements in (a)(1), (a)(2), (a)(3), and (a)(4) of this Section before the Department of Public Safety will issue a new certificate.

(2) Operators must notify the Department of Public Safety, Size and Weight Permit Division in writing within thirty (30) days of any change of address or name.

(3) Until July 31, 2012, operators who operate only in intrastate commerce or in interstate commerce into or through states which do not have escort vehicle certification requirements for the type of vehicle and/or load being escorted may apply for a restricted certification. Such certification shall be exempt from the insurance requirements of OAC 595:30-3-17(f). On and after August 1, 2012, each operator shall meet the insurance requirements of OAC 595:30-3-17(f).

(d) Denial or withdrawal of certification. The following circumstances shall result in denial or withdrawal of certification:

(1) Failure to satisfy the requirements of or failure to give required or correct information on the application for certification as an escort vehicle operator, or the commission of any fraud in making the application.

(2) Violation of rules established by the certifying state.

(3) Suspension, revocation, cancellation, or denial of the driver license of the certified operator. The certified operator shall notify the Department of Public Safety, Size and Weight Permit Division, within five (5) days of any such suspension, revocation, cancellation, or denial, and shall provide the Division a copy of the Order of the Department.

(e) Hearing. Any party aggrieved by the denial or withdrawal of certification under this Section may request a hearing, in writing, with the Department pursuant to OAC 595:1-3.

(f) Certification by other states. An escort vehicle operator shall possess an Oklahoma certification, unless the escort vehicle operator is a resident of a state other than Oklahoma which has a reciprocal agreement with Oklahoma *recognizing escort vehicle operator certifications issued by that state* [47 O.S., §14-120.1(E)] and is in possession of a current escort vehicle operator certification issued by that state. Under all circumstances, an escort vehicle operator who is an Oklahoma resident shall have an Oklahoma certification.

[Source: Added at 18 Ok Reg 3125, eff 7-14-01; Amended at 21 Ok Reg 3025, eff 7-25-04; Amended at 22 Ok Reg 2706, eff 7-25-05; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14]

595:30-3-18. Oversize vehicles and loads

(a) General. Permitted oversize vehicles and loads shall be subject to the following conditions and restrictions:

(1) The applicant for a permit must provide the length, height, and width of the vehicle or combination of vehicles and load requiring a permit.

(2) Date and time of travel shall be permitted as provided for in 47 O.S. §14-101 and in 595:30-3-4(1).

(3) Certain highways and areas may be designated for use or prohibited from use for a limited time, due to events which would impede traffic

conditions.

(4) An escort vehicle or vehicles will be required as provided in (b) of this Section or as provided in 595:30-3-19 for manufactured homes.

(b) Escorts for oversize loads.

(1) Loads greater than twelve (12) feet in width but not more than fourteen (14) feet in width are required to be accompanied by a front escort vehicle on two-lane highways and on super two-lane highways and by a rear escort on multi-lane highways with the required "Oversize Load" sign and flagging on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest.

(2) Loads more than fourteen (14) feet in width are required to be accompanied by two escort vehicles, one in the front and one in the rear, on two-lane highways or super two-lane highways. A rear escort is required on all multi-lane highways. All loads more than sixteen (16) feet in width are required to be accompanied by two escort vehicles, one in the front and one in the rear, on all roads and highways. The required "Oversize Load" sign and flagging is required on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest.

(3) Loads with an overall height of fifteen (15) feet and nine (9) inches or more are required to be accompanied by two escort vehicles, one in the front and one in the rear. The required "Oversize Load" sign and flagging is required on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest. All public utilities and railroads along the route must be contacted in advance of the move by the permittee. Measuring Pole (Height Pole) shall be meet the requirements as provided by 595:30-3-17(8).

(4) A truck-tractor/semi-trailer combination which is more than eighty (80) feet in overall length is required to be accompanied by one front escort on two-lane highways. A combination other than a truck-tractor/semi-trailer which is more than eighty (80) feet in overall length is required to be accompanied by one front escort on two-lane highways or super two-lane highways.

(5) A truck-tractor/semi-trailer combination or any other combination of vehicles which is more than one hundred (100) feet in overall length is required to be accompanied by two escort vehicles, one in the front and one in the rear, on two-lane highways and super two-lane highways.

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 10 Ok Reg 3207, eff 6-25-93; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 17 Ok Reg 3043, eff 7-15-00; Amended at 17 Ok Reg 3043, eff 7-15-00; Amended at 27 Ok Reg 329, eff 8-18-09 (emergency); Amended at 27 Ok Reg 1096, eff 12-18-09 through 7-14-10 (emergency)¹; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:30-3-18 reverted back to the permanent text that became effective 7-15-00, as was last published in the 2006 Edition of the OAC, and remained as such until amended by permanent action on 7-15-11.

595:30-3-19. Manufactured homes and industrialized housing

(a) General provisions for manufactured homes. Permits for movement of manufactured homes and industrialized housing shall require the "Oversize Load" sign and flagging in accordance with 595:30-3-16, and the travel. Other requirements are:

(1) Oversize movement is subject to the provisions of 47 O.S. §14-101 and 595:30-3-4(1).

(2) The towing vehicle must be at least fourteen (14) feet from bumper to bumper, or have a wheel base of at least one hundred eighteen (118) inches to tow a manufactured home or industrialized housing at least twelve (12) feet but not more than sixteen (16) feet in width. All towing vehicles must have dual wheels on the drive axles. If the manufactured home is less than twelve (12) feet wide, the towing vehicle must be a truck of at least three-quarter (3/4) ton capacity. If the manufactured home is twelve (12) feet wide or more, the towing vehicle must be of at least two (2) ton capacity.

(3) Red flags and the "Oversize Load" sign are required as provided in 595:30-3-16.

(b) Manufactured homes not more than ten (10) feet wide. Manufactured homes not more than ten (10) feet wide and with an overall length which exceeds seventy (70) feet are required to have an overwidth permit. The towing vehicle must be a truck with a rated capacity of three-quarter (3/4) ton or more. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing vehicle and the rear of the manufactured home.

(c) Manufactured homes at least twelve (12) feet wide but not more than fourteen (14) feet wide. For manufactured homes at least twelve (12) feet wide but not more than fourteen (14) feet wide, the towing vehicle must be a truck of at least two (2) ton rated capacity, with dual rear wheels. A front escort is required on all two-lane and super two-lane roads and highways. A rear escort is required on all multi-lane highways. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing unit and the rear of the manufactured home. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

(d) Manufactured homes more than fourteen (14) feet wide but not more than eighteen (18) feet wide. Manufactures homes more than fourteen (14) feet wide but not more than eighteen (18) feet wide will be issued permits in accordance with 47 O.S. §14-103A. The towing vehicle must be a truck of at least two (2) ton rated capacity, with dual rear wheels. Both front and rear escorts are required on all two-lane and super-two lane roads and highways. A rear escort is required on all multi-lane highways. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing unit and the rear of the manufactured home. Manufactured homes of this width will not be permitted to travel on any turnpike but will be permitted on the Dwight D. Eisenhower System of Interstate and Defense Highways. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

(e) Manufactured homes more than eighteen (18) feet wide. Manufactured homes more than eighteen (18) feet will be issued permits in accordance with 47 O.S. § 14-103A. Manufactured homes more than eighteen (18) feet shall not be permitted for movements on the Dwight D. Eisenhower System of interstate and defense highways. The towing vehicle must be a tandem-axle truck of not less than two hundred twenty (220) horsepower. Both front and rear escorts are required on all two-lane and super two-lane roads and highways. A rear escort is required on all

multi-lane highways. The regulation "Oversize Load" sign and flagging are required on the front of the towing unit and the rear of the manufactured home. Manufactured homes of this width will not be permitted to travel on any turnpike. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 12 Ok Reg 3261, eff 7-28-95; Amended at 13 Ok Reg 2831, eff 6-28-96; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 31 Ok Reg 2349, eff 9-12-14; Amended at 36 Ok Reg 1050, eff 7-25-19; Amended at 38 Ok Reg 2484, eff 9-12-21]

595:30-3-20. Portable building

Movement of portable buildings requires the following:

- (1) The towing vehicle for portable buildings not exceeding fourteen (14) feet in width shall be any type of truck. For portable building exceeding fourteen (14) feet in width, but not exceeding sixteen (16) feet in width, the towing vehicle must be a 3/4 ton truck.
- (2) Portable buildings must meet the same provisions for escorts and the regulation "Oversize Load" sign and flagging, as provided in 595:30-3-16, as are required for manufactured homes [see 595:30-3-19 regarding these provisions].

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99]

595:30-3-21. Industrialized housing, houses, and buildings

Permits for house or building movement will be issued in accordance with 47 O.S. §14-103C.

- (1) The maximum width will not exceed thirty-two (32) feet at the base and thirty-four (34) feet at the top. The height shall not exceed twenty-one (21) feet on any state or federal highway.
- (2) Travel shall be on highways and at times and dates determined by the Department and consistent with public convenience and safety, as specified on the permit. Permits will be issued in accordance with 47 O.S. §14-101 et seq.; provided, the structures shall not be moved on Saturday or Sunday.
- (3) Loads which are fourteen (14) feet or more in width, or in excess of eighty (80) feet in overall length must have two escorts with a flag person.
- (4) House movers will be required to notify any railroad company across whose railroad a house or building is to be moved of the date, time of the anticipated crossing and obtain the train schedule. In all cases when overhead lines are present and the load is fifteen (15) feet and nine (9) inches or more in height, the house mover will be required to notify any affected utility or railroad company in advance of the anticipated move, so overall safety measures can be taken and flag person(s) can be provided.
- (5) Any structure in excess of sixteen (16) feet in width, the towing unit shall be a tandem-axle truck of no less than two hundred twenty (220) horsepower.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Amended at 22 Ok Reg 2706, eff 7-25-05; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 36 Ok Reg 1050, eff 7-25-19]

595:30-3-22. Agriculture permits

Agriculture permits shall be governed by 47 O.S. §14-118(e).

- (1) Transporting of raw forest products shall not be permitted on the National System of Interstate and Defense Highways and shall require:
 - (A) An annual permit with a fee of Twenty-five Dollars (\$25.00)
 - (B) Truck and trailer information shall be given to the Size and Weight Permit Division of the Department of Public Safety.
 - (C) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.
- (2) Transporting of round baled hay requires:
 - (A) An annual permit with a fee of Twenty-five Dollars (\$25.00).
 - (B) Truck and trailer information shall be given to the Size and Weight Permit Division of the Department of Public Safety.
 - (C) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.
- (3) Transporting of soil conservation equipment requires:
 - (A) An annual permit with a fee of Twenty-five Dollars (\$25.00).
 - (B) Truck and trailer information shall be given to the Size and Weight Permit Division of the Department of Public Safety.
 - (C) Travel on the National System of Interstate and Defense Highways shall not be permitted.
 - (D) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 16 Ok Reg 3159, eff 7-12-99; Added at 17 Ok Reg 3029, eff 8-15-00; Amended at 17 Ok Reg 3040, eff 7-15-00; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11; Amended at 36 Ok Reg 1050, eff 7-25-19]

595:30-3-23. Overweight loads [REVOKED]

[Source: Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-24. Rubber tired self-propelled construction equipment [REVOKED]

[Source: Amended at 9 Ok Reg 2577, eff 6-26-92; Amended at 10 Ok Reg 3207, eff 6-25-93; Revoked at 11 Ok Reg 229, eff 10-10-93 (emergency); Revoked at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-25. Unitized equipment

- (a) To obtain unitized equipment permit or endorsement to an oversize permit, the following information is required:
 - (1) make and model of vehicle,
 - (2) vehicle length (truck),
 - (3) wheelbase measurement,
 - (4) protrusion measurements (front and rear),
 - (5) measurement of lowest point of protrusion above road surface.
- (b) The protrusion shall bear luminous tape sufficient to warn the public of the extent of the protrusion.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94]

595:30-3-26. Special mobilized machinery

- (a) Permits for special mobilized machinery as defined in 47 O.S. §1-165 and authorized by 47 O.S. §14-118 shall be issued upon application and approval, when such application is accompanied by a certificate of registration or receipt of ad valorem fees paid for such special mobilized machinery. Permit holders shall

operate in accordance with the safety requirements of the Oklahoma statutes relating to motor vehicle operations and required equipment found in 47 O.S., Chapters 11, 12, and 74 and any related provision of this subchapter.

(b) Permits for oversize and/or overweight special mobilized machinery shall be issued upon proper application and approval, under authority of 47 O.S., §§ 14-103, 14-118 and OAC 730:30-9. Machines that exceed twelve (12) feet in width and fifteen (15) in height shall not be authorized an annual oversize permit. All oversize equipment shall display the regulation "Oversize Load" sign on the front and rear of the equipment.

[Source: Added at 11 Ok Reg 229, eff 10-10-93 (emergency); Added at 11 Ok Reg 2391, eff 5-26-94; Amended at 14 Ok Reg 3508, eff 8-12-97; Amended at 22 Ok Reg 2706, eff 7-25-05]

SUBCHAPTER 5. SPECIAL COMINATION VEHICLES

595:30-5-1. General

(a) **Defined.** Special combination vehicles are defined and subject to 47 O.S. § 14-121, and the Department of Transportation rules pertaining to the movement of oversized and/or overweight vehicles and loads within this state. Annual permits issued shall be specific to the power unit.

(b) **Return to Department of Public Safety.** Any operator that disposes of or removes a Special Combination Vehicle from operation shall return the issued permit for that particular vehicle to the Department.

(c) **Service of notice.** Any notice required by law or by the rules of the Department of Public Safety to be served upon any holder of a Special Combination Vehicle Permit shall be served personally or mailed to the last known address of such person as reflected by the records on file with the Department. Notice is deemed complete ten (10) days after mailing. It is the duty of every permit holder to notify the Department of Public Safety, Size and Weight Division, in writing, as to any change in the address of such person or his principle place of business.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 843, eff 12-9-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94]

595:30-5-2. Issuance of permits

The requirements for issuance of special combination vehicle permits are the following:

(1) **Where to apply.** Application shall be made to the Director of the Size and Weight Permit Division, Department of Public Safety, 2401 Northwest 23rd Street, Suite 45, Oklahoma City, Oklahoma, 73107, on a form prescribed by the Department.

(2) **Cost.** A completed and signed application will be accompanied by a tender of an annual fee of Two Hundred Forty Dollars (\$240.00) for each permit issued.

(3) **Number.** One permit is required for each special combination vehicle.

(4) **Expiration.** Permits will expire one year from the date of issuance.

(5) **Refunds.** Refunds for unused portions of issued permits will not be made.

(6) **Renewal.** The filing of an application for permit or renewal of same does not authorize operation. Operation may only commence after the issuance of a permit by the Department of Public Safety.

[Source: Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 28 Ok Reg 2092, eff 7-15-11]

595:30-5-3. Denial, modification, suspension and revocation of permits

(a) **Failure to qualify.** The Department of Public Safety may deny or cancel a permit of any applicant or current permit holder who fails to qualify for the issuance of a permit as provided in this Chapter, Oklahoma Tax Commission rules or State Law.

(b) **Violation.** The Department of Public Safety may deny, cancel, modify, suspend or revoke a permit of any holder who has committed a violation of any of the provisions of this Chapter.

(c) **Minor disqualification.** Where the Department of Public Safety determines that minor disqualification and/or violation exists which may be readily rectified by the applicant, holder or driver, the Department may informally notify such party by mail or telephone of such minor disqualification or violation, with a request for compliance within a specified period of time. If such party fails to rectify the minor disqualification or violation, the Department may proceed according to other provisions of this Subchapter, and OAC 730:30-9-12(f) which states: *Failure to comply with any of the provisions of this Section shall constitute grounds for the immediate suspension or revocation of the Annual Operating Permit in a manner prescribed by the Commissioner of Public Safety. Any suspension of said permit shall remain in effect for a period of not less than six (6) months. Any revocation of said permit shall be for a period of not less than one (1) year. [OAC 730:30-9-12(f)].*

(d) **Denial.** In addition to all other provisions of this Subchapter any Special Combination Vehicle Permit may be denied, suspended, revoked or modified, in whole or in part when:

- (1) The applicant makes a false statement on the application for a permit.
- (2) The applicant fails to provide valid and applicable information on the application for a permit.
- (3) The applicant fails to submit the applicable permit fee as required.
- (4) The Department of Public Safety determines that the applicant cannot comply with the requirements of this Chapter, Oklahoma Tax Commission rules or State Law.
- (5) The applicant failed to comply with or obtain a previous Special Combination Vehicle Permit.

(e) **Procedures.** In the event that the Department of Public Safety has determined that a permit should be denied, suspended, revoked or canceled for any reason, the following procedures shall apply. [75 O.S. §301 et seq.]:

- (1) The Department shall send written notice containing all information required [75 O.S §309] to the concerned applicant or permit holder. Notice will be made as provided in 47 O.S §2-116. Notice will set forth the specific reasons for and the particular action which will be taken.
- (2) The notice shall provide that the Department action shall become effective twenty (20) days after mailing unless the licensee timely files a written request for a hearing with the Department's Size and Weight Permit Division. Such request shall be timely when filed prior to the effective date of the Department action.
- (3) If a timely hearing is requested, such hearing shall be scheduled not less than seven (7) days nor more than fifteen (15) days from the date the Department receives the request. The hearing will be held at the Size and Weight Permit Division in Oklahoma City or at another location set by the Department and agreeable to all parties.

- (4) A hearing officer shall be designated by the Commissioner and each party shall be afforded an opportunity to be heard and to present evidence. [75 OS Section 304, et seq.]
- (5) The scope of the hearing shall be confined to the specific reasons for the particular action, all of which will be set forth in the notice letter.
- (6) The hearing officer shall render a decision thereon based upon the law and evidence presented.
- (7) The decision of the hearing officer becomes final after ten (10) days from the date of its entry, unless written request under the provisions of 75 O.S §317, is timely made.
- (8) If applicant or permit holder fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter an order reflecting the effective date.
- (9) If the Department representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter an order of dismissal of the Department action; such order of dismissal shall be without prejudice if the basis for the action constitutes noncompliance or a continuing violation of the rules of this Chapter.
- (10) Where a timely written request for a rehearing, reopening or reconsideration of the case is received, the Department action shall be stayed until a final order has been entered, except as provided in (11) of this Subsection.
- (11) Department action shall become effective immediately where:
- (A) An original application for a permit is denied for failure to qualify.
 - (B) The Department finds that the health, safety or welfare of the public imperatively requires such action and a finding to the effect is incorporated in its order. [75 O.S §314].
- (12) Each party shall be notified of each action taken by the hearing officer.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94]

595:30-5-4. Equipment requirements

Each licensee shall insure that the operation of special combination vehicles complies with the following rules in addition to other equipment requirements established by state or federal laws or rules:

- (1) **Power.** All truck-tractors shall be powered to provide adequate acceleration and hill climbing ability under normal operating conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 mph under normal operating conditions on any grade over which the combination is operated is required.
- (2) **Traction.** All truck-tractors shall have adequate traction to maintain a minimum speed of 20 mph under normal operating conditions on any grade over which the combination is operated and to be able to resume a speed of 20 mph after stopping on any such grade and, except in extreme road or weather conditions, to negotiate at any speed all grades encountered.
- (3) **Tires.** Stiff sidewall tires are recommended. Adequate tread and safe condition is required.
- (4) **Fifth wheel.** A heavy duty fifth wheel is required. All fifth wheels must be clean and lubricated with a light duty grease at all times while operating in this state.

- (5) **Pick-up plates.** Pick-up plates must be of equal strength to the fifth wheel.
- (6) **King pin.** The king pin must be of a solid type and permanently fastened. Screw out or folding type king pins are prohibited.
- (7) **Pintle hook and eye.** All hitch connections must be of a no-slack type, preferably air actuated ram. Air actuated hitches which are isolated from the primary air transmission system are recommended.
- (8) **Drawbar.** The length of the drawbars (a beam which serves as a point of connection for some trailers) shall be consistent with the clearance required between trailers for turning and backing maneuvers.
- (9) **Axles.** Axles must be those designed for the width of the body.
- (10) **Brakes.** All braking systems must comply with state and federal requirements. In addition, fast air transmission and release valves must be provided on all trailers, semitrailers and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve may be provided on the steering axle if Federal Motor Carrier Safety regulations would so allow. Indiscriminate use of engine retarder brakes is prohibited.
- (11) **Mud flaps or splash guards.** As required by state law. [47 O.S. §12-405(j)]

595:30-5-5. Operation of special combination vehicles

The procedures established below shall be followed when operating a special combination vehicle in this state:

- (1) **Minimum distance.** A minimum distance of 500 feet shall be maintained between Special Combination Vehicles and other vehicles except when overtaking and passing. Except when passing another vehicle in the same direction, or when emergency conditions exist, a Special Combination Vehicle shall remain at all times in the right hand outside lane.
- (2) **Disabled vehicle.** In the event a Special Combination Vehicle is disabled for any reason other than an accident, it shall be parked as far off the travelled roadway as possible and proper warning devices displayed as required by state law.
- (3) **Explosives, poisons and radioactive materials.** Transportation by Special Combination Vehicles of Class A and B explosives, Class A poisons and Class 1, 2 and 3 radioactive material or any other Material deemed to be unduly hazardous by the Department is prohibited. This prohibition does not include the transportation of gasoline, fuel, oil or heating oil, or such petroleum products.

[Source: Amended at 11 Ok Reg 229, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2391, eff 5-26-94]

595:30-5-6. Stability

All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than three inches to either side when the towing vehicle is moving in a straight line.

595:30-5-7. Weight

The total weight on any single axle shall not exceed 20,000 pounds. The total axle weight on any tandem axle shall not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts

shown in 23 U.S.C Section 27. All Special Combination Vehicles must be properly registered.

[Source: Amended at 10 Ok Reg 559, eff 12-3-92 (emergency); Amended at 10 Ok Reg 3207, eff 6-25-93; Amended at 36 Ok Reg 1050, eff 7-25-19]

595:30-5-8. Load sequence

The heaviest trailer or semitrailer should be placed in front and the lightest at the rear whenever possible and practicable. In no case shall either trailer or semitrailer be placed ahead of another trailer or semitrailer which carries an appreciably heavier load. An empty trailer or semitrailer shall not precede a loaded trailer or semitrailer.

[Source: Amended at 21 Ok Reg 3025, eff 7-25-04]

SUBCHAPTER 7. SPECIAL PERMIT LOADS [REVOKED]

595:30-7-1. Special authorization permits for interstate highways [REVOKED]

[Source: Revoked at 10 Ok Reg 559, eff 12-3-92 (emergency); Revoked at 10 Ok Reg 3207, eff 6-25-93]

SUBCHAPTER 9. NATIONAL AND REGIONAL PERMITS

595:30-9-1. Regional Permits

(a) The Department of Public Safety adopts by reference the agreement entered into between the Department of Transportation and the Western Association of State and Highway Transportation Officials (WASHTO), as well as the Guide for Uniform Laws and Regulations Governing Truck Size and Weight Among the WASHTO States, for the future issuance of multi-state permits for single-trip non-divisible loads in accordance with said agreement. A summary of procedures and restrictions within the current WASHTO agreement is available at the Department of Public Safety Size and Weight Permit Division, 2401 Northwest 23rd Street, Suite 45, Oklahoma, Oklahoma City, Oklahoma, or by calling 405-425-7012.

(b) The Department of Public Safety adopts by reference the agreement entered into between the Department of Transportation and SASHTO, as well as the Agreement on Multi-State Permitting of Oversize and Overweight Vehicles to consider a single, routine, uniform mechanism for processing multi-state single trip permits for oversize and/or overweight vehicle combinations which are within the standards and specifications of the agreement. A summary of procedures and restrictions within the current SASHTO agreement is available at the Department of Public Safety Size and Weight Permit Division, 2401 Northwest 23rd Street, Suite 45, Oklahoma City, Oklahoma, or by calling 405-425- 7012.

(c) Regional permits may be obtained only at the Oklahoma City Office described in OAC 595:30-3-3.

[Source: Added at 14 Ok Reg 3508, eff 8-12-97; Amended at 15 Ok Reg 3314, eff 7-13-98; Amended at 26 Ok Reg 2780, eff 7-25-09; Amended at 36 Ok Reg 1050, eff 7-25-19]

APPENDIX A. OVERSIZE LOAD SIGN [REVOKED]

[Source: Revoked at 26 Ok Reg 2780, eff 7-25-09]

APPENDIX B. TROOP AREAS [REVOKED]

[Source: Revoked at 26 Ok Reg 2780, eff 7-25-09]

CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT

[Authority: 47 O.S., § 230.4(1) and (2); 75 O.S., § 250.4(A)(8)]
[Source: Codified 12-30-91]

595:35-1-1. Purpose

The purpose of this Chapter is to implement standards and procedures designed to enhance public safety without placing an undue burden on motor carriers who engage in the transportation of hazardous and nonhazardous materials within this state [47 O.S. §230.4(1)].

[Source: Amended at 17 Ok Reg 3044, eff 7-15-00]

595:35-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [47 O.S. § 230.1 et seq.].

"Commissioner" means the Commissioner of Public Safety.

"Compliance review" as defined by 49 C.F.R. 385.3.

"Department" means the Department of Public Safety.

"Representative" means any employee of the Department authorized by the Commissioner to carry out the provisions of the Act or a rule adopted by the Commissioner to carry out the Act.

"Respondent" means the individual, corporation, or entity charged with a violation of the Act or of a rule adopted by the Commissioner to carry out the Act.

"Troop S" means the Oklahoma Highway Patrol Troop of the Department authorized by the Commissioner to enforce the provisions of the Act or of any rule adopted by the Commissioner to carry out the Act.

[Source: Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 16 Ok Reg 3171, eff 7-12-99; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 30 Ok Reg 2033, eff 7-25-13]

595:35-1-3. General

(a) Any statute, law, or regulation of the United States or statute of the State of Oklahoma now existent, or duly enacted in the future shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(b) Any violation of the rules of this Chapter or of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act may result in the assessment of an administrative penalty. [47 O.S. §§ 230.6 and 230.9]

(c) Interested parties may obtain information or make submission related to this Chapter by contacting: Commercial Vehicle Enforcement Section, Troop S, Department of Public Safety, 200 NE 38th Terrace, Oklahoma City, Oklahoma 73105, Phone: (405) 521-6060.

[Source: Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 30 Ok Reg 2033, eff 7-25-13]

595:35-1-4. Adoption by reference

The Department of Public Safety adopts by reference the United States Department of Transportation regulations pertaining to motor carrier safety and

hazardous materials transportation, as contained in Title 49 of the Code of Federal Regulations (49 CFR) [47 O.S. § 230.5(2)]. Information relative to this adoption is available through various sources, such as the Federal Motor Carrier Safety Administration website, <https://www.fmcsa.dot.gov/regulations> and the Labelmaster publication, "Federal Motor Carrier Safety Regulations." Copies of this publication are available by contacting the Oklahoma Trucking Association at (405) 525-9488. Those regulations pertaining to motor carrier safety and hazardous materials transportation adopted by reference under this Section are:

- (1) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs. [49 CFR § 40.1 et seq.]
- (2) Part 107 Hazardous Materials Programs and Procedures. [49 CFR § 107.1 et seq.]
- (3) Part 171 Hazardous Materials Regulations...General Information, Regulations, and Definitions. [49 CFR § 171.1 et seq.]
- (4) Part 172 Hazardous Materials Tables and Hazardous Material Communication Regulations and Emergency Response Information Requirements. [49 CFR § 172.1 et seq.]
- (5) Part 173 Shippers-General Requirements for Shipments and Packagings. [49 CFR § 173.1 et seq.]
- (6) Part 177 Carriage by Public Highway. [49 CFR § 177.800 et seq.]
- (7) Part 178 Shipping Container Specifications. [49 CFR § 178.0 et seq.]
- (8) Part 180 Continuing Qualification and Maintenance of Packagings. [49 CFR § 180.00 et seq.]
- (9) Part 382 Controlled Substances and Alcohol Use and Testing. [49 CFR § 382 et seq.]
- (10) Part 383 Commercial Driver's License Standards; Requirements and Penalties [49 CFR § 383.1 et seq.], in so much as it does not conflict with state law
- (11) Part 385 Safety Fitness Procedures. [49 CFR § 385.1 et seq.]
- (12) Part 386 Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings. [49 CFR § 386.1 et seq.]
- (13) Part 390 Federal Motor Carrier Safety Regulations: General. [49 CFR § 390.1 et seq.]
- (14) Part 391 Qualifications of Drivers. [49 CFR § 391.1 et seq.]
- (15) Part 392 Driving of Motor Vehicles. [49 CFR § 392.1 et seq.]
- (16) Part 393 Parts and Accessories Necessary for Safe Operation. [49 CFR § 393.1 et seq.]
- (17) Part 395 Hours of Service of Drivers. [49 CFR § 395.1 et seq.]
- (18) Part 396 Inspection, Repair, and Maintenance. [49 CFR § 396.1 et seq.]
- (19) Part 397 Transportation of Hazardous Materials; Driving and Parking Rules. [49 CFR § 397.1 et seq.]

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 10 Ok Reg 4811, eff 9-23-93 (emergency); Amended at 11 Ok Reg 2405, eff 5-26-94; Amended at 12 Ok Reg 3269, eff 7-28-95; Amended at 13 Ok Reg 2837, eff 6-28-96; Amended at 13 Ok Reg 3725, eff 7-11-96 through 7-14-97 (emergency); Amended at 14 Ok Reg 3516, eff 8-12-97; Amended at 15 Ok Reg 3316, eff 7-13-98; Amended at 16 Ok Reg 3179, eff 7-12-99; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 21 Ok Reg 3028, eff 7-25-04; Amended at 28 Ok Reg 2102, eff 7-15-11; Amended at 30 Ok Reg 2033, eff 7-25-13; Amended at 35 Ok Reg 1962, eff 9-17-18]

595:35-1-5. Applicability

(a) The hazardous materials regulations found in 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180 are applicable to:

(1) Motor carriers and their agents, employees, or representatives currently subject to the federal regulations regarding the transportation of hazardous materials.

(2) Motor carriers and their agents, employees and representatives participating in intrastate commerce transporting hazardous materials.

(3) Hazardous materials shippers who offer or ship hazardous materials in intrastate commerce.

(b) The motor carrier safety regulations found in 49 CFR Parts 40, 382, 385, 386, and 390 through 397 are applicable to:

(1) Motor carriers and their agents, employees, or representatives participating in interstate commerce who are currently subject to the federal regulations concerning motor carrier safety indicated by 49 CFR §390.1.

(2) Motor carriers and their agents, employees and representatives participating in intrastate commerce.

(A) Using vehicles with:

(i) a gross vehicle weight rating or a gross combination weight rating in excess of 26,000 pounds, or

(ii) a gross vehicle weight or gross combination weight in excess of 26,000 pounds.

(B) Using a vehicle designed to transport more than 8 passengers, including the driver, for compensation.

(C) Using a vehicle designed to transport more than 15 passengers, including the driver, but which is not used to transport passengers for compensation.

(D) Using a vehicle in the transportation of hazardous material in a quantity requiring placarding as per 49 CFR Part 172 Subpart F.

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 14 Ok Reg 3516, eff 8-12-97; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 35 Ok Reg 1962, eff 9-17-18]

595:35-1-6. Deletions, substitutions, and additions to federal rules adopted by reference

(a) **Changes.** The changes in this Section to the federal rules adopted by reference in 595:35-1-4 apply only to intrastate commerce.

(b) **Terminology.** Unless otherwise specified, the following terminology shall apply:

(1) "Department," as defined in 595:35-1-2, shall be substituted wherever the term "Department of Transportation" or "Federal Motor Carrier Safety Administration" is used.

(2) "Commissioner," as defined in 595:35-1-2, shall be substituted wherever the term "Federal Motor Carrier Safety Administrator" or "Regional Director" is used.

(c) **Scope of Definitions.** The definitions provided in (b) of this Section are limited in application to the Act and the rules adopted to carry out the Act. These definitions do not alter, replace or change any other definitions contained in Title 47 of the Oklahoma Statutes.

(d) **Unified Registration System.**

(1) **Applicability.** All motor carriers conducting operations in intrastate commerce shall complete the Unified Registration System (URS).

(2) **Availability.** The Unified Registration System with complete instructions is available on the Federal Motor Carrier Safety Administration website <https://www.fmcsa.dot.gov/registration>.

(3) **Filing.** Intrastate motor carriers are required to complete the Unified Registration System before commencing operations, or if already operating, as soon as practicable.

(4) **Updating information in the Unified Registration System.** Each intrastate motor carrier must update their information:

(A) Any time a motor carrier changes its name, address, or other details in their record; and

(B) Every two years based on the filing schedule found in 49 CFR 390.19(b)

(5) **Penalties.** A motor carrier who fails to file a Motor Carrier Identification Report or who, upon the report, furnishes misleading information or makes false statements is subject to the penalties prescribed in 47 O.S., §230.9.

(6) **Issuance and display of USDOT number.** Upon processing of the Unified Registration System, an identification number (USDOT number) will be issued to the motor carrier. The motor carrier must display the number on both sides of each self-propelled commercial motor vehicle, as defined in 595:35-1-5. Intrastate motor carriers must mark each CMV power unit as follows:

(A) the motor carrier's legal name or single trade name (DBA name) as shown in the Unified Registration System; and

(B) the letters "USDOT" preceded by the identification number issued to the motor carrier.

(e) **Qualification of drivers.** The following addition is made to the federal requirement in Qualifications of Drivers [49 CFR §391.11(b)(1)] that a driver be twenty-one (21) years of age or older: A driver in solely intrastate commerce must be at least eighteen (18) years old and be at least twenty-one (21) years old for the transportation of hazardous materials which are required to be placarded or marked in accordance with 49 CFR §177.823 or for transporting more than eight (8) passengers for compensation or more than fifteen (15) passengers not for compensation.

(f) **Relief from regulations.**

(1) The decision to declare an emergency and grant relief from the hours of service regulations rests in the sound discretion of the Commissioner of Public Safety or the Commissioner's designee, the Governor, the appropriate Federal Motor Carrier Safety Administration Field Administrator, or the President of the United States.

(2) Upon completion of the emergency restoration services, any on duty hours accumulated during the emergency will be counted against the driver's allowable on duty hours and the driver may not drive as long as the amount of accumulated on duty hours exceeds those allowed by 49 CFR §395.3. However, any period of eight (8) consecutive days may end with the beginning of an off-duty period of thirty-four (34) or more successive hours when taken at the end of any emergency restoration service.

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 12 Ok Reg 3269, eff 7-28-95; Amended at 13 Ok Reg 649, eff 12-1-95 (emergency); Amended at 13 Ok Reg 2837, eff 6-28-96; Amended at 14 Ok Reg 3516, eff 8-12-97; Amended at 15 Ok Reg 3316, eff 7-13-98; Amended at 16 Ok Reg 3171, eff 7-12-99; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 20 Ok Reg 2720, eff 8-15-03; Amended at 21 Ok Reg 3028, eff 7-25-04; Amended at 27

Ok Reg 331, eff 11-2-09 through 7-14-10 (emergency)¹; Amended at 29 Ok Reg 1394, eff 7-1-12; Amended at 30 Ok Reg 2033, eff 7-25-13 ²; Amended at 30 Ok Reg 2040, eff 7-25-13 ²; Amended at 34 Ok Reg 1966, eff 9-11-17]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-10 (after the 7-14-10 expiration of this emergency action), the text of 595:35-1-6 reverted back to the permanent text that became effective 7-25-04, as was last published in the 2006 Edition of the OAC, and remained as such until amended by permanent action on 7-1-12.

EDITOR'S NOTE: ²The agency promulgated two permanent amended versions of this Section (595:35-1-16) with the same effective date (7-25-13). Both versions were published in the 2013, 2014 and 2015 OAC Supplements, and again in the 2016 Edition of the OAC. In 2017, the agency reconciled the two versions through permanent rulemaking, effective 9-11-17.

595:35-1-7. Investigations

(a) The Commissioner's powers to authorize representatives to make investigations in carrying out the objectives of the Act are listed in 47 O.S. §230.4. In stopping and inspecting a vehicle, as authorized under 47 O.S. §230.4(4)(c), the representative may utilize the standards recommended by the Commercial Vehicle Safety Alliance to make the inspection and may further use the out of service criteria recommended by the Commercial Vehicle Safety Alliance to declare any driver, vehicle or container covered by the Act out of service.

(b) The Act authorizes the entry upon business premises to examine records and properties to the extent that they pertain to enforcement of the Act. Those inspections:

(1) shall be done during the course of a normal business day i.e. Monday-Friday, between 8:00 a.m. and 5:00 p.m., unless the parties agree to another time.

(2) shall be done by a representative of the Commissioner at a time and date set by them. The representative may, but is not required to, provide advance notice to the motor carrier whose files are to be inspected.

(3) will be of documents that pertain to the motor carrier's compliance with this Act and all rules adopted pursuant to the authority granted, and may include an inspection of any vehicles in the motor carrier's possession that are subject to compliance.

(c) Investigations which are initiated pursuant to a complaint alleging an environmental insult will be promptly completed. Initial onsite contact will be made within seventy-two (72) hours. Should initial contact indicate support of the allegations, a thorough investigation will be conducted and completed within thirty (30) days of the initial onsite contact.

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 14 Ok Reg 3516, eff 8-12-97; Amended at 15 Ok Reg 3316, eff 7-13-98; Amended at 16 Ok Reg 3171, eff 7-12-99]

595:35-1-8. Administrative penalty and notice of claim

The Commissioner or the Commissioner's representative may assess an administrative penalty against a person or entity that the Commissioner or the representative has determined violated the Act [47 O.S. §§ 230.6 and 230.9].

(1) Where the Commissioner or the representative has determined that a minor violation or violations exist which may be readily corrected by the person involved, the Commissioner or the representative may informally notify such person by mail or telephone of the minor violation within a specified period of time. If the person does not correct the violation within the specified time, the Commissioner or the representative may then assess the administrative penalty with the procedure specified. However, whether

the violation is one justifying an administrative penalty or a request for compliance is a decision purely within the discretion of the Commissioner or the representative.

(2) When the Commissioner or the representative has determined that a violation justifying the imposition of an administrative penalty has taken place, the Department shall send a Notice of claim to the respondent at the respondent's last known address. The Notice of claim shall contain:

(A) the amount of the administrative penalty that the Commissioner or the representative has assessed;

(B) a statement of the maximum civil penalty for which the respondent may be liable, and

(C) a description of the manner in which the respondent makes payment of the penalty to the Department,

(3) The administrative penalty shall be due and owing twenty-five (25) days after the date the Notice of claim was sent, unless the concerned party requests a hearing as provided in 595:35-1-9.

[Source: Amended at 16 Ok Reg 3171, eff 7-12-99; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 30 Ok Reg 2033, eff 7-25-13]

595:35-1-9. Hearings

(a) In responding to the Notice of Claim, the respondent may submit to the official who issued the notice written explanations, information, or arguments in response to the allegations or the amount of the assessed penalty set forth in the Notice of Claim. The contents of the informal response will be reviewed by the Commissioner's representative who may choose to amend, dismiss, or let the Notice of Claim remain as issued. If the Commissioner's representative does not dismiss the administrative penalty in whole, the respondent shall be notified as soon as reasonably possible. The respondent shall then be given either the longer of the twenty-five (25) days still outstanding or at least ten (10) days to pay the penalty. Should a proposed settlement be rejected by the respondent, the amount of the assessed penalty set forth in the Notice of Claim shall be reinstated.

(b) Any request for a hearing must be filed by the respondent with the Department of Public Safety, Troop S, 200 NE 38th Terrace, Oklahoma City, OK 73105 within twenty-five (25) days after the Notice of Claim was sent.

(c) The request for a hearing must be in writing and must:

(1) state the name and address of the respondent and of the person submitting the request if different from the respondent,

(2) state which allegations of violations, if any, are admitted,

(3) state generally the issues to be raised by the respondent at the hearing, but issues not raised in the written request are not barred from presentation at the hearing, and

(4) be addressed to the official who issued the notice.

(d) If the hearing is timely requested, such hearing shall be scheduled either at the Department or by telephone.

(e) The Commissioner shall designate the hearing officer. Each party shall be afforded the opportunity to respond and present evidence and argument on all issues involved. Either party may make application for a continuance of the hearing. The granting or denial of such a continuance is within the reasonable discretion of the hearing officer.

(f) The Commissioner or the hearing officer will determine, at his discretion, whether the hearing will be conducted in person or telephonically. Where a

telephonic hearing is designated, the procedure specifically applicable to telephonic hearings will be provided to the respondent and the respondent's attorney, if designated, along with the notice letter confirming that the hearing has been scheduled.

(1) Within ten (10) days after receiving notice that the hearing is being held telephonically, the respondent must provide to the Department:

(A) the name, mailing address, and phone number of the respondent's attorney, if the respondent is being represented by an attorney,

(B) the name, mailing address(es), and telephone numbers of any witnesses on the respondent's behalf who the respondent desires to have present, and

(C) the telephone number at which the respondent will be available.

(2) If the respondent, the investigating officer, or a witness desires to have additional exhibits or documentary evidence included in the hearing, the exhibits or evidence must be delivered to the Department's Legal Division at least ten (10) days prior to the hearing. The hearing officer may consider documentary evidence if it is received in time for the hearing. The materials shall be mailed to: Department of Public Safety, Troop S MCSAP Hearing Officer, 200 NE 38th Terrace, Oklahoma City, OK 73105.

(3) At or near the time scheduled for the hearing, the hearing officer will call all parties to the hearing at the telephone number(s) provided. If the telephone line for any of the parties is busy, or a party fails to answer, the hearing officer will call again approximately three (3) minutes later.

(A) All parties will be sworn in prior to testimony.

(B) If the rule of sequestration is invoked pursuant to 12 O.S. §2615, the appropriate witness will be disconnected from the conference call by the hearing officer and reconnected prior to testimony.

(4) When the respondent or the designated attorney fails to provide a telephone number or to answer the telephone number provided to the Department, or the line is busy after the hearing officer has attempted a second call after the three (3) minutes as provided in (3) of this subsection, the hearing officer will not call again and an order of default will be entered. It is the responsibility of the respondent to keep the line(s) open to receive the call from the hearing officer.

(5) Should a necessary witness adverse to the licensee, such as an officer, fail to provide a telephone number or to answer or the line is busy, after the procedure provided in (3) of this subsection has been followed, the case will be set aside.

(g) The hearing officer shall render a proposed order based upon the law and the evidence presented. Each party shall be notified of the proposed order either personally or by mail.

(h) The proposed order shall become the final order twenty (20) days from the date of entry.

(i) By written stipulation the respondent may waive compliance with 75 O.S. §311, in accordance with 75 O.S. §311. If not waived the respondent may make written exceptions to the proposed order requesting the opportunity to present briefs and oral argument to the Commissioner. Such a request must:

(1) be in writing, and

(2) be received within twenty (20) days of the entry of the proposed order.

(j) If the respondent fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter a final order reflecting the effective date of twenty-five (25) days after the date of the Notice of Claim in lieu of the decision and final order as described in (h) of this Section.

(k) If the representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter a final order dismissing the administrative penalty action, with prejudice. The parties shall be notified that the department action has been dismissed with prejudice. However such a dismissal affects only those violations listed in the Notice of Claim and does not affect the same or other violations occurring at another time.

(l) A party aggrieved with the final order may file an appeal with the Commissioner requesting a rehearing, reopening, or reconsideration of the case in accordance with 75 O.S. §317. Such an appeal must:

- (1) be in writing,
- (2) be within ten (10) days of the entry of the final order, and
- (3) state the grounds for the appeal and include all arguments and information pertinent to the grounds for appeal.

(m) Where a timely written exceptions to the proposed order or request for a rehearing, reopening, or reconsideration of the case is received, the administrative penalty will be stayed until a final order has been entered. Grounds for rehearing, reopening, or reconsideration are limited to those in the Administrative Procedures Act [75 O.S. §317].

(n) The administrative penalty assessed shall be due immediately upon issuance of the final order. If, within twenty-five (25) days after the issuance of a final order, the concerned party does not comply with the terms of the order by paying any administrative penalty assessed the case may be prosecuted by the Commissioner or the representative for enforcement through the Oklahoma County District Court.

(o) A respondent aggrieved with both the hearing officer's and the Commissioner's decisions may file an appeal with the Oklahoma County District Court.

(p) At any time prior to the Commissioner or the representative bringing an action in Oklahoma County District Court for enforcement of the final order, either the respondent or the Commissioner's representative, whose names appears on the Notice of Claim, may recommend a compromise of the amount of the penalty by submitting an offer for a specific amount to the other party. An offer of compromise shall be submitted to the representative who may, after consultation with the Troop S Commander, accept or reject it.

- (1) A compromise offer stays the running of any response period then outstanding.
- (2) Any compromise agreed to by the parties is also subject to approval by the hearing officer. If a compromise is agreed to by the parties and approved by the hearing officer, the respondent will be notified in writing. Upon receipt of payment by the Department, the respondent will be notified in writing that acceptance of the payment is in full satisfaction of the administrative penalty proposed or assessed, and the Department closes the case with prejudice to the respondent.
- (3) If a compromise cannot be agreed to, the respondent will be notified, either personally or by mail, and shall be given ten (10) days or the amount of time remaining in the then outstanding response period, whichever is longer, to respond to whatever action has been taken by Troop S or any other representative authorized to enforce the provisions of the Act.

(q) The administrative penalty is not a substitute for compliance and is not intended to preclude injunctive relief or other non-duplicative remedies, particularly if the Commissioner has determined an order requiring compliance is necessary under the circumstances. Money penalties are not fees allowing the concerned party to continue to operate in violation of the Act or of any rules adopted to carry out the Act. [47 O.S. §230.9(F)]

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 10 Ok Reg 3211, eff 6-25-93; Amended at 16 Ok Reg 3171, eff 7-12-99; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 29 Ok Reg 1394, eff 7-1-12; Amended at 30 Ok Reg 2033, eff 7-25-13; Amended at 34 Ok Reg 1966, eff 9-11-17]

595:35-1-10. Administrative penalty assessment guidelines

(a) **General.** The Act does not recommend or suggest specific penalties for violation of the Act or any rules adopted to carry out the Act. Instead, the Act lists certain elements which the Commissioner or the Commissioner's representative may take into account in assessing penalties and establishes the maximum penalty for categories of violations. These guidelines serve to ensure the public and the respondent that assessment decisions will be made rationally and objectively on the merits of each case. [47 O.S. §§ 230.6 and 230.9]

(1) These guidelines are not meant to be used to determine when enforcement action will be taken, nor are they meant to be a rigid requirement. Instead, they are meant to assist the Commissioner or the representative in assessing each administrative penalty based on the seriousness of the underlying offense. For example, the fine for violations such as stop light violations or horn or other similar equipment failure violations would not exceed that authorized by statute if adjudged in a court of competent jurisdiction. However, repeated violations of this nature would evidence a pattern of safety violations which would fall within one of the categories set forth in (b) of this Section.

(2) If a hearing is necessary, the hearing officer may eventually assess an administrative penalty which is different than the original administrative penalty imposed in the Notice of Claim.

(3) Because of the volume of violations, the examples in this section are not all inclusive; they are only intended to serve as a guide for the types of violation categories. The Code of Federal Regulations incorporated by reference contains the complete listing of all violations covered by this Act.

(b) **Categories of violations.** The Act separates the types of violations into the following four categories:

(1) **Record keeping violations.** [47 O.S. § 230.9(B)(1)] These are violations of the administrative requirements of the Act, including failure to make, require, or keep records, or the falsification of entries in the records required by the Department of Transportation regulations pertaining to motor carrier safety as adopted and contained in Title 49 of the Code of Federal Regulations (CFR).

(A) The Act provides for a penalty not to exceed one hundred dollars (\$100.00) for each record keeping offense.

(B) The Act further provides that each day of a violation shall constitute a separate offense against any respondent, provided that the total penalties for all offenses relating to any single violation shall not exceed five hundred dollars (\$500.00).

(C) Some examples of record keeping violations include:

- (i) Failure to properly maintain complete driver qualification files on each driver employed [49 CFR § 391.51].
- (ii) Record of duty status violations [49 CFR § 395.8].
- (iii) Failure to keep maintenance and inspection records [49 CFR § 396.3].
- (iv) Failure to prepare or retain driver's vehicle inspection reports. [49 CFR § 396.11].

(2) **Serious pattern of safety violations.** [47 O.S. § 230.9(B)(2)] The Act provides for a fine of Two Hundred Dollars (\$200.00) for each offense not to exceed One Thousand Dollars (\$1,000.00) for each serious pattern of safety violation. The Commissioner or the representative may find a serious pattern of safety violations exists if the respondent has repeatedly violated equipment and operational requirements of the Act, and such violations are of a nature which indicates they are not the result of isolated human error but are of a tolerated pattern which the respondent could have detected and corrected if he or she wanted to meet his or her full safety responsibility to the public. Although any single violation may not by itself have a high probability of causing an accident, the violations taken as a whole may collectively demonstrate the respondent's unwillingness to exercise proper safety supervision or control which will eventually lead to accidents. Examples of some violations which may be included in a serious pattern of safety violations are:

- (A) Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed [49 CFR § 392.6].
- (B) Light violations [49 CFR § 393.11].
- (C) Failure to cover a battery [49 CFR § 393.30].
- (D) Failure to protect or support electrical wiring [49 CFR § 393.28].
- (E) Making detachable wiring connections by twisting together wires [49 CFR § 393.32].
- (F) Failure to maintain a motor vehicle windshield free of prohibited damage, or using prohibited vision reducing matter upon windshield or windows [49 CFR § 393.60].
- (G) Failure to mark push out or escape windows [49 CFR § 393.63].
- (H) Sleeper berth violations [49 CFR § 393.76].
- (I) Heater violations [49 CFR § 393.77].
- (J) Failure to maintain a motor vehicle with:
 - (i) a defroster [49 CFR § 393.79],
 - (ii) two rear vision mirrors [49 CFR § 393.80].
 - (iii) an operative horn [49 CFR § 393.81], or
 - (iv) an operable speedometer [49 CFR § 393.82].
- (K) Failure to mark bus emergency exits [49 CFR § 393.92].
- (L) Violations of the driver's requirements including:
 - (i) hours of service violations [49 CFR § 395.3], or
 - (ii) failure to maintain a log book [49 CFR § 395.8].
- (M) Inspection violations as per 49 CFR 396.3(A)(2), § 396.9.

(3) **Substantial health or safety violations.** [47 O.S. § 230.9(B)(3)] The Act provides for a penalty not to exceed One Thousand Dollars (\$1,000.00) per violation. This category includes any violation which, if allowed to

continue, would result in accidents, deaths, injuries, and public property damage. Acts which are substantial health or safety violations are of a nature so blatant that no carriers or drivers could have operated vehicles on the public highway without knowing the defects existed, and therefore chose to disregard public safety. Substantial health or safety violations are listed in the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria and include but are not limited to the following:

(A) Using a driver lacking training or experience to determine if the cargo or baggage has been properly located or secured [49 CFR § 391.11(b)(4) or (5)], or a physically unqualified or disqualified driver [49 CFR § 391.11(b)(6) and (9)].

(B) Brake violations:

(i) failure to maintain motor vehicle with adequate parking brake [49 CFR § 393.41],

(ii) brake hose or tubing violation [49 CFR § 393.45; § 393.46],

(iii) failure to maintain motor vehicle with operative brakes [49 CFR § 393.48],

(iv) failure to maintain motor vehicle with adequate brake linings [49 CFR § 393.47], or

(v) failure to securely attach air or vacuum reservoir to motor vehicle [49 CFR § 393.50].

(C) Fuel tank violations: Failure to securely attach fuel tank to motor vehicle [49 CFR § 393.65].

(D) Violations and defects of lower and upper fifth wheels and certain safety devices [49 CFR § 393.70].

(E) Violations of coupling devices and tow away methods [49 CFR § 393.71].

(F) Tire violations [49 CFR § 393.75].

(G) Exhaust system violations [49 CFR § 393.83].

(H) Failure to load or equip vehicle so as to prevent shifting or falling of cargo [49 CFR § 393.100].

(I) Failure to maintain vehicle with a header board or similar structure to prevent load shifting [49 CFR § 393.106].

(J) Failure to obey any hazardous material regulation [49 CFR § 397.2].

(K) Violations which would normally fall within the "serious pattern" category but which may be of such a severe nature that they constitute a substantial health or safety violation.

(4) **Gross negligence or reckless disregard.** [47 O.S. § 230.9(D)] The Act provides that, except for record keeping violations, an employee shall not be liable for a violation of the Act unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00). Gross negligence exists where the employee acts in such a way which indicates complete disregard or indifference to the safety of other people's property or welfare.

(5) **Certain misuses of vehicles or containers.** [47 O.S. § 230.6] The Act provides for a civil penalty assessed to an employee of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand

Dollars (\$5,000.00). The Act also provides for a civil penalty assessed to an employer of not less than Two Thousand Seven Hundred and Fifty Dollars (\$2,750.00) nor more than Twenty-Five Thousand Dollars (\$25,000.00).

Some examples of certain misuses of vehicles or containers are:

(A) Operating, or requiring or permitting the operation of, a motor vehicle or container declared out of service before all required corrections are made [49 CFR § 396.9 (c)(2)].

(B) For a driver who is declared out of service, operating, or requiring or permitting the driver to operate, a motor vehicle before prescribed off duty or sleeper berth time has been accumulated [49 CFR § 395.13(c)].

(c) **Factors.** The Act requires that the Commissioner or the representative take into account the following factors [47 O.S. § 230.9(E)]:

(1) **Nature of the violation.** A consideration of the appropriate category of the violation.

(2) **Circumstances of the violation.** A broad consideration which includes both aggravating as well as mitigating factors known to the Commissioner or the representative at the time of the assessment.

(3) **Extent of the violation.** Requires the Commissioner or the representative to consider the magnitude, scope, frequency, and range of a violation. This is a major factor where there are numerous violations involving a large number of vehicles or employees of the respondent. It indicates that the respondent has a greater magnitude, frequency, and range of violations.

(4) **Gravity of the violation.** An evaluation of the seriousness of the violation. The seriousness is to be measured by the likelihood of the occurrence of the event, and the severity of the event if it occurred or were to occur. The gravity is not to be measured abstractly, but on a case-by-case basis taking into account all relevant factors.

(5) **Culpability.** The quality of the respondent's awareness of his or her actions, and the degree to which he or she was responsible for averting such violations. In determining the culpability of a respondent, ignorance is no excuse. Instead, culpability will be determined on the basis of whether the respondent knew or should have known of the violation, and to what extent the respondent had control of the violation.

(6) **History of prior offenses.** The Commissioner or representative will consider the respondent's performance record in terms of prior Notices of Claim, prior warnings, citations, and prior compliance efforts of the respondent. Both similar violations and different types of violations in the past should be taken into account, but the similar past violations should be given more weight.

(7) **Ability to pay and ability to do business.** The Commissioner or the representative may consider the respondent's inability to pay or whether the payment of such a penalty would affect the respondent's ability to do business.

(8) **Such other matters as justice and public safety may require.** These are other matters, not specifically covered by one of the other factors, which can be either aggravating or mitigating factors and should be taken into account by the Commissioner or the representative in setting the penalty if, in the interests of justice and public safety, a reduction or an increase in the amount of the assessment is required in order to achieve the

purposes of the Act. Other matters might be either positive or negative, such as: cooperation or lack of cooperation; general attitude towards compliance; equities; institution or revision of a safety director or safety consultant; comprehensiveness of corrective action, such as whether the action is focused narrowly to the specific violation or broadly to the general area of concern; compliance or noncompliance by the date set in the notice of claim; speed of compliance; and other matters. These matters, both negative and positive, are to be considered together, and they may cancel out one another.

[Source: Amended at 9 Ok Reg 2581, eff 6-26-92; Amended at 16 Ok Reg 3171, eff 7-12-99; Amended at 17 Ok Reg 3044, eff 7-15-00; Amended at 19 Ok Reg 2715, eff 7-15-02; Amended at 29 Ok Reg 1394, eff 7-1-12; Amended at 30 Ok Reg 2033, eff 7-25-13; Amended at 36 Ok Reg 1058, eff 7-25-19]

595:35-1-11. Intrastate compliance reviews

(a) Intrastate safety rating system.

(1) The department may issue a safety rating to a motor carrier subject to the provisions of this administrative regulation if all of the commercial motor vehicles operated by the motor carrier are operated exclusively in Oklahoma.

(2) The department shall use the safety standards and rating criteria in 49 C.F.R. 385 in issuing a safety rating.

(3) A motor carrier may request the department to conduct an administrative review if it believes the department has committed an error in assigning its proposed or final safety rating. The request and administrative review shall comply with the procedures in 49 C.F.R. 385.15 except that the request shall be submitted to: OHP Troop S, Compliance Review, 200 NE 38th Terrace, Oklahoma City, OK 73105

(4) A motor carrier that has taken action to correct deficiencies may request the department to change its proposed or final safety rating at any time. The request and determination shall comply with the procedures in 49 C.F.R. 385.17 except that the request shall be submitted to: OHP Troop S, Compliance Review, 200 NE 38th Terrace, Oklahoma City, OK 73105

(5) Safety fitness information.

(A) Final ratings shall be made available to other state and federal agencies in writing, telephonically, or by remote computer access.

(B) The final safety rating assigned to a motor carrier shall be made available to the public pursuant to the Oklahoma Open Records Act [Title 51 O.S. Section 24A.1 et. al.] Any person requesting the rating shall provide the department with the motor carrier's name, principal office address, and if known, the Oklahoma DOT number.

(C) Requests shall be addressed to: OHP Troop S, Compliance Review, 200 NE 38th Terrace, Oklahoma City, OK 73105

(b) Penalties.

(1) For violations by motor carriers in intrastate commerce resulting from an investigation, the department shall apply the system of administrative penalties and procedures in 49 U.S.C.521(b) and the U.S. Department of Transportation Uniform Fine Assessment program, subject to the provisions of this administrative regulation.

(2) A respondent shall be liable to the department for any civil penalty assessed. The administrative penalty shall be due and owing twenty-five (25) days after the date the Notice of Claim was sent, unless the concerned

party requests a hearing as provided in 595:35-1-9.

(3) A respondent who does not pay the penalty or fails to arrange and abide by an acceptable payment plan for the penalty shall not operate in intrastate commerce beginning on the 91st day after the specified payment date.

(c) **Appeals process.** A respondent may ask for review of the assessed penalty by the Department. The request shall be made in accordance with OAC 595:35-1-9.

[Source: Added at 30 Ok Reg 2033, eff 7-25-13]

595:35-1-12. Department of Public Safety port of entry officers

(a) The legislature amended 47 O.S. §14-116 in 2016 to provide funding for Department of Public Safety port of entry officers (DPS POE officers) and directing the Department to promulgate rules specifying the powers and duties of DPS POE officers. DPS POE officers are DPS commissioned inspectors or DPS civilian inspectors assigned to Troop S to work only at and around port of entry locations.

(b) In accordance with 47 O.S. §2-117 any officer designated and commissioned by the Commissioner is declared to be a peace officer of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state.

(c) The Commissioner shall designate and commission DPS POE officers. The Commissioner may also appoint civilian DPS POE officers. All DPS POE officers shall only be assigned to and supervised by Troop S.

(d) The Commissioner has the authority to authorize any officer, employee, or agent of the Department to conduct the activities necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Material transportation Act through 47 O.S. §230.4.

(e) Commissioned DPS POE officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state. However, the duties of the DPS POE officers and civilian DPS POE officers shall be limited to:

- (1) Enforce all or any portions of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended, as adopted by reference;
- (2) Conduct investigations; make reports; require the production of relevant documents, records and property; demonstration and training activities;
- (3) Enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act;
- (4) Stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto;
- (5) Declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such

hazard, or if required records are incomplete;

(6) Prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation;

(7) Administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto and;

(8) All power and authority vested by law in other peace officers regarding law violations committed in the presence of the commissioned DPS POE officer at and around port of entry locations.

(f) All commissioned DPS POE officers shall be CLEET certified peace officers. To become qualified for designation as peace officers, DPS POE officers shall meet the training and screening requirements conducted by the Department and certified by the Council on Law Enforcement Education and Training within six (6) months of employment.

(g) Only CLEET certified peace officers shall carry a weapon.

(h) DPS POE officers are not and shall not be considered Oklahoma Highway Patrol Troopers.

(i) The powers and duties conferred upon said commissioned DPS POE officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof.

(j) No state official, other than members of the Department, shall have any power, right, or authority to command, order, or direct any DPS POE officer to perform any duty or service. DPS POE officers shall not be commanded, ordered, or directed to perform any duty or service outside the limitations of (e).

[Source: Added at 34 Ok Reg 1966, eff 9-11-17; Amended at 36 Ok Reg 1058, eff 7-25-19]

CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[Authority: 36 O.S., § 924.1; 47 O.S., §§ 6-105 and 802]

[Source: Codified 12-30-91]

SUBCHAPTER 1. DRIVER EDUCATION INSTRUCTION [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 1 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:40-1-1. Purpose [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 26 Ok Reg 2791, eff 7-25-09; Transferred to 260:135-5-226 by HB 3419 (2022), eff 5-19-22]

595:40-1-2. Definitions [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 1971, eff 9-11-17; Transferred to 260:135-5-227 by HB 3419 (2022), eff 5-19-22]

595:40-1-3. Driver education instructor permit/license [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 14 Ok Reg 3519, eff 8-12-97; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 24 Ok Reg 2788, eff 8-15-07; Amended at 25 Ok Reg 2808, eff 9-12-08; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 28 Ok Reg 2103, eff 7-15-11; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 1971, eff 9-11-17; Amended at 35 Ok Reg 1964, eff 9-17-18; Transferred to 260:135-5-228 by HB 3419 (2022), eff 5-19-22]

595:40-1-4. Qualifications for instructors [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 13 Ok Reg 2839, eff 6-28-96; Amended at 19 Ok Reg 2721, eff 7-15-02; Amended at 20 Ok Reg 2723, eff 8-15-03; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 24 Ok Reg 2788, eff 8-15-07; Amended at 25 Ok Reg 2808, eff 9-12-08; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 28 Ok Reg 2103, eff 7-15-11; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 1971, eff 9-11-17; Amended at 35 Ok Reg 1964, eff 9-17-18; Amended at 36 Ok Reg 1062, eff 7-25-19; Amended at 38 Ok Reg 2488, eff 9-12-21; Transferred to 260:135-5-229 by HB 3419 (2022), eff 5-19-22]

595:40-1-5. Driving record of applicant [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-1-6. Review of license and school [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 13 Ok Reg 2839, eff 6-28-96; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 36 Ok Reg 1062, eff 7-25-19; Amended at 38 Ok Reg 2488, eff 9-12-21; Transferred to 260:135-5-230 by HB 3419 (2022), eff 5-19-22]

595:40-1-7. Eligibility for re-issuance of instructor permits [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 13 Ok Reg 2839, eff 6-28-96; Amended at 20 Ok Reg 2723, eff 8-15-03; Amended at 24 Ok Reg 2788, eff 8-15-07; Transferred to 260:135-5-231 by HB 3419 (2022), eff 5-19-22]

595:40-1-8. Written notice of denial [TRANSFERRED]

[Source: Transferred to 260:135-5-232 by HB 3419 (2022), eff 5-19-22]

595:40-1-9. Prescribed course of study [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 13 Ok Reg 2839, eff 6-28-96; Amended at 20 Ok Reg 2723, eff 8-15-03; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 24 Ok Reg 2788, eff 8-15-07; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 303, eff 12-2-16 (emergency); Amended at 34 Ok Reg 1971, eff 9-11-17; Amended at 35 Ok Reg 1964, eff 9-17-18; Amended at 38 Ok Reg 2488, eff 9-12-21; Transferred to 260:135-5-233 by HB 3419 (2022), eff 5-19-22]

595:40-1-10. Student eligibility [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 16 Ok Reg 3180, eff 7-12-99; Transferred to 260:135-5-234 by HB 3419 (2022), eff 5-19-22]

595:40-1-11. Specification for vehicles other than motorcycles [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 13 Ok Reg 2839, eff 6-28-96; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 25 Ok Reg 2808, eff 9-12-08; Amended at 26 Ok Reg 2791, eff 7-25-09; Transferred to 260:135-5-235 by HB 3419 (2022), eff 5-19-22]

595:40-1-12. Insurance [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 14 Ok Reg 3519, eff 8-12-97; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 25 Ok Reg 2808, eff 9-12-08; Amended at 28 Ok Reg 2103, eff 7-15-11; Transferred to 260:135-5-236 by HB 3419 (2022), eff 5-19-22]

595:40-1-13. Reports [TRANSFERRED]

[Source: Amended at 10 Ok Reg 4813, eff 9-28-93 (emergency); Amended at 11 Ok Reg 2407, eff 5-26-94; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 1971, eff 9-11-17; Amended at 37 Ok Reg 2105, eff 9-11-20; Transferred to 260:135-5-237 by HB 3419 (2022), eff 5-19-22]

595:40-1-14. Eligibility [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-1-15. Requirements for all driver education schools and classrooms except public schools [TRANSFERRED]

[Source: Added at 10 Ok Reg 4813, eff 9-28-93 (emergency); Added at 11 Ok Reg 2407, eff 5-26-94; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 22 Ok Reg 2709, eff 7-25-05; Amended at 25 Ok Reg 2808, eff 9-12-08; Amended at 26 Ok Reg 2791, eff 7-25-09; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 34 Ok Reg 1971, eff 9-11-17; Amended at 38 Ok Reg 2488, eff 9-12-21; Transferred to 260:135-5-238 by HB 3419 (2022), eff 5-19-22]

595:40-1-16. Prohibited acts; conduct [TRANSFERRED]

[Source: Added at 10 Ok Reg 4813, eff 9-28-93 (emergency); Added at 11 Ok Reg 2407, eff 5-26-94; Amended at 21 Ok Reg 3031, eff 7-25-04; Amended at 22 Ok Reg 2709, eff 7-25-05; Amended at 32 Ok Reg 2235, eff 9-11-15; Amended at 36 Ok Reg 1062, eff 7-25-19; Transferred to 260:135-5-239 by HB 3419 (2022), eff 5-19-22]

595:40-1-17. Suspension or revocation of license [TRANSFERRED]

[Source: Added at 10 Ok Reg 4813, eff 9-28-93 (emergency); Added at 11 Ok Reg 2407, eff 5-26-94; Transferred to 260:135-5-240 by HB 3419 (2022), eff 5-19-22]

595:40-1-18. Hearings [TRANSFERRED]

[Source: Added at 10 Ok Reg 4813, eff 9-28-93 (emergency); Added at 11 Ok Reg 2407, eff 5-26-94; Amended at 16 Ok Reg 3180, eff 7-12-99; Amended at 34 Ok Reg 1971, eff 9-11-17; Transferred to 260:135-5-241 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 3. COMMERCIAL DRIVER TRAINING [REVOKED]

595:40-3-1. Purpose [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-2. Requirements for commercial driver training school license [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-3. Requirements for commercial driver training school instructors [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-4. Commercial truck driver training schools and instructors [REVOKED]

[Source: Amended at 10 Ok Reg 3217, eff 6-25-93; Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-5. Prohibited acts [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-6. Suspension or revocation of license [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

595:40-3-7. Hearings [REVOKED]

[Source: Revoked at 10 Ok Reg 4813, eff 9-28-93 (emergency); Revoked at 11 Ok Reg 2407, eff 5-26-94]

SUBCHAPTER 5. MOTOR VEHICLE ACCIDENT PREVENTION COURSE [REVOKED]

Editor's Note: Effective 11-1-07, the Department of Public Safety was no longer responsible for establishing criteria for motor vehicle accident prevention courses or for approving course instructors. The Department subsequently revoked the rules in this Subchapter 5 by permanent action, effective 9-12-08. For additional information, see HB 1868 (2007).

595:40-5-1. Purpose [REVOKED]

[Source: Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-2. Compliance with laws, rules, and regulations [REVOKED]

[Source: Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-3. Definitions [REVOKED]

[Source: Amended at 9 Ok Reg 2585, eff 6-26-92; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-4. Applications for approval and issuance of certification of sponsoring agencies and instructors to conduct motor vehicle accident prevention courses [REVOKED]

[Source: Amended at 9 Ok Reg 2585, eff 6-26-92; Amended at 16 Ok Reg 3180, eff 7-12-99; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-5. Minimum curriculum requirements for MVAPC courses [REVOKED]

[Source: Amended at 9 Ok Reg 2585, eff 6-26-92; Amended at 15 Ok Reg 3957, eff 7-7-98 (emergency); Amended at 16 Ok Reg 3180, eff 7-12-99; Amended at 20 Ok Reg 2723, eff 8-15-03; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-6. Minimum qualifications for certification of course instructors and grounds for disqualification [REVOKED]

[Source: Amended at 9 Ok Reg 2585, eff 6-26-92; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-7. Responsibilities of sponsoring agencies [REVOKED]

[Source: Amended at 20 Ok Reg 2723, eff 8-15-03; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-8. Grounds for revocation of authority to conduct MVAPC and for revocation of an instructor's certification [REVOKED]

[Source: Amended at 9 Ok Reg 2585, eff 6-26-92; Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-9. Denial or revocation of sponsoring agency certification; denial or revocation of instructor certification [REVOKED]

[Source: Revoked at 25 Ok Reg 2808, eff 9-12-08]

595:40-5-10. Student attendance requirements [REVOKED]

[Source: Revoked at 25 Ok Reg 2808, eff 9-12-08]

SUBCHAPTER 7. IMPAIRED DRIVER ACCOUNTABILITY PROGRAM

595:40-7-1. Impaired Driver Accountability Program - Purpose

The Impaired Driver Accountability Program (IDAP) is created for the purpose of enhancing public safety and to assist impaired driving offenders in mitigating the personal and financial costs of the offense of impaired driving through the administration of a monitored ignition interlock program implementing compliance based removal of the ignition interlock device.

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20]

595:40-7-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"IDAP phase 1" means the period of time in IDAP in which the participant is subject to remedial measures other than program extension as a result of ignition interlock violations or program violations.

(A) Six (6) month IDAP: the first 120 days after enrollment.

(B) Twelve (12) month IDAP: the first 245 days after enrollment.

(C) Thirty-six (36) month IDAP: the first 365 days after enrollment.

"IDAP phase 2" means the period of time in IDAP in which the participant is subject to program extension as a result of ignition interlock violations or program violations.

(A) Six (6) month IDAP: the last 60 days of the original program length, and any extensions imposed by these rules.

(B) Twelve (12) month IDAP: the last 120 days of the original program length, and any extensions imposed by these rules.

(C) Thirty-six (36) month IDAP: the last 365 days of the original program length, and any extension imposed by these rules.

"One (1) year" means 365 days.

"Six (6) months" means 180 days.

"Three (3) years" means 1,095 days.

"Verified ignition interlock violation" means a record received by the Department from the Board of Tests for Alcohol and Drug Influence indicating the review and verification of an ignition interlock violation in accordance with the rules of the Board. These include:

(A) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame;

(B) Three (3) retest violations constitute a reportable violation.

Each retest violation thereafter constitutes a reportable violation.

"Verified program violation" means a record received by the Department from the Board of Tests for Alcohol and Drug Influence indicating the review and verification of an ignition interlock program violation. These include:

- (A) A circumvention
- (B) Removal of the device except:
 - (i) Upon receipt of documentation from the Installation Authority or Monitor authorizing said removal
 - (ii) The vehicle is being repaired. The program participant must inform the licensed service center at least every eight (8) days as to the anticipated date of completion of repairs, or
 - (iii) The vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the removal and reinstallation of the device in the subsequent vehicle must be accomplished within eight (8) days of the removal
- (C) Tampering
- (D) Missed service appointment

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20]

595:40-7-3. Request for participation - Departmental review - IDAP agreement

- (a) Requests for participation in IDAP must be received within thirty (30) days of the notice of revocation, pursuant to 47 O.S. §2-116, as reflected by the records of the Department. Upon receipt of the request for participation, the Department shall enter a temporary stay of the subject revocation until the expiration of seventy-five (75) days from the date of the notice of revocation to the participant, or until the participant is fully enrolled in IDAP, whichever comes first. Exceptions to the thirty (30) day requirement to request IDAP may be approved by the Director of the Driver License Services Division, or a designee, or General Counsel, or a designee.
- (b) The customer cannot enroll in IDAP if a District Court appeal is pending on behalf of the customer for the same incident referenced in the customer's request for IDAP participation.
- (c) Requests for participation in IDAP will be reviewed immediately if presented in person to a Hearing Officer.
- (d) Requests for participation in IDAP mailed to the Department will be reviewed within three (3) business days of receipt and approved, denied, or returned for more information.
- (e) Review of the Request for Participation will include, at a minimum:
 - (1) Examination of the driving record for the purpose of determining program length and eligibility;
 - (2) Confirmation of the License class. Only customers who were class D license holders at the time of the impaired driving arrest may participate in IDAP.
 - (3) Confirmation that alcohol was a factor in the associated impaired driving arrest.
 - (4) Confirmation that the offense does not involve the operation of a commercial motor vehicle.
- (f) Upon approval of the Request to Participate in IDAP the participant will execute an IDAP Agreement with the Department outlining the respective roles and responsibilities of the participant and the Department.
- (g) IDAP request documents received by U.S. Mail shall be considered received on the date the documents were post-marked.

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20; Amended at 38 Ok Reg 2488, eff 9-12-21]

595:40-7-4. Program enrollment - calculation of time - IDAP agreement

- (a) The participant must fully enroll in IDAP within seventy-five (75) days of the day of notice of revocation as reflected by the records of the Department. Exceptions to the seventy-five (75) day requirement to enroll in IDAP may be approved by the Director of the Driver License Services Division, or a designee, or the General Counsel, or a designee.
- (b) Fully enrolling in IDAP consists of:
- (1) Payment of the IDAP fee of \$200.00 to the Department;
 - (2) Presentation of an Ignition Interlock Installation Verification Form;
 - (3) Execution of an IDAP Agreement by the Participant;
 - (4) Acknowledgement of receipt and review of the "IDAP Participant's Guide";
 - (5) Obtaining a Restricted Driver License with an Ignition Interlock Restriction.
- (c) Whatever the Participant's required program length, as calculated by the Department:
- (1) The day enrollment in IDAP is complete counts as the Participant's first day of the program.
 - (2) All program restrictions, including the ignition interlock requirement, continue through the last day of the program as calculated by the Department. The participant is responsible for ensuring completion of IDAP before removing the ignition interlock device.
 - (3) Program periods shall run consecutively.
 - (4) Participants may enroll in more than one (1) IDAP. In the event a Participant is enrolled in more than one (1) IDAP, they must complete the program in which they are currently participating before commencing any subsequent program period. In no instance will a Participant's credit for time in one (1) IDAP be credited toward any other IDAP.
- (d) The IDAP Agreement will be signed by the Participant and shall include the following information:
- (1) Participant's full name;
 - (2) Participant's correct address. In the event Participant's address on record is not correct, it will be updated;
 - (3) Participant's preferred phone number;
 - (4) Participant's email address (if applicable);
 - (5) The date upon which the IDAP Agreement was signed;
 - (6) A list of Ignition Interlock Violations as defined by the Board of Tests for Alcohol and Drug Influence;
 - (7) An explanation of the consequences of violations of the Ignition Interlock Program.
- (e) IDAP enrollment documents received by U.S. mail shall be considered received on the date the documents were post-marked.

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20; Amended at 38 Ok Reg 80, eff 9-29-20 (emergency); Amended at 38 Ok Reg 2488, eff 9-12-21]

595:40-7-5. Ignition interlock device monitoring - interlock violations - program extensions - informal hearings

- (a) The participant is responsible for ensuring the ignition interlock is monitored on a regular basis in accordance with the rules of the Board of Tests for Alcohol and Drug Influence.

- (b) Upon receipt of a report of a verified program violation during any phase of IDAP the participant must appear before the Department to provide proof the program violation has been remedied.
- (c) Upon receipt of a report of a verified ignition interlock violation, or verified program violation, during Phase 2 of IDAP, the Department will extend the participant's program length in accordance with 47 O.S. §212.3, and issue notice of the extension to the participant.
- (d) In Phase 1 or Phase 2 of IDAP, when the Department receives a report of a verified program violation, or a verified ignition interlock violation, the following remedial measures may be imposed:
- (1) Retraining with the manufacturer, at the expense of the participant, if applicable;
 - (2) Installation of an ignition interlock device with a camera;
 - (3) Restrictions on the days and times of the participant's driving;
 - (4) Referral for re-assessment; and
 - (5) Removal from IDAP which will result in a driver license revocation.
- (e) The participant may appear before a hearing officer within fifteen (15) days of receipt of the notice of any violation to contest the violation. The hearing officer may sustain or set aside the violation. The participant's failure to contest a violation within the time allowed will waive any future right to contest the violation.
- (f) The Department will not credit any time toward the participant's required program length for any period in which an ignition interlock is not installed as reflected by an approved Installation Verification Form, whether or not an ignition interlock violation has been reported.
- (g) In the event the Department receives documentation from a Court of record, or documentation pursuant to 47 O.S. §6-205, that requires a mandatory revocation, the Department will toll the participant's IDAP until completion of the mandatory revocation except if the mandatory revocation is a result of the conviction of the offense that led to the participation in IDAP.

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20; Amended at 38 Ok Reg 2488, eff 9-12-21]

595:40-7-6. Graduation from IDAP - requirements

Graduation from IDAP occurs when the participant presents to the Department:

- (1) Completion form from the Board of Tests for Alcohol and Drug Influence verifying no ignition interlock violations have occurred in Phase 2 of IDAP;
- (2) Certificate of completion of requirements of the ADSAC assessment;
- (3) The Department will verify it has not received any additional officer's affidavits and notices of revocation related to the participant.
- (4) The Department will update the Driver Index of the participant to reflect the completion of the IDAP program.

[Source: Added at 37 Ok Reg 2105, eff 9-11-20 (emergency); Added at 37 Ok Reg 2105, eff 9-11-20; Amended at 38 Ok Reg 2488, eff 9-12-21]

CHAPTER 45. BOATING AND WATER SAFETY

Editor's Note: Prior to 8-15-07, this Chapter did not include Subchapters. However, on 8-15-07, the agency added more Sections to the Chapter, and organized the expanded Chapter into Subchapters.

[Authority: 63 O.S., §§ 4009(E), 4009.1(A), 4202, and 4232]
[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

595:45-1-1. Purpose

The purpose of this Chapter is to provide for the safe operation and the equipment required for vessels on Oklahoma waterways.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93]

595:45-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Administering entity" means the United States Army Corps of Engineers, the Oklahoma Department of Tourism and Recreation, the Grand River Dam Authority, or any other municipal, county, state or federal government entity that manages, maintains or otherwise controls any waters of this state under their jurisdiction.

"Approved" means vessel devices or equipment approved by the United States Coast Guard or Secretary of United States Department of Transportation.

"Associated equipment" means a system, accessory, component, marine safety article or appurtenance of a recreational vessel excluding radio equipment.

"Builder" means person who constructs or assembles one or more vessels per year or modifies any vessel carrying a plate in such a manner as to change its weight capacity.

"Other unsafe conditions" means a vessel that:

- (A) does not display proper lights during prescribed times;
- (B) is operated by an individual who is under the influence of alcohol or any substance included in the Uniform Controlled Dangerous Substances Act [63 O.S. §2-101 et seq.];
- (C) has fuel leakage from either the fuel system or the engine, or has an accumulation of fuel in the bilges;
- (D) does not meet applicable ventilation requirements;
- (E) is operated in hazardous weather or water conditions; or
- (F) is operated under any condition which would be deemed by a reasonable person as a risk to life or property.

"Port" means:

- (A) the left side of a vessel facing forward, or
- (B) a geographical destination or harbor.

"Rules of the waterways" means nautical traffic rules for preventing collisions on water.

"Starboard" means right side of a vessel facing forward.

"Termination of unsafe use" means reasonable steps necessary to correct an unsafe condition for the safety for those on board, including directing operator to proceed to nearest mooring and remain there until the unsafe condition or hazard has been corrected.

"Traffic lane" means unobstructed passageway on water for which vessels pass upon; open water for vessel traffic.

"True emergency" means a situation where there is a high probability of death or serious injury or significant property loss; where the action of the officer could reduce the severity of the situation.

"Visual distress signals" means signals by flag, dye marker, flare, smoke, light, sound or arm signals.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 12 Ok Reg 3271, eff 7-28-95; Amended at 16 Ok Reg 3182, eff 7-12-99; Amended at 19 Ok Reg 2723, eff 7-15-02; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-3. Adoption of 46 USC §4301 et seq. (formerly known as the Federal Boat Safety Act of 1971)

Title 46 USC §4301 et seq. (formerly known as the Federal Boat Safety Act of 1971), Inland Navigation Rules and Regulations (33 CFR §2001 et seq.) and annexes thereto, and the minimum federal safety standards found in 33 CFR §§ 175.1 et seq., 181.1 et seq., and 183.1 et seq. are hereby adopted.

[Source: Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-4. Application

The provisions of the Oklahoma Boating Safety Regulation Act [63 O.S. §4200 et seq.] shall apply to the waters of the state as defined in 63 O.S. §4002(33). No vessel owner or operator shall perform any act forbidden, or fail to perform any act required by the Oklahoma Boating Safety Regulation Act.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-5. Procedures followed for termination of use of unsafe vessels

(a) **Hazardous conditions on vessel.** If an officer observes a vessel being used without sufficient approved lifesaving or fire fighting devices or in an overloaded or other unsafe condition as defined in these rules or the laws of this State, and in the judgement of the officer such use creates a hazardous condition, the officer shall direct the operator to take whatever immediate and reasonable steps necessary for the safety of those aboard the vessel, including directing the operator to return to mooring or port and to remain there until the situation creating the hazard is corrected or ended.

(b) **Hazardous weather.** A vessel operator shall not operate or give permission to operate a vessel when wind warnings have been posted or any other hazardous weather or water conditions exist which would be deemed by a reasonable person as a risk to life or property. Such disregard for life or property shall be grounds to terminate the vessel and may constitute operation of a vessel in a reckless or negligent manner.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 19 Ok Reg 2723, eff 7-15-02; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-6. Flashing red lights

No vessel shall display a flashing red light except a vessel designated by law as an authorized emergency vessel.

[Source: Amended at 16 Ok Reg 3182, eff 7-12-99; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-7. Whistles, horns and bells [REVOKED]

[Source: Revoked at 10 Ok Reg 3219, eff 6-25-93]

595:45-1-8. Unnecessary sounding of whistle, horn or bell [REVOKED]

[Source: Revoked at 10 Ok Reg 3219, eff 6-25-93]

595:45-1-9. Signals [REVOKED]

[Source: Revoked at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-10. Rules of the waterways for vessels

The following additional rules for waterways shall also apply:

- (1) **Swells or wakes.** A person shall not operate any vessel or encircle another vessel so as to create large swells or wakes thereby posing a threat to life or property.
- (2) **Observe before starting vessel.** No vessel operator shall:
 - (A) start a vessel until the operator is certain the immediate area of the propeller is free of obstructions and clear of persons in the water, or
 - (B) proceed in any direction from a stopped, standing, moored or docked position until such movement can be made with reasonable safety.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-11. Traffic lanes

The following additional rules for traffic lanes shall also apply:

- (1) **Obstruction of traffic lanes.** A person may not anchor a vessel or other floating device for fishing, ski jumping, or other purposes in such a position as to obstruct a traffic lane or place such a device in a traffic lane in such a manner to create a navigation hazard without first obtaining a written permit from the administering entity. Such permit shall set forth the date and time such device will be placed and removed, location of the device, type of device, name, address and phone number of the person in charge of said device, and other terms and provisions specified by administering entity. The written permit shall be available for inspection at all times during the period authorized for said device to be in place. The administering entity shall forward a copy of said permit to the Lake Patrol Section of the Highway Patrol Division of the Department of Public Safety within ten (10) days of the date the permit was issued.
- (2) **Exceptions.** This section shall not apply to any vessel declaring a true emergency by means of visual distress signals. Those vessels actually assisting a disabled vessel whether on stand-by or engaged in towing, including the towed vessel shall be deemed a single unit and is to be considered as a vessel restricted in its ability to maneuver when utilizing lights and sound devices and until such time the disabled vessel has been towed to port.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 19 Ok Reg 2723, eff 7-15-02; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-12. Personal watercraft [REVOKED]

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Revoked at 16 Ok Reg 3182, eff 7-12-99]

595:45-1-13. Equipment

(a) Fire extinguisher systems.

- (1) **Fire extinguisher system installed in engine space.** When a vessel has an approved fixed fire extinguisher system installed in the engine space, the

system is installed in the engine space with a temperature operated release control or, if manual, the release is to be installed outside of the engine space, and must be of an approved carbon dioxide or Halon type. The record of service must indicate that service has been completed and the cylinders have been weighed within the past year.

(2) **Fixed fire extinguisher system in machinery space.** Vessels whose fixed fire extinguisher system in the machinery space does not comply with the above requirements shall comply with the requirements of those vessels without such assistance.

(b) Hand portable fire extinguisher requirements.

(1) **In general.** Hand portable fire extinguishers shall be capable of extinguishing burning fuel, U.S. Coast Guard approved, in good serviceable condition and be readily accessible to the vessel operator.

(2) **fire extinguisher system.** The minimum number of hand portable fire extinguishers required for power-driven vessels with fixed fire extinguisher system in the machinery space shall be:

(A) Power-driven vessels less than twenty-six feet (26') in length require no additional fire extinguishers.

(B) Power-driven vessels twenty-six feet (26') to less than forty feet (40') in length shall be equipped with at least one (1) B-I Coast Guard approved fire extinguisher.

(C) Power-driven vessels forty feet (40') to less than sixty-five feet (65') in length shall be equipped with at least two (2) B-I or one B-II Coast Guard approved fire extinguishers.

(3) **Without fixed fire extinguisher system.** The minimum number of hand portable fire extinguishers required for power-driven vessels without fixed fire extinguisher system in the machinery shall be:

(A) Power-driven vessels less than twenty-six feet (26') in length shall be equipped with at least one (1) B-I Coast Guard approved fire extinguisher.

(B) Power-driven vessels at least twenty-six feet (26') but less than forty feet (40') in length shall be equipped with at least three (3) B-I or one B-II and one B-I Coast Guard approved fire extinguishers.

(C) Power-driven vessels at least forty feet (40') but less than sixty-five (65') in length shall be equipped with at least three (3) B-I or one B-II and one B-I Coast Guard approved fire extinguishers.

(c) Capacity plates.

(1) **Requirements.** Monohull vessels less than twenty feet (20') in length, manufactured or imported into this State for sale after July 1, 1974, designed to carry two or more persons and to be propelled by machinery as its principal source of power, shall have a capacity plate affixed permanently on the vessel by the builder.

(2) **Visibility.** A capacity plate shall bear the required information using permanent markings and in such a manner as to be clearly visible and legible from the position designed for, or normally intended to be occupied by, the operator of the vessel when under way.

(3) **Information.** A capacity plate shall bear the following information:

(A) Total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(B) Recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall the presumed weight per person be less than one hundred fifty (150) pounds.

(C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and its associated equipment is considered to be part of the total weight capacity.

(D) Maximum horsepower, for all vessels designed for or represented by the builder or manufacturer as being suitable for use with outboard motor.

(4) **Exemptions.** The Commissioner of Public Safety or an officer of the Lake Patrol Section of the Oklahoma Highway Patrol may, upon written application from the vessel owner, exempt any vessel from the requirements of this section if, after an inspection by the Commissioner or officer, it is determined that compliance would not materially contribute to and enhance the safe operation of the vessel.

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-14. Operation [REVOKED]

[Source: Amended at 10 Ok Reg 3219, eff 6-25-93; Revoked at 16 Ok Reg 3182, eff 7-12-99]

595:45-1-15. Regattas, motorboat and other boat races, marine parades, tournaments or exhibitions [REVOKED]

[Source: Revoked at 10 Ok Reg 3219, eff 6-25-93]

595:45-1-16. Operating any lifting and suspending device - parasail, parachute or any similar device

A person may not operate any lifting and suspending device such as parasail or parachute or similar device unless said person is wearing a U.S. Coast Guard approved lifesaving device of the proper size and of type I, II, III or V.

[Source: Amended at 21 Ok Reg 3037, eff 7-25-04]

595:45-1-17. Operating water skis, surfboard, surfsail or similar device [REVOKED]

[Source: Revoked at 10 Ok Reg 3219, eff 6-25-93]

595:45-1-18. Hull identification number for homemade vessels and identification numbers for motors

(a) Upon being issued an OTC Form 717 by the Oklahoma Tax Commission, the owner of a vessel shall contact the Oklahoma Highway Patrol for an inspection of the vessel. Upon completion of a successful visual inspection of the vessel by the Highway Patrol, a hull identification number shall be assigned and installed by the Highway Patrol. The owner may then return to the Commission to request issuance of a title and registration for the vessel. [63 O.S. §4009]

(b) Upon being issued an OTC Form 717 by the Oklahoma Tax Commission, the owner of an outboard motor shall contact the Oklahoma Highway Patrol for an inspection of the outboard motor. Upon completion of a successful visual inspection of the outboard motor by the Highway Patrol, an identification number shall be assigned and installed by the Highway Patrol. The owner may then return

to the Commission to request issuance of a title and registration for the outboard motor. [63 O.S. §4009.1]

[Source: Added at 10 Ok Reg 3219, eff 6-25-93; Amended at 12 Ok Reg 3271, eff 7-28-95; Amended at 13 Ok Reg 2843, eff 6-28-96; Amended at 16 Ok Reg 3182, eff 7-12-99; Amended at 17 Ok Reg 839, eff 11-30-99 (emergency); Amended at 17 Ok Reg 3052, eff 7-15-00; Amended at 21 Ok Reg 3037, eff 7-25-04]

SUBCHAPTER 3. BOATING SAFETY EDUCATION

595:45-3-1. Purpose

This Subchapter establishes requirements, procedures, and standards for the certification of boating safety courses as required by the Kyle Williams Boating Safety Education Act [63 O.S., § 4231 et seq.]

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-2. Scope and application

The provisions of this Subchapter shall apply only to persons described under the provisions of 63 O.S. §4232(D) and to individuals, organizations, companies, or other entities providing or desiring to provide boating safety courses.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-3. Definitions

In addition to terms defined in 63 O.S. §§ 4001, 4101, 4201, and 4232, the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

- (1) "**Boater education card**" means a card issued by the Department or by an boating safety course provider which certifies that the person named on the card has met all requirements necessary to be authorized to operate a vessel in Oklahoma.
- (2) "**Boating safety course**" means a NASBLA-approved boating safety education course of instruction which is offered by an boating safety course provider and which concludes with an examination [63 O.S. §4232 (A) (2)].
- (3) "**Boating safety course provider**" means an individual or organization who instructs or provides a boating safety course and who has been approved by the Department to offer such course in Oklahoma.
- (4) "**Correspondence course**" means a non-proctored boating safety course taken at home or another location.
- (5) "**Department**" means the Department of Public Safety of the state of Oklahoma.
- (6) "**Internet course**" means a non-proctored boating safety course offered via the worldwide web.
- (7) "**Lake Patrol**" means the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department.
- (8) "**Minimum standards of boating safety education competency**" means standards of proficiency established by the Department based on the National Boating Education Standards set by NASBLA which determine whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam, Internet course, or correspondence course.
- (9) "**NASBLA**" means the National Association of State Boating Law Administrators.

(10) **"Proctor"** means an individual who has been approved by the Department to administer an equivalency exam.

(11) **"Proctored equivalency exam"** means a comprehensive written examination created by the Department which, if successfully passed, substitutes for the boating safety course.

(12) **"Proof of Competency"** means a document verifying that an individual has achieved the minimum standards for boating safety education competency as determined by the Department.

(13) **"Student"** means a person taking a boating safety course.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-4. Course of study and instruction (curriculum)

(a) **In general.** A prescribed course of study and instruction, or curriculum, for a boating safety course shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of vessels, encompassing:

(1) NASBLA National Boating Education Standards.

(2) Those provisions of the Oklahoma Boating Safety Regulation Act (63 O.S., § 4200 et seq.) and other laws and administrative rules of this state relating to the operation of vessels;

(3) Acceptance of personal responsibility while operating a vessel; and

(4) Appreciation of the causes, seriousness, and consequences of vessel collisions.

(b) **Course content.** The content of the boating safety course shall include, but not be limited to, the minimum NASBLA standards as they exist at the time the course is instructed.

(c) **Examination.** A final written examination that conforms the NASBLA National Boating Education Standards shall be administered.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-5. Equivalency examination

An applicant may elect to take an equivalency examination rather than a boating safety course. The equivalency examination is intended to provide experienced boat operators with the opportunity to meet the minimum standard of boating safety education competency without having to take a boating safety course. The examination shall contain at least 75 questions including a minimum of 15 specific questions about Oklahoma boating laws.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-6. Minimum Standards for Boating Safety Education Competency

(a) A person required to possess a boater education card in order to operate a vessel in Oklahoma shall meet the minimum standards for boating safety education competency as set by the Department.

(b) The minimum standards for boating safety education competency required by the Department are:

(1) Successful completion of a boating safety course and a passing score of at least seventy percent (70%) on a written test administered at the conclusion of the course by the instructor of the course or a proctor;

(2) A score of at least seventy percent (70%) on a proctored equivalency exam. Individuals may take the equivalency exam no more than once

within any 90-day period;

(3) Possession of a certificate, card, or other official document issued by another state or foreign country that is equivalent to Oklahoma's boater education card as determined by the Department.

(c) Suitable evidence of achieving the minimum standards for boating safety education competency or "proof of competency" documents shall contain the name of the individual applying for the boater education card and other information required by the Department. Proof of competency documents shall be signed or otherwise certified by the issuing organization. Proof of competency documents include:

- (1) A certificate of completion issued by the United States Power Squadrons, the United States Coast Guard Auxiliary, the Department, or another approved boating safety course provider; or
- (2) A certificate, card, or other official document issued by another state or foreign country that is equivalent to Oklahoma's boater education card.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-7. Boater Education Card

(a) **Initial issuance.** To obtain an initial boater education card a person shall provide to the Department:

- (1) A completed application on a form provided by the Department. The applicant shall provide the following information on the form: the applicant's name, address, date of birth, and sex. The applicant shall also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant; and
- (2) A copy of a proof of competency document. Proof of competency documents shall contain the name of the individual applying for the boater education card. The Department may require the applicant to provide the original document establishing proof of competency, if the copy accompanying the application is illegible or the authenticity of the copy is not certain.
- (3) The initial card shall be issued at no charge.

(b) **Replacement.**

- (1) A person may apply for a replacement boater education card issued by the Department if:
 - (A) The card is lost, stolen or destroyed;
 - (B) Misinformation is printed on the card; or
 - (C) The person to whom was originally issued has legally change his or her name.
- (2) To obtain a replacement boater education card, an applicant must provide the Department with:
 - (A) A completed application on a form provided by the Department which includes an affidavit signed by the applicant stating the circumstances that led to the replacement of the original boater education card; and
 - (B) The replacement card shall be issued after payment of a fee of Ten Dollars (\$10), to be paid in a manner determined by the Department and stated on the application form. Monies collected as a result of fees for replacement cards shall be deposited in the

Boating Safety Education Fund as established by 63 O.S., § 4236, to be expended for the purposes of the Kyle Williams Boating Safety Education Act.

- (3) A replacement card shall be issued at no charge if:
- (A) incorrect information is printed on the card is a result of Department error. An affidavit signed by the applicant clearly stating the errors printed on the card and the misprinted card shall be returned to the Department before a replacement shall be issued,
 - or
 - (B) within sixty (60) calendar days from the date of the course completion, the applicant failed to receive his or her original card. An affidavit signed by the applicant stating the course completion date and that the applicant failed to receive an original card within sixty (60) calendar days of the course completion date shall be submitted to the Department before a replacement shall be issued.

(c) **Temporary boater education card.** A temporary card may be issued by the Department for a period of thirty (30) days.

(d) **Transferability.** A boater education card is not transferable.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07; Amended at 27 Ok Reg 2708, eff 8-26-10]

595:45-3-8. Prescribed forms

(a) **Boating safety course provider applications.** Boating safety course provider applications shall be requested from the Department to apply for certification as a boating safety course provider. The application shall require the applicant to provide the following information:

- (1) Date of application;
- (2) Name of boating safety course provider organization;
- (3) Complete organization physical address and mailing address;
- (4) Name of administrator;
- (5) Statement of agreement to comply with rules of the Department and laws of the state of Oklahoma;
- (6) Date of NASBLA certification of course content.
- (7) Signature of administrator.
- (8) Other information as required by the Department.

(b) **Boater education card.** A boater education card shall be provided by and issued by the boating safety course provider to each student upon the successful completion of course work (both classroom and examination). The card shall be in a format agreed upon by the Department and the provider, and shall contain the following:

- (1) name of the provider;
- (2) full legal name of student;
- (3) date of completion;
- (4) embossed seal of provider;
- (5) the seal of NASBLA with wording "This course is approved by NASBLA"; and
- (6) other information as required by the Department.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-9. Termination, cancellation, or denial of certification or acceptance

(a) **Termination by either party.** Certification of a boating safety course provider granted under this Subchapter may be terminated by either the Department or the

certified provider by giving written notice to the other party, stating cause or reason for termination.

(b) Cancellation or denial.

(1) Department action against a boating safety course provider or provider applicants. The Department may:

(A) Cancel the certification of a boating safety course provider for failure to comply with any provisions of state law, federal regulation, or Department rule.

(B) Deny certification to an individual, organization, company, or other entity applying for certification as a boating safety course provider for failure to meet the requirements prescribed by this Subchapter.

(2) Department action against instructors. The Department may:

(A) Cancel the acceptance of an instructor for failure to comply with any provisions of state law, federal regulation, or Department rule.

(B) Deny acceptance to an instructor applying for acceptance for failure to meet the requirements prescribed by this Subchapter.

(c) Reapplication for certification or acceptance. Any provider or provider applicant whose certification is cancelled or denied, as provided in (b)(1), or any instructor whose acceptance is cancelled or denied, as provided in (b)(2), shall not be eligible to reapply for certification or acceptance for a period of six (6) months from the date of cancellation or denial.

(d) Minor disqualifications. Where it is determined that a minor disqualification exists that may readily be rectified by the provider or instructor, the Department may informally notify such party by mail or telephone of such minor disqualification, with a request for compliance within a specified period of time. If such party fails to rectify the disqualification or violation, the Department may proceed with any action described in (b) of this section.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

595:45-3-10. Hearings

Any party aggrieved under this Subchapter may request a hearing with the Department pursuant to OAC 595:1-3.

[Source: Added at 24 Ok Reg 2792, eff 8-15-07]

CHAPTER 50. TABS, TAGS, SIGNS AND INSIGNIAS

[Authority: 47 O.S., §§ 15-112(G), 149.1(B), 1113(A), and 1604(A)]

[Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

595:50-1-1. Purpose

Pursuant to 47 O.S. § 15-112, et. seq., and § 1601 et. seq., the Department of Public Safety has adopted the rules of the Chapter necessary to supervise, govern and control the issuance of physically disabled person's special parking privileges in the State of Oklahoma, establish criteria for the placement of vehicle license plates, set forth guidelines for "Slow Moving Vehicle Emblems," and issuance of mobility impaired driver refueling insignia.

[Source: Amended at 15 Ok Reg 805, eff 11-10-97 (emergency); Amended at 15 Ok Reg 3319, eff 7-13-98]

SUBCHAPTER 3. PARKING PLACARDS FOR PHYSICALLY DISABLED PERSONS [TRANSFERRED]

Editor's Note: Effective 5-19-22, "...the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma." The rules in this Subchapter 3 are now located in the Office of Management and Enterprise Services' Title 260, Chapter 135, Subchapter 5. For additional information relating to this transfer, see House Bill 3419 (2022).

595:50-3-1. Definitions [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3225, eff 6-25-93; Amended at 11 Ok Reg 243, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2419, eff 5-26-94; Amended at 17 Ok Reg 840, eff 11-30-99 (emergency); Amended at 17 Ok Reg 3052, eff 7-15-00; Transferred to 260:135-5-245 by HB 3419 (2022), eff 5-19-22]

595:50-3-2. Physically disabled parking placards [TRANSFERRED]

[Source: Amended at 10 Ok Reg 3225, eff 6-25-93; Amended at 11 Ok Reg 243, eff 10-10-93 (emergency); Amended at 11 Ok Reg 2419, eff 5-26-94; Amended at 14 Ok Reg 3521, eff 8-12-97; Amended at 18 Ok Reg 3129, eff 7-14-01; Amended at 27 Ok Reg 2709, eff 8-26-10; Amended at 28 Ok Reg 306, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2106, eff 7-15-11; Amended at 29 Ok Reg 1400, eff 7-1-12; Transferred to 260:135-5-246 by HB 3419 (2022), eff 5-19-22]

595:50-3-3. Applications for physically disabled parking placards [TRANSFERRED]

[Source: Amended at 14 Ok Reg 3521, eff 8-12-97; Amended at 18 Ok Reg 3129, eff 7-14-01; Amended at 27 Ok Reg 2709, eff 8-26-10; Amended at 28 Ok Reg 306, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2106, eff 7-15-11; Transferred to 260:135-5-247 by HB 3419 (2022), eff 5-19-22]

595:50-3-4. Organizations that may apply for physically disabled parking placards [TRANSFERRED]

[Source: Amended at 18 Ok Reg 3129, eff 7-14-01; Amended at 27 Ok Reg 2709, eff 8-26-10; Amended at 28 Ok Reg 306, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2106, eff 7-15-11; Transferred to 260:135-5-248 by HB 3419 (2022), eff 5-19-22]

595:50-3-5. Physicians temporary issuance [REVOKED]

[Source: Amended at 9 Ok Reg 2587, eff 6-26-92; Amended at 10 Ok Reg 3225, eff 6-25-93; Revoked at 14 Ok Reg 3521, eff 8-12-97]

595:50-3-6. Duplication of physically disabled parking placards; replacement of a lost stolen, or defective physically disabled parking placard [TRANSFERRED]

[Source: Amended at 9 Ok Reg 2587, eff 6-26-92; Amended at 14 Ok Reg 3521, eff 8-12-97; Amended at 18 Ok Reg 3129, eff 7-14-01; Amended at 19 Ok Reg 247, eff 10-9-01 (emergency); Amended at 19 Ok Reg 2724, eff 7-15-02; Amended at 27 Ok Reg 2709, eff 8-26-10; Amended at 28 Ok Reg 306, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2106, eff 7-15-11; Amended at 29 Ok Reg 1400, eff 7-1-12; Transferred to 260:135-5-249 by HB 3419 (2022), eff 5-19-22]

SUBCHAPTER 5. DISPLAY OF VEHICLE LICENSE PLATES

595:50-5-1. Display of vehicle license plates

(a) Vehicle license plates shall be firmly affixed to the rear of the vehicle, provided however, the following vehicles shall have the plates firmly attached to the front; [See: 47 O.S. §1113(A)]

- (1) Truck tractors;
- (2) Trucks of a gross vehicle weight rating exceeding 26,000 pounds; and
- (3) Trucks and truck-tractors registered under the International Registration provisions.

(b) Vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground.

(c) No vehicle license plate may be displayed in an inverted or reversed position, or in such a manner that the letters and numerals are not readily identifiable.

[Source: Amended at 11 Ok Reg 3459, eff 6-27-94]

SUBCHAPTER 7. OFFICIAL SLOW MOVING VEHICLE EMBLEM

595:50-7-1. Standards and specifications

The official slow-moving vehicle emblem required for vehicles including all farm machinery and road construction and maintenance machinery and/or any other vehicle designed to operate at a maximum speed of twenty-five (25) miles per hour or less, traveling on public highways, shall be the standard and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem.

SUBCHAPTER 9. MOBILITY IMPAIRED DRIVER REFUELING INSIGNIA

595:50-9-1. Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Mobility impaired driver" means a person who:

- (A) has a physical mobility limitation and is unable to operate a motor vehicle without the aid of special mechanical assistive device or devices; and
- (B) has a special mechanical assistive device or devices on the person's vehicle; and
- (C) has a qualifying restriction on their driver license requiring a special mechanical assistive device or devices.

"Motor vehicle service station" means any facility in this state which offers gasoline or other motor vehicle fuel for sale to the public voluntarily participating in the refueling service program and upon request, offering refueling service to a mobility impaired driver who displays a refueling insignia.

"Refueling service" means the service of pumping motor vehicle fuel in to the fuel tank of a motor vehicle.

[Source: Added at 15 Ok Reg 805, eff 11-10-97 (emergency); Added at 15 Ok Reg 3319, eff 7-13-98]

595:50-9-2. Applications and issuance of insignia

(a) Applications are available at the Department of Public Safety headquarters, 3600 North Martin Luther King Avenue, Oklahoma City, Oklahoma, and at local motor license agencies.

(b) Completed applications must be submitted to the Department of Public Safety headquarters. Refueling insignias will be issued only by the Department of Public Safety headquarters.

(c) Applications for mobility impaired insignia shall contain a portion to be completed by the applicant, including the applicant's:

- (1) name, address, telephone number,
- (2) date of birth,
- (3) driver license number,
- (4) handicap placard number, and
- (5) signature and date of application.

(d) Applications shall also contain space for office use by the Department to record information of the insignia issued.

(e) Refueling insignia will only be issued to a mobility impaired driver.

(f) A fee of \$2.00 will be charged for each refueling insignia issued.

(g) Refueling service shall not apply when the mobility impaired driver is accompanied by another person capable of refueling the motor vehicle.

(h) The application shall be destroyed after the Department has recorded pertinent information on permanent files.

[Source: Added at 15 Ok Reg 805, eff 11-10-97 (emergency); Added at 15 Ok Reg 3319, eff 7-13-98]

595:50-9-3. Display and type of insignia

(a) The insignia shall be placed inside the windshield approximately five inches up from the lower right hand corner and attached by insignia's own adhesive.

(b) Refueling insignia will be 3-1/2" by 4" in size and will have red, blue and black ink with an identifying number.

[Source: Added at 15 Ok Reg 805, eff 11-10-97 (emergency); Added at 15 Ok Reg 3319, eff 7-13-98]

595:50-9-4. Duplication and replacement for lost or stolen insignia

(a) Insignia may not be photocopied or duplicated.

(b) Individuals who report their mobility impaired refueling insignia lost or stolen shall obtain a new application from the Department or local agency. The application will be completed by the applicant forwarded to the Department of Public Safety headquarters for review and processing as an original application.

(c) A fee of \$2.00 will be charged for each replacement refueling insignia issued.

[Source: Added at 15 Ok Reg 805, eff 11-10-97 (emergency); Added at 15 Ok Reg 3319, eff 7-13-98]

595:50-9-5. Removal of insignia

The insignia shall be removed from the vehicle when the mobility impaired driver no longer operates the vehicle.

[Source: Added at 15 Ok Reg 805, eff 11-10-97 (emergency); Added at 15 Ok Reg 3319, eff 7-13-98]

CHAPTER 55. SAFETY DEVICES

[Authority: 47 O.S., §§ 11-1112, 11-1113, and 12-1-1]

[Source: Codified 12-31-91]

SUBCHAPTER 1. PROTECTIVE DEVICES

595:55-1-1. Purpose

This subchapter is for the purpose of establishing standards for protective devices used as required by Title 47, O.S. §40-105.

[Source: Amended at 19 Ok Reg 2725, eff 7-15-02; Amended at 28 Ok Reg 308, eff 10-19-10 (emergency); Amended at 28 Ok Reg 2107, eff 7-15-11]

595:55-1-2. Safety helmet standard [REVOKED]

[Source: Revoked at 19 Ok Reg 2725, eff 7-15-02]

595:55-1-3. Goggles

Regulation VESC-8, as amended, issued by the Vehicle Equipment Safety Commissioner, or ANSI Z87.1, as amended, are established as the minimum performance for goggles and face shields for operators of motorcycles and motor-driven cycles.

[Source: Amended at 19 Ok Reg 2725, eff 7-15-02]

595:55-1-4. Windshield standards

Regulation ANSI Z26.1-1973, as amended, is established as the minimum performance for windshields on motorcycles and motor-driven cycles, if equipped with a windshield.

[Source: Amended at 19 Ok Reg 2725, eff 7-15-02]

595:55-1-5. Approvals [REVOKED]

[Source: Revoked at 19 Ok Reg 2725, eff 7-15-02]

595:55-1-6. Approved equipment lists [REVOKED]

[Source: Revoked at 19 Ok Reg 2725, eff 7-15-02]

SUBCHAPTER 3. SPECIFICATIONS FOR BREATH ALCOHOL IGNITION INTERLOCK DEVICES [REVOKED]

595:55-3-1. Purpose [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Amended at 19 Ok Reg 2725, eff 7-15-02; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-2. Definitions [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-3. Technical requirements [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-4. Miscellaneous requirements [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-5. Maintenance and calibration requirements [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-6. Procedures for approval [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

595:55-3-7. Approval, denial, and withdrawal of approval [REVOKED]

[Source: Added at 10 Ok Reg 3227, eff 6-25-93; Revoked at 22 Ok Reg 2711, eff 7-25-05]

SUBCHAPTER 5. CHILD PASSENGER RESTRAINT SYSTEMS

595:55-5-1. Child passenger restraint system education

The Oklahoma Highway Safety Office of the Department of Public Safety is statutorily required to *develop a program of public education to promote the use of child passenger restraint systems* [47 O.S. § 11-1113]. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in 47 O.S., § 11-1113.

[Source: Added at 28 Ok Reg 308, eff 10-19-10 (emergency); Added at 28 Ok Reg 2107, eff 7-15-11]

595:55-5-2. Funding of child passenger restraint system education

(a) **Source of funding.** The source of funding for child passenger restraint system education is from the fine assessed for a conviction of a violation of 47 O.S. § 11-1112, failure to protect a child by through the use of a child passenger restraint system. *The fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems* [47 O.S. § 11-1112].

(b) **Administration of funds.** The funds from the revolving fund shall be administered by the Oklahoma Highway Safety Office for the purpose of awarding grants in for the purpose of promoting the use of child passenger restraint systems. The funds from the revolving fund may also be used by the Oklahoma Highway Safety Office for administrative costs or program support costs of the child passenger restraint system education program in Oklahoma. The Department shall create accounts, sub-accounts, tracking procedures, transfer procedures, and payment procedures, as are appropriate to implement this section. Travel reimbursements will be in accordance with the State Travel Reimbursement Act.

(c) **Application for and awarding of grants.** Agencies and entities interested in child passenger restraint system education may apply to the Oklahoma Highway Safety Office for grants from the funds in the revolving fund for the purpose of promoting the use of child passenger restraint systems. Grants shall be awarded in accordance with procedures developed by the Oklahoma Highway Safety Office.

[Source: Added at 28 Ok Reg 308, eff 10-19-10 (emergency); Added at 28 Ok Reg 2107, eff 7-15-11]

CHAPTER 60. AUTHORIZATION TO CARRY CONCEALED FIREARMS

[Authority: 18 USC, § 926C]

[Source: Codified 5-26-94]

595:60-1-1. Purpose

The purpose of this chapter is to regulate the authorization for retired law enforcement officers of the Oklahoma Highway Patrol Division, including the former Lake Patrol Division and the former Capitol Patrol Division, of the Department of Public Safety to carry concealed firearms pursuant to the "Law

Enforcement Officers Safety Act of 2004", as amended by the "Law Enforcement Officers Safety Act Improvements Act of 2010", also known variously as:

- (1) H.R. 218;
- (2) Public Law No. 108-277; and
- (3) 18 U.S.C., Section 926C.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07; Amended at 29 Ok Reg 1401, eff 7-1-12]

595:60-1-2. Definitions

"Concealed carry identification card" means a photographic identification issued by the Department that indicates that the retiree has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the Department to meet the standards established by the Department for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

"Department" means the Department of Public Safety.

"Retiree" means a retired law enforcement officer of the Oklahoma Highway Patrol Division, including the former Lake Patrol Division and the former Capitol Patrol Division, of the Department of Public Safety.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-3. Scope and Application

This Chapter applies only to retirees of the Department.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-4. Eligibility

Each retiree wishing to apply for a concealed carry identification card shall meet the following criteria:

- (1) have retired in good standing from service with the Department as a law enforcement officer, other than for reasons of mental instability;
- (2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (3) have a retirement status of:
 - (A) at the time of retirement, had been regularly employed as a law enforcement officer with the Department for an aggregate of ten (10) years or more; or
 - (B) retired from service with the Department, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) has a nonforfeitable right to benefits under the Oklahoma Law Enforcement Retirement System;
- (5) during the most recent 12-month period, has met the standards of the Department for training and qualification for an active law enforcement officer to carry firearms;

- (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) is not prohibited by federal law from receiving a firearm because the applicant:
 - (A) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
 - (B) is a fugitive from justice;
 - (C) is an unlawful user of or addicted to any controlled substance, as defined in 21 U.S.C., Section 802;
 - (D) has been adjudicated as a mental defective or has been committed to any mental institution;
 - (E) who, being an alien:
 - (i) is illegally or unlawfully in the United States; or
 - (ii) except as provided in subsection 18 U.S.C., Section 922(y)(2), has been admitted to the United States under a nonimmigrant visa, as defined in 8 U.S.C., Section 1101(a)(26);
 - (F) has been discharged from the Armed Forces under dishonorable conditions
 - (G) who, having been a citizen of the United States, has renounced his citizenship;
 - (H) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that
 - (i) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and
 - (ii) either:
 - (I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
 - (I) has been convicted in any court of a misdemeanor crime of domestic violence.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07; Amended at 29 Ok Reg 1401, eff 7-1-12]

595:60-1-5. Procedure for initial issuance of a concealed carry identification card

- (a) An application for a concealed carry identification card may be obtained by a retiree from the Oklahoma Highway Patrol Troop Headquarters of the district in which the retiree lives.
- (b) The retiree shall complete the application which shall include an attestation that the retiree complies with and meets all the criteria in OAC 595:60-1-4.

- (c) Upon completion of the application, the retiree shall:
- (1) submit the application to the Troop Commander at the Headquarters of the district in which the applicant lives, and
 - (2) schedule a time to firearm test his or her ability to meet the standards of the Department for training and qualification for an active law enforcement officer to carry firearms.
- (d) The retiree shall be required to pass the firearm test with a minimum score of seventy percent (70%) in order to be eligible to be issued a concealed carry identification card and carry a concealed weapon under the provisions of this Chapter.
- (e) Upon the retiree submitting the completed application and successfully passing the firearm test, and upon approval of the application by the Department, the Department shall issue an identification card to the retiree which indicates that the retiree has been tested and found to meet the standards established by the Department for training and qualification for active law enforcement officers to carry a concealed firearm. The identification card shall expire no later than one year from the date the retiree successfully passed the firearm test.
- (f) For the initial issuance of a concealed carry identification card, the approved retiree shall be required to appear at the Driver License Services Division, Department of Public Safety, 3600 North M.L. King Ave, Oklahoma City, to have his or her photograph taken and to have the card created and issued, at no charge to the retiree.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-6. Testing by Department

- (a) Current standards of the Department for training and qualification for an active law enforcement officer to carry firearms may be obtained from:
- (1) the Troop Headquarters of the district in which the retiree lives, or
 - (2) from the worldwide web at <http://www.dps.state.ok.us>
- (b) For each retiree who makes application under this Chapter, the Department shall test the retiree's ability to meet the standards of the Department for training and qualification for an active law enforcement officer to carry firearms.
- (c) The retiree shall be required to pass the firearm test with a minimum score of seventy percent (70%) in order to be eligible to carry a concealed weapon under the provisions of this Chapter.

[Source: Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-7. Renewal of the concealed carry identification card

- (a) A previously approved retiree who desires to renew his or her concealed carry identification card shall follow the same application and testing procedures as prescribed in OAC 595:50-1-5 and 50-1-6.
- (b) For the renewal issuance of a concealed carry identification card, the card shall be mailed at no charge to the retiree by the Department, using the picture on file with the Department.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-8. Denial or cancellation of the conceal carry identification card

- (a) Conceal carry identification cards are issued at the discretion of the Department pursuant to the Law Enforcement Officers Safety Act of 2004.

(b) An application for a conceal carry identification card may be denied for cause by the Department.

(c) A conceal carry identification card may be cancelled for cause by the Department. The retiree shall be notified by the Department of the cancellation, and the retiree shall immediately surrender the card either by mailing the card to the Department or hand delivering the card to the Troop Commander at the Troop Headquarters of the district in which the retiree lives.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-9. Use of weapon

The issuance of a concealed carry identification card pursuant to federal law and this Chapter is intended solely for self-defense by an approved retiree and does not convey any law enforcement authority to an approved retiree.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-10. Delegation of authority

(a) Each Troop Commanders is hereby delegated the authority to grant or deny concealed carry identification cards to retirees living his or her district pursuant to the impartial administration of this Chapter.

(b) The Chief of the Patrol is hereby delegated the authority to cancel for cause a concealed carry identification card pursuant to the impartial administration of this Chapter.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Amended at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-11. Administrative hearing

Any party aggrieved under this Subchapter may request, within fifteen (15) days of the incident being grieved, a hearing with the Department pursuant to OAC 595:1-3.

[Source: Added at 10 Ok Reg 4825, eff 9-28-93 (emergency); Added at 11 Ok Reg 2421, eff 5-26-94; Revoked at 13 Ok Reg 2845, eff 6-28-96; Added at 24 Ok Reg 2795, eff 8-15-07]

595:60-1-12. Possession of permit card [REVOKED]

[Source: Added at 12 Ok Reg 3273, eff 7-28-95; Revoked at 13 Ok Reg 2845, eff 6-28-96]

CHAPTER 65. OKLAHOMA TRAFFIC COLLISION REPORT

[Authority: 47 O.S., §§ 2-108 and 40-101]

[Source: Codified 7-15-11]

595:65-1-1. Purpose

The Department of Public Safety is responsible for preparing *standard forms for accident reports* and for *calling for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner* [47 O.S., §40-101].

[Source: Added at 28 Ok Reg 2108, eff 7-15-11]

595:65-1-2. Collision report forms

(a) All motor vehicle accidents and collisions shall be reported by the investigating law enforcement officer on the "Official Oklahoma Traffic Collision Report". The latest version of blank forms are available from the Department of Public Safety:

(1) Material Management Division, PO Box 11415, Oklahoma City, OK 73136, or

(2) on its website: <http://www.dps.state.ok.us/otcr/>

(b) All completed forms shall be submitted by the investigating law enforcement agency to the Department of Public Safety, Records Management Division, PO Box 11415, Oklahoma City, OK 73136.

[Source: Added at 28 Ok Reg 2108, eff 7-15-11]

595:65-1-3. Collision report instructions

An investigating officer shall use the latest version of the "Official Oklahoma Traffic Collision Report Instruction Manual" when completing and submitting a collision report. The latest version of the instruction manual is available from the Department of Public Safety on its website:

<http://www.dps.state.ok.us/otcr/>

[Source: Added at 28 Ok Reg 2108, eff 7-15-11]

595:65-1-4. Collisions resulting in deaths

(a) It shall be the responsibility of the investigating law enforcement agency to appropriately report collisions resulting in death, whether the death occurs at the scene of the collision or the death is delayed fatality. A delayed fatality is a death which occurs at any time after the person who died has been removed from the scene of collision but no more than thirty (30) days after the date of the collision.

(b) When a delayed fatality occurs, a medical examiner will investigate the death as provided in 63 O.S., § 931 et seq. After which *[c]opies of reports shall be furnished by the Chief Medical Examiner to investigating agencies having official interest therein* [63 O.S., § 942].

(c) If a delayed fatality occurs after a collision report has already been submitted to the Department of Public Safety by the investigating law enforcement agency, the investigating agency shall submit to the Department a revised collision report documenting the death.

[Source: Added at 28 Ok Reg 2108, eff 7-15-11]

CHAPTER 70. SPECIAL TRAFFIC-RELATED ENFORCEMENT DESIGNATION

[Authority: 47 O.S., §§ 2-108(B) and 2-117]

[Source: Codified 7-23-13]

595:70-1-1. Purpose

Pursuant to 47 O.S. § 2-117, the Department of Public Safety hereby adopts this Chapter to uniformly implement procedures relating to the traffic-related enforcement practices of a municipal law enforcement agency under the provisions of this Chapter, and for determining the length of time the designation of special traffic-related enforcement shall be in force. In connection with this section:

(1) *The Oklahoma Highway Patrol Division of the Department of Public Safety shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those*

portions of the federal-aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. [47 O.S.,§ 2-117(D)(2)]

(2) The Commissioner of Public Safety may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are located within the boundaries of and on the outskirts of a municipality for special traffic-related enforcement by the Oklahoma Highway Patrol Division. [47 O.S.,§ 2-117(D)(3)]

(3) Upon receipt of such notice of special traffic-related enforcement, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon any portion of the National System of Interstate and Defense Highways, the federal-aid primary highways and the state highway system so designated for such special enforcement, without prior coordination and written approval of the Commissioner. [47 O.S.,§ 2-117(D)(3)]

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Commissioner" means the Commissioner of Public Safety or the Commissioner's designee.

"National System of Interstate and Defense Highways", "federal-aid primary highways" and "state highway system" shall mean any part of the federal and state highway system in the State of Oklahoma.

"Outskirts of a municipality" means and shall be determined by presence of the following factors:

- (A) low land use density,
- (B) absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- (C) a scarcity of retail or commercial business abutting the highway. [47 O.S.,§ 2-117(D)(2)]

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-3. Requesting an investigation

Only the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency [47 O.S.,§ 2-117(E)(1)] and the receipts and expenditures of the municipality [47 O.S.,§ 2-117(E)(3)]:

- (1) The district attorney in whose jurisdiction the municipality is located,
- (2) A majority of the county commissioners, by resolution, of the county in which the municipality is located,
- (3) The State Auditor and Inspector,
- (4) The State Attorney General, or
- (5) A state legislator in whose district the municipality is located. [47 O.S.,§ 2-117(E)(1)]

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-4. Requirements of the request for investigation

As a prerequisite to commencement of an investigation, the request for such investigation shall state that the requesting party believes the enforcement practices of the municipal law enforcement agency are being conducted:

- (1) *Within the boundaries of and on the outskirts of the municipality, and*
- (2) *For the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.* [47 O.S.,§ 2-117(E)(2)]

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-5. Conducting the investigation

Upon receipt of a request made in accordance with OAC 595:70-1-3 and 595:70-1-4, the Commissioner may order an investigation *of the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality* [47 O.S., § 2-117(E)(3)]. No part of this Chapter shall be construed to impose a mandatory requirement to conduct an investigation.

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-6. Cooperation in the investigation

The law enforcement agency, the municipality, and the requesting party shall each cooperate fully with any investigation ordered by the Commissioner [47 O.S.,§ 2-117(E)(3)]. If the Commissioner determines that the law enforcement agency or the municipality has failed to cooperate fully with the ordered investigation, the Commissioner may implement an indefinite period of designation of special traffic-related enforcement thereby prohibiting the affected law enforcement agency from regulating traffic and enforcing traffic-related statutes and ordinances upon such portions of the National System of Interstate and Defense Highways, the federal-aid primary highways and the state highway system designated for special traffic-related enforcement. This indefinite period of designation may be lifted by order of the Commissioner once full cooperation with the investigation has been obtained to the satisfaction of the Commissioner. If the requesting party fails to cooperate fully with any investigation ordered by the Commissioner, the Commissioner may order the investigation stopped until full cooperation has been obtained to the satisfaction of the Commissioner.

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-7. Reporting to the Attorney General and the Attorney General's determination

(a) Upon completion of the investigation, the results of such investigation shall be submitted by the Department to the Office of Attorney General. The Attorney General *shall make a determination within sixty (60) days of receipt* of the results of the investigation *as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in OAC 595:70-1-4(1) and (2)* [47 O.S.,§ 2-117(E)(3)].

(b) *Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action.* [47 O.S.,§§ 2-117(E)(3)]

(c) *Upon a determination that the enforcement practices are being conducted as provided in OAC 595:70-1-4(1) and (2), the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in OAC 595:70-1-1(2), which shall stay in force for such time as determined by the Commissioner as provided in OAC 595:70-1-8. [47 O.S.,§ 2-117(E)(3)]*

(d) Within ten (10) business days of receipt of written notification by the Attorney General that the enforcement practices are being conducted as provided in OAC 595:70-1-4(1) and (2), the Commissioner shall make the designation of special traffic-related enforcement as provided in OAC 595:70-1-1(2), and provide written notification of such designation to the following:

- (1) The affected law enforcement agency;
- (2) The municipality;
- (3) The requesting party;
- (4) The sheriff of the county in which the special traffic-related enforcement will take place;
- (5) The District Attorney within whose jurisdiction the special traffic-related enforcement will take place;
- (6) The Chief of the Oklahoma Highway Patrol Division; and
- (7) Other affected law enforcement agencies.

(f) The date that the period of special traffic-related enforcement by the Oklahoma Highway Patrol shall begin shall be stated in the written notice. The period of time for such special traffic-related enforcement shall be as provided in OAC 595:70-1-8. No special traffic-related enforcement by the Oklahoma Highway Patrol shall occur without prior notification and coordination with the affected law enforcement agency and the municipality.

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-8. Duration of special traffic-related enforcement designation

(a) Effective the date specified in the written notice of designation of special traffic-related enforcement, *the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner [47 O.S., § 2-117(D)(3)]*for the following periods:

- (1) If it is the first designation of a special traffic-related enforcement by the Commissioner then the period of designation shall be for no more than three (3) months.
- (2) If it is the second designation of a special traffic-related enforcement by the Commissioner then the period of designation shall be for no more than six (6) months.
- (3) If it is the third or subsequent designation of a special traffic-related enforcement by the Commissioner then the period of designation shall be for no more than twelve (12) months.

(b) The commencement date and duration of the period of designation shall be stated in the written notice sent to the law enforcement agency and the municipality. For good cause, the Commissioner may reduce the duration of those periods of designation specified in (1), (2) and (3) of (a).

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]

595:70-1-9. Construction

Nothing in this Chapter shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.
[47 O.S.,§ 2-117(F)]

[Source: Added at 29 Ok Reg 1795, eff 6-28-12 (emergency); Added at 30 Ok Reg 2043, eff 7-25-13]